

The General Manager
Hornsby Shire Council
PO Box 37
Hornsby NSW 1630

Attention: Stuart Ratcliff

TfNSW Reference: SYD10/00575/27 (Planning Portal Reference: CNR-50745)
Council Reference: DA/484/2011/N

**Re: Amended Application for S4.56 Modification to Approved Seniors Housing
Development (Mod N) - 392 Galston Road, Galston**

19 April 2023

Dear Mr Head,

Reference is made to Council's correspondence dated 3 April 2023, regarding DA/484/2011/N (**Mod N**) which was referred to Transport for NSW (TfNSW) for comment. We also refer to TfNSW's letter to Council dated 17 February 2023 regarding an earlier iteration of Mod N.

TfNSW notes that Mod N proposes:

"changes to the public road design to comply with TfNSW requirements, removing the requirement of constructing two bus stops, construction of a footpath from the Galston Rd entrance to the existing bus stop at the corner of Mid Dural Rd and Galston Rd and amendment of terms of consent conditions 5, 59, 60, 66-78 to reflect these changes."

It is further noted that whilst Mod N was initially lodged on 13 January 2023, the Applicant has amended Mod N in response to comments from TfNSW.

TfNSW understands that Mod N has been modified to remove the previous proposal to "alter the requirement that the roadworks be completed as a condition of receiving Stage 2 Occupation Certificates to a requirement for Stage 3 Occupation Certificates".

TfNSW has reviewed the additional information provided by the Applicant and based on the amended material raises no objection to the proposed modifications made to Mod N and provides its 'in principle' support to the proposed concept road works for access to the site on both Galston Road and Mid Dural Road (Ref: 5959 Issue G dated 27/03/2023 by Mepstead ASSOCIATES) subject to the following conditions being included in any Consent issued by Council:

Ultimate Access on Galston Road and Mid Dural Road

1. The proposed ultimate road works on Galston Road and Mid Dural Road (classified roads) require concurrence from TfNSW in accordance with Section 138 of the *Roads Act, 1993 (Roads Act)*.

The proposed works shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works and obtain concurrence from TfNSW in accordance with Section 138 of the *Roads Act, 1993* (**Roads Act**).

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

2. The ultimate access should be fully constructed to TfNSW satisfaction prior to the issue of stage 2 Occupation Certificate in order to ensure the ongoing safe operation of the road network.
3. Access on both Galston Road and Mid Dural Road should be restricted to left in/left out vehicle movement only and in accordance with proposed concept road works (Ref: 5959 Issue G dated 27/03/2023 by Mepstead ASSOCIATES).
4. Any redundant driveway should be removed as a result of the proposed development.
5. All vehicles are to enter and leave the site in a forward direction.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Galston Road and Mid Dural Road.
7. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Galston Road and Mid Dural Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
8. The proposed footpath from Galston Road entrance to the existing bus stop at the corner of Mid Dural Road and Galston Road should be designed and constructed to Council's satisfaction.
9. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
10. All utilities under the proposed turning lanes should be relocated at full cost/responsibility of the developer.
11. The developer is responsible for any property acquisition, if required. Any required land acquisition/dedication should be identified on the plans.

12. Owners consent should be provided for any impacted properties and their driveways.

In addition to the 12 proposed conditions provided above, TfNSW requests that the following two conditions regarding the Stage 1 interim access are also included and replace the existing Condition 79 in any approval issued by Council in relation to Mod N:

13. The unauthorised stage 1 interim access on Galston Road should be modified as per the concept plan at **Attachment B** and should be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au

TfNSW requests the Applicant to enter into a Works Authorisation Deed (WAD) for the abovementioned works and obtain concurrence from TfNSW in accordance with Section 138 of the *Roads Act, 1993* (**Roads Act**).

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works

14. Any reference to interim 'stage 2' access should be removed from Consent and Condition 79. TfNSW does not support the interim access be used for stage 2, and requests that the ultimate access should be constructed and used for stage 2 of the development.

TfNSW provides the following comments and requirements for Council's consideration in the determination of Mod N:

- Condition 18 should be modified to ensure that the road works for construction of access on both Galston Road and Mid Dural Road are to TfNSW specification.
- Any References to 'Roads and Maritime Services' within the existing Consent should be changed to 'Transport for NSW'.
- Conditions 26, 27, 75, 76 and 78 – any reference and/or conditions for the pedestrian refuge island, bus stops, and median island should be removed if not required and/or proposed.
- It is recommended conditions 59 and 60 be removed as the relevant conditions for construction of access are provided in conditions 1-14 as set out above.
- Condition 70, 71 and 72 regarding central medians on the Galston and Mid Dural Roads should be removed as no longer relevant.
- Conditions 66-79 should be modified accordingly and replaced with conditions 1-14 as set out above.

Interim Access on Galston Road

As Council is aware, the constructed interim access on Galston Road for stage 1 of this development does not comply with TfNSW requirements and is considered unsafe.

TfNSW has not provided concurrence under s.138 of the *Roads Act* to this access and the Applicant has not entered into a Works Authorisation Deed (WAD) with TfNSW for construction

of the interim access. Additionally, the Applicant has failed to take into account and to comply with TfNSW previous requirements as set out in its letters dated 5 November 2021 and 17 February 2023. A copy of these letters are enclosed for easy reference at **Attachment A**.

