

## Natasha Harras

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**From:** Konrad Grinlaubs <K.Grinlaubs@monteathpowys.com.au>  
**Sent:** Wednesday, 6 September 2017 3:33 PM  
**To:** Natasha Harras  
**Cc:** Chad Beecham; Andrew Phillips; Michael Radovnikovic; Anthony Witherdin  
**Subject:** RE: Fern Bay

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Natasha,

For clarity confirming an earlier typo, 'the Modification is 640 lots, 431 residential lots and 9 commercial lots' should read 'the Modification is 640 lots, 631 residential lots and 9 commercial lots'.

Regards

Konrad Grinlaubs

SENIOR PLANNER

E. [k.grinlaubs@monteathpowys.com.au](mailto:k.grinlaubs@monteathpowys.com.au)

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**From:** Konrad Grinlaubs  
**Sent:** Wednesday, 6 September 2017 3:19 PM  
**To:** 'Natasha Harras' <Natasha.Harras@planning.nsw.gov.au>  
**Cc:** Chad Beecham <c.beecham@monteathpowys.com.au>; Andrew Phillips <a.phillips@monteathpowys.com.au>; Michael Radovnikovic <Michael.Radovnikovic@rawson.com.au>; Anthony Witherdin <Anthony.Witherdin@planning.nsw.gov.au>  
**Subject:** RE: Fern Bay

Hi Natasha,

Further to our discussion and your email below I provide the following;

The superlot as discussed in stage 14 is not a superlot but a large single residential allotment (lot 1435). As such the Modification is 640 lots, 431 residential lots and 9 commercial lots.

As such, it is requested that the timing provision be prior to the 609<sup>th</sup> residential lot is proposed.

We note your final comments regarding the staging and the PAC.

Regards

Konrad Grinlaubs

SENIOR PLANNER

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**From:** Natasha Harras [<mailto:Natasha.Harras@planning.nsw.gov.au>]

**Sent:** Wednesday, 6 September 2017 10:37 AM

**To:** Konrad Grinlaubs <[K.Grinlaubs@monteathpowys.com.au](mailto:K.Grinlaubs@monteathpowys.com.au)>

**Cc:** Chad Beecham <[c.beecham@monteathpowys.com.au](mailto:c.beecham@monteathpowys.com.au)>; Andrew Phillips <[a.phillips@monteathpowys.com.au](mailto:a.phillips@monteathpowys.com.au)>;

Michael Radovnikovic <[Michael.Radovnikovic@rawson.com.au](mailto:Michael.Radovnikovic@rawson.com.au)>; Anthony Witherdin

<[Anthony.Witherdin@planning.nsw.gov.au](mailto:Anthony.Witherdin@planning.nsw.gov.au)>

**Subject:** RE: Fern Bay

Thanks Konrad

However, following this modification there would be in fact 630 residential lots.

There would be 640 lots in total, made up of 630 residential lots, 1 superlot and 9 commercial lots.

On this basis, let me know if you want to request the timing be prior to provision of the:

- 618<sup>th</sup> residential lot, or
- 608<sup>th</sup> residential lot, or
- 618<sup>th</sup> lot (of any kind).

As mentioned on the phone, I am not sure that we would support any of the above staging, but I want to make sure we correctly present your preferred option to the PAC.

Kind regards

**Natasha Harras**

**Team Leader, Modification Assessments**

NSW Department of Planning & Environment

320 Pitt Street, Sydney

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**From:** Konrad Grinlaubs [<mailto:K.Grinlaubs@monteathpowys.com.au>]  
**Sent:** Wednesday, 6 September 2017 10:10 AM  
**To:** Natasha Harras <[Natasha.Harras@planning.nsw.gov.au](mailto:Natasha.Harras@planning.nsw.gov.au)>  
**Cc:** Chad Beecham <[c.beecham@monteathpowys.com.au](mailto:c.beecham@monteathpowys.com.au)>; Andrew Phillips <[a.phillips@monteathpowys.com.au](mailto:a.phillips@monteathpowys.com.au)>; Michael Radovnikovic <[Michael.Radovnikovic@rawson.com.au](mailto:Michael.Radovnikovic@rawson.com.au)>; Anthony Witherdin <[Anthony.Witherdin@planning.nsw.gov.au](mailto:Anthony.Witherdin@planning.nsw.gov.au)>  
**Subject:** RE: Fern Bay

Hi Natasha,

Thanks for your time and further to our conversation I confirm that your assumption below is correct in that the reference to the 800<sup>th</sup> lot includes stages 1-3. The plan referenced within the condition shows and tabulates all lots within the Fern Bay development including stages 1-3.

