# MP10\_0088 Mod 1 - Modification to Nords Wharf Residential Development (Southern Estate) Concept Plan

## High level summary

1. Agree to modify the layout and increase the number of lots from 90 to 96 - so long as all environmental and regulatory requirements are met.
2. Do not agree to change the two intersections, specifically:
	* upgrade the Pacific Highway and Awabakal Drive to a left-in, left-out intersection
	* upgrade the Nords Wharf Road and Pacific Highway to a signalised seagull intersection
3. Do not agree to a reduction in the $1 million contribution to $415,000 - however, I understand this part of the modification request has now been withdrawn.
4. Do not agree to the removal of bank guarantees

The major concern is the traffic impacts on local roads and the associated safety impacts with increased traffic. The result of the proposed left-in, left-out intersection at Awabakal Drive is to force all construction/commercial traffic through the middle of the Nords Wharf village.

To support this objection, it is noted that:

* The Department of Planning, Industry and Environment ("The Department") does not support the proposed changes to the intersection
* Lake Macquarie City Council ("LMCC") prefers maintaining the approved intersection layout
* The overall objective of the changes appears to be cost driven
* The timing of any signalisation is unknown, potentially some years
* In the interim, construction impacts 'could' be managed through traffic control, and the like - whatever this means?
* The streets of Nords Wharf were never designed to take the construction traffic that is proposed
* LMCC would be required to firstly remedy lacking infrastructure before construction commences. Including, but not limited to, improve/upgrade road surfaces, build footpaths, consider mitigants to danger areas
* Removing right turn access from Awabakal Drive reduces evacuation options in event of emergency. Indeed, in event of a north-easterly fire, the proposal will force Nords Wharf residents towards that danger.

## Detailed background information and recommendations

### Nords Wharf Development Company Pty Ltd ("NWDC") modification request:

* Change the layout and increase the number of lots from 90 to 96 lots
* Change two intersections, being:
	+ upgrade the Pacific Highway and Awabakal Drive to left-in, left-out only intersection
	+ upgrade the Nords Wharf Road and Pacific Highway to a signalised seagull intersection
* Reduce the required $1 million contribution to $415,000
* Remove the requirement for a bank guarantee

It is noted that "NWDC" have recently committed to contribute $1m, as approved in the original Concept Plan (12 July 2012). This $1 million commitment was provided originally as part of a package and primarily as there are nil parks being provided within the development footprint. Additionally, the development intends to back onto Nords Wharf current services (power, water, sewerage etc).

It appears that many Governmental agencies have agreed to the modification proposals in one form or another, however these agencies focus on one small piece of the pie and not the overall development. This is clearly a problem with the overall process, however as residents, we must hope and trust our overall Government agencies/departments to keep their eye on the ball.

In this respect we residents are relying heavily on the NSW Department of Planning, Industry and Environment ("The Department") and the NSW Independent Planning Commission ("IPC").

### Intersection Upgrades

#### Comment 1: Awabakal Drive signalisation v Nords Wharf Road signalisation

It is pleasing to note that "The Department" do not support the changes to the intersections (in their document: Nords Wharf Concept Plan (MP10\_0088 MOD 1) | Modification Assessment Report dated January 2020). Their overriding comments are:

* Following a review of all environment impacts and consultation with the community, "The Department" does not support the proposed changes to the intersections.
* "The Department" considers the concerns raised by the community are reasonable, and notes that they have not been addressed by "NWDC". These include:
	+ reduced safety of pedestrians as there are no footpaths along Government Road
	+ reduced safety of children during school drop off and pick up times
	+ increased use of the Government Road and Nords Wharf Road intersection

"The Department" also commented that it considers having two intersections with the option to travel north and south is a better outcome for new and existing residents as this allows greater choice depending upon where they live, and where they are travelling. It also increases the evacuation options in the event of emergency. This comment is significant.

Further, "The Department" noted that Lake Macquarie City Council ("LMCC") prefers maintaining the approved intersection layout and advised that the final intersection arrangement must consider and mitigate any additional impacts on local roads.

It is hoped that the "IPC" would not override the recommendations of "The Department", "LMCC" and the community. With respect, the "NWDC" have failed to address the impacts of the proposed intersection changes on the local roads - this is evidenced in the Modification Assessment Report document (referred above) and reiterated constantly on page 17, paragraphs 6.2.10, 6.2.11, 6.2.12, 6.2.14.

I and the community trust the "IPC" in being the gatekeeper on this issue of safety and sanity for the existing and future residents of Nords Wharf. Please do not allow the request to a left-in, left-out only intersection at Pacific Highway and Awabakal Drive.

#### Comment 2 - "NWDC"

Following the issue of the Modification Assessment Report in January 2020, "The Department" met with "NWDC" on 11 February 2020. It is concerning to note that "NWDC" continue to ignore the preferred (and already approved) options as recommended by "The Department", "LMCC" and the Nords Wharf community.

