



16 November 2020

SF2020/182067; WST20/00347/02

General Manager
Forbes Shire Council
PO Box 333
Forbes NSW 2871

Attn: Eliza Noakes

Dear Ms Noakes

**DA 2020/87: Lot 1 DP1189962; Edward Street, Forbes,
Proposed subdivision of Lot 1 DP 1189962 into 223 lots over 9 stages**

Thank you for referral of the above development application (DA) via the NSW Planning Portal dated 30 September 2020 requesting concurrence pursuant to 138(2) of the *Roads Act 1993* and inviting comment pursuant to clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Reference is made to TfNSW earlier correspondence dated 4 November 2020 whereby TfNSW did not support the additional proposed access via The Bogan Way, a Regionally Classified Road in accordance with clause 101 of the (ISEPP) 2007.

A subsequent meeting was held on 10 November 2020 between Council's General Manager, Steve Loane and representatives from Council's Planning Team, Mathew Teale and Eliza Noakes as well as representatives of Transport for NSW (TfNSW), Holly Davies, A/Senior Customer Services Manager and A/Manager Land Use, Ainsley Bruem to discuss the concerns raised in the TfNSW correspondence.

In accordance with Clause 101 of *ISEPP, 2007* which requires the Consent Authority to be satisfied that:

- a) *'where practicable and safe, vehicular access to the land is provided by a road other than the classified road,'* and
- b) *'the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development...'*

Council noted at this meeting that it is not practicable to obtain access only via the local roads of Edward Street and it was not a consideration by Council to undertake an alternative/additional access via Limestone Road to service this subdivision. Noting this proposal includes realigning Limestone Road at the intersection of The Bogan Way, potentially changing the current access arrangement and or making it redundant.

It was reiterated by TfNSW at this meeting that in addition to network efficiency impacts caused by additional access(es), road safety is a further consideration for any additional accesses along classified roads. In this case, the future proposed development on the southern side of Bogan Way, directly opposite this proposed subdivision.

The cross traffic/thru traffic-movement between each side of The Bogan Way potentially undertaken by residents accessing any future amenities such as shops and child care facilities requires a suitable and safe intersection treatment. This may require a higher order treatment requiring further traffic impact assessment when further information and timing of these future proposals is known.

Council accepted, that in TfNSW offering in-principle support for the additional access, and noting the scope of works is yet to be determined, that any future access and or intersection would be designed and constructed in accordance with *Austroads Guide to Road Design*.

Subsequently TfNSW offers in-principle support to the proposed additional vehicular access directly servicing the subdivision of Lot 1 DP 1189962 via Bogan Way (Regionally classified road) subject to a Section 138(2) of the *Roads Act, 1993* referral at an agreed time as discussed further below.

Following this meeting Council further confirmed that although mentioned in the Statement of Environmental Effects (SoEE), the shops and childcare centre are not proposed as part of this subdivision (in either Stage 4, 5 or 6). We understand Council is recommending a condition to the Joint Regional Planning Panel (JRPP) that any such proposal(s) would be subject to a separate Development Application and relevant referral to TfNSW via the applicable referral clause(s).

TfNSW in accordance with Section 138(2) of the *Roads Act 1993*, grants concurrence subject to the following conditions being met:

- Prior to the issue of the subdivision works certificate for Stage 1 the intersection of The Bogan Way and Edward Street is to be upgraded to include:
 - A Basic Left Turn (BAL) intersection treatment as per *Figure 7.6* and a Basic Right Turn (BAR) intersection treatment as per *Figure 8.2* of Part 4A of the *Austroads Guide to Road Design*;
 - The northern section of the intersection design (Edward Street/The Bogan Way) should consider the potential conflict with the southern section of Edward Street and where it intersects with The Bogan Way, and
 - The intersection should be designed to meet and maintain Safe Intersection Sight Distance (SISD) requirements in accordance with *Austroads Guide to Road Design*, which for the 80km/hr posted speed zone is 181 metres in each direction.
- Prior to the issue of the subdivision certificate for Stage 1 or the release of the 27th lot the BAL and BAR intersection treatment for The Bogan Way/Edward Street is to be completed.
- Evidence of the completion of the intersection treatments are required to be submitted to TfNSW prior to the issuing of the subdivision certificate.

