

Our Ref: STH15/00009
Contact: Melissa Steep 4221 2771



Transport
Roads & Maritime
Services

18 February 2015

Matthew Lennartz
mattlennartz@gmail.com

**LOT 393 DP 1144727, 5C CRESTON GROVE, BOMADERRY, PROPOSED REZONING,
BOAT SHOWROOM AND HEADQUARTERS**

Dear Sir

Roads and Maritime Services (RMS) refers to your email dated 28 January 2015 regarding the subject pre-development application.

RMS has reviewed the submitted information and wishes to advise that the proposal for rezoning the site is not supported. In this regard the following comments are provided for your consideration:

- RMS is currently planning the future upgrade of the Princes Highway between Berry and Bomaderry. The design of the upgrade will include a central median along the frontage of the subject site limiting access to left in/left out only with U-turn facilities provided at the existing Cambewarra Road roundabout to the south and a proposed U-turn/bus facility near Abernethy's Lane to the north. RMS recognises that there will be an increased demand for U-turn movements once the Berry to Bomaderry upgrade is constructed as turning movements are limited.
- RMS is concerned that increased commercial development along this section of the Highway will place further pressure on the proposed U-turn facilities, which may result in a reduction in efficiency and increased safety risk at these locations. On this basis RMS does not wish to encourage further ribbon development along the Highway and is concerned that the proposed rezoning and development of the subject site will have flow on effects to the surrounding residential areas.

In addition, RMS provides the following information as requested:

Advice regarding access design

- RMS does not support the rezoning of the subject location to allow for commercial development and as such does not support direct site access to the Princes Highway.

Advice regarding proposed road widening and future road works at this location

- RMS advises that part of the property is zoned Arterial Road Widening (SP2) on Shoalhaven Local Environment Plan 2014. The extent of the zoning is shown in pink colour on the attached copy of DP 1144727.
- A preferred option for the Berry to Bomaderry Upgrade was announced in June 2009.

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In November 2013, RMS displayed the review of environmental factors (REF) and the concept road design of the proposed upgrade for community feedback and comment. Since the display, RMS has carefully considered the feedback received and has determined the REF. RMS will continue to make changes to the road design as a result of feedback from the community and stakeholders. The detailed design is underway and is expected to be completed in early 2016.

Detailed project information, including the REF and submissions report, can be viewed on the RMS homepage at www.rms.nsw.gov.au/bbu

- The planning completed to date indicates that the subject property is unlikely to be required for the project. However, the proposal may change, as the detailed design has not yet been completed and it is not possible at this date to provide any more definite information as to the likely requirement for any part of the property.
- At this stage the timing of the construction of the Berry to Bomaderry Upgrade is unknown. As a result, development along the Highway such as that proposed is likely to require upgrades to the Highway to facilitate safe turning movements as an interim measure. This would be at cost to the developer.

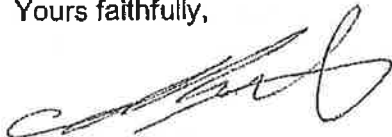
Advice regarding a future bypass of Bomaderry

- Whilst RMS has no current plans to provide a bypass of Bomaderry, detailed investigations are underway in order to identify future infrastructure needs of the Nowra-Bomaderry area.

Please note that the above is pre DA advice based on the information provided by the proponent. RMS position is subject to change, dependent on the information provided in any future development application.

If you have any questions please contact Melissa Steep on 4221 2771.

