

OBJECTION - MAJOR PROJECT APPLICATION 05-0198

BILAMBIL HEIGHTS

We wish to lodge an objection to the above Major Project Application.

The grounds of our objection are:

1. The Proposal is Likely to Have an Unacceptable Adverse Impact on the Residential Amenity of the Current Residents of the Area.

a) Background:

i. There was an application lodged to the Tweed Shire Council (TSC) in 1994 to develop the area adjacent to, and in the general vicinity of Lots 32 to 60 in the current 05_0198 Application. The number of lots in the 1994 application was 59 plus two. In that 1994 application, it was proposed to join Stott Street in Tweed Heads West and Walmsleys Road in Bilambil Heights.

ii. The Director of Development Services (TSC) prepared a report "Development Application: Opening and Construction of a Road within Lot 2 DP 527490 to Link the Village Resources Subdivision to Walmsleys Road - Village Resources P/L" (File No. PF2480/20, Subject No. 855 600).

iii. On 18 January, 1995, TSC accepted the recommendations of that Report. Part of the summary of that report found:

"The proposal is likely to have an unacceptable adverse impact on the residential amenity of the residents of Tweed Pacific Estate" (that is, the area currently including Walmsleys Road, Nabilla Street and Warringa Drive). And "On balance, the originally proposed access to the Village Resources Subdivision (that is, the lots in the general vicinity of Lots 32-60, referred to above) from Piggaheen Road is the more appropriate option".

iv. AND THE PROPOSAL WAS REJECTED BY TSC. See Appendix I.

b) In the intervening time, the only issue that is significantly different is that the proposed development is one third larger than the one proposed in 1994, and with the intervening development, more residents at the Walmsleys Road end of the proposed development would be impacted upon. And the Village Resources sub-division (in the vicinity of Stott Street at Tweed Heads West) has since been developed, which potentially would significantly increase the concerns raised in 1995.

✓ entered on database
30/9/09 dco

Coastal Assessments,
Department of Planning,
GPO Box 39,
Sydney. 2001

Attention: The Acting Director

A further indication that it was never contemplated to join Stott Street in Tweed Heads West with the relatively small, discrete community of 160-or-so residences in the subdivision containing Walmsleys Road in Bilambil Heights (other than for the convenience of those wishing to develop the land between these two roads) can be gauged by a comparison of the two roads. Stott Street is an 11 metre wide road, that, as an aside, has at its current cul-de-sac, an extremely large aged care and nursing complex. The road feeding Stott Street in turn is an 11 metre wide thoroughfare. Walmsleys Road, on the other hand is a narrow, 7 metre wide road that is, and obviously always was, intended to service a relatively small number of local residents. It would defy logic to have a major, 11 metre wide road, feeding into a 7 metre wide road running through a quiet suburban neighbourhood.

iii.

The width of Walmsleys Road where it is proposed to be extended is only seven metres (or 6.25 metres if the kerbing is discounted). This would be a very tight squeeze for two large trucks to pass during an extended construction and house-building phase of the proposed subdivision. If even one resident's vehicle was parked outside their residence in that area of Walmsleys Road, it would be impossible for two trucks to pass. If residents' vehicles were parked opposite each other on that road it would be difficult, and in some cases probably impossible for a large truck to negotiate between the two vehicles.

ii.

The extent of the impact includes:
The connection of Stott Street in Tweed Heads West and Walmsleys Road in Bilambil Heights would not only directly increase the flow of traffic through Walmsleys Road, but would encourage residents of Tweed Heads West in the vicinity of Stott Street to "rat-run" through Walmsleys Road, especially as the already-heavy congestion at the intersection of Piggabeen Road and Gollan Drive remorselessly worsens.

i. e)

With further subdivisions on the drawing board adjoining the current development proposal, plus the inevitability of further development of the Western area of Tweed Heads West it is foreseeable traffic traversing this currently tranquil subdivision could eventually exceed the 2000 VPD recommended by the Australian Model Code for Residential Developments (AMCORD) if the linking through to Stott Street is allowed to proceed.

d)

