

6 July, 2017

Department of Planning and Environment
GPO Box 39
Sydney NSW 2001
Attention: Director – Modification Assessments

Nords Wharf Residential Development (Southern Estate) – Proposed Modification

Dear Sir/Madam,

Further to your correspondence (ref. MP 10_0088 MOD 1) dated 18 May 2017, I have reviewed the available documentation and provide the following comments for your consideration/response:

1. Your correspondence refers to Urbanise as the Proponent. Documentation attached to the Urbanise letter (no reference provided) dated 10 May 2017, identifies Coal & Allied Industries Pty Ltd as the existing Proponent and "*Nords Wharf Development Company Pty Ltd*" (NWDC) as the proposed Proponent. Please confirm whether your letter is in error or whether Urbanise is acting on behalf of one of the above parties
2. The Department of Planning and Environment website below is referenced in your letter.
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8352
This website contains conflicting information as follows:
 - (i) A Letter dated 12 April 2017, from Coal & Allied Pty Ltd which is described as - Land Owners Consent MP 10_0088 MOD 1- Nords Wharf.pdf (74.90 KB)
 - (ii) A letter dated 22 March 2017 from Nords Wharf Development Company Pty Ltd which is described as - Appendix H_Owner's commitment to legal fees.pdf (26.57 KB)
 - (iii) Correspondence from Intersect Traffic dated 21 March 2017 states: "*Nords Wharf Development Company Pty Ltd are considering the purchase of land off Awabakal Drive, Nords Wharf from Coal and Allied for which an approval exists for an 84 lot residential subdivision*"Clearly the land owner is Coal & Allied at the date the above documents were made available and the transfer of ownership is subject to the ability of NWDC to satisfy clause 1.1 of Schedule 8 of the VPA dated 12 March 2012. Item (ii) above is misleading because the commitment is made by an entity that is not the owner
3. Please confirm the legal status of the letter from Nords Wharf Development Company Pty Ltd (NWDC) with regard to its commitment to pay ministerial legal fees and associated costs. If Urbanise is the Proponent, what is the relevance of the NWDC letter and what security is offered

to the state of NSW (aka ratepayers) for these costs in the event that the proposed modification is rejected. It is noted that NWDC has an ABN and was incorporated on 07 Dec 2016, as an Australian Private Company located in NSW. Under the circumstances, it is important to identify whether legitimate funding is available for costs incurred by the state of NSW in relation to this matter. Whilst Coal & Allied has provided consent for NWDC to enter discussions with the Department, it has not made any commitments in relation to costs. Your review should take into account Item 5 of the Urbanise submission Nords Wharf Development Company Pty Ltd which requests that all bank guarantees be removed from the Concept Approval and VPA

4. In Item 2 of its letter dated 10 May 2017, Urbanise Consulting (Urbanise) states that *"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"*. This statement is misleading for the following reasons:
 - (a) For southbound travel, measurement using NSW Government software "SIXMAPS" indicates that existing residents travelling from Branter Road and Berncla Avenue would have to travel an additional 2.6 km to reach the same location on the Pacific Highway where it intersects Awabakal Drive. To be clear, if the right turn onto the Pacific Highway southbound was banned, it would be necessary for residents to travel 3km along Government Road, Nords Wharf Road and the Pacific Highway to arrive at the same location that is currently a 400 metre trip
 - (b) As indicated on the current version of "SIXMAPS", the vast majority of Nords Wharf residents are located south of Nords Wharf Road. Banning the right turn out of Awabakal Road for southbound traffic has the potential to increase the length of journey and travel time for the vast majority of residents and not only 20% as suggested in the Urbanise correspondence
 - (c) It is unclear how the Urbanise has arrived at its conclusion that the *"minor inconvenience"* which results from banning the right turn from Awabakal Road onto the Pacific Highway is *"easily justified"*, when Urbanise has not been able to present the facts correctly as noted above. In the fifth bullet point of Item 2, no road safety audit or statistics have been presented to support the Urbanise statement in relation to road safety
 - (d) The Urbanise reference to road safety is incongruous. Clearly, the consequences of forcing more traffic onto local streets with poor vertical geometry such as Government Road produces a poor safety outcome
5. In Item 2, Urbanise states *"The proposed signalization works at Awabakal Drive are cost prohibitive to the proposed development for a 90 or 101 lot development"*. The proposed signalisation works at Awabakal Drive were approved by RMS in the original proposal for an 84 lot subdivision and additional traffic generated by that subdivision would not have impacted adversely on the existing Nords Wharf community when travelling southbound
6. The existing undesirable right turn from Government Road northbound into Nords Wharf Road would be part of the primary southbound traffic route for a large proportion of existing Nords

