

Ref: 80215013
Contact: John O'Grady

7 July 2017

Industry Assessments
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Ms Rebecca Sommer

Dear Ms Sommer,

MP 06_0250 MOD 9 – Modification to Residential Subdivision at Seaside Boulevard, Fern Bay

Further to earlier correspondence, we are writing to provide additional information in response to additional submissions from the referral agencies and public submission received on the proposed modification to the residential subdivision at Fern Bay. This letter responds to the main consolidated issues from the agency and public submissions in tabulated form, addressing each submission and the particular issues raised.

An overview of the responses and submissions was undertaken with the following common themes to be addressed:

- Ecology and ecological impacts;
- Traffic and access;
- Density, and
- Other matters.

This list does not suggest that the 'other' matters are less relevant. Rather, these have been individually addressed within the table at the end of this response.

Ecology and Ecological Impacts

Port Stephens Council, the Office of Environment and Heritage (incl NPWS) and community members have raised concerns that the proposed modification includes a development footprint into the E2 Environmental Conservation zone.

Response

Following further consideration of the concerns raised by agencies and the community, the applicant has reviewed the modification and made significant amendments to the proposed layout, including reducing the lot yield. The changes proposed as part of the modified layout restrict the development footprint to the residential zoned land so that there will be no ecological impacts. In particular, stages 18 and 19 have a reduced development footprint compared with that approved under modification 8. The proposed changes are, more importantly, a development reduction with a vegetation conservation outcome as identified below:

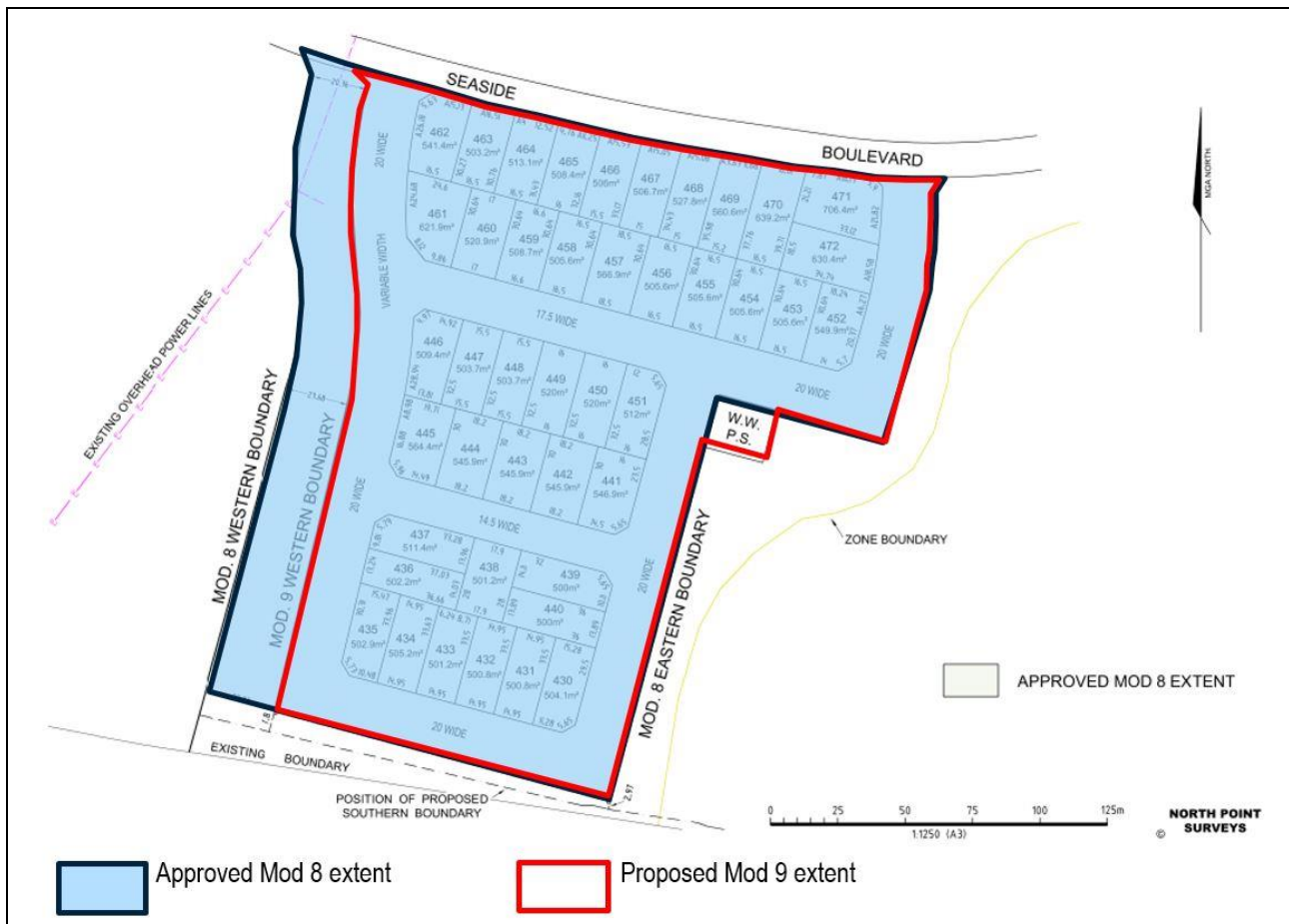
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While the northern emergency connection to Nelson Bay Road runs through land zoned E2 – Environmental Conservation, this connection is approved and the land cleared under previous applications. The construction of the road/access does not involve additional clearing of indigenous vegetation within land that has been designated for conservation purposes.

Given that the 2nd access to Nelson Bay Road is proposed to be dedicated to emergency use only, there is another relevant consequence for retention of vegetation in that clearing for acceleration and deceleration lanes will no longer be required (subject to approval of the proposed modification).

The applicant has considered a number of development options, the agency responses and public submissions. The amended modification represents a more ecological sustainable development outcome as it no longer extends into E2 Environmental Conservation zone around stages 18 and 19 and in fact reduces the approved development extent. The proposed changes to stage 20 also significantly reduce the extent of required clearing albeit within the residentially zoned land. The proposal will also limit the extent of vegetation clearing associated with the northern access.

Traffic and Access

Port Stephens Council, Transport for New South Wales (TfNSW) and submitters have raised concerns with the proposed changes to the approved (but yet to be constructed) northern access road to Nelson Bay Road. Concerns raised included:

- No alternative means of egress in a bushfire emergency;
- Delays when trees fall and block Seaside Boulevard;
- Traffic conflicts at the Seaside Boulevard / Nelson Bay Rd roundabout;
- Future traffic conflict and congestion with the increased density and adjoining developments, and

- Concerns regarding the viability of providing a public bus service with no through access to Nelson Bay Road.

Response

As outlined in the attached traffic intersection analysis the northern access is not necessary for traffic management or road network operations. However, this access is relevant from a public safety perspective as an alternative for emergency and bushfire purposes.

No alternative means of egress in a bushfire emergency

The proposed modification has clearly identified that the second access would remain an emergency access for a bushfire emergency. RPS, the applicant's bushfire consultants, has identified that the access road will be a safer emergency measure if it is operated only under the proposed provision of emergency services. RFS have provided their General Terms of Agreement, subject to conditions. These conditions are agreeable to the applicant.