Also, the proposed development is in fact the development of two separate properties, with two different owner groups. If a separate application was lodged for, in general terms, Lots 32 to 60, and probably Lots C1 to C6, (the bulk of one of the two developments) there would be absolutely no justification to give these Lots access to Walmsleys Road. They are located in Tweed Heads West, and have nothing to do with the Walmsleys Road area of Bilambil Heights. In fact, the same could be argued in the case of the bulk of the other property for those proposed blocks at the Northern (i.e. the Tweed Heads West) end of the development proposal.

c)

- iv. In addition, with construction of homes on the Western end of Walmsleys Road in recent years, some dwellings would be 10 metres or less from what would be a very noisy road, especially as traffic, notably large trucks, would have to change gears going around the reasonably steep (in both directions) Walmsleys Road / Nabilla Street intersection. Also, as raised below, there would be a significant noise issue of large trucks labouing up the very steepsection of Warringa Drive to the Nabilla Street turn.
- v. It is also suggested the consultant's report estimating traffic flow through Walmsleys Road fails to take into account the level of "rat-running" from the existing residential development in the area of Stott Street and other residents in the Western area of Tweed Heads West and does not take into account the likely efforts of residents in that area to bypass the abovementioned Piggabeen/Gollan Road intersection traffic congestion during peak hours.
- vi. It is totally unacceptable to turn a quiet subdivision into a busy thoroughfare for another subdivision when they have an alternative route which is also closer to town. A large number of residents in the existing subdivision chose this area because of its quiet, peaceful environment. It is an "isolated" subdivision, with absolutely no through traffic. The loss of this amenity not only impacts on residents but would also have the affect of devaluing their properties.

Safety Issues in Relation to using Walmsleys Road / Nabilla Street / Warringa Drive / Scenic Drive as Access to the Proposed Development.

a) In the late afternoon, traffic travelling Westward up the steep incline of Warringa Drive is faced with a situation of the sun shining directly over the crest of Warringa Drive making it absolutely impossible for traffic trying to turn right into Nabilla Street, to see any traffic proceeding Eastward, down Warringa Drive. In other words they are crossing across the line of traffic that is absolutely impossible to see, for 30 to 40 minutes each day – often at afternoon peak hour during late Autumn, Winter, and early Spring. At the moment, this intersection is incredibly dangerous for the 50-or-so residences currently having to execute this turn in order to get from Warringa Drive. Add to this the number of residents of the proposed development, plus an unknown number of “rat-runners” from the Western area of Tweed Heads West, including an increased number of “one-timers” who would not have experienced the difficulties of the intersection during the problem period, and presumably one could safely at least triple, and more likely quadruple the chances of accidents at that intersection. See photos at Appendix II, that gives an indication only of the already dangerous situation at this intersection in the late afternoon.

b) In addition, the inevitable banking up of traffic waiting to turn right, travelling up the steep incline of Warringa Drive needing to turn right into Nabilla Street would have traffic stopped on a very steep incline.

c) The channeling of an increased volume of traffic to the intersection of Scenic Drive and Warringa Drive creates its own set of problems. Scenic Drive already has a very high traffic flow, being a major thoroughfare up to the main (and separate) area of Biambil Heights, particularly at peak hours, travelling South West. Turning lanes from Scenic Drive into Warringa Drive are already short. A tripling or quadrupling of the volume of traffic needing to turn right into Warringa Drive would cause havoc on Scenic Drive during afternoon peak hour. Traffic travelling up Scenic Drive does not have a long sighting of traffic stopped, waiting to turn into Warringa Drive.

d) Further, there is a (southbound) bus stop on Scenic Drive, at the bottom of Warringa Drive. This already has its own dangers, with only a slight widening of Scenic Drive to allow the bus to pick up and offload passengers. With a tripling or quadrupling of traffic at that intersection the existing dangers would be magnified significantly.

e) There is also the issue of the bus passengers, especially school children, who make their way to that bus stop each morning and afternoon. Virtually without exception, all these bus travellers make their way up, or down Warringa Drive on the roadway itself because of an absence of footpaths, will increase potential conflicts between pedestrians and vehicles. All avoid the rough, “grassed” areas on either side of Warringa Drive, and walk on the bitumen itself. And the incline is so great, that when walking up Warringa Drive, on the bitumen, in most cases (especially school children with heavy backpacks) it is a case of walking, leaning into the hill “head down and tail up”. An already dangerous strip for pedestrians at the Scenic Drive end of Warringa Drive will be made proportionally much, much more so. All of these issues would worsen dramatically during wet weather.