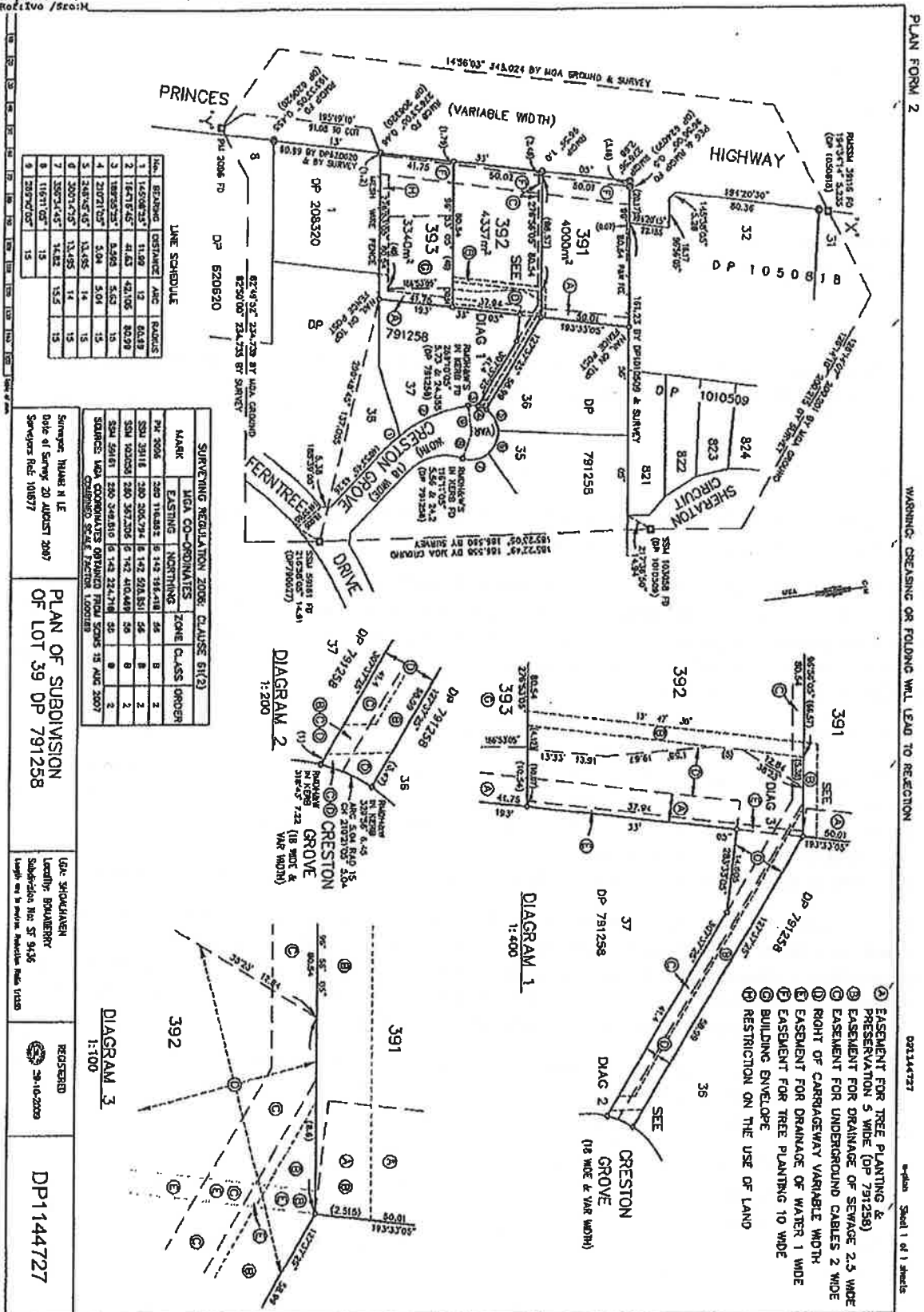
Yours faithfully,



Chris Millet
Manager Land Use
Southern Region

18/2/15

Reg:R417514 /Doc:DP 1144727 P /Rev:30-Oct-2009 /Str:EC OK /Prt:09-Feb-2012 10:53 /Pg:ALL /Sag:1 of 3
 Not:IVO /Scri:



Our Ref: STH15/00009/02
Contact: Melissa Steep 4221 2771



Transport
Roads & Maritime
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9 June 2015

Mr Matthew Lennartz
mattlennartz@gmail.com

**LOT 393 DP 114427, 5C CRESTON GROVE, BOMADERRY, PROPOSED REZONING,
BOAT SHOWROOM AND HEADQUARTERS**

Dear Sir,

Roads and Maritime Services (RMS) refers to your emails dated 29 April and 19 May 2015 regarding the subject development application.

RMS has reviewed the submitted information and advises that a planning proposal would not be supported on access management principles as the rezoning of the subject land would necessitate creating a direct access to a classified (state) road. Under the current zoning, access to the site is available from the local road network and does not impact on the safety and efficiency of the classified road frontage.