The overall objective of "NWDC" appears to be reduced cost - no matter which way they address it. When does cost override public safety? They have not costed the Awabakal Drive option but did indicate "we're talking millions" for Awabakal Drive signalling rather than $612k for Nords Wharf Road signalling. They did state that they believed Awabakal Drive would potentially be 2.5 times Nords Wharf Road cost (not actually costed, so perhaps just a discussion point). That is $1.5m and not on the large scale "of millions". It can be reasonably assumed that they have never intended to accommodate this approved Concept Plan requirement. In the minutes of the Applicant Meeting with the "IPC" on 11 February 2020, Mr Brett Stein (Engineering Consultant of ADW Johnson - acting on behalf of "NWDC") agreed with Mr Stephen O'Connor (Commissioner) that the reason "NWDC" preferred the Nords Wharf Road signalisation rather than Awabakal Drive was cost.

On 11 February 2020, "NWDC" went further and commented on the timing of the intersection changes and seem to want to defer or stagger the investment - potentially for many years. In support of delaying the investment in signalisation, "NWDC" stated:

* that during construction, "the environmental capacity of the existing streets in Nords Wharf will be adequate to handle traffic internally".
* any construction impacts can be managed through traffic control, and the like.

With respect, this suggests the current residents can just wear the disruption and bear any safety consequence.

What could they want to occur - as they have been silent on mitigants:

* set the main thoroughfares in Nords Wharf as nil street parking?
* set up manned flag holders disrupting the normal orderly flow of life and traffic within Nords Wharf, and
* allow smooth access to construction/commercial traffic as a priority.

#### Comment 3 - There are real infrastructure issues in Nords Wharf

The streets were never designed to take the construction/commercial traffic proposed by "NWDC". Additionally, this development application is adding a further 96 lots to the existing 400 (if indeed 400 is correct), and that is an increase of ~25%. This is a significant increase in any measure.

Many issues have been raised by residents and discussed in the public forums and within the objection documents in 2017.

From my point of view, we need the following addressed before any development can commence:

* Upgrade both Government Road and Nords Wharf Road surfaces to handle the significant influx of heavier construction/commercial traffic.
* "LMCC" to implement a proper upgrade program for Nords Wharf roads rather than the fleeting patch repair process that is currently undertaken.
* Build footpaths, at a minimum, on all roads where the construction traffic will travel to improve the safety of current residents who are today forced to walk and play on the roads.
* The width of Government Road and Nords Wharf Road are both questionable - in terms of accommodating the construction/commercial traffic during the development phase - which may of course cover many years. At present, with normal traffic, it is not possible for 2 cars to pass each other when there are cars parked on either side of the road. This will be a significantly greater problem with construction/commercial traffic and their bigger vehicles. Serious consideration needs to be given to how this will be managed should the "NWDC" proposal to close full access to Awabakal Drive from Pacific Highway be approved.
* "LMCC" to look at mitigants to the current dangers on the Nords Wharf Road/Government Road intersection, the nearby Central Road/Government Road intersection and the 2 blind crests on Government Road.
* "LMCC" need to be mindful of current residents residing on Government Road near the 2 blind crests (on either side of the crest) who need to travel down the wrong side of the road, accelerate and then check for traffic coming up and over the blind crest, before crossing to the left side of the road. It is presently just too dangerous to immediately cross to the left side of the road and hope that no traffic is just about to come over the crest. I understand residents of Omaru Close do the same manoeuvre. How can this matter be resolved?
* It should be obvious that adding the construction/commercial traffic and then the additional traffic from the proposed 96 lots will make this task much more difficult.

Much of this is required before development commences because of the "NWDC" desire that Awabakal Drive become left-in/left-out only, thus forcing all construction/commercial traffic through the middle of the Nords Wharf village.

### Services within Nords Wharf

The proposal intends to rely on services currently in existence within Nords Wharf. It is imperative that all services are reviewed to ensure the that additional 96 lots, which represent a ~25% increase in demand, can be accommodated. Services in this context include water, sewerage, electricity, firefighting, amongst others.

### Bank Guarantees

I am confused for the need to negate the already approved bank guarantee requirements. What is really behind this? "NWDC" currently have a paid-up capital of $200. It is registered as a Pty Ltd company - hence liabilities are limited.

Should road or other infrastructure requirements (e.g. intersection signalisation, contributions) be deferred for many years, and some financial situation occurs with the company post development commencement, who will pay for this required cost? My issue is I don't understand the need to remove the bank guarantee requirement.

A company with known pedigree and funding (Coal & Allied) was prepared to accommodate this requirement which was a factor in the Concept Plan being approved. With respect, we don't know much about "NWDC", is it reasonable that we proceed based on no bank guarantees?