f) As mentioned previously, the section of Warringa Drive between Scenic Drive and Nabilla Street is very steep. Already heavy vehicles have some difficulty negotiating it – especially those drivers of trucks “taken by surprise” at the incline when they turn in, off Scenic Drive. Already there is occasional drama of heavy vehicles stalling on the incline, and attempting a steep-hill-start. The volume of such vehicles during an extended development and home building period on the proposed development would increase dramatically, probably for a period of years.

g) In addition the, presumably thousands, of trips by construction vehicles during any block development and house building period would leave considerable mud and dirt on the steep incline of Warringa Drive, and Nabilla Street, as well as on the narrow confines of Walmsleys Road, further adding to the existing traffic hazard along those sections of those roads.

3. Environmental Issues

a) Notwithstanding the consultant's report I contacted the Herpetology Section of the Queensland Museum. As per the Emails at Appendix III, I supplied the GPS co-ordinates of the area at the bottom of the gully on the Eastern boundary of the proposed development (i.e. more or less the lowest point on the proposed subdivision). Again as per Appendix III, Dr. Andrew Arney, Manager of the Herpetology Collection at the Queensland Museum conducted a search of the museum's collection database. He found the museum holds a specimen of *Crinia tinnula* (*Wallum froglet*) that was collected by the EPA relatively recently (2001) from the general area of the GPS co-ordinates supplied, *Crinia tinnula* is listed as vulnerable in New South Wales as well as in Queensland.

i. This would seem to warrant far more exhaustive research than that currently supplied, where the consultants indicated little of interest in this field was found: especially given the obvious independence of the advice from Queensland Museum. Also, given the short notice I had as to this development proposal I have not had the opportunity to pursue the question there may well be other vulnerable/endangered fauna missed by the consultants in the preparation of their report. Accordingly I am flagging this as an issue that may be raised as a potential subject of future concern.

ii. It is pointed out that the reference point of the GPS co-ordinates would receive a large volume of rain runoff, especially after heavy storms that are a relatively common occurrence in this area. At the moment this runoff is moderated by the fact it is running down a glassed slope that takes in a large proportion of the subdivision. If this slope was heavily covered with building rooves and roads, the runoff would be dramatically exacerbated. And water runoff finding its way down to the abovementioned "lowest point", would then continue its flow to the next lowest point – i.e. the adjacent natural water course that flows along the bottom of Bolwarra Close and Malua Close. The point being, even if *Crinia tinnula* is not located on the development proposal itself, given its presence in the area has been confirmed by the Queensland Museum, presumably there is a good chance its habitat is in the adjoining natural water course, which has the potential to be seriously impacted by unrestricted runoff and indeed contamination from the proposed development, if major remedial work is not undertaken beforehand.

4. Land Slippage Issues on the Proposed Development Site

- a) The entire area of the proposed development is in a known land slippage area.
- i. The Bangalor Retreat aged care facility is located at the North Eastern corner of the proposed development. It will be on Tweed Shire Council record, and is confirmed by the owner (who built the facility), that because of land slippage issues, when the (two storey) structure of the facility was being constructed only a few years ago it was deemed essential that the building be built on 9 metre deep concrete piles. The issue is even more significant when it is taken into account the Bangalor Retreat is located on top of the ridge, and the bulk of the development is on slopes around that ridge – some of those slopes quite steep, and some being directly below the Retreat. In other words, there is the potential for construction on some sites within the development proposal to potentially impact on the stability of the Retreat if they cause slippage because of inadequate foundations (that presumably will need to be substantial, to say the least). But this concern is equally applicable virtually across the entire development.
- ii. In addition, the balance of the development is directly across Stott Street from Bangalor Retreat. In other words, even those blocks (some of which are the only ones on the top of the ridge) are being built on land where the building opposite was required to have 9 metre deep concrete piles in order to ensure its stability.
- b) In the late 1990s, Tweed Shire Council was looking at having to construct additional water storage (i.e. tank) in this general area. One of the sites being looked at was within the proposed development area. That site barely made it to “first base” when the land slippage issue was discovered, and was shortly thereafter discarded from consideration.
- c) In addition, there has been evidence of significant land slippage in the area adjacent to the proposed development, behind the top end of Warringa Drive, as recently as in the last couple of years. This slippage required massive amounts of fill to be trucked in over a number of months. Evidence of this can still be seen by reference to that area on Google Maps.

