

Kate Wooll

From: Caroline Griffiths
Sent: Friday, 13 October 2017 11:52 AM
To: Kate Wooll
Subject: FW: email to APS - 27 June 2017 - Dolphin Point Condition B21 - State Approval - MP 05_0024 - Second Approach to Roundabout - Council file 3A07/1005-03

Regards,
Caroline Griffiths
CIVIL ENGINEER | ASSOCIATE
cgriffiths@allenprice.com.au



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From: Cathy Bern [<mailto:Cathy.Bern@shoalhaven.nsw.gov.au>]
Sent: Wednesday, 28 June 2017 13:30 PM
To: Caroline Griffiths
Subject: email to APS - 27 June 2017 - Dolphin Point Condition B21 - State Approval - MP 05_0024 - Second Approach to Roundabout - Council file 3A07/1005-03

Hello Caroline,

This sounds like a modification application may be in order here.

This particular condition won't prevent the issue of an SC in the immediate future but you are right, the condition is asking for something but effectively deferring it to 'whenever'.

This provides no certainty for anyone and is bound to cause a problem in the future.

The question also arises if it is in fact a reasonable condition and passes the Newbury test.

I think you need to engage in some formal discussions with the RMS and Council with a view to amending / deleting the condition (depending on what advice you get) to provide clarity.

Regards,

Cath

Cathy Bern
Section Manager - Development
Shoalhaven City Council

Phone (02) 4429 3527

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Cathy.Bern@shoalhaven.nsw.gov.au

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From: Caroline Griffiths [<mailto:cgriffiths@allenprice.com.au>]

Sent: Wednesday, 28 June 2017 1:20 PM

To: Cathy Bern <Cathy.Bern@shoalhaven.nsw.gov.au>

Subject: RE: HPECM: Dolphin Point Condition B21 - State Approval - MP 05_0024 - Second Approach to Roundabout
- Council file 3A07/1005-03

Oh how I wish things were ever so simple.....

So we started looking at what is proposed for Lot 6 and how much room we have. The existing boundary of Lot 6 basically follows the existing top of batter. The batters currently extend something like 5m into Lot 6. So unless part/all of lot 6 gets acquired by RMS/SCC it aint happening, we have negative room now. Gets worse the closer to the highway the link road gets.

I've gone back to the subdivision that created Lot 6 (being SF9957) as well as the dairy subdivision, in neither of which there is a proposal to dedicate any part of Lot 6.

I can see that all subdivisions in the area have been collecting a couple of contributions (05ROAD2011 in particular) which do not seem to be either an active job or an inactive job, there is at least one other in the Malbec consent that is in the same boat. As such its unclear what these relate to, having said that if any of them relate to this work it would seem not right to get the thing conceptual designs or built when there are funds set aside for these works.

What you have said below (or Scotts comments) really gives our client no certainty in terms of their financial obligations for this condition, on face value it appears it is a condition that we cannot comply with. Keeping in mind that we cannot add a new parcel of land into a consent there really is no way possible to do anything other than a few lines that will show there will need to be part of lot 6 acquired.

We don't want to have when we get to stage 5 or 6 to be told we need to pay an exorbitant bond or similar to cover the cost of these works with there being no certainty if they will occur at all or when, clearly an open ended deed of agreement won't work and once we get the final sub cert I don't think it would be appropriate to expect Malbec to come back if it does go ahead in say 10years time.

I'm so confused about how we deal with this, the condition is not worded particularly well and seems to imply that no matter when this work occurs our client will be responsible for this construction which doesn't seem reasonable.

We may need to sit down and talk about this in more depth to clarify exactly what the anticipated outcomes are and our clients obligations.

Regards,
Caroline Griffiths
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From: Cathy Bern [<mailto:Cathy.Bern@shoalhaven.nsw.gov.au>]

Sent: Wednesday, 28 June 2017 11:42 AM

To: Caroline Griffiths

Subject: FW: HPECM: Dolphin Point Condition B21 - State Approval - MP 05_0024 - Second Approach to Roundabout - Council file 3A07/1005-03

B21 Provision of Left Turn Lane onto the Princes Highway from the Roundabout at Dolphin Point Road Link

The proponent shall construct a second approach lane to the Highway from the exit from the adjacent roundabout, including a high entry angle left turn lane onto the Highway to RTA standards, either in conjunction with Stage 5 of the subdivision or when road widening is undertaken at Lot 6 DP1123774, whichever is the latter. The following RTA conditions will be required to be met:

- 1) Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.
- 2) All roadworks and/or traffic control facilities associated with this development will be at no cost to the RTA and completed prior to occupation
- 3) Prior to the issuing of the construction certificate, the developer shall enter into a Works Authorisation Deed for any works within the Princes Highway road reservation.
- 4) Section 138 concurrence under the *Roads Act 1993* shall be obtained from the RTA prior to construction.
- 5) The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction to the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to the commencement of work to process the Road Occupancy Licence. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

