

**ANNEXURE 1 – RESPONSE TO SUBMISSIONS  
ALTITUDE ASPIRE – MP09\_0166**

**DEPARTMENT OF PLANNING**

**ISSUE:**

- **Area E planning** -the current proposal has limited regard to the development of plans for the development of the whole Area E. The Department sees this major project application as being the first stage of a coordinated development of land across Area E. While the Department recognises that at the time of the EA being lodged limited progress had been made on the development of a DCP for the Area E site, it is understood this process is now sufficiently advanced for more integration to occur. However the Department currently understands the relevant planning documents for this area (Development Control Plan, Section 94 contributions plan and supporting documents) are expected to be on public display by June 2011. As such the DCP and supporting documents submitted to Council in 2008 (and prepared by Darryl Anderson) are now out of date.
  - o Failure to have sufficient regard to the current DCP process is inconsistent with the stated objects of the Act that clearly promote coordinated, orderly, and economic use and development of land. The Department requests the proponent more closely align their development with the current DCP process for Area E or clearly identify and justify departures from this process. The proponent should endeavour to undertake workshops/consultation with Council to ensure coordinated development outcomes are met.
  - o In this regard the Department generally supports the nature and content of Council's submission on the proposal (attached)- except where variations are proposed below.

The comments and issues raised below should be read in that context.

**RESPONSE:**

*Subsequent to public exhibition of the Environmental Assessment, Tweed Shire Council prepared, exhibited and adopted Tweed Development Control Plan 2008, Section B24 – Area E Urban Release Development Code on 13 December 2011.*

*The development proposal has been revised to achieve substantial compliance with Section B24.*

*Table 3 of the PPR addresses compliance or, where appropriate, justifies inconsistencies with Section B24.*

**ISSUE:**

- **Infrastructure Funding** - Funding arrangements for the required infrastructure are the subject of large uncertainty and are a key issue for the site and the wider Area E land release. The proponent must have regard to the Council process of forward planning for Area E that is now sufficiently advanced to ensure that equitable infrastructure funding solutions are proposed. There are significant capacity and timing constraints over the connection of the proposed development to both sewer and water supply services, and the eventual construction of Broadwater Parkway. The proponent must undertake further consultation with Council in this regard and identify a mechanism to ensure that equitable funding arrangements are possible for its site in the broader Area E context. The (then) Department of Education and Training has also reiterated its previously stated request for a contribution to education infrastructure.

- o **Voluntary Planning Agreement:** If a VPA is proposed, a draft agreement will need to be made in accordance with current policy (which includes public exhibition for 28 days etc. refer to DoP's Draft Guidelines). Note: a VPA has been committed to in SoC 18 for contributions in excess of \$30K.

The scope and content of this VPA should be explored further with regard to other infrastructure, services, facilities issues that are raised elsewhere in this letter and in the attached submissions.

- o **Contributions:** the draft contributions plan referred to (2008) is now out of date and does not accurately portray the cost of infrastructure across the site. Council is currently preparing an updated contributions plan that will more accurately reflect the cost of providing new services and facilities as a result of the proposed population increase in this area. The proponent must have regard to this plan as it evolves.

#### **RESPONSE:**

*See comments in Table 1 of Preferred Project Report.*

*Negotiations are continuing between Tweed Shire Council and Newland in relation to the content of the Voluntary Planning Agreement. Council's Planning and Infrastructure Engineer has advised by email dated 18 April 2013 (see **Annexure 23**) that a report will be submitted to Council's meeting on 16 May 2013 in relation to the amended Draft Voluntary Planning Agreement. At this stage it is likely that it will be recommended to Council that water and sewerage infrastructure be removed from the Voluntary Planning Agreement and that these will be dealt with by way of consent conditions. The Revised Statement of Commitments includes a requirement that the Voluntary Planning Agreement be finalised prior to the issue of a Subdivision Certificate for the first residential lot.*

