

## Thomas FitzGerald - Online Submission from Martin Piper (object)

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**From:** Martin Piper <mmpiper@gmail.com>  
**To:** <thomas.fitzgerald@planning.nsw.gov.au>  
**Date:** 3/04/2011 2:52 PM  
**Subject:** Online Submission from Martin Piper (object)  
**CC:** <assessments@planning.nsw.gov.au>  
**Attachments:** Objections.pdf

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See Attachment

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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)

### **Martin Piper**

E : mmpiper@gmail.com

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**RE: 09\_0166 RESIDENTIAL SUBDIVISION FRASER DRIVE TERRANORA**

**We object to the proposed development**

It is not the case that we oppose all development however we believe that the proposed development is not in keeping with the style or scope of development that should be allowed on this property. The environmental impact including matters relating to traffic, visual pollution, acoustics etc are not acceptable.

It would appear to the writer that the proposed development is unfortunately typical of the developer attitude that pervades the thinking of modern residential subdivisions in this area. That is an approach that leads to poor housing decisions and the creation of areas which in the long term become unattractive and undesirable. The housing density proposed is not in keeping with the housing in the general area. The high density is not in the interests of existing residents nor the eventual occupiers of the development.

We object to the present application as various important matters are not clear and representations that have been made are different from the exhibited plans. There is some difficulty with dealing with the present exhibited plans and reports as from discussions the writer has had with the Developer's representatives and enquiries made at Tweed Shire Council and elsewhere, it is apparent that the Applicants are already 'flagging' changes to the plans as exhibited and we believe changes have in fact been made.

This includes already seeking a relaxation of councils rules in relation to setbacks, gradients ,traffic access and heights of retaining walls.

We believe there is no agreement with Tweed Shire Council about the construction of a road between Fraser drive and the proposed Broadwater Parkway and the Developers are providing misleading information.

The following is an excerpt from a broucher circulated by the Developer.

*Question: Will traffic increase in Fraser Drive, Market Parade or Parkes Lane?*

*Answer:*

*The Traffic Report shows that at the completion of all Altitude Aspire stages and Broadwater Parkway, approximately 28 vehicles are expected along Parkes Lane and 13 along Market Parade during morning and afternoon peak hours. Fraser drive adjacent to Altitude Aspire is expected to see an additional 50 vehicles during morning and afternoon peaks.*

*During the initial development stages 1 to 5 with the inclusion of the temporary access onto Fraser Drive, Altitude Aspire development is expected to generate 145 peak hour trips on Fraser Drive. All Altitude Aspire traffic is expected to use the temporary access intersection with no expected increase on Parkes Lane or Market Parade. In addition, traffic on Parkes Lane is expected to slightly decrease as a result of the new connection to Market Parade, as existing Market Parade residents will be provided with a more direct route to Fraser Drive through the Altitude Aspire development road network.*

*Question: When will 4 laning of Fraser Drive be done and where?*

*Answer:*

*Council proposes to widen Fraser Drive to 4 lanes from Amaroo Drive to Kirkwood Road [when it is extended to Fraser Drive] and provide an off road cycleway for the section from Amaroo Drive to Terranora Road.*

*Question: Where is the temporary initial access?*

*Answer:*

*A temporary road will connect Altitude Aspire to Fraser Drive. This will be closed and converted into Lots when Broadwater Parkway becomes the permanent access.*

*The temporary intersection is at the most suitable location along the western section of Fraser Drive as it meets Austroads standards and is the most convenient option for adjacent residential driveway crossovers. The configuration will comply with Austroads standards for approach gradients, intersection spacing, site distances and vehicle acceptance gaps.*

*Question: For how long will they be a temporary initial access?*

*Answer:*

*Based on expected rates of property sales in Altitude Aspire it is considered that the replacement connection to Broadwater Parkway will be required by about 2016.*

*Question: Is Broadwater Parkway Newlands responsibility? Why is Broadwater Parkway not being constructed first?*

