

24 January 2017

The Hon. R.G. Stokes M.P.
Minister for Planning
Via email – office@stokes.minister.nsw.gov.au

Dear Minister *Rob,*

Please find enclosed correspondence from my constituent Mr Neville Clare of 9 Sygna Street, Fern Bay.

Mr Clare has raised a number of concerns he has with *MP 06_0250 MOD 9 - modification to the residential subdivision for 411 lots at Seaside Boulevard, Fern Bay* which is currently being considered by the Department of Planning & Environment.

I share his concerns that a number of modifications are currently being considered including removing the requirement for a second vehicular access road from the development to Nelson Bay Road. The development is surrounded by vast bush fire prone vegetation and limiting access to one road in and out has the potential to be extremely dangerous in a bush fire emergency.

I note that the Rural Fire Service do not support the removal of the second access road.

I also understand that the removal of the second entry and exit point would limit the capacity to deliver public transport services to this growing community.

I ask that you please consider the concerns raised regarding this matter and I would appreciate your earliest response.

Yours sincerely

Tim Crakanthorp MP
MEMBER FOR NEWCASTLE
SHADOW PARLIAMENTARY SECRETARY



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Dear James

Thanks for taking my phone call today on the above subject.

My request is for Tim Crankanthorpe MP to assist our community in our objections to the proposed modifications.

All the proposed modifications have significant negative impacts on our community.

My dot point summary is as follows:

- * There are no benefits for the existing community.
- * All these changes save the developer costs and they profit from more lots to sell. Planned community facilities are lost forever.
- * The major changes being proposed are abusing the Part3A old planning rules by making significant changes that should now be a new DA.
- * The second access was always part of the plan when only 208 lots were allowed. The Estate is now up to 950 lots so downgrading to an emergency track onto a 100km per hour Nelson Bay road has a significant impact to the safety of this community.
- * The NSW Rural Fire Submission is strongly against the second access downgrade to an emergency track.
- * The increase in lots from 208 to 950 demands a full review of all emergency and community services into this suburb size community of Seaside Estate.

This is the [link to StatePlanning](#) showing the proposal and the documented responses.

Below is my submission as only one of the total of 39 received.

The NSW Rural Fire service has made their submission against the downgrade.

Please contact me if you need any further information.

Kind regards,

Neville Clare
0412 246 181

Objections to Modifications to Project Approval for Seaside Boulevard Fern Bay

Changed to subdivision layout (stages 14, 18, 19 20):

I **strongly** object to the changes to the lots layouts in stages 18,19 and 20 as these changes remove all the super lots with designations as in "B1 Neighbourhood Centre" into standard dwelling lots.

This part of the document "S75W letter of application - FINAL NS.pdf" is written in the most obscure convoluted sentences that it is very difficult to understand. The only sentence that is abundantly clear is on page 4. See this quote "Under Part 3A of the Act, major applications must consider local planning controls but are not bound by them."

What about adherence to the original community design to provide super lots with designations as in "B1 Neighbourhood Centre"?

All through the development of Seaside Estate each developer (Rawson is the third developer) made promises to deliver quality community facilities and sell lots based on this vision. At each stage and with each developer the vision has not been delivered. These super lots are the last opportunity to finally build community facilities.

Again on page 5 of "S75W letter of application - FINAL NS.pdf" the following is very clear. See this quote "We are aware that the Department is obliged to take local planning controls into consideration in assessment of proposals lodged under the former Part 3A of the EPA Act, but is not required to enforce these provisions."

See this quote further down page 5.

"This modification seeks to retain the approved area of B1 Neighbourhood Centre zoning and commercial lot configuration and modify the configuration of the rest of Stage 19."

The **strong** objection is to the complete destruction of the original design concept of Neighbourhood facilities with lot sizes that would make any commercial development unviable. For example the normal strip shopping provides convenient parking for customers. There is no provision for customer parking.

The commercial lots in Stage 19 are on Seaside Boulevard on the exit road such that any local customer would be forced to drive out to the Nelson Bay roundabout to return to Seaside Estate again.

Seaside Boulevard is at its widest point of separation for the access road in and out of the Estate. For traffic flow to work around this commercial zone a new roundabout should be provided to enable local traffic to remain local.

There must be many other conditions associated with such a commercial proposal and I would trust that Port Stephens Council could provide input so that the original design intentions are retained. This could include changes to the zoning of the designated "commercial lots".

I feel the original design of the super lots for the Neighbourhood Centre must be the overriding consideration when reviewing this proposal for more lots for Rawson, are at the cost of no community facilities in Seaside Estate.

Increase number of residential lots from 590 to 639:

I **strongly** object to the increase in the number of lots because the increase is at the expense of the original design of Neighbourhood facilities and destroys forever the only land in these super lots that could provide facilities for the community.

All the Section 94 funds that are designated for Fern Bay cannot be spent in Seaside because Port Stephens Council doesn't have access to land in the Seaside Estate.

Change road through stage 14 (and intersection with Nelson Bay Road) to emergency access only:

I **strongly** object to changing the second general access road to an Emergency ONLY Track.

The Master Plan for Seaside has always included this second general access road even when the development was limited to 208 lots.

See document "RMS email_martin jenkins 08 June 2016.pdf" and email of "Friday 11 March 2016 11:47 AM". See this quote "However, it seems apparent that the provision of a second access has been a part of the proposal from very early on in the process."

Just to make it clear what the approved access was before this proposal. From the above document see this quote "7/07/10 -DoP- Project Approval - condition B5 relates to the provision of a left in / left out access as part of stage 14."