#### **ISSUE:**

- **Broadwater Parkway** -The construction of this road (and its funding, land acquisition etc.) is fundamental to Phase 2 (Stages 6-11) occurring. The proposed alignment of the Broadwater Parkway road corridor to be reserved across the site will have significant bearing on the development footprint for this proposal, and will have implications for the alignment of the Parkway across the rest of Area E. The Department notes there are a number of options tabled for the proposed route/alignment of Broadwater Parkway. Justification for the preferred route will be required (environmental constraints, land acquisition, reduced impact on proponent's land, road design considerations, SoC etc.). While it is unreasonable to expect the proponent to assess the ecological impacts and otherwise for the entire alignment of Broadwater Parkway, the Department recognises that there are constraints external to the site boundary of this application that must be considered. The proponent must ensure that the road corridor proposed to be reserved in this proposal is entirely consistent with the road corridor alignment for Area E as a whole. The Department supports Council's request for inclusion of the current DCP alignment (refer Figure 1 of Council's submission) within this proposal as the benchmark road alignment. This alignment would appear to avoid the majority of environmentally sensitive areas (SEPP 14 wetland buffer, freshwater wetland EEC, Lowland Rainforest EEC etc.) and provide a better solution - however more assessment should be completed in this regard.
- o The Department also notes that the proponent's proposed road alignment through the 7(a) Environmental Protection (Wetlands and Littoral Rainforests) zone is inconsistent with Council's LEP in that alternative road alignments are presently available through the 2(c) Residential (Urban Expansion) zone and therefore must be considered.

Siting the road corridor for Broadwater Parkway within environmentally sensitive areas limits currently available alternative routes and will make future applications for road construction difficult and result in avoidable adverse environmental impacts being unnecessarily realised.

- o Furthermore, the Department notes that there is no guarantee that Broadwater Parkway will be built as it requires significant local area contributions and acquisition of properties where it is proposed to be connected to Fraser Drive in the north-east. With this in mind the proposal should consider the possibility of Broadwater Parkway not being built and design the subdivision and road layout accordingly.

#### **RESPONSE:**

*Newland does not agree with the proposed alignment of Broadwater Parkway within Altitude Aspire shown on the Development Control Plan, Section B24 Indicative Structure Plan for the following reasons:*

- *The report to Council's meeting on 19 July 2011 (Item 19, Page 277) recommends public exhibition of the Draft Development Control Plan for Area E. The Structure Plan accompanying the Draft Development Control Plan shows a Broadwater Parkway (Fraser Drive to Maher's Lane) alignment predominately within lands zoned 2(c) Urban Expansion, particularly through the Altitude Aspire site. But a section to the east of Altitude Aspire is within the 7(a) zone. This is considered to be inequitable.*
- *The normal ecological buffer required to a State Environmental Planning Policy 14 Wetland is 50m (see Mitchell's Rainforest Snail Recovery Plan, 2001).*
- *At its meeting on the 16<sup>th</sup> November 2005, Council resolved to, among other things, forward the Draft Local Environmental Plan Amendment 10 for Area E to the Minister to be made. The Officer's report in relation to the Local Environmental Plan Amendment states that;*  
  
*"Verbal discussion were had with DEC Officers to discuss the issue of the buffer to the wetlands. It was agreed that the proposed 100m buffer could be made up of 50m of vegetation and 50m of other non-vegetated land, which can include infrastructure such as roads."*  
  