*Answer:*

*The future primary collector road, Broadwater Parkway is a Council road and it is Tweed Shire Council's responsibility to decide on the timing of its construction. Broadwater Parkway from Altitude Aspire to Fraser Drive is not within land owned by Newland. There is no means by which Newland can acquire the corridor to enable the road to be constructed.*

*Broadwater Parkway will be funded by local area contributions under Section 94 after finalisation of the connection point to Fraser by Council and the Council acquisition of properties not owned by Newland.*

*A meeting with Council Officers in December reached agreement on the alignment of Broadwater Parkway and this alignment has been included in revised Altitude Aspire plans.*

We do not accept that Council is required to provide the access. There is clearly nothing to prevent the Developer from purchasing the land to create the access. We believe the true position is that the developers do not want an available access at that point at this time as it will increase their 'upfront' development cost.

As residents we believe that unless this issue is clearly resolved prior to commencement of any site works, if the temporary road is approved, we face years of uncertainty. It is possible that the cost to the Council will mean that the temporary road will remain forever as is the case elsewhere in developments carried out by the same developers. The developers are suggesting that the connecting road will be after they complete stage 7 and after 2016.

Enquiries from the Tweed Shire Council reveal that no application has been made to Council in relation to that matter and senior persons in the Council have indicated that they are not aware of the proposal that Council be responsible for resumption of a private property and that Council bear the cost.

As a matter of principal, we object to local communities being made responsible for providing the services to an Applicant so that they can increase their profit. A discussion with the five or so owners of property in the area where the road to the northern side of development to run and join Broadwater Parkway, demonstrates that they have not been approached by the developers or council in relation to any proposal to put a major road through that area.

In relation to additional services from enquiries made, it would also appear that the community will be expected to contribute significantly by way of upgraded water supply and electricity.

The plan should be rejected or at the very least refused until a large number of issues are clarified so that objectors have a clear understanding of the final plan and whether matters such as the representations in the plans and reports are true.

## **ACOUSTIC REPORT**

**DATED: 10 DECEMBER 2010**

Fraser Drive is a local road apparently designated as a collector road although quite narrow and unformed on the Western side. It is noted that the levels prior to development are in excess of the criteria reference from the: "Environmental Criteria for Road Traffic Noise 1999". We would suggest that the area where the noise levels were taken is surrounded by vegetation and it is likely that in a built environment that the noise levels will be much higher than those recorded as the measured levels.

### **6.1 Traffic Volume**

It is unclear as to why the apparent surveyed figures for 2009 are 5,930 annual average daily traffic movements and the projected figure for the year of the report being 2010 remains at 5,930. It is not clear as to what period was used to collect the data which may be of importance to whether or not the figures were carried out during a school period or otherwise.

Whilst the writer has no expertise in traffic movements, it would appear that the projection is that by 2015 it is anticipated that there will be an annual average traffic flow of approximately three million five hundred thousand (3,500,000) traffic movements per annum. This date is considered significant as it is not anticipated that an alternative to the temporary road will have been built by that time. We believe that the traffic volume are conservative.

### **6.3 Modeled noise levels**

It is noted that the report indicates that at the time of the report the Lots fronting Fraser Drive would require further assessment and it would appear would be most severely affected by noise.

*It is noted that Lots along the eastern boundary of the site (i.e.: nearest to Fraser Drive) are predicted to be above the criteria even with the inclusion of an acoustic barrier”.*

It is submitted that the proposed design of a 2.4 metre high acoustic fence which I believe is the proposal by the Developer is inadequate and objectionable for a number of other reasons including its visual impact on the area.

In relation to noise barriers, the proposal for a 2.4 metre high fence or acoustic barrier being a “fence” is totally objectionable. We would suggest that other alternatives should be considered such as not allowing any of the proposed blocks on the eastern side of Fraser Drive and instead using that area for a series of earth mounds and a fence to the eastern side of those mounds, trees which would be set down from Fraser Drive and would achieve the dual impact of removing the visual denigration of the area and lessening noise for the new residents. We would expect that this approach would also assist with noise reduction for existing residents.

The report seem to have no regard to the affect the increased traffic noise will have on existing residents. It is anticipated that the extra traffic created and the proposed Acoustic wall will have a negative impact on our life.