As set out in TfNSW's letter of 5 November 2021, TfNSW only granted consent to the operation of the interim access on Galston Road for a period of 12 months. This consent lapsed on 4 November 2022.

TfNSW considers the interim access as currently constructed on Galston Road is unauthorised and its continued use is against safety and efficiency of the classified road network.

Accordingly, to address the immediate safety concerns, and to stop TfNSW from having to undertake any further investigations into the unauthorised interim access, TfNSW recommends that the Applicant take immediate steps to employ traffic controllers and/or provide a temporary alternative access to the site. If the Applicant wishes to provide a temporary alternative access to the site, it must consult with TfNSW and Council regarding the proposed arrangement and obtain all relevant approvals prior to implementing an alternative access arrangement.

Additionally, TfNSW would like to remind the Applicant that if it proposes to continue to use the current interim access for stage 1 of development, TfNSW requires the Applicant to apply for s.138 approval from TfNSW as well as modify the interim access as depicted in the concept plan at **Attachment B** (Ref: 5959 Issue E , Sheet no. 4/9 dated 15/06/2022 by Mepstead ASSOCIATES).

If you have any further inquiries in relation to this development please contact the undersigned on 88492331 or e: development.sydney@transport.nsw.gov.au. I hope this has been of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Zhaleh Alamouti".

Zhaleh Alamouti
Senior Land Use Planner

Attachment A



5 November 2021

TfNSW Reference: SYD10/00575/14
Council Reference: DA484/2011/1

The General Manager
Hornsby Shire Council
PO Box 37
Hornsby NSW 1630

Attention: Benjamin Jones

**REVIEW OF UPDATED CONCEPT INTERIM DRIVEWAY PLANS FOR STAGE 1 AND
CONCEPT ULTIMATE DRIVEWAY PLANS FOR STAGE 2 - MODIFICATION J -
SENIORS HOUSING DEVELOPMENT - 392 GALSTON ROAD, GALSTON**

Dear Sir/Madam,

Reference is made to the developer's email correspondence dated 27 August 2021, regarding the abovementioned Application which was referred to Transport for NSW (TfNSW) for concurrence in accordance with Section 138 of the *Roads Act, 1993*.

TfNSW notes that the interim vehicular crossing on Galston Road required as part of Stage 1 Road Works, has been constructed without TfNSW approval. The applicant must seek retrospective approval for the constructed driveway works and undertake any remedial works required by TfNSW and Council prior to the issue of the Occupation Certificate for Stage 1.

TfNSW advises that the constructed vehicular access on Galston Road could be considered on a temporary basis, i.e. only be operational for 12 months from the date of this letter, subject to the following TfNSW requirements being satisfied prior to release of the Occupation Certificate for Stage 1:

1. The proposed concrete triangular island is to be constructed as shown on the submitted plans (5959_RD04_B). Swept paths of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as maneuverability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to TfNSW for review, which shows that the constructed driveway complies with this requirement. The driveway may need to be widened further to accommodate the largest swept path movements.
2. Confirmation that the temporary driveway crossing has been built to relevant road design and road safety guidelines. Details of the pavement will need to be provided.
3. A Road Safety Audit will need to be undertaken for this temporary vehicular crossing.

Transport for NSW
27 Argyle Street, Parramatta NSW 2150 | Locked Bag 5085, Parramatta NSW 2124
P (02) 8849 2686 | W transport.nsw.gov.au | ABN 18 804 239 602

4. Sight distances from the proposed vehicular crossings to vehicles on Galston Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Sight distance assessments are to be submitted to TfNSW for review.
5. A temporary signage and line marking plan is to be submitted for TfNSW review that includes the proposed 'No Right Turn' signage on the raised concrete island in the Galston Road vehicular crossing.
6. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for review and approval.
7. Council and the applicant are to ensure that the existing gravel in the Galston Road shoulder is controlled in a manner which reduces gravel flicking onto Galston Road.

The above information will need to be submitted to TfNSW for review and approval to ensure that the constructed vehicular access on Galston Road is safe and meets relevant TfNSW design requirements. The applicant should also be advised that the constructed vehicular crossing on Galston Road may need to be removed and reconstructed as part of the ultimate driveway works design.

TfNSW has reviewed the submitted ultimate civil design plans that need to be approved and constructed for Stage 2, and is unable to provide concurrence to the proposed ultimate vehicular crossing with deceleration lanes on Galston Road and Mid-Dural Road due to the following reasons:

1. It is requested that the swept paths submitted for Mid Dural and Galston Road vehicular accesses are submitted in colours contrasting the underlain plans to improve legibility.
2. The 1.3m wide median face of the concrete triangular island on Galston Road should be 2.0m for pedestrian safety.

If you have any further questions please direct attention to Development Assessment Officer, Shoba Sivasubramaniam, on 0431446623 or email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Malgy".

