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## Thomas FitzGerald - Online Submission from Michael Connelly (object)

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**From:** Michael Connelly <michael.connelly57@gmail.com>  
**To:** <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 3/04/2011 7:48 PM  
**Subject:** Online Submission from Michael Connelly (object)  
**CC:** <assessments@planning.nsw.gov.au>  
**Attachments:** Michael's Objection 2.docx

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Submission attached

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Additional Details:  
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Disclosable Political Donation: no

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Submission for Job: #3509  
[https://majorprojects.affinitylive.com/?action=view\\_job&id=3509](https://majorprojects.affinitylive.com/?action=view_job&id=3509)

Site: #2109 Residential subdivision at Fraser Drive, Terranora  
[https://majorprojects.affinitylive.com/?action=view\\_site&id=2109](https://majorprojects.affinitylive.com/?action=view_site&id=2109)

**Michael Connelly**

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**I Michael Connelly of 15 Parkes Lane Terranora, wish to object to the development proposal No.09\_0166 - Residential subdivision, by Newland Developers (formerly Metricon Queensland) Pty Ltd on the following grounds:**

1. The density and allotment size of this (2c) proposed development is out of character with the rural living (1c) zoned land adjacent.
2. The use of local roads within the (1c) zoned area to access the proposed development will have a negative impact on the character of the existing rural living area. These existing roads have not been designed to carry extra traffic.
3. The impact of a part development of a portion of “Area E” prior to Tweed Shire Council producing a Development Control Plan for the area and prior to the construction of the proposed Broadwater Parkway will be negative.
4. The inadequacy of the Visual Impact Assessment by LVO Architecture
  - a. Lack of regard for the visual impact on immediate neighbours in the rural living estate
  - b. Omission of the visual impact of the proposed acoustic wall on public views from Fraser Drive
5. The extent of proposed landforming and the disregard for Tweed Shire Council landforming policy.
6. The impact of proposed relaxations to TSC Development Control Plans for:
  - a. Side boundary setbacks
  - b. Retaining wall heights

The following pages detail each of these points.

**1. The density and allotment size of this (2c) proposed development is out of character with the rural living (1c) zoned land adjacent.**

Metricon's Development Consultant Darryl Anderson is incorrect in his initial assessment of the "Community Issues" (item 4.3) in the request for Director General's Environmental Assessment Requirements when he claims that "The proposal will be compatible with the existing character and amenity of adjacent areas". This proposed development is in a natural amphitheatre with rural living zoned (1c) allotments forming boundaries to the west and south of the proposed area. Allotments in the adjacent rural living area are of the order of 2000-4000sq/m, a far cry from the average 680sq/m allotments proposed. Some are as small as 450sq/m. The existing rural living allotments are in a peaceful garden estate where houses are separated by vegetation on large blocks, where they have been built in harmony with the natural landform. Contrary to Mr Anderson's assessment, the proposed development by Newland (Metricon) will contrast greatly with the existing rural living estate. Newland propose to alter the natural landform considerably so that houses can be built on small allotments with minimum separation. They have even applied for a relaxation of council side boundary setbacks so that garages can be built to the boundary. Despite Mr Anderson's claim, this is in no way compatible with the existing character of the immediate area. His statement is obviously negligently misleading.

In the draft Development Control Plan for Area E (2005) prepared by Tweed Shire Council, the existing rural living area was acknowledged and proposals were put in place to protect the character of this area while allowing for residential development of Area E. Such proposals included a floral buffer/transition zone separating the two distinct areas. It was also proposed that allotment sizes would gradually decrease from 1800sq/m within this buffer zone to allow a gradual transition. This would allow the rural living area to maintain character yet allow residential development. The 2005 DCP also suggested that there be no connection of the road network within the existing rural living area to the proposed residential area. This would work to maintain the vastly different character of the two areas and allow Parkes Lane, Market Parade and Trutes Terrace to remain a Rural Living enclave.

If, however, in his assessment of "existing character" Mr Anderson is referring to nearby residential areas to the east of the proposal and at the far western end of Area E, then the proposed allotment size is smaller and density proposed is

greater than residential areas nearby at Tweed Heights and Terranora Village. This is also not in character with existing properties and misleading.