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- Prior to commencement of construction works, the proponent is to contact the TfNSW Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event a ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes of The Bogan Way.
- Prior to the determination of the development application the Consent Authority should consider amending the *Section 7.12 Fixed Development Consent Levy* to include the intersection treatments associated with the development. TfNSW notes the scope of the proposed access and subsequent intersection treatment to the subdivision and The Bogan Way is yet to be determined and how this forms part of any subsequent development consent in order to require contributions between the development (s) which pays the levy and the object of the expenditure of the levy is unclear.
- TfNSW subsequently seek any such development consent not adversely burden (financially) anyone outside of those who benefit directly from such a provision and at no cost to TfNSW.
- Access directly to the road reserve of the Bogan Way is not concurred by TfNSW for individual lots with frontage as part of Stages 2, 3 and 8. A covenant is to be created over the proposed allotments with common boundary to the road reserve of the Bogan Way to effect this requirement.
- Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing the subdivision. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the *Austroads Guide to Road Design* is to be provided and maintained in both directions at the intersection servicing the subdivision with The Bogan Way via Edward Street and any future accesses for this subdivision and The Bogan Way.
- At all times during construction of the subdivision, traffic movements between the classified road and the site shall be in a forwards-only direction, and all vehicle parking or storage of materials shall be contained wholly within the site boundary unless otherwise agreed to in writing by Council as the roads authority and TfNSW.
- All construction traffic associated with the subdivision is to access the site via the local road.
- All internal roads are to be sealed to mitigate dust and adverse impacts to road users and residents.
- Prior to the issuing of the subdivision certificate for Stage 4 the proponent and Forbes Shire Council should consult TfNSW regarding the proposed design for the access and intersection treatments required for The Bogan Way proposed as a part of Stage 5.
- Prior to the issue of any subdivision works certificate for the subdivision works for Stage 5 or the release of the subdivision certificate for the 121st lot, an application is to be referred to TfNSW in accordance with Section 138(2) of the *Roads Act, 1993* for the proposed access and intersection treatments to The Bogan Way for concurrence. This concurrence is to be sought prior to any subdivision work or building work associated with Stage 5 commencing:

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- TfNSW would seek the following is included in any such referral:
 - Concept design of the access and intersection treatments based on discussions with TfNSW;
 - Amended traffic study identifying the traffic generation associated with the development utilising the access;
 - Swept path analysis for the largest design vehicle required to access the subdivision;
 - Design of the access and intersection treatments are to be undertaken in accordance with *Austroads Guide to Road Design* and any relevant TfNSW supplements to *Austroads* and,
 - Other information required by TfNSW based on the pre Stage 5 discussions.
- This access and intersection is to be completed and evidence of the completion is to be provided to TfNSW prior to the issuing of the subdivision certificate for Stage 5.
- It is noted that as per Section 6.14 the *Environmental Planning and Assessment Act 1979*, that a singular subdivision works certificate could be issued for the entirety of the development subject to this approval.
- If this is proposed a Section 138(2) of the *Roads Act 1993*, application is to be submitted to Forbes Shire Council and referred to TfNSW for concurrence for the access (including the intersection treatment) to The Bogan Way prior to this occurring.
- TfNSW would seek early consultation occurs with Council prior to any such application being submitted which should include the aforementioned inclusions as per the issuance of a staged subdivision works certificate.
- Noting the proposal includes realigning Limestone Road at the intersection of The Bogan Way, with potential future access from Limestone Road via the Bogan Way being made redundant or changing. TfNSW seek, prior to any works commencing, referral to TfNSW in accordance with Section 138(2) of the *Roads Act, 1993* is required for concurrence. TfNSW seek Council consider the use by agricultural and industry developments currently located along Limestone Road by heavy vehicles/machinery and the most suitable route these vehicles should traverse to access The Bogan Way. Further traffic analysis is sought to be included in any referral to TfNSW regarding the future realignment of Limestone Road.

Further to the above, Council in determining this application may also give consideration to the following requirements for the future development of the proposed allotments:

- The future development on the proposed allotments should be designed such that road traffic noise from classified roads is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria '*The Environmental Criteria for Road Traffic Noise*'.

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- Where the EPA external noise criteria would not practically or reasonably be met, Council may consider the criteria for internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the *Building Code of Australia*.
- TfNSW *Transport 2056 Plan* outlines benefits in such proposals having consideration for a Movement and Place framework within their design, in particular connections to pedestrian footpaths networks.

Please be advised that under the provisions of the *Environmental Planning & Assessment Act* it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Please forward a copy of Council's determination to Transport for NSW at development.western@rms.nsw.gov.au when it is sent to the applicant. If you wish to discuss this matter further, please contact Ainsley Bruem, A/Manager Land Use on (02) 6861 1449.

Yours faithfully



Holly Davies
A/Senior Manager, Regional Customer Services
West

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