## **Visual Impact Assessment**

In relation to the Visual Impact Assessment prepared by Nick McGowan dated November 2010, we believe that the report is not balanced.

Whilst we accept that the report has its limitations, the significant matter that is not addressed is the affect that a 2.4 metre acoustic wall on Fraser Drive would have on the visual impact of the development. We note that the proposal is that the acoustic barrier will be at the height of Fraser Drive. This would clearly block any views from Fraser Drive whatsoever. Under these circumstances we would fail to see how in any manner it could comply with the Director General's Environmental Assessment Requirements dated 23 November 2009. One of those requirements as referred to in the Executive Summary of the report 1(i), (ii), (iii).

Surely the effect of an acoustic barrier would have a dramatic affect on the matters referred to in (i) and more particularly in (iii):

*That quality views and visitors from streets and public places are protected by avoiding obstruction from built form and relating buildings to topography.*

By way of general comment we would say that there is a large amount of flat land available in the Tweed Shire that has either been approved as subdivision i.e.; Cobaki Lakes and other areas that are presently under consideration i.e.; Kings Forest. We would submit that it is important that as much of the steeper topography can be maintained in its present form and rather than require the land to conform with buildings, have the buildings conform with the existing land forms to try and maintain some visual attractiveness as well as for the purchasers maintain the vistas that presently exist.

It is submitted that it does not appear that the report writer has given serious consideration to the scope of the proposed earthworks on this property. It is reported elsewhere that 18% of the property will be cut and filled. It is noted that there will be cuts of 5 to 6 metres in height in various areas.

In a recent discussion with a Developer's Representative, the writer and Mr Les Zahn, the owner of 26 Fraser Drive, were given assurances that there would be no cuts in the property in excess of 3 metres and that these would only be on the outside areas and that no blocks would have retaining walls in excess of 2 metres. As indicated earlier because of the various information being provided by the developer, it is not clear as to what the precise development proposal is. Either way it is in our view totally incomprehensible that the report writer would suggest that excavation to such an extent would not have a dramatic impact on the visual impact on the site.

Nearby to this site (off Shamrock Avenue Banora Point) there is an older subdivision where the disaster of allowing a developer to create deep cuts when forming roads and building pads can be clearly seen. The developer has moved on and left others to deal with the unsightly result and we suspect dangerous in times of high rainfall.

We would object to the assessment contained in paragraph 2 (ii) that the site has a limited visual catchment. If by limited term is meant to be small, we believe that such an assessment is incorrect.

We would also object to the assessment contained in 2(iv)

*“the proposed development seeks to maintain the topographical qualities of the site by limiting the alteration of the land form to ensure it retains the same general structure and appearance”.*

This is clearly unsupportable having regard to the significant excavation proposed. The intensive proposed development of the site also mitigates against the finding in paragraph 2(iv). It is unclear as to what paragraph 2(iv) really means. The present natural landscape elements of the local area are that it is undeveloped in most parts. Quite obviously if it is developed with houses, it will appear similar to the area to the north but it will be a significant change to the natural landscape element.

In relation to paragraph 2(vi) the report does not identify the open space designations in the proposed development. As such it is difficult to make an assessment of what he is referring to. It was the writer's understanding from observing the plans that the only open space areas are wetlands at the bottom of the property which are also being used for drains. There does not appear to be any open space such as parks or playing fields in the area.

We believe the assessment in 2(vii) is incorrect

It is not accepted that an implementation of the living design guidelines will result in a development that is consistent with the character of the local area. The closest development being the Parks Lane, Market Street, Fraser Drive areas are of a much larger and more substantial housing generally than would be expected to be built on the proposed development where many of the blocks are less than 500 square metres and will of a necessity result in a much higher building coverage and not benefit from the landscaping and lower impact that development has had in the Parks Lane, Market Street and Fraser Drive area.

We note for example that we have been informed that the developer has made or is to make an application to Council so that garages can be built on the front boundary of the property. We note this is in contradiction to other areas of the reports that say that there will not be any building within 5 metres of the front building line.

