

10/05/2017

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Ms Natasha Harras  
Team Leader, Modification Assessments  
NSW Department of Planning & Environment  
320 Pitt Street, Sydney  
GPO Box 39 | Sydney NSW 2001

**Attn: Natasha Harras**

**Re: MP10\_0088**

**Nords Wharf Residential Development (Southern Estate)**

**Lots 1 & 2 DP1180292**

Dear Natasha

Following our informal meeting on the 1<sup>st</sup> March 2017 with yourself and Mr Anthony Witherdin we have complied the following request to support a modification of the Concept Approval for the residential development located at Nords Wharf over lots 1 & 2 DP1180292.

The concept approval, approved by DoP on the 12/07/2012 stipulates approval for 90 residential lots. The concept has then progressed to Development Application DA 640/2013 which was approved by Lake Macquarie City Council on the 10<sup>th</sup> September 2014, this approval resulted in 84 lots.

The proposed modification is requested as a result of an intensive review of the sites opportunities and constraints and the supporting information prepared for the Development Application. Our project team has identified and discussed potential modification to the Development Consent with LMCC subdivision officers who in principal supported the identified modification to capitalise on the opportunities, such modifications would be dealt with under a Section 96 application following modification of the Concept Approval from DoP.

The result of the modification if accepted by DoP will enable desirable and cost effective residential land to be delivered to the market via improvements to the proposed layout which respond to the sites slope better and ultimately produce more buildable lots. In addition a revised intersection arrangements would also significantly assist in delivering cost effective lots to the market.

The principals of the current approval and supporting reports originally completed have been retained within the revised proposal including urban design guidelines, stormwater strategies and bushfire management. These elements remain basically unchanged or slightly modified to match the revised layout.

The following table sets out the items which we request your concurrence with in your assessment of this Modification.

**Table 1 – Items subject to Modification**

<b>Item 1 - Subdivision Layout</b>
It is request the approved Concept Plan and Consent be modified to reflect the proposed revised layout as presented in Appendix A. The revised layout proposes modification to road network through the realignment of proposed roads and the inclusion of additional roads. The proposed changes are considered to provide an far

superior lot layout creating more marketable lots and a higher lot yield which would result in 101 lots vs the concept approval of 90 lots and subsequent DA approval of 84 lots.

The revised layout results in one (1) additional length of road (approximately 125m) compared to the previously approved concept approval and DA approval.

Please refer to Appendix A – Revised layout plan for additional details.

Figure 1 depicts the Concept Approval, approved by DoP, Figure 2 depicts the DA approved layout whilst Figure 3 depicts the proposed revised layout plan.

**Figure 1 – Concept Approval**



**Figure 2 – DA Approved Layout**



**Figure 3 – Proposed revised layout**



The following key points provide reasoning/justifications of the proposed modifications.

**A. Precinct 1 – Original lots 118 - 184**

- Perimeter Road 2 remains, be it realigned/shifted to maximise the R2 zoned land with fill or cut batters being replaced by retaining walls (typically a maximum 1.0m high).
- Road 1 has been extended to loop around (eliminating Road 6). This provides a superior outcome over the approved layout which ran lots longitudinally down the slope creating lots with 6 to 8m of fall front to back. The revised layout now responds to the slope by running the lots across the lots which minimise cut and fill resulting in more buildable and desirable lots.
- Road 3 has been slightly adjusted to accommodate the redistribution of lots as a result of Road 1 being looped around.
- Road 4 has been rotated approximately 90 degrees which respond to the slope better and also redistributes the balance of the developable land evenly within the other roads which are fixed.
- Road 5 has been realigned slightly to accommodate the other intersecting roads but in principal serves the same function and will not impact the drainage regime.
- The original approved layout for 67 lots has been increased to 80 lots as a result of the reconfigured road network and redistribution of developable areas.

**B. Precinct 2 – Original lots 101 - 117**

- Perimeter Road 2 remains, be it realigned/shifted to maximise the R2 zoned land with fill batters being replaced by small retaining walls (max 1.0m high) on the low side.
- A new road has been introduced between Road 1 and Road 2 to eliminate battle axe lots 103, 104 & 107 of the approved concept approval plan.
- Road 2 will be configured as per the approved typical section be it slightly modified to a width of 20.5m reserve with the elimination of the extensive batters, swale remains as per approval.
- The proposed new road between roads 1 & 2 will be an 8m wide pavement within a 16.0m wide road reserve as per LMCC road widths (3.5, 8.0, 4.5).
- The new road also provides an improved treatment of the required 10m wide landscape buffer to lots fronting Branter Road. Proposed lots 201, 204, 205 and 206 have all been optimised to provide suitable areas available for dwelling construction.
- The remainder of the precinct has been subdivided to provide a balanced distribution of lot sizes exceeding the minimum 450m<sup>2</sup> all with direct street frontage.
- The total number of lots within the equivalent precinct has increased from 14 lots to 21 lots as a result of the redistribution of area and the elimination of battle axe lots i.e. an additional 7 lots.