*Clearly, it was intended that Broadwater Parkway be located within the outer 50m of the 100m wide State Environmental Planning Policy 14 buffer Zoned 7(a) Environmental Protection, consistent with normal practice of relevant state agencies for a 50m ecological vegetated buffer immediately abutting the wetland.*
- *Tweed Shire Council Officers initially prepared two alignments for Broadwater Parkway, one of which was within the 7(a) outer 50m buffer zone, and one of which was to the south of that zone within land zoned 2(c). Until that plan was produced, all previous discussions with Council Officers were on the basis of Broadwater Parkway being located in the outer 50m of the buffer as per the original Officer's report to Council on 16<sup>th</sup> November 2005 and as agreed by key state agencies in their comments in response to the exhibited draft Altitude Aspire Project Application. The DECCW advised on the 25<sup>th</sup> March 2011 that providing the 50m vegetated buffer adjacent to the wetlands is free of all infrastructure the Department raised no objections. Also, New South Wales Industry & Investment (Fisheries) requested that infrastructure such as roads and stormwater be located beyond the outer edge of the inner 50m habitat buffer of replanted native vegetation.*

- Newland has carried out detailed investigations regarding engineering and ecological constraints on the potential alignment of Broadwater Parkway within and adjacent to the Altitude Aspire site. An alignment has been designed largely in the outer edge of the outer 50m buffer which is compliant with engineering design requirements and does not alienate unconstrained 2(c) zoned land. In addition, the alignment avoids all EECs, and sensitive native vegetation areas and incorporates appropriate buffers. The designed alignment has been pegged on the ground and ground truthed and it only passes through grassed grazing land.
- Newland is disappointed that despite a number of workshops with Council Officers and the extensive detailed information to justify Newland's alignment of Broadwater Parkway, Council Officers have not recommended this alignment but rather have recommended and Council has adopted, an alignment south of the outer 50m buffer within land zoned as 2(c).
- At Page 284 of the report to Council's meeting on 19 July it is stated that "the indicative alignment of the future Broadwater Parkway is based on the desirability of avoiding environmentally sensitive land". As indicated at above, the alignment proposed by Newlands within the 7(a) zone achieves this objective.
- Notwithstanding the above, the final Altitude Aspire Project Application has been amended to incorporate Broadwater Parkway within the 2(c) zoned land and a small section towards the eastern edge of Altitude Aspire within the 7(a) outer 50m buffer zone, generally in accordance with Figure 2.2 Indicative Structure Plan of the adopted Development Control Plan, Section B24.

#### ISSUE:

- **Transport-** Refer to submissions from the RTA, Transport, and Council.
  - o The proposal proposes **additional access to neighbouring areas** via Parkes Lane and Market Parade. The traffic assessment for Phase 1 does not consider alternative access through Market Parade/Parkes Lane, does not adequately consider the effect additional traffic will have on these roads, their current standard and safety issues.

#### RESPONSE:

See comments in Table 1 of the Preferred Project Report and Altitude Aspire Transport Assessment at **Annexure 15**.

#### ISSUE:

- o At this stage there remains large uncertainty about the construction of the proposed Broadwater Parkway. Therefore the proponent must construct the **temporary access** to Fraser Drive as a permanent access (refer Council's submission).

#### RESPONSE:

The temporary intersection with Fraser Drive will be constructed to relevant standards as a "permanent access", however it will be removed when Altitude Aspire is connected to Broadwater Parkway.

**ISSUE:**

The proponent must provide detail and certainty of how the road will be managed into the future (including its future decommissioning and resumption of land) and should make provision to dedicate the road corridor temporarily to Council. Council has indicated that any future application for road closure when/if Broadwater Parkway is constructed would be supported provided a public accessway/walkway/cycleway is maintained in this vicinity to link Fraser Drive with the internal road network. The proponent also needs to address issues raised by Council and the RTA in regards to the design and operation of this intersection.

**RESPONSE:**

*As indicated on the Subdivision Plans at **Annexure 4**, the road will be dedicated as a temporary public road under Section 9 of the Roads Act by way of the Plan of Subdivision for the relevant stage. The temporary public road is to be closed and transferred to Newland pursuant to Sections 39 and 40 of the Roads Act, when permanent access is provided from Broadwater Parkway.*

*Appropriate provisions have been included in the Revised Statement of Commitments regarding decommissioning of the road and a permanent cycleway/walkway access is also proposed to Fraser Drive as indicated on the Application Plans.*

*See comments above in relation to the design and operation of the temporary intersection.*

**ISSUE:**

- o The Department defers to NSW Transport's submission as it relates to active living infrastructure (walking/cycling), and bus services. The development of a Transport Access Guide for future residents should be included in the Statement of Commitments.