From the above document also see the email from "Jenkins Marty 8 June 2016 9:42 AM" as it shows the RMS also believes the true reason for the access change from general to emergency ONLY track related to cost.

See this quote "Roads and Maritime understands the proponent seeks to remove the requirement for a second access (left in / left out only) primarily due to cost of providing the required lengths of acceleration / deceleration lanes within a 100 km/hr speed zone"

The owners and residents in Seaside have always been reassured with the knowledge that the second general access road would be constructed because this second access is essentially about safety.

Again Martin Jenkins email 8 June 2016 see this quote " ... it is understood that the provision of a second access point to the estate formed part of the original master plan for the original subdivision in order to facilitate internal traffic

circulation and connectivity within the estate for private vehicles and for public transport services and to satisfy emergency access."

The justification for the removal of condition B5 provided by the proponent (Rawson) based on traffic survey results during morning and afternoon traffic patterns are completely false. It is not valid to equate normal peak traffic volumes and roundabout capacity with an emergency evacuation of the entire population of Seaside Estate.

In a bush fire emergency situation the capacity of the access road(s) should be measured by how long it will take for 100% of the residents of Seaside to be safely evacuated. During the development of Seaside estate the number of lots has increased from 208 to 950 lots. Every dwelling has a two-car garage so the total number of vehicles, loaded with personal possessions, from 950 dwellings could be in excess of 1500 vehicles. The question for the NSW Rural Fire service should be; when an evacuation SMS message is sent out, how long should this take (hours not days) and with a fast moving fire, how much advanced warning would be expected? Why has a report from the NSW Rural Fire service or NSW Fire and Rescue on this proposal not been included in this analysis?

While investigating which of the above services are the appropriate authority for Seaside, I discovered the Bush Fire risk is High Risk - 3A rating and there is considerable confusion as to where the boundary is located between the two services. If Rawson had any regard to the safety of this community they would not be pushing for this cost saving proposal.

When the proper analysis is conducted the question should be not the capacity of the Seaside Boulevard roundabout during normal peak traffic time but in a genuine emergency.

From this analysis the second access must interconnect with Nelson Bay Road with a full two-lane roundabout, that is a duplication of the Seaside Boulevard roundabout.

Because of the huge increase in the number of dwellings now under construction in Seaside, rather than proposing a **downgrading** of the general access, the proposal must be to **upgrade** the second access to Nelson Bay Road with a new roundabout.

It would be reasonable to attribute the need for the upgraded emergency access to the Rawson development of Seaside Estate and therefore part of the costs associated with this new roundabout should be born by Rawson.

Within the last 12 to 18 months, the residents of Seaside experienced a bush fire emergency triggered by an SMS message sent to mobile phones with instructions to evacuate the area. A near panic situation was created very quickly as queues of vehicles attempted to leave by the only access road along Seaside Boulevard. These residents will remember this experience and will vehemently object to the

Rawson proposal to downgrade the standard of the second access road to emergency only track.

Relocation of pump station:

The proposal documentation provides no details as to the reason for the relocation other than the statement quoted from Page 4 of document "S75W letter of application - FINAL NS.pdf" See this quote " ... requested to minimise conflict within existing approved infrastructure."

The total lack of detail is of concern and a full explanation should be supplied before approval is considered.



NSW RURAL FIRE SERVICE



The Secretary
Department of Planning Environment
GPO Box 39
Sydney NSW 2001

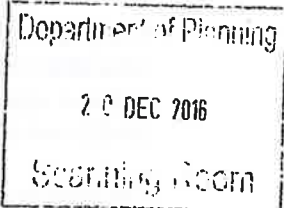
Your reference: MP06_250 MOD9
Our reference: D16/4085

12 December 2016

Attention: Amy Robertson

Dear Sir/Madam,

Application for Modification MP06_250 MOD9 - Seaside Boulevard Fern Bay



I refer to your letter dated 29 November 2016 seeking comments in relation to the above application to modify an approval. The application seeks to:

1. Make various changes to the stages 18, 19 and 20;
2. Relocate a proposed pumping stage station within stage 18; and,
3. Change a proposed secondary public road access to an emergency only access road.

The NSW RFS has reviewed the information provided and has no objection to proposed modifications 1 and 2 subject to the incorporation of the conditions listed below.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

1. At the issue of subdivision certificate and in perpetuity the entirety of each residential lot shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
2. At the commencement of building works and in perpetuity a 10 metre asset protection zone shall surround all structures associated with the proposed pumping station and shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

3. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

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Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

4. Property access roads shall comply with section 4.1.3 (2) of *Planning for Bush Fire Protection 2006*.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

5. An evacuation plan for the site shall be created and comply with the NSW Rural Fire Service's document *Guide for Developing a Bush Fire Emergency Evacuation Plan*.

Landscaping

6. Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

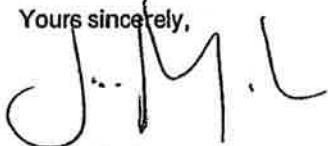
General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

The NSW RFS does not support proposed modification 3. The secondary public access road was included in the development following a strong NSW RFS recommendation to do so as set out in a response to a previous modification dated 30 April 2015. The removal of proposed secondary public access road would result in a large subdivision surrounded by extensive bush fire prone vegetation having a singular access and egress point also surrounded by bush fire prone vegetation. This is contrary to the objectives of *Planning for Bush Fire Protection 2006* and is not supported.

If you have any queries regarding this advice, please contact Josh Calandra, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Jason Maslen
Team Leader, Development Assessment and Planning