Further, the reasoning the approved full road would not provide a comprehensive emergency access solution is that it would be restricted to left in / left out traffic movements and require a central median barrier. This would limit all northbound movements including emergency services using this access.

This outcome would be inconsistent with the need to direct evacuating traffic away from a fire source, forcing traffic in the wrong direction. Furthermore, emergency vehicles would not have full directional access to the road. The access to and operation of a fully accessible road would not allow for controlled evacuation onto Nelson Bay Road.

In summary, the modification is in our opinion a safer solution during emergency situations - the access road will provide safe operational access for emergency service personnel and a concurrent safe evacuation route for residents.

Delays when trees fall and block Seaside Boulevard

Delays associated with fallen trees or other road blockages are considered inconvenient and would be no different to other situations across the State where road blockages occur as a result of natural occurrences e.g. flooding, fire or traffic accidents or incidents. These are short term events and in many cases alternative routes are not available nor is it practical or reasonable to design for all these types of scenarios.

Traffic conflicts at the Seaside Boulevard / Nelson Bay Road roundabout

In considering the proposed modification to the access arrangement the applicant carried out an intersection analysis of the Nelson Bay Road / Fullerton Cove Road / Seaside Boulevard roundabout at Fern Bay to determine if the intersection has the capacity to cater for the full proposed modified development without the need of a second access to Nelson Bay Road. This analysis utilised the Sidra 6.1 intersection modelling microsimulation model, consistent with NSW Roads and Maritime Services (RMS) preliminary advice. The following conclusions were identified (refer attached *Intersect Traffic Intersection Analysis*).

1. *The Fern Bay residential estate is currently generating less traffic than the average regional residential subdivision.*
2. *The AM peak is the critical peak for analysis of the capacity and operation of the roundabout.*
3. *The roundabout has sufficient capacity to cater for background traffic growth and full development of the Fern Bay residential estate through to 2030 i.e. another 14 years.*
4. *Given existing traffic generation from the completed sections of the subdivision is less than the average regional values provided within the RMS Technical Direction TDT2013/04 which have been used in this assessment it is likely this assessment is conservative and the roundabout is likely to operate satisfactorily beyond 2030.*
5. *In 2030 the mid-block traffic volumes on Nelson Bay Road will be of the order of 2,600 vtpm (AM and PM). This indicates Nelson Bay Road is close to its mid-block capacity (LoS D) and widening to four lanes (two lanes in each direction) will be required. This work would be likely to require additional left turn slip lanes into both Seaside Boulevard and Fullerton Cove Road that would improve the intersection performance and provide additional capacity in the intersection or even conversion of the intersection to traffic signals. Importantly it is considered that it is the traffic volumes on Nelson*

Bay Road that would drive the intersection upgrade and not traffic volumes out of or into Seaside Boulevard.

In summary, the operational efficiency of Seaside Boulevard and the intersection with Nelson Bay Road, assuming full development and a northern emergency access only, will maintain an 'A' level of service. As such, potential delays, congestion and conflict would be within expected thresholds and do not warrant additional consideration.

Future traffic conflict and congestion with the increased density and adjoining developments

Submitters have also expressed concerns regarding traffic conflicts at the Seaside Boulevard / Nelson Bay Rd roundabout. Specifically, because neighbouring developments at The Cove and Palm Lakes have not been provided with right-turns to exit onto Nelson Bay Road, traffic from these communities uses the Seaside Development's entry roundabout to perform U-turns. Traffic caused by existing issues associated with the access arrangements of neighbouring residential estates are beyond the remit of this modification application.

Concerns regarding the viability of providing a public bus service with no through access to Nelson Bay Road
 Port Stephens Council and Transport for NSW (TfNSW) and submitters have expressed reservations about the potential impacts on the viability of a future bus service that has only one access point to Fern Bay Seaside.

The Applicant has carried out further consultations with Council, providing additional details and clarification on the potential for public transport services to the site. Consequently, Council in a subsequent submission has agreed that the existing street network would be sufficient to allow for bus services to travel throughout the completed parts of the development and to cater for the requirements of the community when fully developed. Council has further commented that the lack of a second access point would not be detrimental to the continued provision of public transport to the development site.

In addition, consultation with TfNSW has occurred, clarifying several details such as no right turn for the northern access and the existing street network would be sufficient to allow for alternative bus services.

A proposed bus service route has been identified. Bus services would not be required to travel much further than the previously approved route and would still return to Nelson Bay Rd/Seaside Blvd roundabout to allow continuation of the current service. The current approved bus route has an approximate distance 3.61kms with the proposed new route having an approximate distance of 4.32kms, only 710m longer. However, the proposed bus route has 3.94kms through an urban area to provide pick-up opportunities, whereas the current route only has 2.16kms given the exit road to Nelson Bay Road and the section of Nelson Bay Road which will not include bus stops or a population catchment. The proposed bus route has 1.78kms of additional opportunities for pick up or drop off within populated areas

In addition, Intersect Traffic have considered the potential impacts of public transport provisions and consider "...whilst the provision of a second access to the Seaside Fern Bay estate off Nelson Bay Road to the north of the existing Seaside Boulevard roundabout may provide opportunities for additional public transport services to the estate, the estate could still be serviced by a suitable public transport service...". Intersect also note "The frequency of this service is also more likely to be impacted by the demand generated for the service within the estate rather than by the existence of a second road connection to Nelson Bay Road to the estate. Further the limited opportunity for additional public transport services should not outweigh the road efficiency and safety impacts created through the provision of an additional intersection on the busy Nelson Bay Road".

On balance with other factors and agency requirements, it is considered that the potential impacts on public transport viability of changing the 2nd access road to emergency only are negligible and the action would not have a detrimental impact on customer experience or the efficiency of the overall service.

Other matters (Upgrades to Nelson Bay Road and the potential for redundant work)

Nelson Bay Road is a major arterial road under the jurisdiction of Roads and Maritime Services. We understand that RMS has plans to upgrade Nelson Bay Road within the area that would be affected by the currently approved left in and left out, central median second access. The timing of the upgrade works is

unclear and advice from RMS is that the works are unlikely to be carried out in the foreseeable future. Nonetheless the provision of a second access point to Nelson Bay Road (which is a 100 km/hr road) would result in a substantive level of road works that would likely be made redundant by the RMS upgrade, representing major inefficiencies and expenditure on the part of many entities.

Density

Various public submitters have expressed concerns that the proposal as modified will result in increased density due to the consolidation of super lots and the subsequent subdivision into residential lots. Further concerns are expressed regarding consequent impacts on environmental quality and population numbers with in increased pressure on the road network and community services.

Response

The proposal as now modified contains all lots within the currently approved development footprint so that there will be no impact upon the ecological conservation areas managed as Community Conservation Lands under community title or the open space network including parks and the Aboriginal Cultural Heritage Reserve.

The modified development will not exceed the maximum number of lots contemplated under the Master Plan (947 lots approved). All the proposed lots will be in excess of the 500m² and the proposed amended development footprint will remain consistent with the approved Fern Bay Master Plan.

The proposed variation to the existing lot sizes is to remove previously identified super lots and facilitate the provision of a range of standard housing options for varied budgets and different sized families. The proposal will enable community diversity and interest.

The development of the super lots for a more focused house and land residential development would be unlikely to result in additional density. A higher density of residential development would have likely been expected if the superlots were developed for attached housing (apartments, units), resulting in dwelling numbers at least equal to or greater than the proposed subdivision pattern.

