

8 May 2017

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SF2012/002143
MJD

General Manager – Modification Assessments
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Attention: Amy Robertson

MYALL STREET (MR506): MP10_0136 MOD1, 725 LOT SUBDIVISION, LOTS: 10 & 40 DP: 270100, PART LOT: 1 DP: 270100, MYALL STREET TEA GARDENS

Reference is made to the Departments email dated 11 January 2017 regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*. I apologise for the delay in replying.

Roads and Maritime understands the modification to be for:

- Changes to boundary of Concept Plan Site, including exclusion of 10Ha of conservation public park, and eco-tourism land and inclusion of 6Ha of commercial and residential land;
- Deletion of eco-tourism precinct;
- Changes to land use boundaries within the site;
- Changes to proposed road layouts, proposed bus routes and cycleway, and provision of riverside walk;
- Changes to development staging, and the requirements relating to bulk earthworks staging;
- Modifications to Biodiversity offset packages;
- Amended stormwater and groundwater management;
- Changes to bushfire management and change to servicing;
- Modifications to enable keeping of cats on site;

Roads and Maritime Services

- Deletion or changed future assessment requirements relating to groundwater, stormwater, heritage, flooding, bushfire, acid sulphate soils, contamination, environmental management, sewer and water supply, traffic noise and
- Associated changes to Statement of Commitments.

Roads and Maritime responsibilities & obligations

Roads and Maritime 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 and the integration of land use and transport.

In accordance with the Roads Act 1993, Roads and Maritime have powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. As Myall Street (MR506) is a classified Regional road, Roads and Maritime concurrence is required for connections to the road with Council consent, under section 138 of the Act. Roads and Maritime consent is required for traffic control signals and facilities under section 87 of the Act. Council is the roads authority of Myall Street and all other public roads in the area. Should road works or traffic control signals be required on the classified road, Roads and Maritime would exercise the functions of the roads authority under sections 64 and 71 of the Act.

Roads and Maritime response & requirements

Roads and Maritime has reviewed the information provided, with the following being noted:

- The Instrument of Approval for MP10_0136, sections B5 and C21 outlined the consent conditions and Roads and Maritime requirements in relation to the timing and the layout of the required intersection upgrades along Myall Street. Roads and Maritime advice to the department dated 2 May 2013 is attached (Annexure A).
- The modification report by Tattersall Lander P/L, dated October 2016, provides plans of each intersection required to be upgraded as part of the development, which are reduced in scope to that requested by Roads and Maritime.
- It is stated within the report that Council have agreed to the reduced scope of each intersection, which have been included within the Section 94 Contributions Plans. There is no indication that Roads and Maritime were consulted or agreed to the reduced scope for each intersection. No reasons were given by Council officers for acceptance of the reduced scope.

Roads and Maritime request the following matters be investigated:

- The layout tested for each intersection has not been shown diagrammatically within the traffic study. Providing the Sidra files will allow the layout utilised for each scenario to be checked.
- The turn lane lengths at each intersection are denoted on the plan as being subject to the traffic study, however these lengths have not been specified within the traffic study.
- Pedestrian phases are to be provided on all legs of the signalised intersections.
- Detailed strategic designs of the intersections will be required to be submitted to Roads and Maritime for review, which will have to demonstrate the cycle safe lanes in accordance with Austroads requirements.

- It is recommended that the intersection designs and traffic report be amended and resubmitted prior to consent being granted.

Further advice:

Roads and Maritime recommends that the following matters should be considered by the Department in determining this modification:

- Roads and Maritime has no proposal that requires any part of the property.
- Discharged stormwater from the development shall not exceed the capacity of the Myall Street stormwater drainage system. It shall be ensured that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.

As road works are required on Myall Street (MR506), Roads and Maritime will require the developer to enter into a WAD with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD (Attachment B).

Comment: It is requested that the developer be advised that the Conditions of Consent do not guarantee Roads and Maritime's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. Roads and Maritime must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Roads and Maritime.

- All road works under the WAD shall be completed prior to issuing any Construction Certificate for the specified stage / number of lots that the works are required for.
- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime.