**RESPONSE:**

*See comments in response to NSW Transport submission.*

**ISSUE:**

- o **Traffic-** the Department defers to and supports Council's submission in regards to internal and external connectivity, Fraser Drive access, road gradients, and road widths proposed. If roads are proposed to be dedicated to Council as public assets then they must satisfy Council's specifications, or the proponent shall provide written agreement from Council that they will accept variations to those standards.

**RESPONSE:**

*The proposed public roads have been designed to comply with Tweed Shire Council geometric standards and the revised layout is generally consistent with Figure 2.2 Indicative Structure Plan of Section B24 (see **Annexures 11 and 15**).*

**ISSUE:**

- o Fewer **carparks** are proposed for the community centre than is required under Tweed's regulations (20 vs. 25 required). The proponent must comply with Council's current requirements or provide an alternative offset in this regard that is agreeable to Council. Detail of any such arrangements is required.

**RESPONSE:**

25 car parks and 11 bicycle bays will be provided in accordance with Tweed Development Control Plan 2008, Section A2 (see **Annexures 15 and 17**).

**ISSUE:**

- **Flora and Fauna-** the Department refers to the submissions of the DECCW, Council and other agencies on these issues.

The Department notes areas of EEC (or potential EEC) are proposed to be destroyed within the central gully and adjacent to the SEPP 14 wetland boundary with the construction of stormwater infrastructure, roads, the proposed alignment of Broadwater Parkway, the community facility and residential lots. The Department is generally not supportive of this approach where there is sufficient space to avoid these areas with a more suitable subdivision design and layout.

**RESPONSE:**

*The layout and design of the Broadwater Parkway has been amended to avoid all significant vegetation. A number of small, isolated and degraded patches of Lowland rainforest EEC occur within the central gully on the subject site (i.e. fringing farm dams). These patches of EEC are shown on FIGURE 9 of **Annexure 9** and detailed as follows:*

- Patch 1 = 251m<sup>2</sup>;
- Patch 2 = 1,593m<sup>2</sup>; and
- Patch 3 = 1,746m<sup>2</sup>

*Due to a combination of steep topography, compliance with TSC subdivision requirements in terms of landform, retaining wall heights etc., and the requirement to treat all stormwater within the central gully on the site to reduce impact on the adjacent SEPP 14 wetland, the entire development footprint will be subject to some form of earthworks.*

*There will be an unavoidable loss of the small, isolated and degraded patches of the Lowland rainforest EEC (0.36ha in total) and a loss of 0.11ha of Freshwater wetland EEC for the construction of a stormwater detention bund.*

*The removal of this vegetation will be offset through revegetation works in the Conservation Areas of the site at a rate of >4:1 (i.e. 1.57ha for the 0.36ha removed) and 6:1 (i.e. 0.66ha for the removal of 0.11ha) respectively. This will result in more consolidated areas of these EECs and significantly improve the likelihood of the survival of the EECs on the subject site in the long-term.*

**ISSUE:**

- o **EEC removal** - It appears construction of the Broadwater Parkway will necessarily require the destruction of some environmentally sensitive areas. However the proposed removal of 60% of Lowland Rainforest EEC and 45% of Freshwater Wetland EEC on-site appears to be excessive when alternative Parkway alignments and subdivision layouts are considered. The proponent should give consideration to redesigning the subdivision layout to avoid these areas as a first preference. As a second preference the proponent should liaise with the DECCW to determine suitable offsets and/or mitigation measures for any unavoidable impacts on these areas of biodiversity value. The VMP shall be updated to reflect these outcomes and any proposed actions included in the Statement of Commitments.