Summary

Major Development Proposal 05_0198 is entirely inappropriate because:

1. A proposal to connect Stott Street and Warringa Drive in 1994 was rejected by Tweed Shire Council in 1995 with stated grounds of the adverse impact on the local community and nothing has changed since then.
2. The application, which is a combining of development proposals by two separate parties has a significant proportion of the blocks from a different suburb accessing and in fact providing through-access of a quiet subdivision, with little apparent benefit to the community other than facilitating the needs of the developers.
3. The current width of Walmsleys Road is 7 metres. Connection of it to Stott Street in the adjoining suburb of Tweed Heads West, an 11 metre road, is entirely inappropriate and creates numerous issues with regard to the safety and amenity of Walmsleys Road residents and other residents along roads adjoining Walmsleys Road.
4. The linking of Stott Street and Walmsleys Road would encourage, and indeed facilitate "rat running" from Tweed Heads West, through a currently quiet subdivision.
5. It is suggested the consultant's report is far too conservative (to the benefit of the applicants) in its estimation of the number of vehicles that would be using Walmsleys Road, given the perceived benefits to not only residents of the proposed development, but also residents in the West of Tweed Heads West who would find it beneficial to use Walmsleys Road in order to have right-of-way at the already-congested intersection of Piggyback Road and Gollan Drive, when driving towards Tweed Heads.

6. Increasing the number of vehicles turning right from Warringa Drive into Nabilla Street in the late afternoon, for those drivers accessing the proposed development via Walmsleys Road would dramatically increase the already significant danger of that intersection because of the evening sun shining directly down Walmsleys Drive, over the crest of hill further to the West of that intersection.
7. The connection of Stott Street and Walmsleys Drive will increase the pressure on the intersection of Scenic Drive and Warringa Drive, potentially blocking through access up Scenic Drive as traffic wishing to turn right into Warringa drive extends beyond the already-short turning lane off Warringa Drive.
8. The provision for the bus stop on Scenic Drive at the bottom of Warringa Drive is already barely adequate. Increasing the traffic at that intersection will only serve to make that bus stop dangerous. School children use that bus stop.
9. Bus passengers from Scenic Drive already walk up the very steep incline of Warringa Drive, walking on the bitumen road surface, owing to the absence of footpaths. A further increase of traffic on Warringa Drive will only compound the danger. Again, school children (as well as mothers, struggling to push their pram) are involved.

10. The incline of the first section of Warringa Drive is significant. Already heavy vehicles can be seen regularly experiencing difficulty on the road from Scenic Drive. Adding an even greater number of heavy vehicles can only serve to compound the problem.

11. In addition, presumably years of construction of, and house building on, the proposed development would leave dirt and mud on already dangerous, and sometimes steep roads between Scenic Drive and Walmsleys Road.

12. The Queensland Museum has reported it is holding a specimen of *Crinia tinnula* (*Wallum froglet*) collected in the area of the site. This species is classified as "vulnerable" in both New South Wales and Queensland. Not only is the issue of the possible presence of the frog on, or immediately adjacent to the proposed development, there is a significant, potential problem for runoff from what is now a steep paddock, but in the event of (common) storms will potentially become a flood of water and soil running into the water course immediately adjacent to the proposed development from rooves and roadways on the development.

13. The entire development is in an acknowledged land slippage area. The fact that Bangalor Retreat, at the North Eastern corner of the development had to build its two-storey aged care facility on 9 metre concrete piles is testament to this. To further compound the concern in this regard, Bangalor Retreat was constructed on the top of a broad ridge, only a few years ago. The proposed development indicates housing will be constructed immediately below Bangalor Retreat. And irrespective of this, a significant proportion of the proposed development is on heavily sloping land.