The following comments are provided in response to the issues raised in your submission;

- RMS recognises that the proposal is to rezone a single parcel of land and is concerned about the precedent it a rezoning may set for incremental extensions of commercially zoned land to the north of Bomaderry and subsequent implications for traffic and access management along the Princes Highway. RMS will not support a rezoning with the potential to encourage further ribbon development along the highway in this location.
- It is understood that the current proposal to rezone the subject site is to facilitate the development of a commercial premise, which is proposed to result in minimal traffic generation. However, the proposed commercial zoning of the subject site would enable a range of permissible uses with the potential for more intensive forms of traffic generating development should the site change ownership in the future.
- The retention of the existing residential zoning and access to the local road network is considered consistent with the *State Environmental Planning Policy (Infrastructure) 2007* and the Minister for Planning's Section 117 Directions.
- Significant public investment is being directed towards an upgrade of the Princes Highway under the Berry to Bomaderry Upgrade Project. This investment is intended to optimise the future safety and efficiency of the Highway for regional traffic movements. The project seeks to rationalise access and improve travel times. Further information can be obtained online at:

<http://www.rms.nsw.gov.au/projects/south-coast/berry-to-bomaderry/index.html>

Roads & Maritime Services

RMS notes that a number of issues raised in your submission relate to land use planning issues that would need to be considered by Council prior to endorsement of any planning proposal. Should Council be satisfied that a valid need to rezone the subject land exists, then further consultation with RMS should be undertaken.

Should you have any questions please contact Matt Adams on (02) 4221 2570.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Chris Millet', with a long horizontal flourish extending to the right.

for Chris Millet
Manager Land Use
Southern Region

Cc: Council@shoalhaven.nsw.gov.au

Our Ref: STH15/00009/04
Contact: Chris Millet 4221 2570



Transport
Roads & Maritime
Services

12 April 2016

Mr Michael Park
Acting Team Coordinator – Strategy Planning North
Shoalhaven City Council
BY EMAIL: council@shoalhaven.nsw.gov.au

PLANNING PROPOSAL – 5C CRESTON GROVE, BOMADERRY

Dear Sir

Roads and Maritime Services (RMS) refers to your letter dated 21 March 2016 regarding the subject planning proposal.

RMS has reviewed the information and does not believe that the planning proposal addresses the concerns raised in previous correspondence dated 18 February 2015 and 9 June 2015.

The following comments are provided for your consideration:

Highway upgrade

- RMS highlights that significant public investment is being directed towards planning for an upgrade of the Princes Highway at this location, known as the Berry to Bomaderry Princes Highway Upgrade. This investment is intended to optimise the future safety and efficiency of the Highway for regional traffic movements.
- This project will rationalise access and improve travel times. At this location, a central median is proposed with a turnaround facility to the north. In order to optimise the future safety and efficiency at this location, it is vital that the traffic movements between the Highway and properties at this location are minimised as much as possible. In this regard, the current zoning and access arrangements for the land are considered appropriate. In response to the question raised in your letter, question (iii), the proposal is not consistent with RMS' plans.

Property

- RMS advises that part of the property is zoned Arterial Road Widening (SP2) on Shoalhaven Local Environmental Plan 2014. The extent of the zoning is shown by pink colour on the attached copy of DP 1144727 (**Attachment 1**).
- While the land affected by this zoning is unlikely to be required as part of the Berry to Bomaderry Upgrade Princes Highway Upgrade, RMS wishes to retain this zoning. This position will be reconsidered following the completion the project.