**RESPONSE:**

As discussed above the layout and design of the Broadwater Parkway has been amended to avoid all significant vegetation. However, the removal of small, isolated and degraded patches of Lowland rainforest EEC in the central gully of the subject site and an area of degraded Freshwater wetland EEC adjacent to the northern boundary is unavoidable.

OEH (formally DECCW) in their submission has also requested further consideration of the retention of this EEC. However, they note that:

*"In the event that the removal of any EEC is permitted, DECC recommends that an appropriate offset (for example of 1:10 ratio) be required either within the site or in close proximity to the site."*

It is proposed to offset the unavoidable loss of 0.36ha of Lowland rainforest vegetation and 0.11ha of Freshwater wetland from the subject site by revegetating/regenerating 1.57ha (i.e. 1:4.4 ratio) and 0.66ha (i.e. 1:6 ratio) respectively within the identified Conservation Area in the northern portion of the site. The location and extent of the proposed EEC offsets are shown in FIGURE 14 of **Annexure 10**.

The Revised VMRP (JWA 2013) has been updated to reflect these outcomes (see **Annexure 10**).

**ISSUE:**

- o **Comb-crested jacana** have been recorded on the site in previous ecological studies and the LES for Area E. The current ecological assessment by James Warren should refer to those studies and assess the impacts of the proposal on this species and provide mitigation measures (if necessary).

**RESPONSE:**

See Section 4.2.3 of **Annexure 9**.

**ISSUE:**

- o **SEPP 14 buffer** currently includes the proposed Broadwater Parkway road reserve and embankment, stormwater treatment ponds, and a transmission line easement and lies at the bottom of a steep slope. Alternative road designs have been put forward by Council that avoid environmentally sensitive areas and environmental protection zones. For a greenfield site, there is no justifiable reason for not considering alternative road locations outside these sensitive areas. The Department would prefer to see land reserved for Broadwater Parkway removed from these areas.

**RESPONSE:**

The location and design of the Broadwater Parkway has been amended after significant assessment of alternative routes (including ecological assessment of the site and surrounding lands) and detailed consultation with Tweed Shire Council.

The alignment now avoids environmentally sensitive areas (FIGURE 10) and, for the most part, the environmental protection zone (FIGURE 11 of **Annexure 9**).

See comments above regarding the proposed alignment of Broadwater Parkway.

**ISSUE:**

- o **VMP** -the Statement of Commitments (SoC) must clearly state how long the proponent is intending to undertake the actions specified in the VMP, and completion criteria for when it is proposed to be handed over to Council. Funding for these works is the sole responsibility of the proponent. It is not satisfactory to leave VMP actions to Council to fund out of general rates (until the land is dedicated). These works (and all ongoing works outlined in any management plans) should be included in the CIV estimate. Ensure the **landscape plan** is consistent with VMP in terms of species planted, objectives, area covered and bushfire requirements etc.

**RESPONSE:**

*The Revised Vegetation Management and Rehabilitation Plan addresses arrangements for funding, rehabilitation and dedication of land. The revised Statement of Commitments addresses the above matters.*

**ISSUE:**

- o The Department requires a plan that clearly identifies all proposed buffers on-site, and details of those buffers (including the use of multi-purpose buffers where proposed).

**RESPONSE:**

*See plan at **Annexure 4**.*

**ISSUE:**

- o **Provide an assessment of the ecological values of the watercourses/waterbodies and groundwater dependent ecosystems likely to be impacted by the proposed development.** Significant environmental impacts are likely to be realised in these areas with excess filling, removal of existing dams and associated ponds, and downstream impacts on Freshwater Wetland EEC areas and the SEPP 14 wetland.