**2. The use of local roads within the (1c) zoned area to access the proposed development will have a negative impact on the character of the existing rural living area. These existing roads have not been designed to carry extra traffic.**

I have mentioned above how Newland's proposal to link the proposed estate with the roads in the existing rural living estate will be detrimental to the character of the existing garden suburb. However the use of these roads and the subsequent increased traffic will also present safety concerns to the residents. The diagram below (from the Transport Assessment Report prepared by Bizios Consulting for Newland Developments) clearly shows the intention for Parkes Lane to be upgraded from its current designation as an *access road* to become a *neighbourhood connector road*. (See green



lines)

At a public display of the Altitude Aspire development on Saturday 26<sup>th</sup> February, Newland representative Sean Nicholson and town planning consultant Darryl Anderson conceded to several concerned residents that Parkes Lane will experience increased traffic by being linked to the new residential development and conceded that increases in traffic created by building homes on these allotments over many years had not been factored into the traffic study presented for assessment to State Planning. They even suggested that any extra traffic created by the development would be the “Councils problem”!

Because Newland’s proposal is only part of Area E, none of the traffic study presented indicates the future impact on these local roads when the balance of Area E is developed in the future - good reason to wait until the council develops a DCP for the whole area.

The traffic assessment claims that Parkes Lane can cope with increased traffic created by new housing and residents. This is purely based on engineering stats related to road width etc. What the traffic report does not acknowledge is that Parkes Lane is a narrow road that is barely adequate for the traffic generated by the 120 houses it serves. The facts are: this is a roadway with **NO footpath**, with **many concealed driveways** and **blind curves**. (Please see attached photographs) School buses are required to pick up primary aged students at their driveway for safety. High school students must walk carefully along the edge of the bitumen in some areas. None of this was mentioned in the traffic report generated to suit the needs of Newland Developments.

**3. The impact of a part development of a portion of “Area E” prior to a Tweed Shire Council Development Control Plan for the area and prior to the construction of the proposed Broadwater Parkway.**

When Area E was proposed for rezoning to residential expansion, public information sessions were held by consultants Parsons Brinkerhoff and Tweed Council Planners. It was made clear by both parties that NO development would take place until a **whole** town plan was prepared and the road connecting Mahers Lane to Fraser Drive (Broadwater Parkway) was completed. This we were told was so infrastructure could be thoroughly planned and prepared and essential services could be installed for the whole area including provision for

sewerage and drainage from existing areas. We were told that no piecemeal developments would be allowed. However, Newland have chosen to bypass the planning controls of the council and create a housing estate that has not been planned holistically. For example, their proposed development shows no provision for connecting roof water or stormwater from residences that are uphill from Altitude Aspire, nor is there any provision for future sewerage of the rural living estate, something I would think would be essential for the health and safety of Altitude Aspire residents.

I understand that Tweed Shire Council is in the process of developing a DCP for this area. No development should take place without the due process of this occurring along with the community consultation that is part of the process in developing a DCP.

It is unacceptable that Newland proposes to use a temporary access to its development for an extended period (up to 12 years suggested by Newland) and it is unacceptable that the existing rural living roadways be used to support this temporary access. The draft DCP maintained that the development should have a self-contained road network that excludes the use of existing local roads.

Another point is that Newland have only presented a traffic report that studies the impact of the current proposal for 317 houses, a thorough report should consider the traffic impact of the development of the **whole** of Area E particularly in light of the fact that the previous traffic study undertaken by Parsons Brinckerhoff in 2003 was based on average allotment sizes of 800sq/m and this Newland proposal has an average allotment size of 680sq/m. Once again the approval of this development prior to TSC preparing a DCP and town plan for Area E is premature.