Thank you.

...Greg Williams & Beverley O'Shawa

**Copy of Notification by Tweed Shire Council in 1995,
Confirming, and Giving Grounds for Council's Rejection
of a Development Application that Proposed the
Connecting of Stott Street in Tweed Heads West, and
Walmsleys Road**



PLEASE QUOTE COUNCIL REF NO: PF2480/20 94/455
YOUR REF NO:
FOR ENQUIRIES PLEASE CONTACT Mr Darryl Anderson
TELEPHONE (066) 720454
DIRECT (066)
24 January 1995

P Curtis & G Carter
c/- PO Box 373
COOLANGATTA 4225

Dear Sir,

Opening and construction of a road within Lot 2 DP527490 to link the Village Resources Subdivision to Walmsleys Road.

I refer to your submission regarding the above and advise that Council at its meeting of 18 January 1995, resolved to refuse the application for the following reasons:

"RESOLVED that the application to open and construct a road within Lot 2 DP 527450 and the existing Walmsleys Road and Highfield Road reserves be refused for the following reasons:
(*Stott St*)"

1. In the absence of a Development Control Plan for the area, approval of the application would be premature and contrary to the public interest in the circumstances of this case.

2. The proposal is likely to have an unacceptable adverse impact on the residential amenity of the residents of Tweed Pacific Estate.

3. On balance, the originally proposed access to the Village Resources Subdivision from Piggabean Road is the more appropriate option."

Thank you for your interest in this matter.

Yours faithfully

Darryl Anderson
Darryl Anderson
Manager, Subdivisions
Development Services Division

CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH, NSW 2464
TELEPHONE: (066) 72 0400 - FAX: (066) 72 0429



ALL COMMUNICATIONS MUST BE ADDRESSED TO THE GENERAL MANAGER

Appendix II **Sun Glare Issue: Various Intersections - Late Afternoon**



Above: Approaching Nabilla Street intersection, looking up (West) Warringa Drive.

Left: Looking up (West) Warringa Drive at Nabilla Street intersection.



Above: Looking up (West) Walmsleys Road towards crest where proposed subdivision starts.

Left: Looking up (West) Warringa Drive, approaching intersection from Nabilla Street.

Note: The vision in "real life" is far worse:

- i. Camera can handle pointing directly into the sun far better than the human eye;
- ii. The day the photos were taken was still experiencing the remnants of one of the dust storms that blanketed New South Wales and Queensland in late September 2009, significantly diffusing (and softening) the sun's glare; and
- iii. The photographs were taken in the street – not through a vehicle's windscreen which, more often than not, would significantly exacerbate the problem.

Appendix III

Email Exchange from Queensland Museum: Presence of Wallum Froglet (*Crinia tinnula*)

From: Beggarstroost [mailto: beggarstroost @ gmail.com]
Sent: Tuesday, 22 September 2009 8:37 AM
To: Inquiry Centre
Subject: For Dr Andrew Amey

FOR DR ANDREW AMEY

(or if unavailable, anybody in the Herpetology - Amphibians and Reptiles Section)

Dear Andrew,

My name is Greg Williams and I live in Bilambil Heights, which is West of Tweed Heads.

There is currently an application lodged with the Department of Planning for a Major Development adjacent to here.

Speaking with one of the local residents about the development proposal, the lady mentioned to me that about five years ago she used to feed a horse at a spring in the paddock in what is now the proposed development area and one day she got talking to a gentleman from Queensland Museum who was there to check out "one of the rarest frogs in Australia". She cannot remember any other detail (and I suspect the "five years ago" could be quite rubbery).

Off hand, could that have been yourself? Or if not, is there any way you can check out the specifics, please?
The location is on a property known as Walmsley's farm. As mentioned above, it is in Bilambil Heights, and the adjacent subdivision has also been known as Tweed Pacific Estate. The spring is adjacent to the nearby cul-de-sacs of Walmsleys, Malua and Bolwarra.

Objections to the Major Development Application close next Tuesday, 29th September with the Department of Planning, so favour of an early response would be much appreciated, please.