**RESPONSE:**

*See **Annexures 8, 9, 10 and 19**.*

**ISSUE:**

- **Biting insect management-** will be of particular concern given the proposed constructed wetland, existing water bodies etc. and the Biting Insect Management Plan's preference for 'dry' stormwater drainage systems (e.g. bio-retention basins). Further detail on how the maintenance of these wetlands will be funded, maintained and managed must be provided. Have specific regard to mosquito monitoring.
- o The proposal does not have sufficient regard to wetland restoration and providing better hydraulic connections between the site and the SEPP 14 wetland and saltmarsh breeding areas. Refer to Council's submission for further information in this regard. This was a key feature of the LES for Area E and has been specifically allowed for by Clause 53D of the Tweed LEP.



**RESPONSE:**

See Amended Biting Insect Management Plan at **Annexure 13** and Stormwater Assessment and Management Plan at **Annexure 8**.

- **Subdivision layout, housing choice and open space-** subdivision design and layout should take account of the existing site constraints at the earliest stage to avoid all unnecessary environmental impacts.

**ISSUE:**

- o The Department does not support the 20 proposed lots within the centre of the site facing the drainage gully (backing onto Roads 2 and SB). These lots are likely to have adverse impacts on stormwater drainage (including disruption to overland flow paths and reduced stormwater treatment area), negative impacts on the environmental quality of the proposed channel, and require much greater earthworks and steeper slopes.

**RESPONSE:**

*The original Environmental Assessment proposed residential lots abutting the proposed drainage corridor on both sides. The Development Control Plan, Section B24 Indicative Structure Plan (Figure 2.2) provides for streets to abut the corridor, however the Structure Plan is indicative rather than mandatory and the relevant development controls prevail. The Amended Subdivision Layout Plan proposes an abutting street on the eastern side of the corridor in compliance with Section B24. However, a medium density site and community lot are proposed on the western edge of the corridor, which are considered to be appropriate design outcomes for the following reasons:*

- *Integrated design of earthworks, stormwater management and management of the interface in terms of fencing can be achieved.*
- *Allotments abutting the western edge of the drainage corridor are necessary to assist in achieving the desired density objectives contained in the Development Control Plan.*
- *Integrated drainage and stormwater management can be achieved as the area is identified predominantly for medium density housing with one large lot for the residents' community facility (Lot 701 medium density and Lot 713 community lot).*

**ISSUE:**

- o The proposed road running north from the proposed Parkes Lane connection into Stage 10 is undesirable in its current configuration and allowance for equitable access rights for the adjacent owner of Lot 1 DP175234 is required.

Consideration should be given to constructing the road along the existing ridgeline or, alternatively an additional stub road should be provided off Road 11 to provide access to the adjacent property. Refer to Council's submission for further information on internal and external connectivity issues.

**RESPONSE:**

*The amended subdivision layout provides for a road on the common boundary with the adjoining Lot 1 DP 175234. The consent of the owner of Lot 1 to the location of the road is contained at **Annexure 20**.*

**ISSUE:**

- o The proponent should generally realign the road network to have less streets going directly up or down slope and more streets along slope (refer Council's draft structure plan presented to community).

**RESPONSE:**

*The revised road alignment has been determined following adoption of Section B24 by Council and a significant redesign of the layout to further minimise earthworks and achieve substantial compliance with Tweed Shire Council's Subdivision Manual (Tweed Development Control Plan 2008, Section A5). The revised layout is generally consistent with the Indicative Structure Plan at Figure 2.2 of Section B24 (see **Annexure 23**).*

**ISSUE:**

- o Given the subdivision is proposed to be made as a community title scheme, greater flexibility is available with road widths and other development controls if the land remains in community ownership. This could involve the use of private roadways to access integrated housing types such as villas or townhouses. This would provide a greater range of **housing choice across the site**, potentially more affordable housing, and would be consistent with the target of 40% multi-unit targets within the *Far North Coast Regional Strategy*.