Wharf traffic and all new traffic generated by the proposed modification. This intersection is controlled by a stop sign and both stopping sight distance (SSD) and approach sight distance (ASD) for westbound Nords Wharf Road traffic approaching Government Road is severely restricted by the presence of a cutting on Government Road that hides vehicles approaching the intersection. This existing hazard would be exacerbated by any increase in traffic volume

7. Government Road has poor visibility for both northbound and southbound traffic at the crests near Omaru Crescent and Central Avenue. Introducing additional traffic onto Government Road presents an unacceptable outcome due to extremely poor SSD at the crests. It is likely that the vertical geometry of Government Road at these locations will not comply with the Austroads Road Design Guide. No road safety analysis has been provided by the Proponent to consider impacts at the Nords Wharf Road / Government Road intersection, or increases to traffic on Government Road generally after the proposed right turn ban from Awabakal Road into the Pacific Highway is implemented
8. The modification proposal does not consider the impact it would have on emergency services and the ability of emergency response vehicles to readily access all areas of Nords Wharf using currently allowed intersection movements versus the restrictions proposed. Once installed, a median barrier on the Pacific Highway adjacent to Awabakal Drive would present both a barrier and a road safety hazard. Emergency access and egress options for Nords Wharf are currently unrestricted and changing such circumstances to provide cost savings to a property developer cannot be supported
9. If a reasonable solution such as a signalised intersection at Awabakal Drive makes the subdivision uneconomic, then it would be better for it not to proceed, rather than propose options that add unnecessary impost to the existing community. Banning right turn movements at Awabakal Drive has potential to disadvantage most of the Nords Wharf community by introducing an increase in travel distance and time. Forcing more vehicles to use Government Road would result in an adverse safety outcome due to the poor geometry at crests. Any cost benefit analysis needs to take into account the benefits to all stakeholders and not simply assume that all existing stakeholders (except for the property developer) must be inconvenienced for the benefit of the property developer
10. As a general comment, it would be reasonable to suggest that the submission from Urbanise dated 10 May 2017, falls short of providing reasonable justification for the proposed modification and apart from the errors and omissions identified above, contains other examples of sloppy or careless preparation including but limited to the items below:
 - a) In the first sentence, the letter states *"we have complied the following request"*. Compiled would have been more appropriate
 - b) The fourth paragraph states: *"In addition a revised intersection arrangements would also significantly assist in delivering cost effective lots to the market"*. It fails to note that the alleged benefit would create a poor safety outcome and present a time and distance

hurdle to most existing Nords Wharf residents/visitors and all future residents/visitors in the new subdivision

- c) In the fifth paragraph *"The principals of the current approval and supporting reports"*. Principles would have been more appropriate
- d) Proposed alterations to the Concept Approval under Section 750 and 75P of the Environmental Planning and Assessment Act 1979 are approved as a track-changes document. The document is misleading because it contains signatures from the approval dated 12 July 2012
- e) The identified changes resiles from earlier commitments and offers significantly less value to the community whilst increasing the number of residential lots from 84 to 101
- f) Urbanise claims that the revised lot layout 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"*. These cost savings along with greater income from an increase in the number of lots appears to be inconsistent with the Urbanise proposal to walk away from community commitment funding
- g) in its recommendation, The Intersect Traffic Report dated 21 March 2017, makes the astonishing conclusion that *"RMS and Lake Macquarie City Council could support the proposal which includes the conversion of the Pacific Highway / Awabakal Drive intersection to a left in and left out intersection and the signalisation of the Pacific Highway / Nords Wharf Road intersection as the proposal would not adversely impact on traffic flows on the state and local road networks"*. On the contrary, it can be readily demonstrated that the local road network and neighbourhood in general would be negatively impacted by the substantial increase in traffic
- h) When referring to the Pacific Highway / Awabakal Drive intersection, the Intersect Report concludes: "As such whether the proposed subdivision proceeds or not intersection upgrade works will be required to be carried out prior to 2016. This is surprising when considering that the Report is dated 21 March 2017 and no works have been carried out to date
- i) The Intersect Traffic Report does not address the checklist provided in Section 1.1 Lake Macquarie Council's Traffic Impact Statement and Vehicle Access Guideline
- j) Environmental Planning and Assessment Act 1979, Section 90 Matters for Consideration include a number of items not addressed by the Urbanise document, including but not limited to the existing and likely future amenity of the neighbourhood
- k) No consideration has been given to increased parking requirements at the existing boat ramp adjoining the proposed development. The existing ramp is overcrowded during peak periods and ramp users commonly park their vehicles on grassed areas set aside for picnickers and families. This illegal use of the reserved area is rarely policed and will only worsen after the new subdivision is developed
- l) The Intersect Traffic Review does not fulfil the requirements of Austroads Guide to Traffic Management Part 12: Traffic Impacts of Developments (2016 Edition). The Review specifically targets an outcome without reviewing alternatives and does not contemplate the impact on local road intersections within the Nords Wharf area. The