#### **4. The inadequacy of the Visual Impact Assessment by LVO**

##### **Architecture**

- a. Lack of regard for the visual impact on immediate neighbours in the rural living estate**
- b. Omission of the visual impact of the proposed acoustic wall on public views from Fraser Drive**

a. The negative visual impact of the proposed development will be high for the existing residents of Parkes Lane and Market Parade. While generally accepting

that the current rural outlook will change with any residential development, the extent of landforming, number and height of retaining walls and proposed density of Altitude Aspire are unacceptable and totally out of character with the area.

Consultants LVO Architecture are dismissive of the impact on the Scenic Amenity of the proposed development on the residents of the adjoining rural living estate. As stated above, the proposed development is in a natural amphitheatre with the existing residents all looking across the proposed subdivision. In paragraph 44 LVO state that "the development seeks to maintain the topographical qualities of the site by limiting alteration of the landform". However, engineering plans show a highly altered topography that requires extensive filling (13 metres in some areas) and cutting; landforming requiring extensive terracing and retaining walls up to 6 metres in height. (***This landforming is also in contravention of Tweed Shire Council DCP No. 16 Site regrading Acceptance Criteria Development Design Specification –D6***)

b. The Tweed Shire Council DCP Section A1 states as its **Objectives:**

- *To ensure existing public views and vistas particularly those of important natural features such as ridgelines, water or bushland are retained, in so far as it is practical to do so.*
- *To ensure public view corridors, particularly those down street and between buildings, are not unnecessarily reduced or obliterated.*

In the Environmental Assessment Annex 21, Visual Impact Assessment, LVO Architecture has produce a report that is dismissive of and deficient in its assessment of the impact this development will have on the PUBLIC views currently enjoyed by existing residents and motorists using the highly scenic roads around this proposed subdivision.

No mention was made of the highly obtrusive proposed acoustic wall along Fraser Drive. The loss of views has outraged local residents and was the headlining article in the Tweed Daily News on 30<sup>th</sup> March 2011.

The newspaper report drew the following responses from concerned locals.

"Lets make this clear. We are not just talking about the loss of views for a few residents - we are talking about the loss of PUBLIC views (which include views of natural mountains, bluffs, valleys and lakes), for the thousands of locals and tourists who travel along Fraser Drive. The sign erected by locals shows how high this wall will be - what should be noted though is that Newlands consultant, LVO Architecture has



made NO reference to this wall when preparing the Scenic Amenity Impact Assessment. Omission - by design or by deceit?"

"Don't let this wall proceed it will look horrible and detract from the lovely views we as residents and drivers all enjoy Keep Fraser Dr as it is."

Photo courtesy of the Daily News.

Acoustic walls previously erected by Metricon for Flametree Park and Vintage Lakes estates in Fraser Drive have fallen into disrepair and have become a blank canvas for graffiti vandals.