Roads & Maritime Services

History

- RMS does not share the applicant's view that the current zoning is an anomaly. RMS notes that this lot was registered on 29 October 2010 as a result of a three lot subdivision of the previous lot (lot 39 of DP791258). This subdivision created lots 391, 392 and 393 of DP1144727. The subject site is Lot 393. The consent for this subdivision was issued on 28 November 2004.
- RMS notes that the Statement of Environmental Effects for this three lot subdivision stated that no access to the highway was proposed and that access would be to Creston Grove, via a right of carriageway.
- RMS notes condition 16a) of the consent for the subdivision reinforced this access arrangement. RMS also notes condition 16i) of the consent includes a restriction relating to visual amenity and noise reduction between the site and the southern boundary (the service station).
- RMS notes the subdivision was not referred to RMS. Following a review of the process undertaken, RMS considers that both the developer and Council (at the time) applied sound planning principles from a road network perspective in proposing and allowing the subdivision to occur in the manner that it did. RMS considers it was appropriate for Council to make the determination of the subdivision without referring the matter to RMS.
- If the proposed subdivision had proposed direct access to the Princes Highway, a referral to RMS would have been required. In such a circumstance RMS would have objected to the subdivision on the basis that the subdivision was creating an unnecessary conflict point with the State road, inconsistent the Section 1.3.2 of the RTA Guide to Traffic Generating Developments, and if the referral was made after 1 January 2008, inconsistent with Clause 101(2)(a) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure).

Precedence

- RMS believes rezoning this land would create a precedent for incremental extensions of commercially zoned land to the north of Bomaderry. Such incremental extension would have significant implications for traffic and access management along the Princes Highway. Commercial development would generate significantly more traffic than the current low density residential development located to the north of this site, attracting local trips to this precinct and creating circulating movements. The resulting ribbon development environment would unnecessarily compromise RMS' plans to optimise the future safety and efficiency of the Highway for regional traffic movements.
- RMS considers the same precedent for incremental extensions of commercially zoned land to the north of Bomaderry could be facilitated by amendments to the provisions in the LEP (such as the discussed allowance clause) to allow a boat showroom within the current zoning.

Potential for a change of use

- RMS notes and accepts that the owner of the land intends to utilise the land for a boat show room and office.
- RMS recognises that once the land is rezoned there is no guarantee that the site would be occupied by the proposed boat show room and office. The proposed commercial zoning of the subject site would enable a range of permissible uses with the potential for more intensive forms of traffic generating development should the intended development not proceed, proceed but close down, change ownership etc. The intended use would compromise RMS' plans to optimise the future safety and efficiency of the Highway for regional traffic movements. Such future uses would further compromise these plans.

