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Response to Submissions MP 10_0088 MOD 1- Nords Wharf Residential Development (Southern Estates)

Property:

Lots 1 and 2 DP 1180292

Applicant:

Nords Wharf Development Company Pty Limited

Date:

May 2018

Project Management • Town Planning • Engineering • Surveying
Visualisation • Economic Analysis • Social Impact • Urban Planning

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Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	15/05/2018	BS	MLou
B	Final	24/05/2018	BS	MLou

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

Executive Summary

Lots 1 and 2 DP 11802292 located at Nords Wharf benefit from an existing Concept Approval MP 10_0088 for a residential development. An application to modify this approval was lodged with the NSW Department of Planning and Environment in May 2017 seeking the following modifications:

- Changes to the subdivision layout resulting in a total of 100 residential lots, comprising an additional 10 lots from that previously approved.
- Amendment to intersection works required by condition 1.25 of the Concept Approval at Pacific Highway / Awabakal Drive proposing to signalise the intersection of Pacific Highway and Nords Wharf Road and provide for a left in left out intersection at Awabakal Drive.
- Amendment to contribution requirements identified as part of the \$5 million allocated to the Coal and Allied Southern Estates noting that the Nords Wharf Development is only part of the Southern Estates and Condition 1.13 of the Concept Approval requires the proponent to consider revising the proposed footpath to the Nords Wharf school to provide access to Gathercole Park.

This report has been prepared in order to achieve the following:

- Provide an updated subdivision plan and suit of technical reports to support the proposed amendments.
- Provide clarification in relation to applicable development and additional funding toward community facilities offered as part of the proposed modification.
- Provide a response to the issues raised during public exhibition of the proposed modification.

Updated Plan of Subdivision

The approved concept plan provides for a range of residential lot sizes within 90 lots over the subject site. The proposed amended subdivision plan provides for a total of 100 lots across the subject site, resulting in a net increase of 10 lots.

Developer Contributions

The payment of developer contributions for the approved lots was identified within the concept approval in accordance with the applicable Lake Macquarie Contributions Plan. It is understood that developer contributions will be required for the proposed additional lots in accordance with the recently adopted contributions plan for the Belmont Contributions Area.

The applicant has offered to provide an unlinked contribution of \$250,000 in lieu of the contribution as part of the \$5 million allocated by Coal and Allied toward the provision of infrastructure within the Southern Estates. This amount, on top of the contributions required under Council's Contributions Plan is considered to be a reasonable contribution toward the upgrading of facilities in the area, providing a clear benefit to the surrounding community by providing a monetary contribution to support the provision of improved community services and facilities.

Public Exhibition

The modification (MP10_0088 MOD 1) was publicly exhibited between 18/05/17 – 17/07/17, during which time, a number of agency submissions and 75 public submissions were received. This report provides a response these submissions and details further revisions to the proposed modification that have been prepared in response to the issues raised.

Agency submissions were received from the following:

- Lake Macquarie Council;
- Heritage Council of NSW;
- Office of Environment & Heritage;
- NSW Rural Fire Service;
- Transport for NSW; and
- Roads and Maritime Services.

Key issues of concern raised is part of the public submissions primarily relate to:

- Traffic impacts;
- Employment Generation;
- Boat Ramp Facilities;
- Parks and Open Space;
- Footpath Extension;
- Sustainability;
- Aboriginal Community; and
- Walkways.

Where appropriate, these matters have been reviewed and addressed within the updated technical studies and have guided further amendments to the proposed subdivision plan.

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1.0 Introduction

ADW Johnson Pty. Limited (ADW Johnson) has been commissioned by Nords Wharf Development Company Pty Ltd to prepare a response on their behalf to submissions received in relation to consultation on the proposed modification to the Concept Approval MP 10_0088 for the residential development located at Nords Wharf on Lots 1 and 2 DP 11802292. A copy of the indicative lot layout approved as part of the concept plan is included in **Appendix A**.

The items subject to the modification include:

- Changes to the subdivision layout resulting in an additional 10 lots.
- Amendment to intersection works required by condition 1.25 of the Concept Approval at Pacific Highway / Awabakal Drive proposing to signalise the intersection of Pacific Highway and Nords Wharf Road and provide for a left in left out intersection at Awabakal Drive.
- Amendment to contribution requirements identified as part of the \$5 million allocated to the Coal and Allied Southern Estates noting that the Nords Wharf Development is only part of the Southern Estates and Condition 1.13 of the Concept Approval requires the proponent to consider revising the proposed footpath to the Nords Wharf school to provide access to Gathercole Park.

The approved subdivision plan is shown in **Figure 1** provides for a range of lot sizes within 90 lots over the subject site. The proposed amended subdivision plan is shown in **Figure 2** and provides for a total of 100 lots across the subject site, resulting in a net increase of 10 lots.