## **5. The extent of proposed landforming and the disregard for Tweed Shire Council landforming policy.**

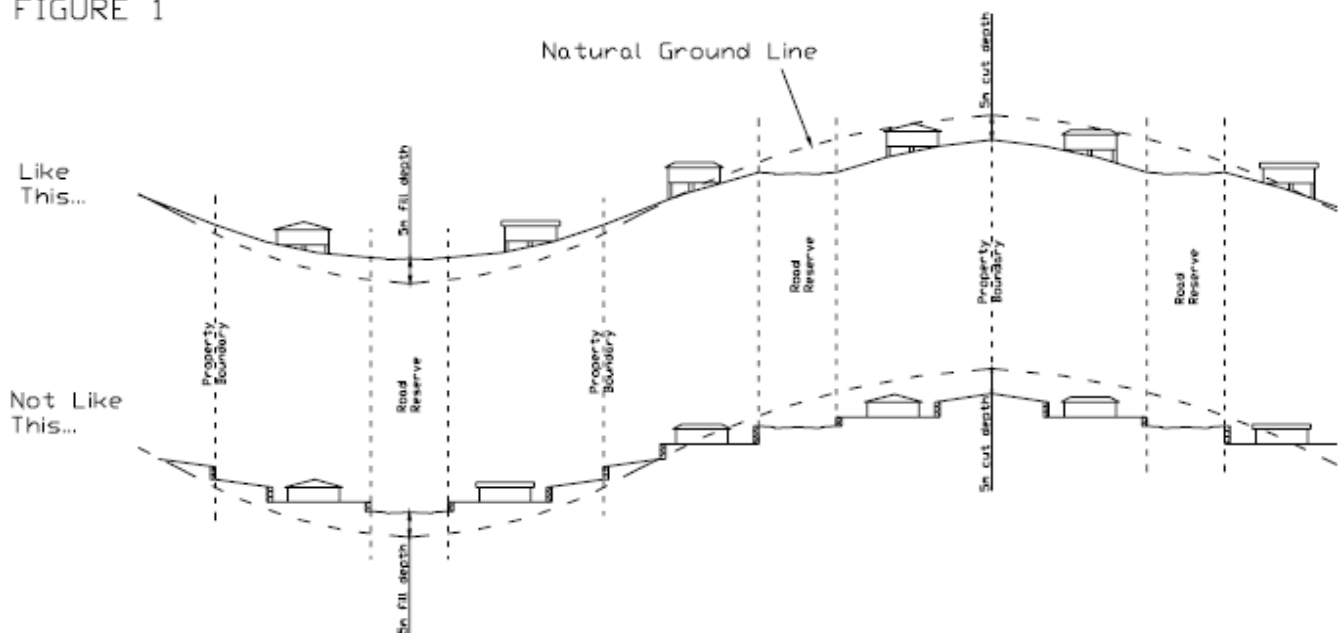
*Tweed Shire Council DCP No. 16 Site regrading Acceptance Criteria Development Design Specification –D6States the following:*

*“D6.05.4 Shape/Surface Criteria*

*1. Residential and Rural Living Subdivision, includes residential subdivisions in Village and Urban Expansion zones*

- The finished landform shape (concave/convex, rolling, stepped etc) of the subdivision site should mimic existing and local surrounding natural topography*
- Except as provided in Note 1. below, no sharp changes of gradient (eg. associated with batters or retaining walls) are permitted at or near inter lot boundaries or within lots.*
- **Batters and retaining walls are not permitted for the purpose of creating terraced lots”***

FIGURE 1



It should be noted that the Newlands development proposes the extensive use of terracing and retaining walls in an effort to achieve terraced lots, which is:

- in contravention to Tweed Shire Council landforming policy
- and totally out of character with the adjacent rural living estate

The preliminary retaining wall plan prepared by Brad Lees Consulting (SK2712) shows that almost every allotment has retaining walls on at least 3 of its boundaries. There is also a 3metre high retaining wall along the entire Fraser

Drive boundary and two 3metre high walls on the boundary with properties in Parkes Lane creating an imposing 6metre high wall. As well as being in contravention to Council landforming policy, these walls will create a visual eyesore which has once again been ignored in the Visual Impact assessment prepared by LVO Architecture.

Most of the properties in Parkes Lane look down to the proposed terraced lots - again, a visual eyesore that was not adequately addressed in the Visual Impact Assessment by LVO Architecture.

## **6. The impact of proposed relaxations to TSC Development Control**

### **Plans for;**

- a. Side boundary setbacks**
- b. Retaining wall heights**

At the public display held at Banora Point Community Centre on February 26<sup>th</sup>, Newland representative Shaun Nicholson and town planning consultant Daryl Anderson advised a group of gathered residents that they would apply for relaxation of council/state planning regulations for side boundary setbacks and retaining wall heights.

a. **Side boundary setbacks.** A relaxation of the current requirements will add to the bulk of any row of houses, is not in character with any nearby development and is particularly in contrast to the adjacent rural living estate. I suggest that this has been considered by Newland to overcome the restriction encountered by developing small blocks.

b. **Retaining wall heights.** As mentioned previously in my submission, any relaxation of council policy will result in a visual eyesore that the council was attempting to avoid when developing its landforming policy. (*DCP No. 16 Site regrading Acceptance Criteria Development Design Specification –D6*)

I do hope to have the opportunity to further state my case for objection to this development and look forward to meeting offers from NSW Dept. of Planning when they visit the area to evaluate the proposal.

Regards,

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