**RESPONSE:**

*As indicated in the original Environmental Assessment Report, the only Community Association land proposed within the scheme is proposed Lot 713 being the recreation facilities lot. All roads, public reserves and drainage reserves are intended to be dedicated as public land under the care, control and management of Council.*

*Therefore, there is no opportunity for greater flexibility with road widths and other development controls. In any case, Council's Subdivision Manual generally requires the same standards for community title subdivisions as are required for a conventional subdivision.*

**ISSUE:**

- o Insufficient **open space** has been provided within the subdivision. Refer to Council's submission for greater detail in this regard.

**RESPONSE:**

*See response at Section 3.4. In summary, the amended proposal provides for adequate usable casual open space in compliance with Council's Subdivision Manual.*

*Structured open space (sports fields) are not designated under the adopted Development Control Plan on the Altitude Aspire site and therefore contributions in lieu will be paid in accordance with the proposed Voluntary Planning Agreement.*

**ISSUE:**

- **Living Design Guidelines (LDG):** The proponent must clearly demonstrate how the development controls specified in the LDG will relate to the planning framework and how they are proposed to work on-site. This will have a significant bearing on the nature and character of built form across the site and is a key consideration of the assessment at this stage.

**RESPONSE:**

*Tweed Development Control Plan 2008, Section B24 (AEURDC) contains a suite of development controls and guidelines relating to urban design and built form matters. In addition, Tweed Development Control Plan 2008, Section A1 – Residential and Tourist Code contains detailed guidelines. Together, Sections B24 and A1 provide a comprehensive suite of development controls and guidelines for residential development and accordingly there is no benefit in having separate guidelines for Altitude Aspire. The Living Design Guidelines have therefore been deleted from the final Project Application.*

**ISSUE:**

- o Any variations to the Tweed DCP 2008 (and Council's proposed site-specific DCP for Area E) and the **state Environment Planning Policy (Exempt and Complying Development Code) 2008(the Codes SEPP)** must be clearly identified and well justified. These will be the overarching documents guiding built form across the site. The mechanisms for the enforcement of the LDG and its additional development controls over and above these documents must also be clearly articulated eg. via conditions of approval, as a covenant or restriction on title, clear links to the Community Management Statement and/or the contract of sale for each lot.

**RESPONSE:**

*The amended Project Application is generally consistent with Tweed Development Control Plan 2008, Section A1 – Residential and Tourist Code and Section A5 – Subdivision Manual (see Section 3.20 of the Preferred Project Report).*

*Achieving compliance with Council's Landforming Policy is highly constrained by the existing topography and the need to achieve compliant road gradients and functional lots. The amended subdivision layout and final landforms achieve compliance with Council's Landforming Policy (Tweed Development Control Plan 2008, Section A5 – Subdivision Manual). This includes deletion of the perimeter retaining walls.*

*Compliance with the provisions of TDCP2008, Section B24 – Area E Urban Release Development Code is addressed at Section 3.1 of the Preferred Project Report.*

*No variations to State Environmental Planning Policy (Exempt and Complying Development Code) 2008 are proposed and in this regard it is confirmed that the Living Design Guidelines do not form part of the final Project Application for the reasons discussed in Section 2.0, (Table 1) of the Preferred Project Report.*

**ISSUE:**

- o The LDG are not clear in how they relate to the Codes SEPP, especially the NSW Housing Code. Some of the current differences between the Codes SEPP and the LDG include:
  - Increased front setbacks (5m for dwelling, 6m for garage) with provision for eaves and sunhoods to extend into this.
  - Allowing garages to be built to boundary to the south or west. Depending on the width of the lot, the Codes SEPP generally specifies between 0.9m - 2.5m.
  - The Codes SEPP allows for a reticulation zone of up to 1.5m forward of the front building line, the LDG proposes only 1m (Section 5.1). 1.5m is preferred as it allows greater use of the facade for balconies, eaves, bay windows, verandahs, etc.