1. This condition requires the construction of a second approach.
2. However, this is to happen with Stage 5 OR when the road widening is to be undertaken at Lot 6.
3. Whichever is the latter.
4. It seems that the road widening is the latter.
5. Given that the construction is unlikely to occur anytime soon, it would appear unreasonable to require a full and detailed design at this time.
6. In this regard, Council and the RMS need a degree of comfort that the approach will integrate into the roundabout etc.
7. Whilst I am happy with conceptual information, the engineers may seek additional detail to achieve that level of 'comfort' being mindful of point 5 above.
8. Your attention is drawn to comments in an earlier email from Scott Wells.

Regards,

Cathy Bern

Section Manager - Development

Shoalhaven City Council

Phone (02) 4429 3527

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Kate Wooll

From: Caroline Griffiths
Sent: Friday, 13 October 2017 11:53 AM
To: Kate Wooll
Subject: FW: Email to APS - Malbec - Dolphin Point Stage 5 - N27003 - Condition B21 Roundabout Slip Lane - 3A07/100503 - Response to D17261797

Regards,
Caroline Griffiths
CIVIL ENGINEER | ASSOCIATE
cgriffiths@allenprice.com.au



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From: Cathy Bern [<mailto:Cathy.Bern@shoalhaven.nsw.gov.au>]
Sent: Friday, 11 August 2017 12:55 PM
To: Matt Philpott; Melissa Boundy
Cc: Caroline Griffiths; Mark Klein
Subject: Email to APS - Malbec - Dolphin Point Stage 5 - N27003 - Condition B21 Roundabout Slip Lane - 3A07/100503 - Response to D17261797

Hello Matt,

I refer to your email below and extract from the consent with respect to condition B21.

For convenience, the condition is reproduced below.

B21 Provision of Left Turn Lane onto the Princes Highway from the Roundabout at Dolphin Point Road Link

The proponent shall construct a second approach lane to the Highway from the exit from the adjacent roundabout, including a high entry angle left turn lane onto the Highway to RTA standards, either in conjunction with Stage 5 of the subdivision or when road widening is undertaken at Lot 6 DP1123774, whichever is the latter. The following RTA conditions will be required to be met:

- 1) Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.
- 2) All roadworks and/or traffic control facilities associated with this development will be at no cost to the RTA and completed prior to occupation
- 3) Prior to the issuing of the construction certificate, the developer shall enter into a Works Authorisation Deed for any works within the Princes Highway road reservation.
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- 5) The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction to the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to the commencement of work to process the Road Occupancy Licence. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

In summary, the condition requires the lane to be construction with Stage 5 **OR** when the widening is being undertaken. Whichever is the **latter**.

Accordingly, if you lodge a SC application for Stage 5 we will not withhold release based on condition B21 given that the widening has not or will not be occurring at the time.

Regards,

Cathy Bern

Section Manager - Development
Shoalhaven City Council

Phone (02) 4429 3527
Bridge Rd (PO Box 42) NOWRA NSW 2541
Cathy.Bern@shoalhaven.nsw.gov.au
www.shoalhaven.nsw.gov.au



From: Matt Philpott [<mailto:mattphilpott@allenprice.com.au>]

Sent: Thursday, 10 August 2017 2:53 PM

To: Council Email <Council@shoalhaven.nsw.gov.au>

Cc: Cathy Bern <Cathy.Bern@shoalhaven.nsw.gov.au>; Caroline Griffiths <cgriffiths@allenprice.com.au>; Mark Klein <Mark@allenprice.com.au>

Subject: Malbec - Dolphin Point Stage 5 - N27003 - Condition B21 Roundabout Slip Lane

Cathy,

Further to our meeting, we note that the widening of the road reserve over Lot 6 DP1123774 outlined in Condition B21 has not yet occurred.

Please confirm that SCC will not withhold the issuing of a Subdivision Certificate for Stage 5 based on the requirements of this condition.

Regards

Matt Philpott    
DIRECTOR | PLANNING MANAGER | CIVIL ENGINEER
Email: mattphilpott@allenprice.com.au



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Matt Philpott

From: PRIESTLEY Amanda J <Amanda.PRIESTLEY@rms.nsw.gov.au>
Sent: Friday, 21 July 2017 10:24 AM
To: Caroline Griffiths
Subject: RE: n27003 Slip lane on existing Roundabout at Dolphin (Princes Highway) (RMS Ref: STH07/00342)

Good Afternoon Caroline,

Roads and Maritime Services (RMS) refers to your below email dated the 3rd of July 2017, relating to MP05_0024.