A boat showroom and office

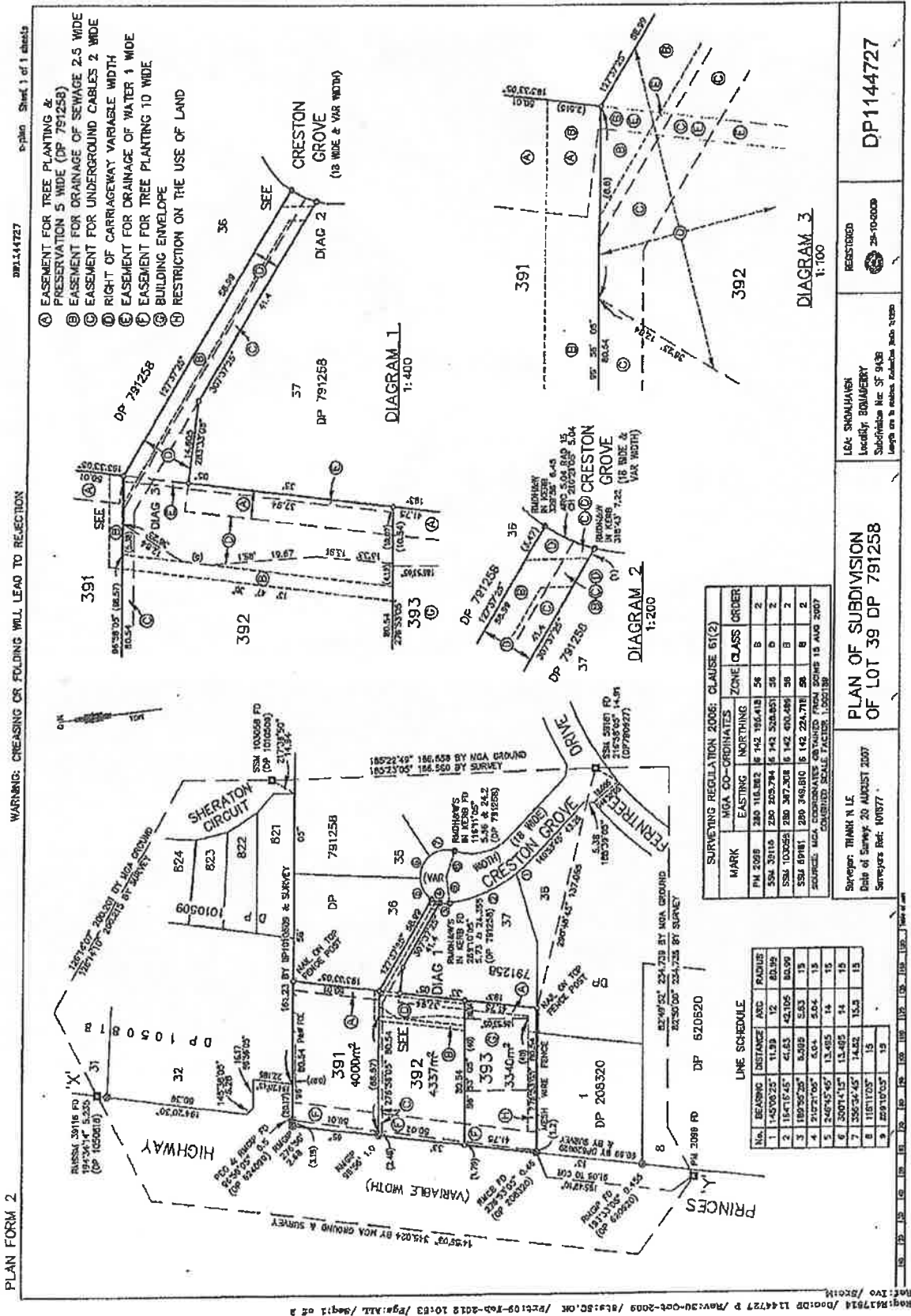
- Notwithstanding RMS' concerns relating to precedence and change of use, RMS does not consider it appropriate to rezone the land, or make amendments to the provisions in the LEP (such as the discussed allowance clause) to allow a boat showroom within the current zoning.
- Allowing direct access to the Princes Highway would create an unnecessary conflict point with the State road, inconsistent the Section 1.3.2 of the RTA Guide to Traffic Generating Developments and inconsistent with Clause 101(2)(a) of SEPP Infrastructure.
- The Traffic Statement submitted in support of the proposal correctly identifies that Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is relevant to this matter. RMS does not believe the applicant has adequately addressed Clause 101(2)(a). The applicant's Traffic Statement (page 14) states "Vehicular access to the proposed development can only be provided via a classified road".
- While RMS accepts that for such a business to operate it would not be practical (or viable) for the business to obtain access via Creston Grove, RMS in no way accepts that this addresses the intention of this clause. RMS is satisfied that practical vehicular access to the land is available via Creston Grove for the current zoning.
- RMS highlights it is common for residential properties to be located adjacent to service stations. While RMS accepts that it would not be desirable to be located next to a service station, it is inevitable this will occur where residential zones abut a zoning that allows a service station. In this regard, RMS undertook a quick desktop analysis which identified numerous residential developments adjacent to services stations. These are provided in **Attachment 2**.
- The applicant's Traffic Statement (page 13) states that "a future DA does not need to be referred to RMS for comment". While a referral to RMS for a boat show room and office would not be required under Schedule 3 of SEPP Infrastructure, RMS concurrence under Section 138 of the Roads Act, 1993 would be required for the driveway and associated works within road reserve.
- RMS notes that the Traffic Statement accompanying the proposal predicts that the boat showroom business would only generate approximately 2 peak hour movements. While RMS objects to the provision of the access itself, the following are comments on the traffic analysis. RMS notes the analysis is based on applying a 10% factor to predicted daily movements. RMS does not support this approach. RMS considers that the likely peak movements should be based on the rate for motor showrooms contained in the RTA Guide to Traffic Generating Developments. If the applicant considers these are inappropriate, the traffic generation rates would ideally be supported by surveys of other similar sites and a first principles analysis to determine peak hour movements (not daily movements). For instance, how many staff are likely to arrive/depart in the peak hour, how many customers, how many service vehicles etc.

On the basis of the information set out above, RMS objects to this planning proposal. Should you have any questions please contact Chris Millet on (02) 4221 2570.

