

M.W. Allen & Associates~~CIVIL ENGINEERS~~~~PROFESSIONAL ENGINEERS~~

DEPT REFERENCE

09 0166

ALTITUDE ASPIRE
FRAZER DRIVE
TERRANORA

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FACSIMILE MESSAGE

TO: DEPARTMENT OF PLANNING

ATTENTION: TOM FITZGERALD

FAX NO: 02 9228 6540.

FROM: MIKE ALLEN

DATE: 6 APRIL 2011

RE: ALTITUDE ASPIRE - REF 09 0166

Number of pages (including this page): 7.

Please advise if any area of this transmission is in doubt.

M.W.ALLEN, B.E., L.G.E., (N.S.W. & QLD), ~~Chartered Engineer - P.E.C. 011~~*This message is for the intended recipient only, if received in error please advise the above.*

From: "Thomas FitzGerald" <Thomas.FitzGerald@planning.nsw.gov.au> - orig

Subject: Re: Online Submission from Mike Allen (object)

Date: 5 April 2011 4:02:03 PM

To: "Mike Allen" <info@cooltype.com.au>

1 Attachment, 3.4 KB Save Show

Hi Mike, Was there an attachment with our submission for the proposed subdivision at Terranora?

Cheers, Tom.

TOM FULL SUBMISSION EMAILED ON MONDAY
SHOULD COMPRISE

- ① 2 PAGE LETTER OF OBJECTION TO DEPT PLANNING
- ② 3 PAGE LETTER TO TSC DATED 31 MARCH 2011 WHICH WAS AN ATTACHMENT TO THE LETTER OF OBJECTION AND FORMED AN INTEGRAL PART OF THE OBJECTION.

THE COLOUR PHOTOGRAPH IS THE DOCUMENT MARKED AS AN ENCLOSURE (CLAUSE (1) - 2ND PARA) IN THE LETTER TO TSC . IT WAS SENT VIA EXPRESS POST ON FRIDAY AS THERE WAS NO WAY I COULD FAX/EMAIL IT. THE TYPING SERVICE WILL RE-EMAIL THE SUBMISSION. I WILL ALSO FAX IT NOW. REGARDS MIKE ALLEN

M.W. Allen

B.E., L.G.E., (N.S.W. & QLD)

16 Bione Ave
Banora Point N.S.W. 2486
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4 April 2011

Department Reference: 09 0166

MAJOR PROJECTS ASSESSMENT
Department of Planning
G.P.O. Box 39
Sydney N.S.W. 2001

**RE: Altitude Aspire, 321 Lot Subdivision,
Frazer Drive, Terranora**

Dear Sir,

This is an objection to the application by Altitude Aspire for a proposed 321-lot subdivision at Frazer Drive, Terranora. The application is premature, incomplete and inconsistent with Council's LEP and DCP requirements.

It is noted that the application specifically excludes the provision of the permanent access, although the content and format of the EA suggests that the original intention of the EA document was to include such provision.

The permanent access as proposed by the EA is totally reliant upon private property resumption by Tweed Shire Council, an unresolved route and uncertain funding.

It is unknown whether Council's powers of resumption include their ability to acquire property for the benefit of developers:

My concerns over route selection for Broadway Parkway are more fully detailed in my letter to Council dated 31 March 2011, which is annexed to this letter and forms an intrinsic part of the objection. I have also forwarded by express post (posted Friday 1st, April) a full colour copy of the aerial photograph, which was included in my letter to the Council.

The application is also reliant upon a draft DCP prepared by the applicant's consultant and a draft Section 94 plan also prepared by that consultant. Neither document has been adopted by Council and to my knowledge neither advertised.

The document also relies upon S94 Plan No 4 for road contributions to fund Broadway Parkway. This S94 Plan appears to have been based on the L.E.P. alignment, and not the alternative locations suggested being through geologically unstable grounds. The S94 construction road, as adopted in S94 CP04 could grossly understate actual construction costs, and result in an immense cost burden to ratepayers for the benefit of the proponent.

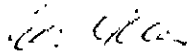
The proposed development is inconsistent with Council's Local Environment Plan 2000.