We request the conditions of the concept approval be modified to reflect 101 lots opposed to 90 lots.

## **Item 2 - Intersection works and Traffic**

As a result of additional investigations and negotiations with RMS request DoP and RMS consider modifying the previously approved site access/intersection works at both Awabakal Drive and Nords Wharf Road.

The revisions are a result of revised traffic modeling, a review of traffic safety issues associated with the Awabakal Drive intersection and a cost/benefit analysis which will ultimately result in more cost effective lots being created opposed to inhibiting development.

The fundamentals behind the proposed changes are as follows;

- The proposed signalization works at Awabakal Drive are cost prohibitive to the proposed development for a 90 or 101 lot development.
- Awabakal Drive works are triggered by safety concerns opposed to operational capacity issues.
- The proposed modification requests;
  - Awabakal Drive be modified to a left in left out intersection only, and
  - Nords Wharf Road intersection, which has appropriate lane configuration be converted to a fully signalized intersection providing safe access and egress to and from Nords Wharf.
  - Please refer to Appendix D for concept plans.
- The benefit of the proposed modification would remove an unsafe intersection from the road network which would otherwise remain in operation unless RMS undertook the works at Awabakal Drive irrespective of the proposed development.
- The implication of the proposed changes is that a minor inconvenience may be encounter by a portion of the Nords Wharf population wishing to travel to the South of which 40% of journeys are. This inconvenience (estimated at approximately 2 minutes additional travel time for 20% of the Nords Wharf population) when considered against road safety is easily justified.

Please refer to Appendix C – Traffic Impact Assessment prepared by Intersect Traffic for updated traffic counts and Sidra modeling, Appendix D – RMS correspondence and Appendix E – Intersection concept design prepared by GHD.

We request the conditions of the concept approval be modified to reflect the proposed concept plans as provided, subject to RMS concurrence.

## **Item 3 - Bushfire Threat Assessment**

With reference to the submitted Bushfire Threat Assessment prepared by Anderson Environment and Planning ,Nords Wharf Development Company Pty Ltd, is confident in the assessment and subsequent BAL ratings

which will be imposed over the site. This assessment has concluded that;

- Suitable defensible space between hazard and future dwellings.
- Reticulated water and appropriately located hydrants will be incorporated into the development.
- The proposed access and egress arrangements are suitable.
- Proposed fire trail within community title portion of the site can be suitably maintained in perpetuity.
- Proximity to NSW Rural Fire Station is only 1.5km away providing rapid response times.
- All future dwellings can be suitably constructed to the corresponding BAL construction standards.

The proposed modification to the layout can accommodate these provisions and will not inhibit the development potential for future dwellings.

#### **Item 4 - Statement of Commitments**

Nords Wharf Development Company Pty Ltd is contracted to purchase the subject property from the current owner Coal and Allied.

The concept approval and rezoning process has significant history and legacy issues, all of which Nords Wharf Development Company were not a party to. The Special Conditions offered by Coal and Allied were a voluntary offering at that point in time above and beyond any Section 94 plans.

The reason that the SOC were offered was due to the Part 3a approval process. At this point in time Lake Macquarie City Councils S94 contribution plan did not consider the proposed development. This led to the SOC being offered as providing a contribution to the local Nords Wharf area. This all took place over 10 years ago.

In light of recent amendments to Lake Macquarie Councils Section 94 plan which now specify proposed recreation facilities for Nords Wharf and the broader City Wide area, the Statement of Commitments previously offered appear excessive and onerous for a development of 84 lots. The offered SOC reflects \$11,900 per lot, a significant number when attempting to bring land to market with a retail value of \$220,000 - \$240,000 per lot.

The proposed development has and will contribute greatly to the Nords Wharf community through payment of the Section 94 contributions being \$1,680,000 and possibly increased to \$2,020,000 (proposed modification increases yield by 17 lots or approximately \$340,000 additional S94 fees collected by Council), intersection upgrades and 116 hectares offset land dedications already provided.

Nords Wharf Development Company Pty Ltd request the tabled of Statements of Commitments be removed during this requested modification to the concept approval.