Yours faithfully,



Adam Berry
Manager Network & Safety
Southern Region



Location: Westside Petroleum, Parkes St, Helensburgh



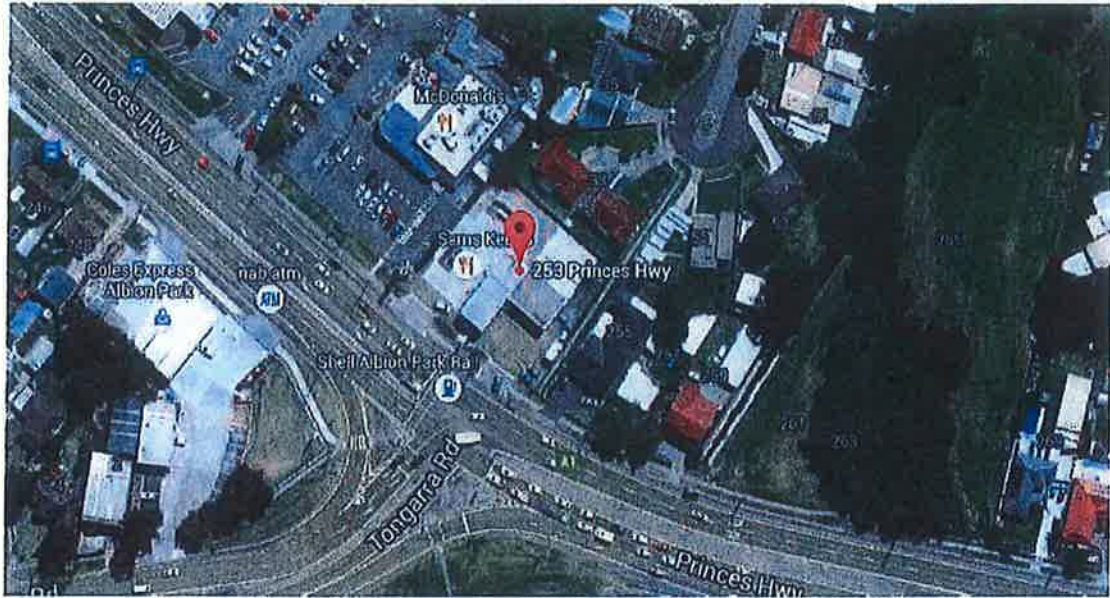
Location: Caltex Star Mart, Shellharbour Road, Barrack Heights / Part 1 of 2



Location: Caltex Star Mart, Shellharbour Road, Barrack Heights / Part 2 of 2



Location: Enhance Petrol Station, Princes Hwy, Albion Park Rail



Location: Shell Petrol Station, Princes Hwy, Corrimal



Location: 7-Eleven, Princes Hwy, Albion Park Rail



Location: Caltex Oil, Princes Hwy, Fairy Meadow



Location: Caltex, Railway St, East Corrimal



Location: Speedway Petrol Station, Hawkesbury Road, Westmead



Location: Fuel Power Plus, Cumberland Rd, Ingleburn



Our Ref: STH15/00009/04
Contact: Chris Millet 4221 2570

25 May 2016

Mr Gordon Clark
Strategic Planning manager
Shoalhaven City Council
BY EMAIL: council@shoalhaven.nsw.gov.au

PLANNING PROPOSAL – 5C CRESTON GROVE, BOMADERRY

Dear Gordon

Roads and Maritime Services (RMS) refers to your email to Chris Millet, RMS Land Use Manager dated 10 May 2016 regarding the subject planning proposal.

RMS has reviewed the information provided. RMS notes the proponent is no longer seeking to rezone the land from R2 Low Density Residential to B5 Business Development, but rather seeking to amend the Shoalhaven Local Environmental Plan (LEP) to allow their proposed boat showroom as an additional permitted use under Schedule 1 of the LEP.

RMS' previous correspondence to Council, dated 12 April 2016, was prepared cognisant of the fact the developer was considering the additional permitted use option as an alternative to their proposed rezoning.

The current proposal does not change RMS' concerns outlined in our previous correspondence under the headings *Highway upgrade, History, Precedence and A boat showroom and office*.