It is also noted that your reference to the provision of 630 residential lots is not correct where in fact it is 640 residential lots across the approval (excluding stage 1-3).

I confirm that it remains the applicants request that the condition reference a lot trigger for the delivery of the road within stage 14a. If you consider for clarity that the lot trigger exclude stages 1-3 (182 lots) the following is suggested;

*The northern extension of Seaside Boulevard and upgraded intersection with Nelson Bay Road (as identified as stage 14a on the 'Staging and Lot Layout REV N Plan' (drawing 29850N – Sheet 1 of 21, prepared North Point Surveys (NSW Pty Ltd) dated 21/08/2017), must be constructed prior to the release of a Subdivision Certificate for the ~~800~~618<sup>th</sup> residential lot (excluding stages 1 – 3). The works (including the new intersection) must be designed and constructed at the cost of the proponent.*

*The following requirements of the Roads and Maritime Services (RMS) must be met prior to issue of a subdivision certificate for the ~~800~~618<sup>th</sup> residential lot (excluding stages 1 – 3) in Fern Bay. These works include:*

...

If you require any further information please do not hesitate to contact me.

Regards

Konrad Grinlaubs

SENIOR PLANNER

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**From:** Natasha Harras <[Natasha.Harras@planning.nsw.gov.au](mailto:Natasha.Harras@planning.nsw.gov.au)>

**Date:** 6 September 2017 at 12:03:13 am GMT+2

**To:** Michael Radovnikovic <[Michael.Radovnikovic@rawson.com.au](mailto:Michael.Radovnikovic@rawson.com.au)>

**Cc:** Anthony Witherdin <[Anthony.Witherdin@planning.nsw.gov.au](mailto:Anthony.Witherdin@planning.nsw.gov.au)>

**Subject:** Fern Bay

Hi Michael

Anthony asked me to explain why we believe your submission seeks to delay the provision of the road until the 13<sup>th</sup> last lot.

The letter from Monteath Powys requests a modification to Condition B5 in relation to the timing for delivery of the road – specifically that it only be required to be constructed prior to the release of a Subdivision Certificate for the **800<sup>th</sup> residential lot**.

The proposed modification, incorporating subdivision of superlots in stages 18-20, would result in the provision of only **630** residential lots in total across the entire approval.

We assume, therefore the 800 lots referred to, also incorporates the residential lots approved under the separate DA for Stages 1 to 3. There are **182** residential lots under stages 1-3.

630 + 182 residential lots = **812** approved residential lots across all of Fern Bay.

If the requested condition were to be adopted, all but the last 13 lots (ie the 800<sup>th</sup> lot and above) could be released prior to the provision of the road.

Kind regards

**Natasha Harras**

**Team Leader, Modification Assessments**

**NSW Department of Planning & Environment**

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Our Ref: 2013/0415 KG:yh

21 August 2017

Mr Anthony Witherdin  
Director  
Modification Assessments  
Infrastructure and Industry Assessments  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir

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

We provide this correspondence in response to the discussions with the Department of Planning on the proposed modification to the residential subdivision at Fern Bay. We understand that the matter of the northern road connection remains an area of contention, despite what the applicant believes are clear and justifiable reasons for the proposed change.

We have considered the points raised by the Department during these discussions. However, it remains the applicant's position that the proposed emergency road remains part of the proposed modification, and furthermore, can be supported and approved. In addition, the modification now includes an amended set of proposed plans which creates a separate stage (stage 14a) which incorporates the road/access, refer attached plans. The main purpose for this is to allow for the efficient and practical delivery of the development and separate the administration and construction requirements of the northern access from a specific stage.

The following reasons outline the justification for the applicant's position;

1. The northern connection is not required as a traffic solution and has no influence on the continued operation of the local road network;
2. An intersection analysis of the Nelson Bay Road / Fullerton Cove Road / Seaside Boulevard roundabout determined the intersection has the capacity to cater for the full proposed modified development without the need of a second access (refer previously provided **Intersect Traffic Intersection Analysis**);
3. The Fern Bay residential estate is currently generating less traffic than the average regional residential subdivision;