Seaside Fern Bay has sufficient open space and community facilities to accommodate both active and passive activities, on a variety of surfaces and locations. The proposed modification is not considered to impact informal and formal open space and community services which are adequately accommodated within the estate. Current provisions include a variety of passive open space activities including seating and picnic tables as well as play equipment complimented by formal landscaping with active spaces, walking paths and sporting fields.

The estate has approximately 3 hectares of dedicated active open space, more than 5 hectares of passive open space and more than 5kms of interconnecting pathways. In addition, the proximity to the Worimi National Conservation area and Stockton Beach provide significant opportunities for both passive and active recreation.

The surrounding area currently contains an existing general store on the corner of Vardon Road, with convenience centre at 43 Seaside Boulevard, approved by the Council on 2 August 2016 (Council ref 16-2016-250-1). This development includes a child care centre (maximum capacity of 94 places), medical/allied health offices and a neighbourhood shop.

The Seaside Fern Bay estate has recreation and community facilities provided well above contemporary benchmarks, and these provisions are not impacted by the proposed modification.

Other Matters

Various referral agencies and private submitters have expressed concerns that the proposal as modified will result in a number of different impacts, and these have been addressed in the following table.

Submitter	Submission Summary	Applicant Response
<p>177290</p> <p>Port Stephens Council (undated – responding to DPE e-mail dated 28 November 2016)</p> <p>Samuel Harvey, Development Planner</p> <p><u>Port Stephens Council, Raymond Terrace, NSW (177290)</u></p>	<ol style="list-style-type: none"> 1. Ecological – Further justification and ecological assessment be provided for the encroachment of the road and batters into the E2 Environmental Conservation zone. The Area is mapped as an Endangered Ecological Community and is considered to be a preferred Koala habitat. 2. A second access to Nelson Bay Road is considered necessary to allow a viable public transport service to eventually access the site. 3. Additional residential lots will exacerbate stormwater issues raised by Council on the original application. Potential impact on groundwater, infiltration facilities and infiltration basins proposed, changes to surface water hydrology, and insufficient stormwater drainage and water quality measures should be addressed. 	<ol style="list-style-type: none"> 1. Following further consideration, the applicant has reviewed the modification and made significant amendments to the proposed layout, including reducing the lot yield. The changes proposed as part of the modified layout will have no ecological impacts and in particular stages 18 and 19, have a reduced development footprint compared with that approved under modification 8. The proposed changes are more importantly a development reduction with a vegetation conservation outcome. Development is no longer proposed to occur within the E2 zone. 2. The Applicant has carried out further consultations with Council, providing additional detail and clarifications that the existing street network would be sufficient to allow for bus services to travel throughout the completed parts of the development and to cater for the requirements of the complete community when fully developed. Council now considers the removal of the second access point is not considered to be detrimental to the continued provision of public transport to the development site. 3. The applicant has consulted with Council and Council has provided further correspondence that, as no changes are proposed to the stormwater drainage system as approved, it is now satisfied that civil plans consistent with the existing approval can be prepared and that Stormwater matters can be resolved to Council's satisfaction.

Submitter	Submission Summary	Applicant Response
	<ol style="list-style-type: none"> Redirection of post-development stormwater towards Nelson Bay Road may allow water to overflow across the road, with detrimental impact to properties west of Nelson Bay Road. Prolonged wet periods and extended rainfall events should be considered when assessing the storage capacity of the low-lying land near Nelson Bay Road. 	<ol style="list-style-type: none"> As above. As per standard hydraulic modelling and design practices, land elevation and up to date rainfall data will be taken into account in design of any stormwater infrastructure required for the development.
<p>Port Stephens Council (undated – responding to DPE e-mail dated 16 May 2017)</p> <p>Samuel Harvey, Development Planner</p>	<p>Ecological</p> <ol style="list-style-type: none"> Justification and ecological assessment requested regarding encroachment of the road and batters onto the retained vegetation management area in the E2 Environmental Conservation zone has not been appropriately addressed. Both proposed modifications are located within vegetation mapped as Swamp Sclerophyll Forest which is an endangered ecological community listed under the TSC Act 1995. Also Koala habitat as it is dominated by preferred Koala feed tree, Swamp Mahogany. Council concerns raised have not been adequately addressed. Based on the information provided for the proposed modification (MOD 9) for Major Project 06_0250, modifications 2 and 4 associated with the proposed road around the reconfigured Stages 18-20 (MOD 2) and relocation of the proposed pump station P3 (MOD 4) are not supported as potential ecological impacts have not been adequately considered or assessed. 	<ol style="list-style-type: none"> Following further consideration, the applicant has reviewed the modification and made significant amendments to the proposed layout, including reducing the lot yield. The changes proposed as part of the modified layout will have no ecological impacts and in particular stages 18 and 19, have a reduced development footprint compared with that approved under modification 8. The proposed changes are more importantly a development reduction with a vegetation conservation outcome. Development is no longer proposed to occur within the E2 zone. In the revised proposal, the P3 pump station is to be located outside of the E2 Zone.

Submitter	Submission Summary	Applicant Response
	<p>Traffic</p> <ol style="list-style-type: none"> 1. Removal of access road is not supported by Council. Road connection is considered to be critical to allowing for viable future public transport connection to the estate. 2. The Integrated Transport Analyst for TfNSW does not support the proposed removal of the second access road from Seaside Boulevard onto Nelson Bay Road. 3. The Operations Manager for Hunter Valley Buses opposes the removal of the requirement for a second access to Nelson Bay Road. 4. Second access is critical from an Emergency access perspective. 5. The proposed accesses to stages 19 and 20, from Seaside Boulevard need to be consolidated. The left-in/left-out required would be inconvenient for residents and would result in unsafe u-turns being performed on Seaside Boulevard. A roundabout combining both accesses and allowing all movements to both stages would be a much-preferred outcome. 	<ol style="list-style-type: none"> 1. Council has withdrawn its objection as the existing street network would be sufficient to allow for bus services to travel throughout the completed parts of the development and to cater for the requirements of the complete community when fully developed. 2. Noted. 3. Noted, TfNSW will discuss options with the bus operators based on the additional clarified information. 4. The access will be retained for emergency access. RPS, bushfire consultants have provided additional advice regarding the use of the access for emergency purposes only. Inter alia, their advice is that dedication of the access to emergency purposes only is a preferable solution with respect to bushfire risk management to allowing full public use. RFS has consequently issued a submission that now raises no objection on bushfire risk management grounds to the use of the access for emergency purposes only. 5. Noted, however the layout accesses remain consistent with the approved layout including the existing central median.

