

26 April 2024

TfNSW Reference: SYD24/00791/01

Council Reference: DA 69.1/2024 (CNR-67940)



Mr Bradley Cutts  
General Manager  
Fairfield City Council  
PO Box 21  
Fairfield NSW 1860

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**ALTERATIONS AND ADDITIONS TO APPROVED MIXED-USE DEVELOPMENT  
46 COURT ROAD, FAIRFIELD**

Dear Mr Cutts,

Reference is made to Council's referral dated 18 April 2024 regarding the abovementioned modified Development Application (**DA**) which was referred to Transport for NSW (**TfNSW**) for comment under clause 109 of the *Environmental Planning and Assessment Regulation 2021* and clauses 2.119 and 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. TfNSW understands that:

- This DA is seeking to amend the approved development (**DA687.1/14**) with a reduction in retail from 1,413 to 1,107m<sup>2</sup> GFA, increase apartments by 91. As a result, this will result in traffic generation increasing by 72 vehicles per hour in the AM peak and 57 vehicles per hour in the PM peak via Court Road (**local road**).
- The development has frontage to The Horsley Drive (**classified road**) and previously concurrence under section 138 of the *Roads Act, 1993* was provided by TfNSW for the civil works proposed on The Horsley Drive.
- Council is currently assessing a section 4.55 modification concurrently for DA687.1/14.

As such, TfNSW advises that subject to approval of the relevant Planning Authority and previously TfNSW imposed requirements of provided concurrence under section 138 of the *Roads Act, 1993* remain applicable and unchanged, TfNSW advises that the amended DA will not have an impact on the surrounding classified road network. **TAB A** contains TfNSW concurrence requirements for reference, noting that they have been revised to reflect changes of the former Roads and Maritime Services (**Roads and Maritime**) to TfNSW. In this regard, TfNSW recommends that the Planning Authority update the Development Consent conditions accordingly.

For any relevant queries, regarding the above matter, please contact Brett Morrison, Land Use Planner, via email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,

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

**Brendan Pegg**  
Senior Manager Land Use Assessment Central and Western  
Planning and Programs, Greater Sydney Division

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## TAB A – TfNSW concurrence requirements under section 138 of the Roads Act 1993

1. The redundant driveway on The Horsley Drive boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Victoria Street shall be in accordance with TfNSW requirements restricting movements to left-in left -out, suitability signposted. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works.

The developer is required to enter a Works Authorisation Deed (WAD) for the abovementioned works. Please note TfNSW fees for administration, plan checking, civil works inspections and project management to be paid by the developer prior to the commencement of works. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020-001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. The Applicant 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.
5. The development's full frontage on The Horsley Drive has a "Clearway" and "No Stopping" restrictions in place and shall remain unchanged.
6. The proposed development should be designed such that road traffic noise from The Horsley Drive is mitigated by durable materials to satisfy the requirements for habitable rooms under clause 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
7. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on The Horsley Drive during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

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