Again it is difficult to see how properties that will have such large site coverage can possibly result in the maintaining of the topography and/or visual beauty that presently exists.

In relation to paragraph 6(iv) we confirm our previous comments in relation to set backs and street scopes and submit that these requirements have not been met by the development.

In relation to paragraph 15 of the report. We would say that the ridge lines of Terranora Drive and Fraser Drive may not be visually prominent at the moment as they fit into the landscape. Once the property is covered with houses, this will have a significant impact to the detriment of the visual character of these properties.

In relation to paragraph 16 of the report. We fail to see why this is apparently a negative feature and would submit that it is of no importance that the site can not be seen from areas that are obviously blocked by hills. The significant change for persons in areas that have views of the area will take place when it is covered in houses. It should also be anticipated that when the adjoining area is to be developed, two things will happen, one is that the Developer will argue that the adjoining land is residential subdivision and therefore the quality of the adjoining property is not significant and secondly that the visual degradation of the area will only be increased.

#### Adjoining properties

As far as we can observe, no provision has been made to allow properties on the north eastern side of Fraser Drive access into the internal roads of this development. We would object to this as it is clearly undesirable to have a series of roads entering Fraser Drive or having to provide non connecting roads. As part of the development, the developer should be required to ensure that all adjoining properties are given access to the internal roads of the development or at the very least, Broadwater Parkway.

#### In relation to paragraph 22

We fail to see why it is worth noting that the site is probably not visible from the Pacific Highway. The Pacific Highway is a considerable distance from this development site and it is noted there are much higher hills to the south of this development that would clearly block its view. We totally reject the report writer's comments: " Due to the topography of the site and the existing screening around the edge of the site, views from Fraser Drive, Parks Lane and Terranora Road are limited to glimpses to parts of the site. We can assure you that from Fraser Drive you can see the whole of the site. We would assume that this would be one of the attractive features for the developer to develop the site.

Not only do people who already live here enjoy the views over the whole site but numerous cars stop and look over the wonderful view. We hope that whoever has to deal with this matter takes the opportunity to inspect the views first hand. We assume the reference to screening, if it is referring to Fraser Drive, may relate to long grass that has recently been allowed to grow. When it was occupied by the Abernathy family until recently they did an excellent job of keeping the whole area mowed and clean.

#### In relation to paragraph 23

It appears that it is being suggested in some way this is a negative. We fail to see how it could be suggested that if one was viewing the area from vantage points and could travel along and find different prospective of the site this would be a negative feature in the sense that this development would be of less impact.

It seems by implication that the suggestion is that because a person at a particular advantage could not see the whole of the site from one glance that its value is reduced. If this is the implication, we would strenuously object to that implication or suggestion.

#### Transport

##### Temporary access onto Fraser Drive



The Developer's proposal is that when the development reaches stage 7 ( maybe 2016 or later )that they construct the roadway adjacent to the Terranora Broadwater to be known as Broadwater Parkway. The Developer's representatives have been advising persons in the Banora Point, Tweed Heads area that Council will be providing access from Broadwater Parkway onto Fraser Drive.

As we have mentioned elsewhere, we would object to Council being required to provide that access and would submit that the developer should be required to provide that access immediately upon commencing development of the property. It would provide a suitable access to the property and we submit that it would present no difficulties for the developer and if the developer decided not to develop Broadwater Parkway immediately, it would still give them access via internal roads to the remainder of its development and it could develop the Broadwater Parkway as it saw fit.

Whilst it may suit the developer to develop the higher areas first, which we assume would have greater value, we fail to see why this should be a consideration that the Government or Council should take into consideration when considering these matters. The desire to put in the temporary "road" from the site on to Fraser Drive just north of the existing Parks Lane is driven entirely by the Developer's desire to maximise its profit.

In maximising its profit the Developer is creating a dangerous situation for the local residents including this objector. This objector lives at 30 Fraser Drive and it is unclear as to what access we will retain from our property onto Fraser Drive, particularly travelling North.

