



5 November 2019

Department of Planning, Industry & Environment
Modification Assessments
GPO Box 39
Sydney NSW 2001

Attention: Michelle Niles

NELSON BAY ROAD (B63): MODIFICATION APPLICATION MP06_0250 MOD 12, SEASIDE BOULEVARD, FERN BAY

Reference is made to the Department's email dated 14 October 2019, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the proposed modification to be as follows:

- Amend Condition A2 Staging (12)(c) in its entirety to remove the requirement for the completion of the northern extension of Seaside Boulevard and upgraded intersection with Nelson Bay Road (Northern Intersection) prior to the release of Stage 14.
- Amend Condition B5 to adjust the date that the Northern Intersection must be fully constructed by to 31 March 2020, and remove the requirement that the Northern Intersection must be fully constructed prior to the release of any subdivision certificate for Stages 18 and 19.
- Amend Condition E6 to reflect the required roadworks not be linked to the subdivision certificate for the stages of which they are apart, in order to reflect amendments to Conditions A2, B5 and E23.
- Amend Condition E23 by deleting Part 2a) in its entirety to remove the Proponents ability to enact the Bank Guarantee reduction option. The reduction option allowed the Departments bank guarantee of 150% to be reduced to 75% at 50% completion of the value of roadworks. This is to demonstrate that it is economically unviable for the proponent to not complete the roadworks.
- Amend Statement of Commitments Item No. 31 by deleting the wording 'During Stage 14' contained within the Timing column.

Roads and Maritime Response

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Nelson Bay Road (B63) is a classified State road. Council is the roads authority for this road and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*. Roads and Maritime

concurrence is required for connections to the road with Council consent, under Section 138 of the Roads Act.

Roads and Maritime have reviewed the Mod 12 request by Monteath & Powys dated 17 September 2019, and do not object to any of the proposed amendments.

On the Department's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Marc Desmond on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

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

Peter Marler
Manager Land Use Assessment
Hunter Region