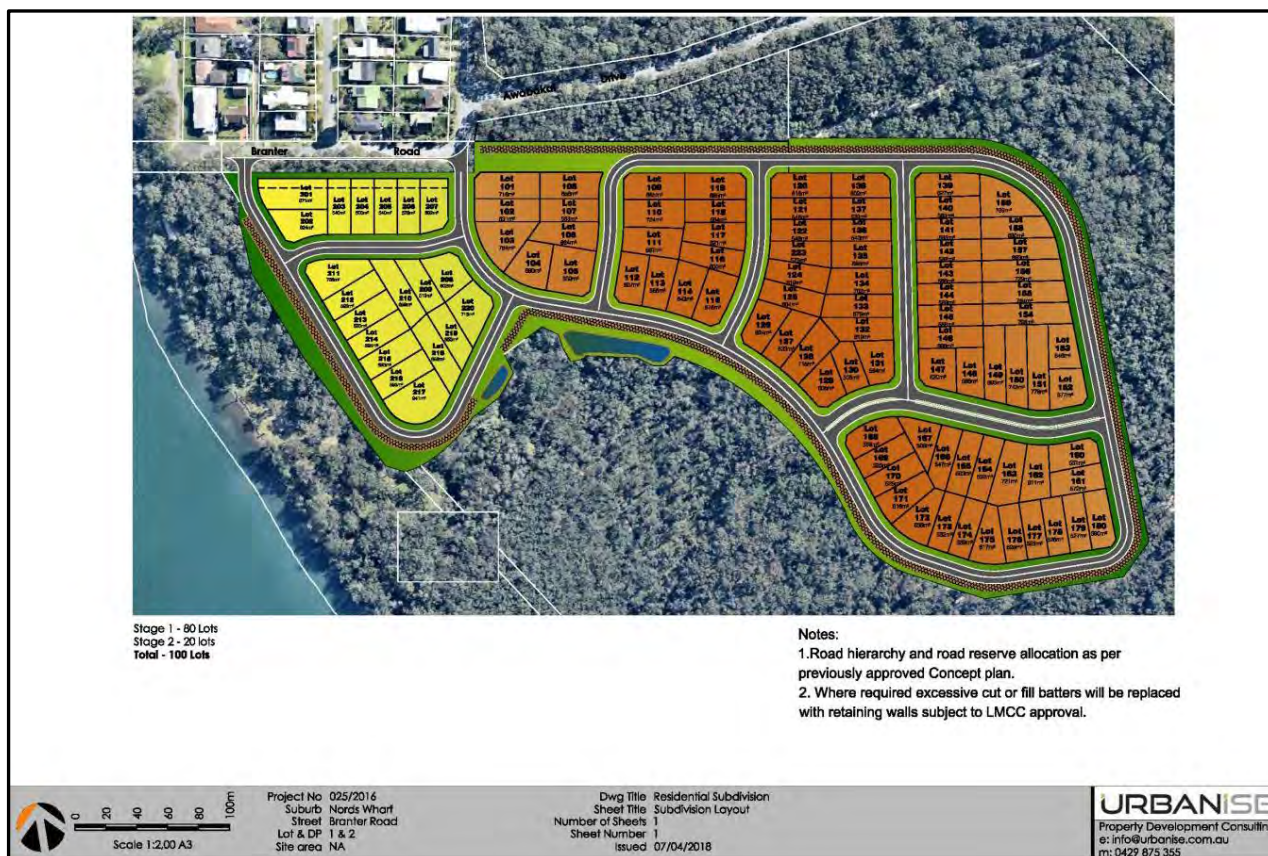


Figure 2: Amended subdivision plan.

3.0 Developer Contributions

As part of the original concept approval, Coal and Allied as the proponent proposed an allocation of \$5 million toward the provision of infrastructure within the proposed Southern Estates.

The table below, sourced from the Director General's Environmental Assessment report outlines the initiatives that Coal and Allied as the proponent proposed to be funded for Nords Wharf from the \$5 million allocation:

The contributions for Nords Wharf are to be nominally allocated to towards employment generation, boat ramp facilities, parks and open space, footpath and walkway construction, sustainability initiatives and aboriginal archaeology scholarships in the amount of \$1,185,000.

As part of the Director General's Assessment Report:

- The Department noted that the \$5 million allocation is over and above contributions required by Council's Developer Contribution Plan.
- The Department supported the \$5 million allocation in principle but considers that further detail is required on the proposed initiatives, including their delivery and timing. This can be provided through the preparation of the staging plan which was to be submitted for approval prior to any residential subdivision. The staging plan is required to be prepared in consultation with Council.
- The Department considered that the proponent should consider the extension of the proposed pathway to Gathercole Park as requested by Council's Developer Contribution Plan. This requirement has been incorporated into the recommended instrument of approval.

