

enquiries refer

Andrew Smith
in reply please quote

DA 2004/1150

30 August 2011

Director Metropolitan and Regional Projects North
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Dear Ms Warton,

**Re: Modification No. 4 Residential Subdivision at Angels Beach North, East Ballina
(your reference: DA 188-08-2004 Mod 4)**

I refer to your letter dated 21 June 2011 in which you inform Council of Modification Application No. 4 to the above referenced development.

Council understands that the proposed modifications sought in this application are twofold. Firstly, the application seeks to delete the requirement for a signalised pedestrian crossing on Angels Beach Drive (previously was to be an underpass) and replace it with a pedestrian refuge. Secondly, the application seeks to further defer the construction of the remaining external civil works (connecting pathways, bus bays and pedestrian crossing of Angels Beach Drive) as required by the consent.

Firstly, Council's position has not changed in that the preferred option is a grade separated crossing of Angels Beach Drive. The traffic report prepared by Bitzios Consulting accompanying this modification application does not adequately canvass and assess the various options for pedestrians to cross Angels Beach Drive. Council's Civil Services Group advise that, of the at-grade crossing options contained in the report, the pedestrian refuge is the preferred option of what is essentially an unsuitable range.

Council reiterates its unwavering view that the at-grade crossing options canvassed to date in this location for this estate would be unsafe and/or would not get people and cyclists across a major roadway. This conclusion has been derived having regard for the new estate's pedestrian and cycle generating capacity, the current and future traffic volumes and speeds along Angels Beach Drive, the approved location of the bus stops and external linking pedestrian and cycle paths to serve the estate, and the location of the principal pedestrian and cycling attractors in the locality (i.e. parks & reserves, sportsgrounds, local shops, schools, and established beach access points).

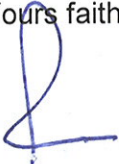
Ballina Shire Council has established and pursued over a 20 year period a strategic planning approach of interlinking cycle and walking pathways in the Ballina and Lennox Head localities by having grade separated crossings of the arterial road network.

Council therefore recommends the Department further engage with the applicant in negotiating a suitable pedestrian crossing consistent with Council's established strategic position.

In relation to the second aspect of the proposed modification, Council does not support the request to further defer completion of the external civil works. There is no justifiable reason why the applicant could not have lodged a separate construction certificate for the connecting pathways and have had these substantially completed, with the final interconnection with the crossing and bus bays finished off once the crossing design had been resolved. There are now a number of residents living in the estate and in the absence of any offer of a monetary surety for completion of these works that Council could draw on, it is recommended that proposed amendment to Condition E3A not be supported. Therefore, no further lots should be released until all outstanding civil works including pathways, bus bays and pedestrian crossing are satisfactorily completed.

If you have any enquiries in regard to this matter please contact Andrew Smith on 0266861254.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'Rod Willis', with a stylized loop and a horizontal stroke at the end.

Rod Willis
Group Manager
Regulatory Services