Malgy Coman
Senior Land Use Planner

Transport for New South Wales



The General Manager
Hornsby Shire Council
PO Box 37
Hornsby NSW 1630

Attention: Stuart Ratcliff

TfNSW Reference: SYD10/00575/25 (Planning Portal Reference: CNR-50745)
Council Reference: DA/484/2011/N

Re: S4.56 Modification to Approved Seniors Housing Development (Mod N)
392 Galston Road, Galston

17 February 2023

Dear Mr Head,

Reference is made to Council's correspondence dated 17 January 2023, regarding the abovementioned modification application which was referred to Transport for NSW (TfNSW) for comment.

This letter supersedes the TfNSW previous letter dated 14 February 2023.

TfNSW has reviewed the submitted information and notes the modification application proposes:

"changes to the public road design to comply with TfNSW requirements, removing the requirement of constructing two bus stops, construction of a footpath from the Galston Rd entrance to the existing bus stop at the corner of Mid Dural Rd and Galston Rd and amendment of terms of consent conditions 5, 59, 60, 66-78 to reflect these changes. This modification also proposes to alter the requirement that the roadworks be completed as a condition of receiving Stage 2 Occupation Certificates to a requirement for Stage 3 Occupation Certificates".

TfNSW provides comments on the proposal under relevant headings below:

Ultimate Access on Galston Road and Mid Dural Road

The proposed road works on Galston Road and Mid Dural Road (classified roads) require concurrence from TfNSW in accordance with Section 138 of the *Roads Act, 1993* (Roads Act).

TfNSW does not support the proposed changes to the time frame for construction of ultimate access arrangement on both Galston Road and Mid Dural Road from stage 2 to stage 3 of development. TfNSW has advised the proponent of its position in correspondence dated 27 September 2022. It is TfNSW's position that the proposed modification of the timing of the roadworks should be removed from the modification application. TfNSW maintains its position that the ultimate access should be fully constructed to TfNSW satisfaction prior to the issue of stage 2 Occupation Certificate in order to ensure the ongoing safe operation of the road network.

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27-31 Argyle Street Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2124

W transport.nsw.gov.au

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Transport for New South Wales



TfNSW notes the provided concept plans for access arrangement (Ref: 5959 Issue E dated 15/06/2022 by mepstead ASSOCIATES) are generally in line with TfNSW requirements during the pre-DA discussion, however TfNSW provides its further requirement and comments at Attachment A. The application should be modified to reflect these requirements.

Interim Access on Galston Road

The constructed interim access on Galston Road for stage 1 of the development does not comply with TfNSW requirements and is considered unsafe. TfNSW has not provided concurrence under s.138 of the *Roads Act* to this access and the proponent has not entered into a Works Authorisation Deed (WAD) with TfNSW for construction of the interim access. Additionally, the proponent has failed to take into account and to comply with TfNSW previous requirements as set out in letter dated 5 November 2021. A copy of this letter is enclosed for easy reference at Attachment B.

As set out in TfNSW's letter of 5 November 2021, TfNSW only granted consent to the operation of the interim access on Galston Road for a period of 12 months. This consent lapsed on 4 November 2022.

TfNSW considers the interim access as currently constructed on Galston Road is unauthorised and should be removed and closed within 21 days from date of this letter at no cost to TfNSW. Any further use of the current interim access from 5 November 2022 is considered against safety and efficiency of the classified road network.

If the proponent is wishing to continue to use the current interim access for stage 1 of development, TfNSW requires the proponent to apply for s.138 approval from TfNSW as well as modify the interim access as depicted in the concept plan (Ref: 5959 Issue E, Sheet no. 4/9 dated 15/06/2022 by mepstead ASSOCIATES). It should be noted that TfNSW requires the proponent to enter into a WAD as part of any s.138 consent condition.

Accordingly, taking into account the above non-compliances currently existing on the site and the number of conflicting modification applications lodged by the proponent, TfNSW requests that Council formally write to the proponent and seek additional information with respect to the manner in which the proponent is proposing to address the existing non-compliances regarding vehicular access to the development site.

TfNSW will further review and provide response when the additional information is provided and submitted to TfNSW for further review.

If you have any further inquiries in relation to this development please contact the undersigned on 88492331 or e: development.sydnev@transport.nsw.gov.au. I hope this has been of assistance.

Sincerely,



Zhaleh Alamouti
Senior Land Use Planner

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Transport for New South Wales



Attachment A

The following comments are made on the submitted documents:

1. TfNSW has previously reviewed the concept plans for access arrangement (Ref: 5959 Issue E dated 15/06/2022 by mepstead ASSOCIATES) and requested further modification prior to lodgement of the modification application. It is noted the plans have been modified, however they are still dated 15/06/2022. The plans should be updated to reflect the correct dates/Issue.
2. Updated Statement of Environmental Effects should be provided to cover the proposed road works and footpath. Further assessment should be provided in terms of biodiversity, flora and fauna, heritage.

The following is also provided to clarify the responsibilities:

- All utilities under the proposed turning lane should be relocated at full cost/responsibility of the developer.
- The developer is responsible for any property acquisition, if required. Any required land acquisition/dedication should be identified on the plans.
- Owners consent should be provided for any impacted properties and their driveways

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Attachment B