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	<p>6. Pedestrian and cyclist connections need to be provided for in all stages.</p> <p>Stormwater Drainage</p> <ol style="list-style-type: none"> 1. Assumptions used in the stormwater modelling (prepared by Marten's) was that all natural storage areas are dry and that sufficient storage is available to receive surface water from the developments. But this is not the case for during wet periods. 2. Any further development in this area should be restricted until a hydrogeological and surface water study is carried out. This study must consider initial wet conditions, creation of a legal drainage flow paths through downstream properties, upgrading of Nelson Bay culverts, etc. 	<p>6. Design and development will include connections.</p> <ol style="list-style-type: none"> 1. Council has notified that after further consultations it is satisfied that the stormwater system associated with this modification has no changes to the stormwater drainage system as approved. 2. The amended plans identify no further development area from that approved.
<p>Port Stephens Council (21 June 2017)</p> <p>Brett Gardiner, Planning and Development Relations Coordinator</p>	<p>Following from Councils previous correspondence submitted in relation to the above proposal on 8 June 2017, Council has undertaken further consultation with the applicant in regards to the matters raised. As a result of this consultation, Council is satisfied that the matters raised have been addressed as detailed below, and supports the proposed modification.</p>	<p>Noted</p>
<p>Tim Crankthorp MP Member for Newcastle (24 January 2017)</p> <p>On behalf of:</p>	<ol style="list-style-type: none"> 1. Removal of the requirement for a second vehicular access road from the development to Nelson Bay Road. 2. 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. 	<ol style="list-style-type: none"> 1. The second vehicular access has been demonstrated to not be necessary with respect to local traffic movement and the provision of public transport services. 2. The development is not being restricted to a single access in and out with the northern access to be constructed as an emergency access. It is demonstrated by the Applicant's

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Mr Neville Clare of 9 Sygna Street, Fern Bay	<ol style="list-style-type: none"> 3. RFS does not support the removal of the second access road. 4. Removal of the second entry and exit point would limit the capacity to deliver public transport services. 5. Objects to increased residential lots from 590 to 639. 	<p>bushfire consultants to be acceptable with regard to management of bushfire risk.</p> <ol style="list-style-type: none"> 3. RFS in a submission of 1 May 2017, raises no objection to the use of the access as a emergency purposes only. RFS have provided General Terms of Agreement. 4. It has been illustrated that the use of the access for emergency purposes only would not impact on the viability of operating an efficient bus transport system in the Estate. 5. In practice, the proposal does not result in additional residential lots as it involves replacement of super lots that would be developed for medium density housing with individual conventional lots.
NSW RFS (12 December 2016)	<ol style="list-style-type: none"> 1. No objection to proposed modifications #1 & #2, subject to incorporation of conditions. 2. Objection to modification #3. The removal of the proposed secondary 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. 	<ol style="list-style-type: none"> 1. Noted. 2. Emergency access only is maintained. In a subsequent submission of 1 May 2017, RFS raised no objection to the use of the 2nd access for emergency purposes only.
OEH (09 May 2017)	<ol style="list-style-type: none"> 1. Modifications would impact on the biodiversity of areas included as conservation zones in the Vegetation Management Plan and zoned E2 for conservation. Impacts will be caused by encroachment of roads into the E2 zones, and from the considerable amount of cut and fill which would be required within the E2 zones. 	<ol style="list-style-type: none"> 1. The proposal in its current form now avoids development in the E2 zone. In this regard, all of the matters raised by OEH pertaining to impacts on ecological values and work within the E2 zone will be redundant.

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	<ol style="list-style-type: none"> 2. OEH's preference is that there are no impacts to biodiversity in the E2 zone. If this is unavoidable, impacts need to be quantified, justified and offset according to the major projects offset policy. OEH's request for this assessment, as well as a consideration of the impacts on the hydrology of the conservation zones and connectivity of the vegetation, has not been adequately addressed. 3. Previous cut and fill works on earlier stages have impacted areas zoned for conservation in the Vegetation Management Plan. OEH requests that all impacts of development are restricted to the area within the residential zone. 4. Boundary adjustment inclusion on all plans for stages 18 & 19. 5. Proximity of proposed retaining wall to adjusted boundary of the Worimi Conservation Lands (WCL). 6. Stormwater conveyance impacts and ongoing access from Seaside Boulevard to the WCL. 7. Access to the 4WD track to be controlled with bollard and cabling. 8. Walking track from previous stages. NPWS note the amended plan as per previous feedback. 	<ol style="list-style-type: none"> 2. The changes to the proposed modification ensure there are no impacts on biodiversity within the E2 zone. As the development extent does not extend into the E2 zone, conservation, hydrology and vegetation impacts are considered to be mitigated. 3. Following further consideration, the applicant has reviewed the modification and made significant amendments to the proposed layout, including reducing the lot yield. The changes proposed as part of the modified layout will have no ecological impacts and in particular stages 18 and 19, have a reduced development footprint compared with that approved under modification 8. The proposed changes are more importantly a development reduction with a vegetation conservation outcome. Development is no longer proposed to occur within the E2 zone. 4. Noted, boundaries will be shown on all plans. 5. Proposed works shall not impact upon WCL and if disturbance is required of WCL any works will be undertaken as promptly as possible and upon completion WCL will be reinstated to its existing state. 6. Stormwater matters after further consultation the stormwater system associated with this modification has no changes to the stormwater drainage system as approved. 7. Access track can be controlled by bollard and cabling 8. Amended plan provided.

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OEH (14 December 2016)	<ol style="list-style-type: none"> 1. Ensure the modifications do not impact on the Worimi Conservation Lands (WCL) or any of the Voluntary Planning Agreement (VPA) commitments. 	<ol style="list-style-type: none"> 1. The proposal as amended will not encroach into the E2 Environmental Conservation zone.
OEH National Parks and Wildlife Service (02 June 2017)	<ol style="list-style-type: none"> 1. The proposed adjusted boundary with the Worimi Conservation Lands (WCL) needs to be shown on all plans for stages 18 and 19. 2. Concerns regarding the proximity of proposed development including the retaining wall to the adjusted boundary of the WCL and requires additional consent conditions. 3. Stormwater conveyance. New condition to require a culvert under the access track. 4. Physical barrier required to be installed between the 4WD track and stages 18 and 19. 	<ol style="list-style-type: none"> 1. Noted and is actioned refer amended plans. 2. The current approved boundary of development will be maintained and retaining wall will be located on the subject site and not WC land. 3. Stormwater conveyance matters to be resolved to OEH and Council to their satisfaction. 4. Barrier will be installed between stage 18 and 19 and the 4WD track to OEH satisfaction.
Transport for New South Wales (15 June 2017)	<ol style="list-style-type: none"> 1. The removal of the second access road from Seaside Boulevard to Nelson Bay Road will have significant consequences on future public transport services in the precinct. The proposed modification will compromise the ability to provide a direct and efficient service, resulting in both poor customer experience and decreased efficiency. Additionally, the modification will result in additional vehicle kilometers of travel for other residents and other road users. 	<ol style="list-style-type: none"> 1. The Applicant has carried out further consultations with Council, providing additional details and clarification on the potential for public transport services to the site. Consequently, Council in a subsequent submission has agreed that the existing street network would be sufficient to allow for bus services to travel throughout the completed parts of the development and to cater for the requirements of the community when fully developed. Council has further commented that the lack of a second access point would not be detrimental to the continued provision of public transport to the development site.

