



14 January 2019

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

Attention: Emma Butcher

**PACIFIC HIGHWAY (HW10): RESPONSE TO SUBMISSIONS – MODIFICATION APPLICATION
MP10_0088 MOD1 – 2 BRANTER ROAD, NORDS WHARF**

Reference is made to the Department of Planning & Environment's (the Department) email dated 5 October 2018, 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*.

Roads and Maritime understands the proposal to be for the following amendments to the Concept Plan approval:

- Increase the number of approved lots from 90 to 100,
- Amendment to the intersection works required by Condition 1.25 of the Concept Approval at Pacific Highway / Awabakal Drive, instead proposing to signalise the intersection of Pacific Highway and Nords Wharf Road and provide for a left in left out intersection at Awabakal Drive.

On 5 July 2017, Roads and Maritime provided a response to the Department requesting the following assessment be undertaken:

- *The impacts of the proposed altered intersection upgrades on the local area, in particular Nords Wharf Road, Marine Parade and Government Road. The study is to consult with relevant stakeholders, including Lake Macquarie City Council (LMCC) and the local community,*
- *The impacts of the altered intersection upgrades on the Pacific Highway, to determine if the proposal is the optimal outcome,*
- *The impact that the proposed future connection of Murrays Beach to Cams Wharf by LMCC will have on the upgrade of the Nords Wharf Road proposal, as signalisation may draw motorists to this intersection and to the local school,*
- *Concept approval MP10_0089 for the Middle Camp (Catherine Hill Bay) 222 lot subdivision required an upgrade at the intersection of the Pacific Highway, Cams Wharf Road and Flowers Drive, restricting Flowers Drive to left in, left out. It was further conditioned that a U-turn bay be provided on the Pacific Highway for traffic from Flowers Drive to be able to travel in the northbound direction. The U-turn bay is*

to be provided on the Pacific Highway or at Nords Wharf Road. Assess the impact that signalling the Nords Wharf Road intersection has on the U-turn bay required as part of MP10_0089.

The submitted Response to Submissions by ADW Johnson dated May 2018 states that the submitted Traffic Impact Assessment (TIA) by Intersect Traffic, April 2018, addresses the concerns raised by Roads and Maritime. Roads and Maritime provide comment on this below.

The TIA indicates that the existing intersections (Pacific Highway and Awabakal Drive, Pacific Highway and Nords Wharf Road) operates satisfactorily with full development and through to 2028 (i.e, 10 year horizon applied to development impacts), and are not proposing any upgrade to either intersection.

Roads and Maritime Response

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

The Pacific Highway (HW10) is a classified State road, and Awabakal Drive and Nords Wharf Road are local roads. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*. Roads and Maritime has reviewed the referred TIA (April 2018), and note that previous concerns are not adequately addressed. Roads and Maritime provide the following advice to assist the Department in determining the matter:

- The intersection of the Pacific Highway and Awabakal Drive has been modelled as a seagull type intersection due to the observations of the traffic consultant. The intersection however is not designed as a seagull (it is a CHR), and the central painted median will not always be used as a storage area for motorists exiting Awabakal Drive,
- Motorists who use the central storage area can reduce the safety of the Pacific Highway southbound, as a southbound motorists may not understand that the motorists exiting Awabakal Drive is going to store in the middle of the highway to choose a gap in the southbound traffic stream, when they view the vehicle exiting and travelling towards them,
- The central painted median is the width of a standard travel lane (approximately 3.5 metres width), and not compliant with the Austroad Guidelines required width for a seagull. This may result in a vehicle not being accommodated within the central painted median, reducing safety of the highway,
- A motorist storing in the central median is not positioned at the desirable maximum 70 degree angle for viewing of oncoming traffic, and will require a 180 degree viewing angle to oncoming southbound traffic,
- The lack of acceleration lane requires a motorist storing in the centre of the road to merge from stop to 80km/h in the fast lane,
- With the intersection modelled as a seagull, vehicles exiting southbound from Awabakal Drive experience lengthy delays, which may result in them choosing unsuitable gaps in the traffic stream, which reduces safety,
- The trip distribution diagram indicates that trips will be distributed evenly between Awabakal Drive and Nords Wharf Road, which is considered unlikely as the majority will likely choose the closest intersection.
- The traffic impact assessment does not analyse the impact of Lake Macquarie City Council's decision to open the link between Murrays Beach and Cams Wharf.

- The provision of an intersection upgrade along the Pacific Highway linked to this development was part of the Department's overall requirements for the Coal & Allied southern lands developments, where Catherine Hill Bay, Nords Wharf and Gwandalan developments each were required to upgrade an intersection, independent of the number of lots that each development yielded.

Roads and Maritime consider that the safety impact of the additional trips generated by the development on the Pacific Highway / Awabakal Drive intersection have not been adequately considered, and raise concern regarding the 'do nothing' approach as it will reduce safety for motorists and future residents at the intersection.

Advice to the Department

Roads and Maritime note that the following options are available regarding this application, and either option could provide an acceptable safety and efficiency outcome for the proposed development:

1. Maintain Condition 1.25 of MP10_0088, which requires the intersection of the Pacific Highway and Awabakal Drive to be upgraded to a signalised seagull intersection, or
2. Amend the consent to require the upgrade of Nords Wharf Road to a signalised seagull, and require turn restrictions on Awabakal Drive at the Pacific Highway.

Roads and Maritime recommend that the Department determine the appropriate intersection treatment from the above options following consultation with the local community to allow full consideration of the environmental impacts of the preferred upgrade decided by the Department.

Roads and Maritime comment that a WAD will be required under either option, and the following shall be included as a consent condition:

- As road works are required on the Pacific Highway, 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 A).

Comment: It is requested that Council advise the developer 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 development.
- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.

On the Department's 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 Marc Desmond on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Marler', with a large loop at the start and a trailing flourish.

Peter Marler
Manager Land Use Assessment
Hunter Region
Attach.

Attachment A: WAD Advice to Consent Authority and Developer

Advice to the Consent Authority

- On determination of the proposal a copy of the Notice of Determination 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 the Pacific Highway, 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 Austroads *Guide to Road Design* (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>