Obviously I am chasing as much detail as possible in order to incorporate it in an Objection that a number of local residents are lodging, so any assistance you can offer would be much appreciated, please.
An Email response would be fine, but if you would like to discuss the above with me, my phone number is 07 55909852.

Thanks,
...Greg Williams

.../P2 Appendix III

(Appendix III, Page 2)

On Wed, Sep 23, 2009 at 11:27 AM, Inquiry Centre <Inquiry@qm.qld.gov.au> wrote:

Hello Greg Williams,

I am writing to follow up our telephone discussion this morning. I've spoken to Andrew and we'll have to remove him from our list of suspects! The other likely candidate on our staff list for "frog hunter in funny hat" is Greg Czechura. Greg is away all week but should be back on deck next week. I've copied this email to Greg and you should hear from him when he returns. Given the location I wonder if "one of the rarest frogs in Australia" is the Wallum Froglet, *Crinia tinnula*.

If the frog is the Wallum Froglet, Jean-marc Hero at Griffith Uni may have documented its presence in your area. He is certainly worth contacting on this issue.

<http://www.griffith.edu.au/environment-planning-architecture/griffith-school-environment/staff/associate-professor-jean-marc-hero>

Regards

Kieran Aland
Information Officer
Inquiry Centre
Queensland Museum South Bank

PO Box 3300
South Bank Q 4101
Ph: (07) 3840 7640
Fax: (07) 3846 1918

.../P3 Appendix III

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From: Beggarsroost [mailto:beggarsroost@gmail.com]
Sent: Wednesday, 23 September 2009 12:36 PM
To: Inquiry Centre

Subject: ATTENTION: KIERAN ALAND Re: Greg Czechura- frogs

ATTENTION KIERAN ALAND AND GREG CZECHURA

Kieran,
Thank your for your prompt response.

Given the timeframe for the close of objections, it would be very good if Greg Czechura could contact me as soon as possible when he gets back on deck please. The Department of Planning has given me an extension, but only by a couple of days, so time is somewhat of the essence in this regard.

If it is of any assistance to either Greg or anybody else, a reasonably accurate pinpointing of the area in question on Google Maps is in the area of 28deg 11' 47" S, 153deg 29' 43" E. (*my emphasis* .. .GW)

So could you pass this information on also, please.

Many thanks.
...Greg Williams

+++++

From: Inquiry Centre
Sent: Wednesday, 23 September 2009 2:44 PM
To: 'Beggarsroost'
Cc: Gregory Czechura; Kieran Aland
Subject: frogs/tweed area

Hi again Greg,
I've submitted a request for any holdings in our collection from the vicinity of your coordinates. I think our vertebrate section normally charges a fee for database searches, I'll advise if this is the case. I will be back at work this Saturday so you should hear from me then. I have been told that Greg will be here on Monday, you should hear from him then.
You should also consult the Wildnet database operated by DERM (formerly EPA). Go to http://www.epa.qld.gov.au/nature_conservation/wildlife/wildlife_online/ to conduct a search.

Regards
Kieran Aland
Information Officer
Inquiry Centre
Queensland Museum South Bank
PO Box 3300
South Bank Q 4101
Ph: (07) 3840 7640
Fax: (07) 3846 1918

(Appendix III, Page 4)

From: **Kieran Aland** <kieran.aland@qm.qld.gov.au>
Date: Sat, Sep 26, 2009 at 10:23 AM
Subject: Frogs/tweed area
To: beggarsroost@gmail.com
Cc: Andrew Amey <andrew.amey@qm.qld.gov.au>

Hi Greg,

Dr. Andrew Amey, manager of our herpetology collection has conducted a search of our collection database. **We hold a specimen of *Crinia tinnula* that was collected relatively recently (2001) from the general area in which you are interested. *Crinia tinnula* is listed as vulnerable in Queensland (*my emphasis* . . . *GW*) and the best contact I can suggest, regarding this species in your area, is Dr Jean-marc Hero at the Gold Coast campus of Griffith University.**

Regards
Kieran Aland
Inquiry Centre
Queensland Museum
Ph. 38407640
<http://www.qmuseum.qld.gov.au/>