Review has taken an outdated report produced in 2010 under different prevailing standards and attempted to update the conclusions on the basis of a single day of traffic counts for one hour. SIDRA is useful as a modelling tool, but as with all models, if the inputs are flawed, the output will be no better

- m) The Urbanise letter states: *"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"*. This is misleading because there is no guarantee that Council will provide all or any of the Section 94 contributions for works that will benefit the Nords Wharf community
- n) Whilst Item 4 in the Urbanise letter states that the retail value of the lots it intends to bring to the market will be \$220,000 - \$240,000, despite the smaller lot size, this valuation appears well below what similar boutique lots are selling for in nearby areas such as Murrays Beach. If the subdivision proceeds it has the potential to provide for very desirable residences in a pristine lake environment. This outcome is more likely to occur if the Awabakal Road / Pacific Highway intersection is signalised and the Proponent honours the social benefit commitments made in the existing VPA. The VPA commitments would enhance the neighbourhood and make the locality more desirable
- o) As a sign of good faith and an indication that it stands behind the valuation provided, would the proponent consider providing additional contribution to the Nords Wharf community with all of the sale proceeds where they exceed \$240,000 per lot?

11. The Proponent has provided a budget costing from RPS for the modified Nords Wharf Road/Pacific Highway intersection signalisation. The Proponent has stated: *"In addition a revised intersection arrangements would also significantly assist in delivering cost effective lots to the market"*. Without a cost comparison for construction of a signalised intersection at Awabakal/Pacific Highway intersection, it is unclear how the Proponent can support such a statement

12. Contributions to the community reduced or eliminated:

In the originally proposed development, Coal & Allied had provided an initiative contained in the Urbis Concept Plan Environmental Assessment dated November 2010, in which it states *"The \$5 million allocation may be used for sustainability initiatives for future residents, additional*

infrastructure to support existing and future residents, educational and or community programs. In

summary, for Nords Wharf the list of initiatives relate to:

- a. *Employment generation.*
- b. *Boat Ramp Facilities.*
- c. *Parks/Open Space.*
- d. *Footpath Extension.*
- e. *Sustainability.*

- f. *The local Aboriginal Community.*
- g. *Walkways external to the development site”.*

The current modification proposal falls far short of the initial offerings from Coal & Allied

13. In summary, the documentation provided by the Proponent does not justify changing the currently approved intersection arrangements for signalling the Awabakal Drive/ Pacific Highway intersection.

Conclusion

A more suitable solution would be for the Proponent to construct a signalised intersection at Awabakal/Pacific Highway as required by the then Department of Planning and Infrastructure approval dated July 2012. This approved solution fixes the problem at the source, rather than attempting to move the problem to another location and cause adverse impact for existing residents. I note that the new subdivision at Catherine Hill Bay has redeveloped Montefiore Road and signalised the intersection with the Pacific Highway to avoid the issue of increased traffic traipsing through Flowers Drive and the existing village of Catherine Hill Bay. The similar and also appropriate solution approved for Nords Wharf in July 2012, should be adopted by the Proponent.

At a later date to be determined by further traffic analysis and road safety audits, construction of a signalised intersection at Nords Wharf Road/Pacific Highway could be funded by a future property developer or RMS if appropriate.

Yours Sincerely,

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