



8 July 2021

File No: NTH09/01682/08
Your Ref: 10.2017.201.2

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Ivan Holland

Dear Sir / Madam,

**RE: Application to Modify Development Consent 10.2017.201.1 Harvest Estate West Byron
149 Residential Lots 342 Ewingsdale Road Byron Bay**

I refer to the abovementioned development application, referred to Transport for NSW (TfNSW) on 17 June, 2021 through the NSW Planning Portal.

Roles and Responsibilities

Our key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.

Ewingsdale Road is a classified (Regional) road (MR545). In accordance with Section 7 of the *Roads Act 1993* (the Act) Byron Shire Council is the Roads Authority for this road and all other public roads in the subject area. TfNSW's concurrence is required prior to Council's approval of works on this road under Section 138 of the *Roads Act 1993*.

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road. TfNSW is given the opportunity under Clause 104 to comment on traffic generating developments listed under Schedule 3.

Transport for NSW Response

TfNSW understands that the current development application is to modify the previous approval granted by the Land and Environment Court of NSW in respect to the staged delivery of Harvest Estate. It is further understood that the application proposes amendment to the approved staging plans and a number of related conditions.

We have reviewed the referred information and provide the following comments to assist the consent authority in making a determination.

1. While the proposal is to modify the approval to reduce the number of stages from 7 to 3 key stages; we note that there appears to be no material change in lot numbers, traffic demand and/or travel patterns. As such we have no objection to the changes. However, it is important that safe and efficient road and pedestrian networks are in place to service each stage, and as such, Council should be satisfied that necessary road upgrades are in place as planned, and provided at the relevant new stages.
2. Reference is made to previous comments contained in correspondence from TfNSW dated 6 May 2020. These are still relevant to this development. It is noted that a large amount of fill is needed to construct the Estate, and as mentioned previously a Construction Traffic Management Plan (CTMP) must be provided to identify and address any potential impacts on the surrounding road networks. It must include mitigation measures to reduce any such impacts. More detailed information in respect to the content of the CTMP is contained in our letter of 6 May 2020.

As mentioned in previous correspondence, any roadwork on classified roads is to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and [TfNSW Supplements](#).

TfNSW highlights that in determining the application under the *Environmental Planning and Assessment Act 1979*, it is the Consent Authority's responsibility to consider the environmental impacts of any roadworks which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of project approval.

If you have any further enquiries regarding the above comments please do not hesitate to contact Cheryl Sisson, Development Services Case Officer or the undersigned on (02) 6640 1362 or via email at: development.northern@transport.nsw.gov.au

Yours faithfully,



for Matt Adams
Team Leader, Development Services
Community and Place | Region North
Regional & Outer Metropolitan
Transport for NSW