RMS recognises that the applicant is seeking to have condition B21 removed from the conditions of consent, and is requesting RMS' support for the removal.

Condition B21 relates to the requirement to provide a high entry left turn lane onto the Princes Highway, which is a State Classified Road. It appears that this condition was a Council requirement, of which RMS provided conditions for its construction to be managed by RMS.

A formal application to have the consent modified should be lodged with the DPE (as the consent authority), this would require the submission of justification for the removal together with supporting evidence such as an updated traffic report and modelling to show why the works are no longer required.

Until this formal application including the abovementioned justification is provided, RMS cannot perform a proper assessment to determine if the removal of this requirement is appropriate, given the impacts of the development in relation to the State Classified Road.

RMS will reconsider the request upon formal application and review of the supporting documents. If you have any further questions regarding this response please contact me on the number below on Mondays, Wednesdays or Fridays, alternatively emails can be sent to development.southern@rms.nsw.gov.au

Kind Regards,

Amanda Priestley
A/Development Assessment Officer (Mon/Wed/Fri)
Land Use Development | Network & Safety Southern
T 02 4221 2576 | F 02 4221 2777
www.rms.nsw.gov.au
Roads and Maritime Services

From: Caroline Griffiths [mailto:cgriffiths@allenprice.com.au]
Sent: Saturday, 1 July 2017 10:26 AM
To: PRIESTLEY Amanda J
Subject: RE: n27003 Attention: Amanda slip lane on existing Roundabout at Dolphin (Princes Highway) (RMS Ref: STH07/00342)

Hi Amanda,

In light of your email below, were we to seek to have this condition removed from our clients consent (condition B21 of the consent) could you formally confirm that RMS would support this removal.

We are seeking this same confirmation of support from SCC, im currently in discussions with Cathy Bern on this matter if you would like to discuss this with them also.

I anticipate if we can get this documentation from both RMS and SCC DoP will not come back to either of you and will issue the change. We would appreciate it if you could assist in this matter, thanks

Regards,
Caroline Griffiths
CIVIL ENGINEER | ASSOCIATE
cgriffiths@allenprice.com.au



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From: PRIESTLEY Amanda J [<mailto:Amanda.PRIESTLEY@rms.nsw.gov.au>]
Sent: Friday, 16 June 2017 14:18 PM
To: Caroline Griffiths
Subject: RE: n27003 Attention: Rachel slip lane on existing Roundabout at Dolphin (Princes Highway) (RMS Ref: STH07/00342)

Good Afternoon Caroline,

Roads and Maritime Services (RMS) refers to your email below, dated 16 May 2017, relating to MP05_0024.

RMS notes that the strip of road reserve adjoining Lot 6 DP 1123774, is reserved by RMS for potential future widening. RMS do not currently have any plans to undertake any works at this location.

For clarification of the third paragraph in your email (as below) regarding the requirement to uphold condition B21 of the conditions of consent, Shoalhaven City Council or the Department of Planning (DPI), as the consent authority, should be contacted. A review of the information RMS has available has indicated that the additional approach lane to the Princes Highway roundabout was a Council requirement. RMS however will require any works connecting to the State Classified road (Princes Highway) to be managed by RMS in accordance with condition B21, which relates to the detailed design and construction requirements, including the entering into a Works Authority Deed (WAD) with RMS.

If you have any questions regarding my response above, please contact me on the number below on Mondays, Wednesdays or Fridays, alternatively emails can be sent to development.southern@rms.nsw.gov.au

Kind Regards,

Amanda Priestley
A/Development Assessment Officer (Mon/Wed/Fri)
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Roads and Maritime Services

From: Caroline Griffiths [<mailto:cgriffiths@allenprice.com.au>]
Sent: Tuesday, 16 May 2017 1:07 PM

To: Development Southern

Subject: n27003 Attention: Rachel slip lane on existing Roundabout at Dolphin (Princes Highway)

Hi Rachel,

Attached is a sketch (the survey is a little dated but this should do for initial discussion) with the existing roundabout (its located immediately south of the current bridge works RMS are undertaking at Burrill Lake). Also attached is the consent, condition B21 is the one we are needing to comply with.

We are within about 12 months off starting works for stage 5 which is one possible trigger for the works at this roundabout. My first question is if RMS intend over the next 12-18 months to undertake the "road widening" in Lot 6 DP1123774, which is the other trigger.

I cant see that this is proposed as part of the bridge works, they stop north of these roundabouts. Im am anticipating that the road widening will be the "latter" of the works and will fall outside our consent, but I need confirmation to provide to Council as the PCA to verify this and ensure we don't have any problems when we release stage 5.

Can you please get someone to contact me to discuss, thanks

Regards,

Caroline Griffiths

CIVIL ENGINEER | ASSOCIATE

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