On the Ministers determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4908 7688 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely



Peter Marler
Manager Land Use Assessment
Hunter Region

Annexure A – Extract from Roads and Maritime response dated 2 May 2013, outlining required intersection upgrades

MYALL STREET / MYALL QUAY BOULEVARD INTERSECTION

- The existing Myall Street / Myall Quay Boulevard intersection shall be upgraded to a Traffic Signal Controlled intersection prior to the release of the 500th lot of the subject development. (The intersection layout and lane lengths shall be confirmed by review of traffic analysis provided prior to the developer commencing design for the upgrade). The intersection shall be designed and constructed in accordance with the Austroads *Guide to Road Design 2009* (with RTA supplements) and RTA's *Traffic Signal Design 2008* to the satisfaction of RMS and Council including, but not limited to, the following works:
 - Two through only lanes shall be provided in each direction on Myall Street. The lanes shall be a minimum 200 metres in length on both the approach and departure sides, excluding tapers and run out areas.
 - A single right turn storage lane shall be provided on the southern approach leg of the intersection with a minimum length of 150 metres excluding taper.
 - A left turn storage lane shall be provided on the northern approach leg of the intersection with a minimum length of 100 metres excluding taper.
- The Myall Street / Myall Quay Boulevard intersection upgrade shall be designed and constructed to accommodate a future connection (4th leg to the west), to provide access to the proposed Myall Downs residential development and light industrial estate.

Comment: The Myall Street / Myall Quay Boulevard intersection will be upgraded to a four leg TCS intersection prior to any subdivision certificate being issued for any stage of the proposed Myall River Downs residential development / light industrial estate.

- Signalised pedestrian crossings shall be provided on all legs of the intersection.
- Appropriate pedestrian and cyclist facilities, foot/cycle paths and ramps, connecting to the TCS intersection shall be provided to the satisfaction of RMS and Council.
- As provision of Traffic Control signals and associated road works are required for the development, 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 works under the WAD.

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

- Prior to the release of the 500th lot of the proposed Riverside development, the developer shall complete all traffic control signals and associated road works under the WAD to practical completion, as determined by RMS.
- All works shall be undertaken at full cost to the developer to the satisfaction of RMS.

MYALL STREET / SECOND ACCESS INTERSECTION

- A Type CHR / AUL intersection shall be provided at the intersection of Myall Street and the proposed second access road prior to the release of the 500th lot of the subject development. The intersection shall be designed and constructed in accordance with the Austroads *Guide to Road Design 2009* (with RTA supplements) to the satisfaction of RMS and Council.

Comment: The Myall Street / second access road intersection will be upgraded to a four leg TCS intersection prior to any subdivision certificate being issued for any stage of the proposed Myall River Downs residential development / light industrial estate to provide connectivity across Myall Street and to improve road safety and traffic management.

- The Myall Street / second access intersection shall be designed and constructed to accommodate a future upgrade to a four leg TCS intersection to provide access to the proposed Myall River Downs residential development and light industrial estate.

MYALL STREET / TOONANG DRIVE INTERSECTION

- A Seagull type intersection shall be provided at the intersection of Myall Street and Toonang Drive road prior to the connection of the developments internal road network to Toonang Drive or the release of the 700th lot of the subject development. The intersection shall be designed and constructed in accordance with the Austroads *Guide to Road Design 2009* (with RTA supplements) to the satisfaction of RMS and Council.

Attachment B: WAD Advice to Consent Authority and Developer

Advice to the Consent Authority

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

Advice to the Developer

- Following development consent, early discussion with the Roads and Maritime Project Manager is recommended. Roads and Maritime 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. Roads and Maritime 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 Roads and Maritime is satisfied that all requirements under the WAD have been met by the developer, including Roads and Maritime 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. Roads and Maritime 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 Roads and Maritime 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 Roads and Maritime, under Part 5 of the EP&A Act.
- It is recommended that the developer use design consultants with the experience and knowledge of Roads and Maritime design requirements, in particular the *Austrroads Guide to Road Design 2009* (with Roads and Maritime supplements) and relevant Australian Standards.
- A fact sheet providing further information on the WAD process can be obtained from the Roads and Maritime Private Developments Website at:
http://www.rms.nsw.gov.au/roadprojects/community_environment/private_developments.html
- Construction on a State road and / or traffic control signals requires the engagement of an Roads and Maritime pre-qualified contractor. A list of pre-qualified contractors can be found on the Roads and Maritime website below.
<http://www.rms.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>