DA 640/2013 (approved on 10 September 2014) approved 84 lots, provides details of the timing of the identified contributions linked to the development stages.

Developer Contributions in accordance with the Lake Macquarie Contributions Plan No. 1 – City Wide – Belmont Catchment 2004 (as amended) are also required. At the time of consent these contributions were assessed as being \$1,494,913.51.

Further, on 14 May 2018, Council adopted a contributions plan for the Belmont Contributions Area which significantly increases the per lot contribution rates up to \$26,685.82 per lot. This equates to an additional contribution of \$266,858.20 for the 10 additional lots when the current proposal is prepared to the concept plan or \$426,973.12 for the 16 lots if compared to the approved DA for the site.

The contributions Plan includes:

- Item OS – 016 Dog exercise area north of Nords Wharf; and
- Item OS – 024 Shared Path Branter Road to Gathercole Park via Government Road.

The Contributions Plan notes there are 10 existing boat ramps in the Belmont Contributions catchment but the recently adopted Contributions Plan does not include any contributions to upgrade existing facilities in the works schedule.

The applicant has offered to provide an unlinked contribution of \$250,000 in lieu of the contribution as part of the \$5 million allocated to the Coal and Allied Estates. We note the original offer was to come from reallocation of funds from within the Coal and Allied Community fund which the new owners do not have access to.

When the \$250,000 offer plus the s94 total section 94 contributions combined this equates to more than \$2 million towards the upgrade of community facilities. This amount is considered to be a reasonable contribution toward the upgrading of facilities in the contributions catchment providing a clear benefit to the surrounding community by providing a monetary contribution to support the provision of improved community services and facilities.

4.0 Consultation and Submissions

Public consultation with respect to the proposed amendments was undertaken between 18 May 2017 and 17 June 2017. In response to the consultation on the proposed modification agency submissions were received from the following (refer to **Appendix H**):

- Lake Macquarie Council;
- Heritage Council of NSW;
- Office of Environment & Heritage;
- NSW Rural Fire Service;
- Transport for NSW; and
- Roads and Maritime Services.

During the consultation period the Nord's Wharf Progress Association prepared a summary of the proposed changes to the development and the potential impacts of the proposed changes that called for submissions from the local community. A public meeting was held on 13 June 2017.

In addition to the agency submissions 75 public submissions were received. Around half of the submissions objected to changes without raising specific issues using the Progress Associations prepared document.

The following table provides a summary of specific issues raised and the number of times an issue was identified. Traffic impacts were identified as the predominate issue of concern and specifically, not providing full turn movements at Awabakal Drive and installation of traffic signals at Nords Wharf Road, that will cause additional traffic through the village impacting safety.

The majority of respondents did not support the proposed changes to the approval. A number of submissions identified the need for improved pedestrian facilities, and increased parking at the boat ramp.

ISSUE / CONCERN	NO OF TIMES RAISED	ADDITIONAL RESIDENT'S COMMENT
General objection to increased housing and impacts on village	17	
General Objection to Changing Conditions	32	
Traffic		
Against left in left out at Awabakal Drive.	11	
Signals at Awabakal Drive should be provided.	8	
Against any traffic lights at Nords Wharf Road.	5	Nords Wharf road is safe upgrade Awabakal and Flowers.
Install traffic lights at Flowers Drive in lieu of other intersections.	1	
Concern over Increased traffic in Government Road, Marine Parade and local streets.	22	Suggestion for traffic control in Government Road. Suggestion the Intersection of Government Road and

		Nords Wharf Road is unsafe
Pedestrian safety concerns.	9	
Access for emergency vehicles.	2	
Reduced access for buses.	2	
Concerns about traffic and safety at pre-school.	3	
Alternate entry. be investigated south of Awabakal	4	
Parking at school demand will be increased.	1	
Construction traffic.	5	All construction traffic to use Awabakal drive
Upgrade Facilities		
General comment objecting to withdrawal from commitments.	11	
Upgrade boat ramp and associated parking.	6	
Upgrade parks.	111	
S94 not spent in Nords Wharf.	1	
Provide safe swimming area.	1	
Sewer Capacity	2	
Environmental Concerns	5	
Mine Subsidence	1	

5.0 Response to Submissions

Agency submissions are dealt with on an individual basis. A copy of the approved and amended subdivision plans are included below for reference. Copies of agency submissions are included in **Appendix H**.