During a recent telephone conference (tape recorded with their consent) with the developers they advised that they would submit plans to give the writer access to Fraser Drive to travel north and that there would no physical obstruction i.e.; median strip to prevent that. If the development is to proceed we would require that. We have concerns however because of the plans on exhibition do not necessarily appear to provide that access to Fraser Drive to travel north. If we were required to only turn left when coming out of our property i.e.; travel south, we would have to travel probably over a kilometre before we could make a legal u turn. Just to the north of our property is a significant shopping area and it would be extremely inconvenient if we were required to take a detour.

A casual observation of Fraser Drive will quickly reveal that there is no room for the proposed turning lane from the eastern side of Fraser Drive into the temporary road. Although not apparent from the plans we understand that Council are indicating that they require a dedicated bike lane on both sides of Fraser Drive.

As we don't have access to survey material and plan drawing equipment for this submission it is difficult to describe the difficulties to be encountered and an on ground inspection with interested parties is required.

At the moment Fraser Drive approaching Parkes Lane from the North to the south means travelling up a progressive incline on a gradual curve to the left. Eventually it terminates with a T intersection with Terranora Road.

The First difficulty already exists particularly for the residents at 26 and,30 and to a lesser extent further down Fraser Drive. There is no vision of Parkes Lane or Terranora road intersection and from our drive way only a little more than 100 metres vision of oncoming cars coming down a sweeping curve. So vision is restricted. Further traffic entering Fraser Drive from Terranora road is often travelling at high speed regardless of the 'Give Way' sign and 60kph speed limit.

It is proposed to add to this difficulty a large number of extra cars coming out of a road a short distance from Parkes Lane and Terranora Roads and to top it off by somehow squeezing a right turn lane from Fraser Drive into this temporary road. The proposal defies any sort of intelligent consideration. The conflict between traffic coming out of Parkes Lane and the temporary road should itself be enough to say no to the proposal. As noted in the reports Fraser Drive is a very popular training area for cycling teams and individuals the increased traffic will put those people at unnecessary risk.

The narrow nature of Fraser Drive shows how unsupportable the proposal is for this development. Apart from the clear danger created by the proposal there is every reason to believe that the short proposed right turn lane will result in the whole of Fraser Drive being blocked particularly at peak times. It also appears that there has been no consideration to the large amount of extra traffic expected on Fraser Drive during (see reference above 'Traffic Volume') the period of the proposed temporary road. It makes no difference if the increase is the result of the development or not.

We do not accept the assessments contained in the reports as to the extra amount of traffic to be generated from the site. There is no public transport available to this subdivision.

During the construction phase the expected use of the road by a large number of long trucks creates its own set of problems. It should be anticipated that fro large trucks to turn they will have to block all lanes going in and coming out of the site.

### Public Transport

The simple answer is that it does not exist to or from this subdivision and the developer's proposal offers nothing viable. This position is not going to improve on the developers advise until at the earliest 2016.

We say this because it is suggested that the private bus line Surfside will supply a service when Broadwater Parkway is available. This is dependent on Council meeting the developers demands and providing a connecting road which the developer clearly does not want at this time as it will add to their cost regardless of the community considerations.

Because of the topography of the site and the state of Fraser Drive it would not be practical or safe for people to walk from this subdivision to any existing service. As shown in the reports the current bus service is entirely inadequate for most purposes.

The developers proposal is as follows

*"The future inclusion of Broadwater Parkway will also see a viable alternative route to Terranora Road, which currently includes Route 605 that runs along a ridge and does not provide a high patronage catchment. Broadwater Parkway will connect to Mahers Lane which is a primary collector street for residential areas, retail outlets and schools in*

*Terranora. It is therefore recommended to update Route 605 to use Broadwater Parkway between Mahers Lane and Fraser Drive. Both of the proposed bus route updates are in accordance with NSWTI Bus Planning Guidelines and would greatly improve public transport amenity to western Banora Point and Terranora."*

The difficulty with this is that the Broadwater Parkway on the developer's proposal is not expected to be built until 2026. This may be optimistic if present economic conditions continue. It is also unknown when the developer makes all its anticipated proposals whether it is the owner of all the land affected by these various proposals and is in fact in a position to make such forecasts.

Yours Faithfully

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