The current proposal, as outlined by the developer in their letter 2 May 2016, does not change RMS' concerns outlined in our previous correspondence under the heading *Potential for a change of use*. In this regard, RMS recognises permitting the uses of *bulky goods premises, business premises, office premises and vehicle sales and hire premises* would allow numerous business type developments to occur in the future.

Based on the above, RMS' position has not changed.

RMS notes Council is seeking advice from the Department of Planning and Environment on the use of a tailored Schedule 1 inclusion in the LEP to create tighter controls. Tighter controls have the potential to reduce RMS' concerns associated with *Potential for a change of use*. However, even very tight controls would not address the other RMS' concerns raised in our correspondence while the site operated as a boat showroom. Furthermore, beyond the life of the boat showroom, once the direct access to the Highway is constructed RMS considers it would be very difficult (if not impossible) to eliminate the highway access and revert to access via Creston Grove. On this basis, tighter controls would not change RMS' overall position.

In regards to the proposed U-turn bay on the Princes Highway north of the site (associated with the Berry to Bomaderry Princes Highway Upgrade), the U-turn treatment is currently

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considered RMS' preferred option. There remains potential for the preferred treatment and its location to be adjusted during continued development of the Berry to Bomaderry Princes Highway Upgrade.

RMS does not believe it would be appropriate to allow a spot rezoning or additional permitted use LEP amendment to influence a much broader network planning decision. As RMS previously advised Council:

- *RMS highlights that significant public investment is being directed towards planning for an upgrade of the Princes Highway at this location, known as the Berry to Bomaderry Princes Highway Upgrade. This investment is intended to optimise the future safety and efficiency of the Highway for regional traffic movements.*
- *This project will rationalise access and improve travel times. At this location, a central median is proposed with a turnaround facility to the north. In order to optimise the future safety and efficiency at this location, it is vital that the traffic movements between the Highway and properties at this location are minimised as much as possible. In this regard, the current zoning and access arrangements for the land are considered appropriate. In response to the question raised in your letter, question (iii), the proposal is not consistent with RMS' plans.*

Regardless of the treatment associated with the Berry to Bomaderry Princes Highway Upgrade, an additional access would introduce an unnecessary additional access and conflict point as well as additional movements. In the short to medium term, it would also be a conflict point that allowed right turn movements.

More significantly, RMS considers that providing a roundabout to facilitate this planning proposal would exacerbate RMS' precedence concerns. It would encourage all other land owners to seek similar amendments to their zoning or permitted uses, potentially creating the ribbon development environment RMS has a strong desire to avoid.

Notwithstanding the above, in the event Council determine it appropriate to amend the LEP to allow a boat showroom as an additional permitted use with consent under Schedule 1 of the LEP, RMS provides the following advice:

- RMS would support the use of a tailored Schedule 1 inclusion which tightened the controls. In this regard, RMS would support limiting the permitted uses as much as practical and restricting what development can occur beyond the life of a boat showroom.
- Should a development application be lodged on the site prior to the construction of the Berry to Bomaderry Princes Highway Upgrade, RMS would require the access with the Princes Highway to be constructed to RMS' satisfaction. While the treatments would depend on the traffic generation and distributions, at a minimum, RMS would require the following:
 - The development to be located wholly outside of the land zoned Arterial Road Widening (SP2) on Shoalhaven Local Environmental Plan 2014.
 - The access would need to be located adjacent to the southern boundary of the site.
 - Kerb and gutter would need to be provided across the full frontage of the site located a minimum of 6.5m from the existing centre line of the Princes Highway and consistent with adjacent development. The pavement would need to be upgraded.
 - At a minimum, the right turn treatment would need to comply with a Basic Right turn treatment (BAR), however the treatment would need to be determined based on traffic generation, distributions and the *Warrants for Ba, AU and CH Turn Treatments* outlined in Section 4.8 of *Austroads Guide to Road Design – Part 4A; Unsignalised and Signalised Intersections*. RMS notes these requirements are consistent with the methodology used to

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- determine the access treatments for the service station at 272 Princes Highway, Bomaderry.
- The pavement would need to be constructed to be to the satisfaction of RMS, consistent with the existing lanes and in accordance with Austroads Standards.

If you have any questions please contact Chris Millet on 4221 2570.

Yours faithfully



**Adam Berry
Regional Manager
Southern Region**