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		<p>In addition, consultation with TfNSW has occurred, clarifying several details such as no right turn for the northern access and the existing street network would be sufficient to allow for alternative bus services.</p> <p>A proposed bus service route has been identified. Bus services would not be required to travel much further than the previously approved route and would still return to Nelson Bay Rd/Seaside Blvd roundabout to allow continuation of the current service. The current approved bus route has an approximate distance 3.61kms with the proposed new route having an approximate distance of 4.32kms, only 710m longer. However, the proposed bus route has 3.94kms through an urban area to provide pick-up opportunities, whereas the current route only has 2.16kms given the exit road to Nelson Bay Road and the section of Nelson Bay Road which will not include bus stops or a population catchment. The proposed bus route has 1.78kms of additional opportunities for pick up or drop off within populated areas.</p> <p>In addition, Intersect Traffic have considered the potential impacts of public transport provisions and consider '<i>... whilst the provision of a second access to the Seaside Fern Bay estate off Nelson Bay Road to the north of the existing Seaside Boulevard roundabout may provide opportunities for additional public transport services to the estate, the estate could still be serviced by a suitable public transport service....</i>'. Intersect also note '<i>The frequency of this service is also more likely to be impacted by the demand generated for the service within the estate rather</i></p>

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		<p><i>than by the existence of a second road connection to Nelson Bay Road to the estate. Further the limited opportunity for additional public transport services should not outweigh the road efficiency and safety impacts created through the provision of an additional intersection on the busy Nelson Bay Road.'</i></p> <p>Overall it is considered on balance with other factors and agency requirements that the potential impacts on public transport viability of changing the 2nd access road to emergency only is negligible and will not have a detrimental impact of customer experience or efficiency of the overall service.</p>
<p>Anne McCrea of Fern Bay NSW</p> <p><u>Anne McCrea of Fern Bay, NSW (175955)</u></p>	<ol style="list-style-type: none"> 1. There must be a second exit/entry to Seaside Fern Bay. On numerous occasions in the 6 years I have lived here than I have been unable to exit or enter the estate because of fallen trees. Mostly removed by neighbours rather than awaiting SES. Some requiring SEA. The fire risk to the estate is such that evacuation would not be possible should fire take place in the entry to the estate. 2. This is appalling to remove the planned second exit/entry. It must remain a proper road rather than just an emergency access road which would not provide a safe entry or exit if the estate had fire in surrounding bushland. 	<ol style="list-style-type: none"> 1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. As above.
<p>Brenden Wright</p> <p>7 Water Street, Fern Bay NSW</p> <p><u>Brenden wright of FERN BAY, NSW (176763)</u></p>	<ol style="list-style-type: none"> 1. Requests that the second access road be built and that the Lot sizes be kept the same. 	<ol style="list-style-type: none"> 1. Refer to main letter, addressed above.

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<p>Cameron Peace</p> <p><u>Cameron Peace of Port Macquarie, NSW (176883)</u></p>	<ol style="list-style-type: none"> 1. Objects to the removal of a second access road due to: increased traffic and funnelling of vehicles; RMS advice based on earlier 449 dwellings and not final proposed number; fire evacuation risk to community, and reduced value of properties. 2. Objects to the proposed increase in number of lots and reduction in lot sizes to Stages 18, 19 & 20 due to: reduced block sizes will reduce property values; greater density and population requires more playgrounds and open space areas; potential flora and fauna impacts; impacts on bushfire plan; emergency response risk. 	<ol style="list-style-type: none"> 1. Refer to main letter and RPS report and RFS issued General Terms of Agreement. Property values are not a relevant planning consideration under the EP&A Act nor has it been outlined how the basis for the reduced value has been obtained. The estate is well designed and the proposed modification is consistent the with the overall intent of the project approval. 2. The proposed increased lot yield remains consistent with the project approval, and Port Stephens Planning Strategy 2011-2036. Refer above and main letter.
<p>Dianne Lynch of Fern Bay NSW</p> <p><u>Dianne Lynch of Fern bay, NSW (175971)</u></p>	<ol style="list-style-type: none"> 1. The residents need a second access road. 2. Swamp hold an abundant amount of wildlife. What are the results of any study of any endangered species? 	<ol style="list-style-type: none"> 1. Refer traffic intersection analysis and main letter. 2. The development is contained within the residential zoned land with no encroachments into the E2 zone.
<p>Jessica Breese of Fern Bay</p> <p><u>Jessica Breese of Fern Bay, NSW (176869)</u></p>	<ol style="list-style-type: none"> 1. With increasing numbers of residents, a second access road is a must due to: fire risk, emergency exit, traffic congestion, noise, wear and tear to existing road, public transport. 2. Reduction in lot sizes affects estate aesthetics and property values 	<ol style="list-style-type: none"> 1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. Property values are not a relevant planning consideration under the EP&A Act nor has it been outlined how the basis for the reduced value has been obtained. The estate is well designed and the proposed modification is consistent the with the overall intent of the project approval.

Submitter	Submission Summary	Applicant Response
<p>Keira Bourke of Fern Bay</p> <p><u>Keira Bourke of Fern Bay, NSW (176761)</u></p>	<ol style="list-style-type: none"> 1. Objects to removal of second access road due to: Emergency access, traffic funnelling, decreased road safety, reduced life of roads. Should existing access be widened if second access is not constructed? 2. Objects to the proposed increase in number of lots and reduction in lot sizes to Stages 18, 19 & 20 due to: reduced block sizes will reduce property values; greater density and population requires more playgrounds and open space areas; potential flora and fauna impacts; impacts on bushfire plan; emergency response risk. Are new hydrology study, EIS and bushfire plan required. 	<ol style="list-style-type: none"> 1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. Refer main letter, addressed above. Property values are not a relevant planning consideration under the EP&A Act nor has it been outlined how the basis for the reduced value has been obtained. The estate is well designed and the proposed modification is consistent the with the overall intent of the project approval.
<p>Stanley Webber of Fern Bay</p>	<ol style="list-style-type: none"> 1. We purchased on the understanding that access would be available from Seaside Boulevard to Nelson Bay Road. Existing entry would not adequately cope with the volume of traffic. 	<ol style="list-style-type: none"> 1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.
<p>Timothy and Penny Dixon of Pyrmont</p> <p>(Lot 19 Stage 10 purchasers)</p> <p>(176919)</p> <p><u>Timothy Dixon of Pyrmont, NSW (176917)</u></p>	<ol style="list-style-type: none"> 1. DA seeks an 8.3% increase in density. Increase in demand for parks and facilities. Objects to increased number of lots, density and population. 2. Impact on property values. 3. Objects to the muted option of using a second access point for emergency vehicles only. 	<ol style="list-style-type: none"> 1. The proposed increased lot yield remains consistent with the approved Master Plan, refer to main letter addressed above. 2. Property values are not a relevant planning consideration under the EP&A Act nor has it been outlined how the basis for the reduced value has been obtained. The estate is well designed and the proposed modification is consistent the with the overall intent of the project approval. 3. This issue addressed above.

Submitter	Submission Summary	Applicant Response
NAME WITHELD of Fern Bay <u>(Name withheld) of FERN BAY, NSW (176889)</u>	1. I am objecting to the modification of making the second exit an emergency exit only. This estate has only one exit which has closed due to fallen trees and thankfully to thoughtful residents they were able to cut the trees to move away from the road. If more properties are being built, a second exit is essential. If there was a bushfire around the current exit there would be no place to get out. This modification will affect the safety of the residents should there be a need to evacuate. The single entrance can pose danger especially near the bus stop.	1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.
NAME WITHELD of Fern Bay <u>(Name withheld) of Fern Bay, NSW (176711)</u>	1. With the number of houses in the Estate increasing from the original plan, two entrances are a definite necessity, not just an emergency exit. We have only lived in the Estate for a couple of months and already have experienced a tree falling and blocking the exit. The Bushfire Management Report for the Estate is based on two permanent entry/exit points, open all year round. The amount of traffic on Seaside Boulevard will increase significantly when more housing is added and extra facilities are added to the Estate, such as a childcare centre. Please see reason and put in the second entry/exit.	1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.
NAME WITHELD of Fern Bay <u>(Name withheld) of Fern Bay, NSW (176682)</u>	1. As a resident in Seaside Estate, Fern Bay, as well as an active member of the community-based Fern Bay Progress Association, I would like to voice my concerns in regards to the proposed amendments to the residential subdivision. In particular, I would like to insist that changes to the original proposal for the second entry/exit point be paused until residents are privy to a report from RFS as well as other any other safety affiliation. As the estate grows in size, I	1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.

