



31 December 2012

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CR2012/011083
MA / DY

Mining Projects
Department of Planning & infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mr David Mooney

**GOLDEN HIGHWAY (HW27): EXHIBITION OF ENVIRONMENTAL ASSESSMENT (EA) FOR
DRAYTON SOUTH COAL PROJECT (11_0062)**

Dear Mr Mooney,

I refer to your email correspondence dated 12 November 2012, (Your reference: 11_0062) requesting comment from the Roads and Maritime Services (RMS) regarding the exhibition of an Environmental Assessment for the subject application.

RMS Responsibilities

Transport for NSW and RMS' primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, RMS has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. The New England Highway (HW9), Golden Highway (HW27) and Denman Road (MR209) are classified (State) roads. RMS concurrence is required for connections to these roads with Council consent, under Section 138 of the Act. Council is the roads authority for these roads and all other public roads in the area. Should road works be required on the classified (State) road, RMS would exercise the functions of roads authority under Sections 64 and 71 of the Act.

RMS Response and Requirements

RMS has reviewed the information provided, in particular the Traffic and Transport Impact Assessment (21 September 2012) prepared by DC Traffic Engineering Pty Ltd, and considers the study to be inadequate in addressing all road infrastructure and traffic / transport issues related to the proposed development. RMS requires the electronic data to be able to analyse the modelling undertaken to verify road infrastructure upgrade requirements. While the study proposes certain immediate and future works related to State road infrastructure it needs further verification given the extended period for the life of the mine.

Roads & Maritime Services

In the absence of the complete Traffic and Transport Assessment, RMS requests that the following preliminary requirements be adopted and additional information be provided to enable an appropriate assessment:

1. Prior to the commencement of construction activities and the mining operation associated with the proposed project the intersection of the Golden Highway (HW27) and Edderton Road shall be upgraded to a Type CHR / AUL intersection in accordance with Part 4A of the *Austrroads Guide to Road Design 2009* (with RMS supplements), to the satisfaction of RMS and Council. The following requirements will apply to the intersection:
 - Edderton Road shall be aligned to intersect the Golden Highway at 90 degrees.
 - The intersection shall be designed to accommodate the turning path of the largest design vehicle.
 - Provision shall be made at the intersection for on-road cyclists for the full scope of intersection works.
 - Street lighting shall be provided in accordance with Australian Standard AS1158, or as determined by RMS.
 - Advanced intersection warning and all other road signs shall be provided on the Golden Highway, as determined by RMS.

Comment: The Traffic and Transport Assessment report has focussed on traffic along Edderton Road and its connection with Denman Road. The EA has not addressed existing and future traffic conditions at the Edderton Road / Golden Highway intersection, nor has it demonstrated the adequacy of the proposed intersection layout. A traffic analysis shall be undertaken and submitted in support of the detailed concept plans required for assessment under the Works Authorisation Deed (WAD) process. This report shall demonstrate the adequacy of the proposed intersection design in relation to traffic volumes, vehicle types and safe intersection sight distance on all legs of the intersection.

2. On relocation of the Golden Highway / Edderton Road intersection, the existing Edderton Road intersection shall be legally and physically closed to general traffic. Should the intersection be retained as an 'Emergency Access' to the mine site, as stated in the EA, then the access is to be gated and clearly signposted so as to indicate the nature of the access. The conditions for use of the access shall be captured in a 'Plan of Management' for the mine and any future change to the status the access for general traffic shall be subject to further approval under a modification of the project approval and accompanied by a traffic impact statement clearly addressing related traffic conditions and any necessary intersection improvements.
3. A Construction Traffic Management Plan shall be prepared to the satisfaction of RMS and Council prior to any construction works related to this proposal.
4. As road works are required on a classified (State) road, RMS will require the developer to enter into a 'Works Authorisation Deed' (WAD) with RMS. RMS will exercise its powers under Section 87 of the *Roads Act 1993* (the Act) and the functions of the roads authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable, for all works under the WAD. Prior to issuing a 'Construction Certificate' for the proposed development, the developer shall enter into a WAD with RMS. Prior to issuing an 'Occupation certificate' (interim or final) for the proposed development the developer shall complete all works under the WAD to practical completion, as determined by RMS.

Comment: Further advice regarding the WAD process is provided in Attachment A.