#### **Item 5 - Bank Guarantee**

Nords Wharf Development Company Pty Ltd request that all bank guarantees are removed from the Concept Approval and VPA on the grounds they are duplicative with other Government authorities which require their own guarantees for the same works i.e. RMS WAD process will require bank guarantees prior to any construction taking place which will ultimately be before any lot is registered. A portion of the bank guarantee will also be held post construction to cover any warranty issues that may occur. Please refer to Appendix F for earlier correspondence regarding a 50% reduction.

#### **Item 6 - Conditions of consent requested to be modified**

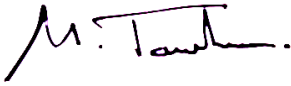
<b>Condition No</b>	<b>Existing Condition</b>	<b>Proposed Condition</b>
<b>Proponent</b>	Coal & Allied Industries Pty Ltd	<b>Nords Wharf Development Company Pty Ltd</b>
<b>The Land</b>	Land at Nords Wharf comprising part Lot 6 DP 746007, part Lot 5 DP	Land at Nords Wharf comprising <b>Lot 1 DP 1180292 and Lot 2 DP 1180292</b> in the

	736170, and part Lot 12 DP 854197 in the Lake Macquarie Local Government Area	Lake Macquarie Local Government Area.
<b>Concept Approval</b>	Concept plan for <b>Nords Wharf</b> , comprising: a 90 lot subdivision with conceptual lot layout, density and urban design (developable area 10.18 hectares); and dedication of 116.6 hectares of conservation land.	Concept plan for <b>Nords Wharf</b> , comprising: a <b>101 lot</b> subdivision with conceptual lot layout, density and urban design (developable area 10.18 hectares);
<b>1.13</b>	A staging plan prepared in consultation with council and to the satisfaction of the Director- General is to be submitted prior to the first subdivision application that details the schedule for delivery of (and dedication where relevant) the following contributions : a. provision of roads, stormwater and other service infrastructure; b. items identified for Nords Wharf in the \$5 million allocated to the Coal & Allied Southern Estates; c. section 94 contributions; and d. State Infrastructure Contributions.	A staging plan prepared in consultation with council and to the satisfaction of the Director- General is to be submitted prior to the first subdivision application that details the schedule for delivery of (and dedication where relevant) the following contributions : a. provision of roads, stormwater and other service infrastructure; b. section 94 contributions; and c. State Infrastructure Contributions.
<b>1.14</b>	In preparing the staging plan identified in condition 1.13 as it relates to the \$5 million allocation, the proponent is to consider revising the proposed footpath to the Nords Wharf school to provide access to Gathercole Park.	In preparing the staging plan identified in condition 1.13 the proponent is to consider revising the proposed footpath to the Nords Wharf school to provide access to Gathercole Park.
<b>1.25</b>	The detailed design for the upgrade of the Pacific Highway / Awabakal Drive intersection must be prepared in accordance with RMS's requirements .In designing the upgrade the Proponent should consider opportunities to provide a pedestrian phase in consultation with council and the RMS	The detailed design for the upgrade of the Pacific Highway / Awabakal Drive intersection must be prepared in accordance with RMS's requirements to <b>prohibit right turn in from the Pacificc highway and prohibit right turn out to the Pacific Highway.</b>
<b>1.26</b>	The detailed design for the upgrade of the Pacific Highway / Nords Wharf Rd intersection must be prepared in accordance with RMS's requirements.	The detailed design for the upgrade of the Pacific Highway / Nords Wharf Rd intersection must <b>include signalisation.</b>
<b>Appendix 1 Statement of commitments</b>	As per original concept approval consent.	<b>Removal of item 5 from the social benefit of the proposed development relating to the Coal and Allied \$5M allocation.</b>

I trust the above request to modify the application is reasonably justified and will enable DoP and any referral agencies to provide their concurrence and support toward the proposed changes which will enable new residential land to be made available to the market with additional community benefits through improved road infrastructure.

Should you require any clarification do not hesitate to contact me.

Regards

A handwritten signature in black ink, appearing to read 'M. Towndrow', with a stylized flourish at the end.

Murray Towndrow  
*MPropDev BE (Civil)*

# Appendix A

Revised lot layout

# Appendix B

Bushfire Report



# Appendix C

Traffic Impact assessment

# Appendix D

Intersection Concept Designs

# Appendix E

RMS correspondence

# Appendix F

QS Report

# Appendix G

DoP Bank Guarantee Letter.

# Appendix H

Commitment to legal fees.

# Appendix I

Checklist.