Submitter	Submission Summary	Applicant Response
	<p>believe it is essential that residents have access to a second paved entry and exit point to allow for increased needs. When the estate was evacuated due to bushfires two years ago, residents were in a panic about access points, concerned that we could be placed in a situation where hundreds of families would be trying to leave at the same time. The estate has grown significantly since this time and therefore so has the need for a second entry/exit access opportunity. This year alone, there have been three occasions when trees have fallen across the estate entry roads and residents have essentially been "trapped" in the estate with no access to Nelson Bay Road for several hours. This impacts work schedules, prohibits bus transport for students and also does not allow for emergency entry or exit. A second paved road was something we were assured of when we purchased land in the estate and I am opposed to the amendment that the road be available as emergency access only. This would not provide an accessible, maintained thoroughfare for residents, if required.</p> <p>2. Secondly, I oppose the idea of altering the aesthetics of the estate by increasing residential lots and removing further substantial bushland on the current entry. I would like to see an environmental impact report on how this will affect local wildlife, as well as water sources for fauna in this area, prior to any approvals being made. I would also insist that prior to further amendments being made to benefit Rawson, that negotiations be held with residents in regards to how S94 funds will be utilised and redirected back into the Seaside estate community. To date, these funds have barely been used to effect for the estate that generated them. If Rawson is to have</p>	<p>2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan. The vegetation proposed to be removed is part of an existing approved development area with relevant offsets and flora and fauna management plans in place. Discussion regarding the spending of s94 contributions is not a matter for this modification but a discussion to be had with the Port Stephens Council. The proponent does not decide where spending can and should occur.</p>

Submitter	Submission Summary	Applicant Response
	<p>amendments accommodated, then residents should also be benefiting from community additions. This is particularly essential if residential lots are to be increased.</p>	
<p>NAME WITHELD of Fern Bay</p> <p><u>(Name withheld) of Fern Bay, NSW (176789)</u></p>	<p>1. We need a 2nd entry/exit. What happens if our only exit is blocked due to fire etc. The increased traffic will be a strain on 1 entry if more lots are developed. The increased strain on the services in the area.</p>	<p>1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p>
<p>NAME WITHELD of Fern Bay</p> <p><u>(Name withheld) of Fern Bay, NSW (176769)</u></p>	<p>Believes that the application is flawed for the following reasons:</p> <ol style="list-style-type: none"> 1. RMS advice on not requiring a second access based on the original master plan, number of lots has since increased. 2. The Barking Owl is a threatened species and is known to inhabit the surrounding bush 3. Glossy Black Cockatoo (also threatened) eats the seeds of the Sheoaks which are endemic to the bush in the area 4. Amenities such as shops, community centres etc need to be built now, not in later stages as suggested 5. The lot sizes have decreased in size and increased in number. 	<ol style="list-style-type: none"> 1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan. The vegetation proposed to be removed is part of an existing approved development area with relevant offsets and flora and fauna management plans in place. 3. Refer above. 4. A convenience centre at 43 Seaside Boulevard, approved by the Council on 2 August 2016 (Council ref 16-2016-250-1). This development includes, a child care centre (maximum capacity of 94 places), medical/allied health offices and a neighbourhood shop. 5. Refer to the main letter, addressed above.
<p>NAME WITHELD of Fern Bay</p>	<p>1. I am appalled by the GREED shown by Rawson... I now regret the day we bought the land and built in this estate. When we originally purchased our land, we were so happy and impressed with the</p>	<p>1. Refer to main letter and the proposed modification is to develop within the approved urban areas and consistent with the Master</p>

Submitter	Submission Summary	Applicant Response
<p><u>(Name withheld) of Fern Bay, NSW (176486)</u></p>	<p>original development and plans. Now it has all been changed, we didn't get what we originally signed up for and now they want to put MORE houses in here. The lots are getting smaller and smaller with more and more homes and now they want to cut the second access road. SERIOUSLY!!! With one access road in and out and now you want to put houses along it trying to get in and out of driveways with the traffic flow...</p> <p>2. The entrance into the estate should be left as is, there is so much wildlife along there, in the swamp area. How is it a big Woolworths development can be stopped across the road due to a frog but there is so much more in ours? Stop this greed and leave it as is... the entrance should be left as just that, an entrance joining the bush/beach life to the estate as advertised.</p>	<p>Plan. An Intersection analysis identifies the existing single entry will and can operate at an appropriate level of service.</p> <p>2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan. The vegetation proposed to be removed is part of an existing approved development area with relevant offsets and flora and fauna management plans in place.</p>
<p>NAME WITHELD of Fern Bay</p> <p><u>(Name withheld) of Fern Bay, NSW (176482)</u></p>	<p>1. Stop the further destruction of the only water source remaining for our wildlife next to the front entrance park.</p> <p>2. We have next to no grounds maintenance, no commercial facilities to aid in living here.</p> <p>3. Look into the destruction of our wildlife habitat that further development will cause.</p>	<p>1. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan. The vegetation proposed to be removed is part of an existing approved development area with relevant offsets and flora and fauna management plans in place.</p> <p>2. A convenience centre at 43 Seaside Boulevard, approved by the Council on 2 August 2016 (Council ref 16-2016-250-1). This development includes, a child care centre (maximum capacity of 94 places), medical/allied health offices and a neighbourhood shop.</p> <p>3. The proposal shall be further amended to avoid encroachment into the E2 Environmental Conservation zone, also refer above.</p>

Submitter	Submission Summary	Applicant Response
NAME WITHELD of Fern Bay <u>(Name withheld) of Fern bay, NSW (176650)</u>	1. I object to the Modification of the second entry to sea side fern bay. This permanent second entrance/exit is needed as we live in a bush fire zone. Many families live in this estate and over the years we have been blocked in by fallen trees multiple times a year. If a fire were to block us in on the only exit many would be trapped. The estate has been fenced in so there would be no access to the sand dunes as the only exit also has the only beach entry point so those with 4WD are also trapped. The bushfire management report prepared for the estate has been based on two permanent entry/exit points that are open year round, which residents use on a daily basis so in the event of an emergency are aware of their options.	1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.
NAME WITHELD of Fern Bay <u>(Name withheld) of Fern Bay , NSW (176609)</u>	1. Purchased land with the indication of that there will be facilities and not increased in housing lots.	1. As the community grows, the establishment of a future facilities will become more viable and attractive for investors to establish. A convenience centre at 43 Seaside Boulevard, approved by the Council on 2 August 2016 (Council ref 16-2016-250-1). This development includes, a child care centre (maximum capacity of 94 places), medical/allied health offices and a neighbourhood shop.
NAME WITHELD of Fern Bay <u>(Name withheld) of Fern Bay, NSW (176605)</u>	1. The entry to Seaside Fern Bay through Swamp Gums, Cabbage Palms & Banksias is a feature of the estate and one of the main reasons we moved here. The modified plans seek to significantly erode this feature of our small community. This is unacceptable. - The proposed area for expansion is also a proven koala habitat; another feature of the estate. There is no environmental impact statement accompanying this application which addresses how the proposed development will affect the flora and fauna of the area.	1. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan. The vegetation proposed to be removed is part of an existing approved development area with relevant offsets and flora and fauna management plans in place.

