

Modification 11 to 06_0250 Seaside Boulevard, Fern Bay

Date: 12 November 2018

This is my response to Modification 11 described as follows:

The approval for removal of the link for the delivery of the intersection onto Nelson Bay Road for the registration of Stage 14 must be on the condition of the delivery of the bank guarantee to RMS of \$2.4 million.

My response to Mod 11 would be classified as Objection without the financial condition as the key requirement for that approval for registration of Stage 14.

The following quotes are from the MONTEATH & POWYS PTY LIMITED document.

Our Ref:
2013/0415

28 September 2018

"The intent of the modification is not to delay the intersection but to remove the requirement for it to be completed with Stage 14."

"Although RFS, may be consulted as part of this modification it is considered that RFS have provided sufficient commentary and input in the past and that the proposed modification (removal of the link for delivery of the intersection onto Nelson Bay Road with Stage 14) would not have any impact on bushfire. "

"The proponent will deliver a bank guarantee to the RMS for \$2.4 million (100% of construction works) prior to construction commencement due to commence early 2019".

The "intent" as expressed in this consultant's submission is not a binding contract on Rawson Communities and the suggestion that it would "not have any impact of bushfire" is not accurate and needs to be addressed in this approval process.

Appendix C

The following quotes have been taken from this document.

"RE: STAGE 14 – TEMPORARY EMERGENCY ACCESS: BUSHFIRE
ASSESSMENT FOR MODIFICATION 11

The following advice demonstrates the temporary emergency access/egress road that connects Stage 14 to Nelson Bay Road is able to comply with section 4.1.3 (1) of the NSW Rural Fire Service Planning for Bushfire Protection 2006 (PBP 2006). The temporary emergency access will be available for use by emergency services until the completion of the intersection with Nelson Bay Road; likely to be mid - 2019.

As such, the emergency access road is an interim measure. The extension of Seaside Boulevard to be connected to Nelson Bay Road has been completed up to the northern property boundary; as shown in Plates 1 and 2.

It is the access road between the completed dual carriageway and the carriageway of Nelson Bay Road that will be used in emergency situations only, until completion of the connection with Nelson Bay Road in 2019."

Again this is repeated in the second last paragraph.

"In this regard, the existing partially completed road and formed fire trail (between the property boundary and the carriageway of Nelson Bay Road) can be used for temporary emergency access."

The "formed fire trail" as described above is simply not true, as the following photos will demonstrate.

There is a substantial drain between the edge of Nelson Bay Road and the locked gate that would present a serious obstacle for emergency vehicles and normal vehicles other than Four Wheel Drive vehicles.



The above photo was taken at the end of the new dual carriageway looking west to Nelson Bay Road. Approximately 28m of construction materials and loose gravel impede the road surface to the concrete barriers and a 3m wide locked gate.

From the locked gate to the Nelson Bay Road is a further 25m of completely unprepared bush vegetation, loose sand and drainage ditch that only four wheeled drive vehicles could negotiate.

I don't know how any emergency vehicles could use this bush track, even as a temporary access road.

In an emergency the next issue would be to safely turn onto Nelson Bay Road with a speed limit of 100kph.



The above photo shows the 3m locked gate and the 25m of bush, loose sand and a drainage ditch leading up to Nelson Bay Road.



The above photo shows the normal Sunday traffic on Nelson Bay Road looking north into 100kph traffic with bush completely hiding the entry of this bush track. The track entry point is midway between the two speeding vehicles.



The above photo is looking South towards Newcastle, again showing the dense bush completely hiding the presence of the emergency exit.

The locked gate only provides a single lane access and would demand emergency personnel to be present to control the gate and provide safe exit onto Nelson Bay Road.

These were the very same arguments presented to NSW Planning at the PAC meeting when considering the MOD 9 proposal from Rawson to downgrade this Northern Access road to an Emergency Only Track with locked gates.

The careful consideration of these points by NSW Planning and the PAC review process resulted in the rejection of the downgrade to an emergency only track. This provided substantial safety, which benefited the whole of the Seaside community.

All these issues will be rectified when the RMS approves the connecting intersection from the dual carriageway of Seaside Boulevard and Nelson Bay Road and Rawson Communities provides for the construction of the intersection.

This construction project must not be delayed. The multiple statements that this bush track can be used as temporary emergency are simply not valid.

The rights of the potential owners of Stage 14 lots must not be delayed any further as well as the safety of the whole Seaside Community by

any further delays in the construction of the intersection onto Nelson Bay Road.

At the presentation given by Michael Radovnikovic on 18 October 2018 it was clear that the RMS has not yet finalised the approval process and the security bond from Rawson was not required until construction was started. It was also clear that there was no deadline for the construction to be completed.

If Rawson choose to delay the start of construction, no bond would be required and with no end date, what is to prevent Rawson Communities from delaying this construction until the end of stages 18, 19 and 20?

The stage 14 owners will get their land registered but the Seaside Community still wouldn't have the safety of the second access road.

Conclusion

In the MONTEATH & POWYS PTY LIMITED document Rawson Communities has been reported as follows: "The proponent will deliver a bank guarantee to the RMS for \$2.4 million (100% of construction works) prior to construction commencement due to commence early 2019.

This bank guarantee would provide security for registration of Stage 14 and for the whole of Seaside community by making this bond a condition of the registration of Stage 14. The RMS approval process and the construction of the Nelson Bay Road intersection would no longer delay the registration of Stage 14.

An alternative condition, so as not to link this registration to Stage 14, would be to make this bank guarantee due and payable to RMS as soon as the final approval has been established and construction can proceed.

This would remove any incentive for Rawson Communities to delay the second access road construction.

The photos of the site of the intersection of the second access road to Nelson Bay Road clearly show this track is not available as an emergency as reported in Mod 11 documents and these limitations are the very reasons the emergency track proposed by Rawson Communities in Mod 9 was rejected.