Clause 38 and in particular Clause 38(c) obligates the Council to consider the effect of development on the future alignment of a road corridor. Clause 53D, specific to Area 'E' obligates the Council to ensure that a Development Control Plan has been developed for the land. Neither of these provisions have been met, although it is noted in the EA that an invitation has been made to the Minister to ignore the provisions of an LEP, suggesting awareness of the applicant to this non-compliance. There are many other aspects of the EA which warrant closer scrutiny but which the extraordinarily brief exhibition period does not permit.

Council has already refused other development applications due to unacceptable traffic impacts in advance of dedication and construction of access roads.

This subject application is also manifestly incomplete and premature and should be refused.

Yours faithfully,



M. W. Allen

M.W. Allen

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31 March 2011

General Manager
Tweed Shire Council
P.O. Box 816
Murwillumbah N.S.W. 2484

RE: Area 'E' Broadwater Parkway

I refer to the meeting with Council Officers' Connell & Knight on Friday 3rd December 2010 concerning Council's proposal to access Area 'E' via Broadwater Parkway from Frazer Drive adjacent to Amaroo Drive. I also refer to the workshop conducted by Council on Thursday, 10 February 2011 in relation to this same matter. In addition to the above, I also refer to the Environmental Assessment submitted by Altitude Aspire (the first stage of Area 'E'), which has just been placed on exhibition, and to which submissions close next Monday (4 April 2011).

I have very real concerns concerning the adequacy of Broadwater Esplanade as proposed by Council in the plans provided. These concerns are detailed hereunder. I am also lodging an objection to the exhibited EA document (DEP reference 09 0166) primarily on the basis of inadequacy of access. This letter will form part of that submission.

The project described by the plans supplied by Council was stated as "Area 'E', Terranora Preliminary Concept – Proposed Connector Road" The cover sheet is dated October 2010 and details seven (7) sheets to the set, all issue A.

The set actually comprises eight (8) sheets.

Sheet 2, Issue B, is titled "Land Zoning and Proposed alignments" and is dated 12/2010.

Sheet 2B Issue A, is titled "Aerial Photo and proposed alignments" and is dated 10/2010.

The details are consistent with each other and both depict a proposed roundabout at approximate chainage 60 on Broadwater Parkway.

The longitudinal section of Broadwater Parkway shown on Sheet 3 does not provide for this roundabout nor does it detail or provide a cross section of the roundabout.

The longitudinal section would require amendment to accommodate the roundabout and in my view this cannot be achieved without further compromising already limiting grades.

It is, however, acknowledged that Council plans are preliminary and evolving, and that they may be incomplete.

Inconsistencies between Council Plans, its own planning instruments and its own design standards are detailed hereunder.

(1) TWEED LEP 2000

Tweed LEP 2000 mandates a corridor for Broadwater Esplanade which, in part, traverse the wetlands adjacent to and north of 'Altitude Aspire'.

This route was nominated by Council subsequent to the gazettal of SEPP14 amendment No 14, and Council would have been aware of the responsibilities and liabilities of any proponent wishing to construct a roadway within a wetland. Such construction is a permissible use, subject to and dependent upon EIS justification, the consent of the Council and the concurrence of the Director (of Planning). Any suggestion that the wetland is pristine, that the roadway and associated wetland enhancement works were unlikely to be approved is a misconception of the intent of SEPP14. The enclosed aerial photograph taken on 18/10/1982 clearly indicated that some of the wetland had been clear felled to enable agistment prior to that date. Present regrowth is primarily Typha (Cumbungi).

A roadway and associated works can be of immense benefit to this wetland. A roadway can enable access, can control the inflow of brackish water into the freshwater wetland area and can be used to facilitate embellishment or remedial works. This can only be assessed after the completion of an E.I.S., which is a fundamental and inseparable component of development within Area 'E' or of any D.C.P. prepared pursuant to Clause 53(D) of Tweed LEP 2000.

The avoidance of E.I.S. preparation is seen as a dereliction of the intent of Tweed LEP 2000.

(2) ROAD CLASSIFICATION

Council have defined Broadwater Esplanade as a "trunk road" and have projected future traffic volumes of 11,800 vpd. A trunk road is not defined in either Tweed DCP A5 (Sub divisional Manual) or their Development Design Specification D1. Both documents however stipulate an indicative maximum traffic volume of 7,000 - 10,000 vpd for neighborhood connector roads and in excess of 10,000 vpd for arterial or distributor roads.