Submitter	Submission Summary	Applicant Response
	<p>Please provide an environmental impact statement for review to show how this issue has been addressed.</p> <p>2. The decision to roll back a second entry/exit to the estate is perplexing especially given the increase in traffic volumes expected with the opening of stages 14-17, the opening of commercial businesses in front of Banksia Park (including a child care facility), let alone proposed stages 18-20. In the unfortunate event of a bushfire or other emergency, a second exit will assist with safe evacuation of the estate. Please provide evidence of a risk assessment where this, and other potentially life-threatening scenarios, have been considered taking into account a fully populated estate including light commercial operations.</p>	<p>2. Refer to main letter and the Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. In addition, the RPS report identifies the proposed emergency access will allow for safe evacuation. RFS has issued General Terms of Agreement.</p>
<p>NAME WITHELD of Fern Bay</p> <p><u>(Name withheld) of Fern Bay, NSW (176490)</u></p>	<p>1. The plan to cut access to this growing estate down from two planned full access roads to one is ludicrous to say the least and is purely a financially motivated decision on behalf of the new developer not taking into consideration future road congestion. I feel strongly that the NSW government, should make the current developer stick to the approved plan in the interests of road safety and future government spending to fix congested roads at taxpayers' expense.</p> <p>2. Any plans to maintain an emergency road would only fail in a full scale natural disaster as these roads never receive the standard of maintenance required as the general public's knowledge of routes deter them from choosing this path when afflicted by emergency conditions.</p>	<p>1. Refer to main letter and the Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p> <p>2. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p>

Submitter	Submission Summary	Applicant Response
	<p>3. The proposals to destroy natural wetlands at the front entrance to the estate on Seaside Boulevard would gain nothing for the local community in regards to sustainment of native wildlife and coastal forest that is being heavily reduced due to the impact of development in Port Stephens area and sand mining.</p>	<p>3. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan. The vegetation proposed to be removed is part of an existing approved development area with relevant offsets and flora and fauna management plans in place.</p>
<p>Angela Pols of Fern Bay (177233) <u>Angela Pols of Fern Bay, NSW (177233)</u></p>	<p>1. I object to the modified road/intersection connection from Seaside Boulevard to Nelson Bay Rd being kept as emergency access only. It was agreed that this would be an open road, and for the development to have only one route out and in is completely impractical. 'Emergency access' means the key to this route will be kept at the nearest police station, and will need to be retrieved from the station in the event of an emergency. Highly impractical in the event of an emergency, and again, not what was promised.</p>	<p>1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p>
<p>Angela Peace of Port Macquarie (177301) <u>Angela Peace of Port Macquarie, NSW (177301)</u></p>	<p>1. Objects to the removal of a second access road due to: increased traffic and funnelling of vehicles; RMS advice based on earlier 449 dwellings and not final proposed number; fire evacuation risk to community, and reduced value of properties.</p> <p>2. Objects to the proposed increase in number of lots and reduction in lot sizes to Stages 18, 19 & 20 due to: reduced block sizes will reduce property values; greater density and population requires more playgrounds and open space areas; potential flora and fauna impacts; impacts on bushfire plan; emergency response risk.</p> <p>3. Decrease in property values.</p>	<p>1. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p> <p>2. Refer main letter. Property values are not a relevant planning consideration under the EP&A Act nor has it been outlined how the basis for the reduced value has been obtained.</p> <p>3. Property values are not a relevant planning consideration under the EP&A Act nor has it been outlined how the basis for the reduced value has been obtained. The estate is well designed and the proposed modification is consistent the with the overall intent of the project approval.</p>

Submitter	Submission Summary	Applicant Response
	<ol style="list-style-type: none"> 4. Socio-economic impacts: reduction in lifestyle & quality of life. 5. Lack of updated studies (EIS, Hydrology, Emergency Plans). 6. Reliance on RMS report that does not actually address the real traffic impacts on estate roads. 	<ol style="list-style-type: none"> 4. The proposed modification will facilitate the provision of a range of standard housing options for different budgets and different sized families. The proposal will enable community diversity and interest and in our view, provide opportunities for improved lifestyle and quality. 5. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan. The stormwater systems associated with this modification has no changes to the stormwater drainage system as approved, based on the development of the overall Master Plan. 6. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.
<p>Erin Stephens of Fern Bay (177307)</p> <p><u>Erin Stephens of Fern Bay, NSW (177307)</u></p>	<ol style="list-style-type: none"> 1. Lack of access and the impact this currently has when the primary egress is restricted or removed due to storm damage (fallen trees) or potential hazard due to flood, fire or accident. 2. Substantial impact of high levels of traffic flow through estate on pedestrians and environment 3. We also have concerns as to how an emergency track would be accessed - will it be locked and as such who would be able to access? What would be the impact of a locked access in an emergency particularly for residents? How would such a track be maintained and who would be responsible? 	<ol style="list-style-type: none"> 1. Refer to main letter, RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. Refer above 3. Refer to main letter and RPS report, RFS issued General Terms of Agreement.

Submitter	Submission Summary	Applicant Response
	<p>4. This modification represents a significant loss of amenity. A facility which contributed to our decision to buy in this area.</p>	<p>4. The proposed modification will facilitate the provision of a range of standard housing options for different budgets and different sized families. The proposal will enable community diversity and interest and in our view, provide opportunities for improved amenity.</p>
<p>Peter and Frances Johnson 23 Stringybark Drive Fern Bay (177272) <u>Frances Johnson of Fern Bay, NSW (177272)</u></p>	<p>1. Objects to the proposed changes to Seaside Fern Bay which would increase the density and have not made any provision for an additional access road.</p> <p>2. The traffic can be horrendous getting out of the roundabout as residents from The Cove and Palm Lakes use the roundabout as they have no right turn exit from their estates.</p>	<p>1. The proposed modification will facilitate the provision of a range of standard housing options for different budgets and different sized families. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.</p> <p>2. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p>
<p>Jamie Carlson of Fern Bay (177201) <u>Jamie Carlson of Fern Bay, NSW (177201)</u></p>	<p>1. Objects to removal of second access to the estate.</p> <p>2. Objects to Stage 18, 19, 20 - increase in number of lots & reduction in lot size.</p>	<p>1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p> <p>2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.</p>
<p>John Landon of Fern Bay (177177) <u>John Landon of FERN BAY, NSW (177177)</u></p>	<p>1. Objects to removal of 2nd access to the estate.</p> <p>2. Objects to Stage 18, 19, 20 - increase in number of lots & reduction in lot size.</p>	<p>1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p> <p>2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.</p>

Submitter	Submission Summary	Applicant Response
Kylie Bund of Fern Bay (177183) <u>KYLIE BUND of FERN BAY, NSW (177183)</u>	1. The proposed increase of residential lots from 590 to 639 is a large increase and our estate is already large enough, we would need more infrastructure - for example a 2nd exit - to accommodate this increase.	1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.
Leanne Begley of Fern Bay Spinifex Street (177303) <u>Leanne Begley of Fern Bay, NSW (177303)</u>	1. Objects to removal of 2nd access to the estate. 2. Objects to Stage 18, 19, 20 - increase in number of lots & reduction in lot size.	1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.
Robbie Tyson of Fern Bay (177244) <u>Robbie Tyson of Fern Bay, NSW (177244)</u>	1. The proposed residential land on either side of the entry road was not planned. Clearing this area for more homes would ruin the natural feel and look of the estate. 2. Objects to removal of second access to the estate.	1. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan. 2. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.
Thomas de Wit of Fern Bay (177193) <u>Thomas de Wit of Fern Bay, NSW (177193)</u>	1. Objects to removal of 2nd access to the estate. 2. Objects to Stage 18, 19, 20 - increase in number of lots & reduction in lot size.	1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.
NAME WITHELD of Fern Bay (177030)	1. Objects to removal of 2nd access to the estate.	1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.