Advice to the Department of Planning & Infrastructure

The necessary road and transport infrastructure improvements required as a direct result of cumulative mining projects in the area should be fully funded by the developers or via an appropriate contributions plan. RMS notes that the EA has highlighted future impacts to the

classified road network arising from the combined impacts of employee related vehicle movements associated with peak traffic conditions generated by mining operations in the area, not attributable to any single mining development.

As the current proposal does not seek to increase its existing operational staffing the developer has raised the issue that this development alone should not be entirely responsible for the cost of constructing appropriate infrastructure to support this identified demand.

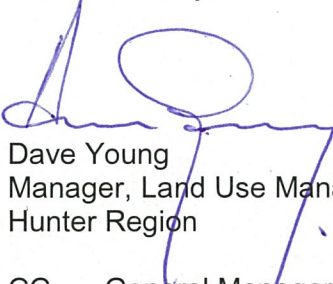
RMS requests that the Department of Planning & Infrastructure, in consultation with Transport for NSW, consider an appropriate funding mechanism to address the cumulative impacts of traffic impacts arising from employee and service related traffic associated with mining operations within the Hunter Region. It appears there is no current funding mechanism to give effect to all mines making a contribution to upgrading the classified (State) road network which services the mining activities in the region.

It is strongly suggested that a traffic and transport strategy be developed for the Lower and Upper Hunter Regions, which would form the basis for a possible contribution plan. Contributions could be made through Voluntary Planning Agreements (VPAs) or similar, with funds directed to State road infrastructure upgrades, as determined by RMS.

On the determination of this matter, it would be appreciated if a copy of the Project Approval is forwarded to RMS for record and / or action purposes. The proponent should forward the required traffic information to RMS directly for assessment and confirmation of road infrastructure requirements.

Please contact me on (02) 4924 0688 if you require further advice.

Yours sincerely,



Dave Young
Manager, Land Use Management
Hunter Region

CC General Manager
Muswellbrook Shire Council

General Manager
Singleton Shire Council

Attachment A: Preliminary WAD Advice to Consent Authority and Developer

Advice to the Consent Authority

- On the Council's determination a copy of the Project Approval should be forwarded to RMS within the appellant period for advice / consideration and action where required.
- Conditions of development consent do not guarantee RMS' consent to the specific road works, traffic control signals and / or other structures or works for which it is responsible. The developer must obtain RMS' authorisation in writing prior to the commencement of any road works and traffic control signals, including traffic management, temporary or permanent road works associated with the proposed development.

Advice to the Developer

- Following development consent, early discussion with RMS' Project Manager is recommended. RMS will initiate the WAD process by sending out a letter and information pack on receipt of the Notice of Determination, including the name and contact details of the Project Manager.
- As the WAD process, including acceptance of design documentation and construction can take considerable time, you should allow sufficient lead time within the project development program to ensure that all documentation and works are completed in advance of occupation. RMS will not consider granting concurrence to occupation until it is satisfied all documentation and works under the WAD have been completed.
- Authorisation to commence construction will only be granted when RMS is satisfied that all requirements under the WAD have been met by the developer, including RMS' fees and charges, an unconditional bank guarantee for the full value of the works, detailed design documentation, environmental assessment, road occupancy license, among other matters. RMS will issue a letter to the developer advising of this authorisation.
- Any property acquisition / dedication required to accommodate the State road works / traffic control signals associated with the proposed development shall be at full cost to the developer, including all legal and survey costs. This land shall be dedicated by the developer as public road reserve in favour of the Council, as the owner.
- Part of the developers' timeline should make provision for RMS to satisfy its obligations under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assess the environmental impacts of the works within the road reserve. Further investigation and assessment to that undertaken for the development consent may be required to the satisfaction of RMS, under Part 5 of the EP&A Act.
- It is recommended that the developer use design consultants with the experience and knowledge of RMS' design requirements, in particular the *Austroads Guide to Road Design 2009* (with RMS supplements) and relevant Australian Standards.
- A factsheet providing further information on the WAD process can be obtained from the RMS Private Developments Website at:

http://www.rta.nsw.gov.au/roadprojects/community_environment/private_developments.html

- Construction on a State road and / or traffic control signals requires the engagement of an RMS pre-qualified contractor. A list of pre-qualified contractors can be found on the RMS website below.

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>