Broadwater Parkway would appear to fall within the latter category.

(3) ROAD ALIGNMENT

The alignment proposed by Council appears to be totally dictated by the reluctance of Council to carry out proper evaluation of a roadway through SEPP14 wetlands.

Council's proposed alignment (Sheet 2, Issue B) not only totally avoids the SEPP14 wetland boundary, but also, for some unknown reason avoids an additional area nominated as a SEPP14 "buffer area". The origin and status of this additional area of restriction is unknown.

The proposed alignment is therefore dictated by adverse topography, which in turn dictates excessive road grades and undesirable and inappropriate earthwork formation.

(4) ROAD GRADES

The proposed longitudinal section of Broadwater Parkway is detailed in Council drawing Sheet 3, Issue A.

As stated earlier, this profile requires amendment to accommodate the roundabout at ch 60.

The approach grade is already nominated as 12%, which exceeds the absolute maximum grade for a distributor road (8%) and is the absolute maximum grade for a collector road (12%) The proposal clearly is inconsistent with Council's own standards.

(5) ROAD CROSS SECTIONS AND EARTHWORKS

Road cross-sections are depicted on sheets 4-7 with the typical cross section detailed on Sheet 3 Issue A.

The roadway proposed has two undivided 3.5 carriageways, each with 2.0m shoulders within an 11.0, formation without K & G. This is a non standard cross section and a significant departure from and grossly inferior to cross sections as mandated by Councils DCP - A5, DDS D1 and standard drawings

Cut batters are proposed as 1.0 horizontal (H) to 1.0 Vertical ((V). Fill batters are proposed as 1.5H to 1.0V. These are much steeper than those mandated in Council DDS. D6 of 2.5H to 1.0V and 3.0H to 1.0V respectively.

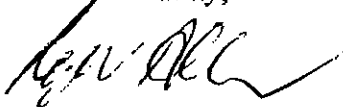
Annexure 20 in the EA documentation is a geotechnical report from Morrison Geotechnics Pty Ltd. This report is site specific to the Altitude Aspire site, but projections of the topographic units, based on landform, northwards along the proposed alignment of Broadwater Parkway can be made. The relevant projected topographic units are units 4 & 5. Both display evidence of active instability and contain a slow moving debris slide. The report also recommends criteria for fill slopes and heights, cut slopes and heights and provision for retaining walls. Councils proposal markedly fail all these recommendations.

It is very apparent that the roadway proposed by Council is quite inferior the normal requirements. This lesser standard cannot be justified. Additionally the route proposed by Council appears to be in a geologically unstable area. Charges proposed under S94 CP04 appear inadequate to meet future construction costs, thus imposing a future burden on ratepayers.

In summary it is my view that a location for Broadwater Parkway based solely on the avoidance of EIS preparation cannot be supported. A number of routes should be examined, including one as mandated in Tweed LEP 2000, and a full and transparent EIS prepared. A final layout should be based on public amenity issues, traffic safety, environmental issues and cost.

A designated, costed, budgeted and properly scheduled Broadway Parkway must precede any development within Area E.

Yours faithfully,



M. W. Allen

3:05 4/4/11 ← TIME & DATE SENT

Thank you for your submission

Your submission has been received by the Department and will be considered in the next phase of the assessment process.

09_0166 - Residential subdivision

Exhibitions

The proponent seeks project approval for a 321-lot community title subdivision comprising 317 Residential lots, one community association lot (Lot 711), public reserves (Lots 436 and 710) and one drainage reserve lot (Lot 630) and the provision of all usual urban infrastructure including reticulated water, sewer, stormwater, power and telephone. Bulk earthworks across the site will also be required to create the proposed final landform. A temporary road access is proposed to Fraser Drive to service the first stages of the subdivision. Approval is also sought for the construction of a temporary site sales office on proposed Lot 1103.

Attachments & Resources

- + Application and Declaration (8)
- ⊗ Director-General's Requirements (2)
- ⊗ Environmental Assessment (79)

Key dates and other information