Submitter	Submission Summary	Applicant Response
<u>(Name withheld) of Fern Bay, NSW (177030)</u>	2. Objects to Stage 18, 19, 20 - increase in number of lots & reduction in lot size.	2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.
NAME WITHELD of Fern Bay (176969) <u>(Name withheld) of FERN BAY, NSW (176969)</u>	1. Objects to removal of 2nd access to the estate. 2. Objects to Stage 18, 19, 20 - increase in number of lots & reduction in lot size.	1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.
NAME WITHELD of Fern Bay (177191) <u>(Name withheld) of Fern Bay, NSW (177191)</u>	1. Objects to removal of 2nd access to the estate. 2. Objects to Stage 18, 19, 20 - increase in number of lots & reduction in lot size.	1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.
NAME WITHELD of Fern Bay (177197) <u>(Name withheld) of Fern Bay, NSW (177197)</u>	1. Objects to the conversion of the second access road to an emergency services access only. 2. The Coastal Design Guidelines for NSW state that coastal developments should avoid privatised enclaves and be interconnected and permeable. Having a single entry and exit point creates an enclave, and permeability can only be achieved with a second entry/ exit point.	1. Refer to main letter and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. 2. The Estate is considered permeable in that it includes full vehicular access to Nelson Bay Road along with access to a 4WD track and pedestrian access to Stockton Beach and the surrounding bushland. The estate is not a gated community and public access is available across the estate. Seaside Fern Bay is considered consistent with the outcomes within NSW Coastal Zone Guidelines.
NAME WITHELD of Fern Bay (177235)	1. Objects to the proposed changes. Increasing the residential lot yield by 49 and providing less infrastructure is unreasonable.	1. The proposed modification is to develop within the approved urban areas and consistent with the Master Plan.

Submitter	Submission Summary	Applicant Response
<u>(Name withheld) of Fern Bay, NSW (177235)</u>	<ol style="list-style-type: none"> Changes will result in congestion at the only exit from the estate to Nelson Bay Road. Has a revised traffic study or environmental impact study been provided? 	<ol style="list-style-type: none"> Traffic assessment indicates that there is sufficient capacity in the road system to manage local traffic movements. Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. An environmental study is not required as the proposal is now within the approved residential development footprint.
NAME WITHELD of Fern Bay (177305) <u>(Name withheld) of Fern Bay, NSW (177305)</u>	<ol style="list-style-type: none"> The Emergency Access Road is to be reinstated as the originally intended full access road to Nelson Bay Road from Seaside Boulevard in Stage 14 Development of Fern Bay. The number of households has quadrupled which will place greater pressure on the only original exit to Nelson Bay Road and cause havoc and danger should there be a mass evacuation due to bushfires and the like. Adding extra residential lots as proposed by developer in the Seaside Community will increase traffic along Seaside Boulevard which only has one exit and entry point currently. 	<ol style="list-style-type: none"> Refer to main letter, RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. As above
NAME WITHELD of Fern Bay (177309) <u>(Name withheld) of Fern Bay, NSW (177309)</u>	<ol style="list-style-type: none"> I believe the deletion of the second exit / entry to the Seaside Fern Bay development and replacement with an emergency only exit is flawed. On at least 3 occasions in the last 18 months the main exit has been blocked by trees or objects on the road. As there is only one lane each way on a fully divided road it is extremely dangerous to avoid situations like this, as the only available exit is then to drive the entire length of the road in the wrong direction on a single lane road. In addition in the event of a fire the volume of traffic would be substantially higher than normal and any interruption to traffic flow 	<ol style="list-style-type: none"> Refer to main letter, RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service. Road Pavements within the Seaside Boulevard and the estate have been designed in accordance with Port Stephens Council Infrastructure Specification Design for a 30 year design life.

Submitter	Submission Summary	Applicant Response
	<p>could strand large numbers of people in the path of the fire. An additional issue will develop over time, whilst the road is currently in good repair, at some point significant maintenance will be required (possibly as soon as the new developments planned on this very road). It would either require an extended stop / go situation on the other side of the road, with no safe location to queue cars at either end or blocking access to the development entirely. Neither seem safe, nor offer proper amenity for a development of this size. A third issue would be the with driveways for the changed lots on this road directly connecting to the major and only road out of the estate, which is currently at a speed limit of 60kph, the opportunity for accidents increases, which opens more opportunities for road blockages. It is also likely the speed will be reduced to 50kph which would reduce the capacity throughput of the road.</p>	
<p>NAME WITHELD of Fern Bay (177342) <u>(Name withheld) of FERN BAY, NSW (177342)</u></p>	<ol style="list-style-type: none"> 1. Objects 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. 2. Objects to the increase in residential lots from 590 to 639. The increase in lots is at the expense of neighbourhood facilities. 	<ol style="list-style-type: none"> 1. As the community grows, the establishment of a future facilities will become more viable and attractive for investors to establish. A convenience centre at 43 Seaside Boulevard, approved by the Council on 2 August 2016 (Council ref 16-2016-250-1). This development includes, a child care centre (maximum capacity of 94 places), medical/allied health offices and a neighbourhood shop. 2. As above. Also changes in the population dynamics and economic reality have identified commercial/retail convenience activity in the area of stage 18 is considered unrealistic particularly given the above approval and no arterial road

Submitter	Submission Summary	Applicant Response
	<p>3. Objects to changing the second general access road to an Emergency Vehicle access only. It appears that the developer does not want to provide the required acceleration / deceleration lanes within a 100 km/hr speed zone primarily due to cost.</p>	<p>access. The location is not considered economically viable for use as small-scale retail business.</p> <p>3. Refer to main letter and RPS report, RFS issued General Terms of Agreement and Intersection analysis which identifies the existing single entry will and can operate at an appropriate level of service.</p>

Conclusion

We trust that this letter and the attachments address the matters raised in submissions to the modification application. If clarification of the content of the letter is required by the Department on behalf of the Agencies that have made submissions would you please contact the undersigned.

If no further information is required, we now look forward to a timely approval of the application.

Yours faithfully,



John O'Grady
Manager – Urban Planning
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Enc:

Attachment A – Proposed Amended Modification Plans
Attachment B – RFS Response to Modification
Attachment C – Intersect Traffic – Intersection Analysis
Attachment D – Intersect Traffic – Public Transport

cc: Mr Michael Radovnikovic (Development Manager, Communities) Rawson
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