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4. 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 an RMS upgrade, representing major inefficiencies and expenditure on the part of many entities;
5. The provision of a second access point to Nelson Bay Road (which is a 100 km/hr road) would result in additional maintenance costs, representing major inefficiencies in expenditure for local government for little to no improvement to the network;
6. 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;
7. 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;
8. Public transport services through the site can and will be maintained;
9. The existing street network has sufficient capacity 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;
10. The second access point would not be detrimental to the continued provision of public transport to the development site;
11. A proposed bus service route has been identified which travels through the estate providing significant public service coverage and does not require the northern access;
12. Bus services would not be required to travel significantly 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;
13. The proposed bus route is 3.94kms through a populated urban area providing significantly increased pick-up opportunities and therefore passenger convenience;
14. The proposed bus route has 1.78kms of additional opportunities for pick up or drop off within Fern Bay estate;
15. The northern access road will not have a detrimental impact of customer experience or efficiency of the overall service;
16. The second access provides an emergency access for a bushfire emergency;
17. The access road will be a safer emergency measure if it is operated only under the proposed provision of emergency services;
18. RFS have provided their General Terms of Agreement, subject to conditions;
19. The full road requires safety design requirement inconsistent with the need to direct evacuating traffic away from a fire source;
20. Emergency vehicles would not have full directional access to the road. The access to and operation of the road will not allow for controlled evacuation onto Nelson Bay Road; and



21. 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.

These are considered to be compelling reasons to justify the proposed change in the nature of the northern access. As such it is suggested that the emergency road can be supported and will not create any environmental impacts.

The proposed modification is considered to be the proper management and development of the land and promotes the social and economic welfare of the community. The modification promotes the orderly and economic use of the land and the provision of land for public purposes. The project has undertaken to protect the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and opportunities for the increased provision of housing.

The following wording amending condition B5 be included;

#### **PROPOSED NEW WORDING, CONDITION B5**

##### ***B5 Construction of connection to Nelson Bay Road (Stage 14a)***

*The northern emergency extension of Seaside Boulevard to Nelson Bay Road (as identified as stage 14a on the 'Staging and Lot Layout REV N Plan' (drawing 29850N – Sheet 1 of 21, prepared North Point Surveys (NSW Pty Ltd) dated 21/08/2017), must be constructed prior to the release of a Subdivision Certificate for the 800<sup>th</sup> residential lot. The works must be designed and constructed at the cost of the proponent.*

Should the Department disagree or not support the proposed emergency access, the applicant suggests the following re-wording for condition B5 be included instead of the applicant's proposed outcome.

##### ***B5 Construction of connection to Nelson Bay Road (Stage 14a)***

*The northern extension of Seaside Boulevard and upgraded intersection with Nelson Bay Road (as identified as stage 14a on the 'Staging and Lot Layout REV N Plan' (drawing 29850N – Sheet 1 of 21, prepared North Point Surveys (NSW Pty Ltd) dated 21/08/2017), must be constructed prior to the release of a Subdivision Certificate for the 800<sup>th</sup> residential lot. The works (including the new intersection) must be designed and constructed at the cost of the proponent.*

*The following requirements of the Roads and Maritime Services (RMS) must be met prior to issue of a subdivision certificate for the 800<sup>th</sup> lot in Fern Bay. These works include:*

- *The proposed new vehicular access to/from Nelson Bay Road shall be designed/constructed with left turn deceleration and acceleration lanes in accordance with the RTA's Road Design Guide, including a*

*provision for on road cyclists and a central median to prevent right turn in and out movements. Intersection lighting shall be provided to Australian Standards;*

- Geometric road design shall be in accordance with the RTA Road Design Guide. Pavement design shall be in accordance with the AUSTROADS Pavement Design Guide;*
- The proponent shall enter into a Works Authorisation Deed with the RMS for any works within the Nelson Bay Road reservation. In this regard, the developer is required to submit detailed design plans and all relevant additional information, as may be required by the RMS's Works Authorisation Deed documentation, for each specific change to the State road network for the RMS's assessment and final decision concerning the work;*
- The applicant shall obtain a Road Occupancy Licence from the RMS; and,*
- Section 138 concurrence under the Roads Act 1993 shall be obtained from the RMS.*

The proposed re-wording is to allow for the continued and efficient delivery of lots within the Fern Bay estate.

Furthermore, the following is suggested wording for Condition A2

#### **A2 Staging**

*Stages 1 to 3 are the subject of separate approvals issued by other authorities. The project is to be constructed in stages, generally as follows:*

...

*(12) Stage 14 comprises:*

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;*
- (b) 35 lots;*
- (c) Construction of Corymbia Park (R5), including recreation facilities;*

*(12a) Stage 14a comprises:*

- (a) Northern extension of Seaside Boulevard, including an intersection with Nelson Bay Road (northern intersection);*

We trust that this letter outlines the matters discussed regarding the modification application. If clarification of the content of the letter is required by the Department we are more than willing to discuss with you. Please contact the undersigned at your earliest convenience.

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

Yours faithfully,  
**MONTEATH & POWYS PTY LIMITED**

A handwritten signature in blue ink, appearing to read 'K. Grinlaubs', with a stylized flourish at the end.

Konrad Grinlaubs  
Senior Planner  
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Cc: Mr Michael Radovnikovic (Development Manager, Communities), Rawson Communities.