Lake Macquarie City Council

Bushfire – Figure 5 of the Anderson Bushfire Threat Assessment indicates an Asset Protection Zone (APZ) extending inwards from the edge of the parent lot boundary. Note that this generally corresponds with the BAL – FZ. Much of the APZ is proposed to be located on the future Public road reserve. Council does not have an issue with APZ located on road reserves but Council will not maintain APZ's. ie Council will not maintain APZ's where they extend into bushland areas. APZ's shall not start until the area of the road reserve that Council maintains in its normal duties such as the carriageway and associated drainage swales. This will impact the location of the APZ and will in many instances force the APZ inwards onto the lots. Currently many of the lots have BAL 40 within their front setback and then BAL 29 where future dwellings would be. By moving the APZ the likely dwelling location will be BAL 40 or FZ. RFS is very unlikely to support this. An example of this would be lots 115,126 – 129 7 168 – 180. These lots all rely on an APZ extending into batter areas beyond the roadside swale.

Response:

An amended bushfire assessment report has been prepared by Anderson Environment and Planning and is included as **Appendix G**. The principle of the Asset Protection Zone location is that it be located on the outer edge of the drainage swale and includes the width of the swale, the road carriageway and the verge that is adjacent to properties. Additional APZ will also be provided within the front setback of the properties.

Where the swale is on the high side of the road (Street Type A1) the APZ width within the road reserve is 20.5 metres. Where the swale is on the low side of the road (Street Type A2) the APZ width is 18.3 metres.

APZ widths to achieve bal 29 and setback within lots are as follows:

North facing	25m APZ,	Street Type A1	Set back 4.5m
East facing	25m APZ	Street Type A1	Set back 4.5 m
South facing	32m APZ	Street Type A1	Set back 11.5m
West facing	32 m APZ	Street Type A2	Setback 13.7m

The nominated setbacks can be incorporated into the subdivision design.

Crown Road - The subdivision layout plan has been amended to provide a perimeter road in stage 3 that coincides with the Crown Road.

Cut / Fill - Plans have been prepared detailing the amount of cut/fill required. Drawings are included as **Appendix C**.

Traffic – An amended traffic report has been prepared and is included as **Appendix D**. The report has considered issues identified during the consultation and assessment and has determined the existing intersections can remain as is and provide an acceptable level of service and safety. Maintaining the existing situation will not result in the redistribution of traffic through Nords Wharf village.

Landscape Buffers – Landscape buffers have been amended so that they are now provided in public land.

Urban Design Guidelines - The amended subdivision plan changes the orientation of roads and lots in the north eastern part of the site. The urban design guidelines envisage a range of housing products including a variety of lot sizes across the site. The amended design will result in a more uniform range of lot sizes. Amended design guidelines have been prepared to support the revised layout and are included in **Appendix B**.

Heritage Council of NSW

The submission from the Heritage Council of NSW notes that the proposal is unlikely to have any impacts on historic heritage items or historical archaeology.

Office of Environment & Heritage

OEH has requested additional assessment of the potential impacts on the adjoining national park reserve including.

- Analysis and impact assessment of increases to stormwater run-off and changes to drainage in relation to swamp sclerophyll forest on coastal floodplains endangered ecological community. The impact to the visual amenity directly adjoining the national park reserve caused by changes to the proposed lot layout road layout.
- Analysis of direct and indirect impacts caused by the proposed change from fill / cut batters to retaining walls directly adjoining the national park reserve.

Response:

Stormwater impacts are addressed in correspondence prepared by ADW Johnson dated 23 January 2018 and included as **Appendix E**. Details of the road cross sections are included as **Appendix F**. A retaining wall runs along the northern and eastern edge of the site. The retaining walls are contained within the road reserve and not within the National Park reserve. Access to the National Park reserve is not proposed from the public road. Stormwater will be collected and conveyed around and through the site to stormwater treatment facilities prior to discharge.

NSW Rural Fire Service

Amendment to subdivision plan is required to provide a perimeter road adjacent to lots 301-308.

Response:

The required amendment has been accommodated in the amended design. An amended Bushfire Assessment report is included as **Appendix G**.

Transport for NSW

Transport for New South Wales raise concerns about the impact of proposed intersection changes on bus stops.

Response:

Maintaining existing intersection arrangements would not impact transport services.

Roads and Maritime Services

RMS has objected to the development in its current form due to impacts on the local area.

Response:

The revised traffic study addresses the concerns of RMS.

6.0 Conclusion

Lots 1 and 2 DP 11802292 located at Nords Wharf benefit from an existing Concept Approval MP 10_0088 for 90 residential lots. An application to modify this approval was lodged with the NSW Department of Planning and Environment in May 2017 seeking the following modifications:

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This report provides the following:

- An updated subdivision plan and suit of technical reports to support the proposed amendments.
- Clarification in relation to applicable development and additional funding toward community facilities offered as part of the proposed modification.
- A response to the issues raised during public exhibition of the proposed modification.

The proposed amendments are the result of an intensive review of the sites opportunities and constraints and where appropriate, have been revised to respond to updated technical studies and comments raised by both public authorities and the community.