- Cut and fill, retaining walls, and fencing provisions greater than the Codes SEPP will require Development Consent from Council

**RESPONSE:**

*See comments above. The Living Design Guidelines have been deleted from the Project Application.*

**ISSUE:**

- o None of the above variations are sufficiently justified. The Department generally does not support variations to State-wide development controls, unless sufficient justification and appropriate mechanisms are set out. To date this has not been provided. In addition, this will require future dwellings to be subject to a Development Application (as opposed to exempt or complying development), thereby adding an additional planning step for future residents and incurring additional fees and time delays.

**RESPONSE:**

*See comments above.*

**ISSUE:**

- o Furthermore, the Codes SEPP may not apply to all lots within the subdivision. The proponent should include a plan of subdivision that identifies which lots will be subject to the provisions of the Codes SEPP.  
For example, the proponent should relate lot types proposed (currently divided by slope into flat, gentle, and steep) into Lot Types identified in Housing Code to enable direct comparison of key development standards (setbacks, heights, floor areas, earthworks, retaining walls, fencing etc.). Lots range in size between 464m<sup>2</sup> and 1443m<sup>2</sup> the majority of which are able to be considered under the Codes SEPP.

Exclusions that may be applicable in this development are land within 100m of SEPP 14 wetlands, Class 1 or 2 Acid Sulfate Soils (environmentally sensitive areas) at the bottom of the development adjacent to the community centre and Broadwater Parkway. Where particular allotments are not subject to the Codes SEPP (i.e. environmentally sensitive areas) then these allotments should be clearly marked on a plan.

**RESPONSE:**

*The Living Design Guidelines do not form part of the final Project Application and therefore the Codes SEPP will apply to those lots and future dwellings which comply with the provisions of the Code. In the circumstances, there is therefore considered to be no need for a plan showing which lots are and are not subject to the Code SEPP.*

**ISSUE:**

- o The LDG state that they are proposed to replace Tweed's DCP Section A1, however the controls proposed in the LDG are currently insufficient to be considered as a standalone DCP. Note: current Departmental policy specifies only one DCP should apply to a site. The Department also understands that Council is well advanced in preparing a site specific DCP for Area E that will sit within the context of the Tweed DCP 2008, similar to that completed for Cobaki. Thus DCP Section A1 will no longer apply to Area E.

**RESPONSE:**

*See comments above.*

**ISSUE:**

- o The Department recommends either the LDG be removed or a clear understanding of their relationship with existing (and proposed) development controls for Area E be developed. The LDG should therefore be rewritten to only apply development standards that go above and beyond the Codes SEPP (and Council's relevant DCP). These additional requirements should be clearly spelt out and well justified.

**RESPONSE:**

*See comments above. The Living Design Guidelines do not form part of the final Project Application.*

**ISSUE:**

- **Stormwater-** the Department notes that for the majority of the site, the steep site contours limit the applicability of WSUD measures such as biofiltration basins and trenches, and that options in this regard are limited. The Department defers to Council's submission on stormwater (external catchments and catchment sizes, wetland sizing, maintenance, overland flow paths, interallotment drainage, aesthetic stormwater devices) and provides the following additional comments:
  - o There is no current legal point of discharge from the site. The proposed discharge point is located on privately owned land. Landowner's consent for this proposed discharge should be obtained or an alternative proposed.

**RESPONSE:**

*Stormwater treatment facilities have been relocated to the drainage corridor within the 2(c) zoned land and suitably sized (based on MUSIC modelling) and designed to address maintenance, aesthetic and other issues raised by Council.*

*See **Annexure 19** and Table 1 of the PPR in relation to a lawful point of discharge.*

**ISSUE:**

- o The Department is not supportive of the proposed location of the stormwater treatment devices in environmentally sensitive areas and supports the DECCW's submission in this regard. Land immediately adjacent to the SEPP 14 wetland in the north of the site while not SEPP 14 wetland, are characteristic of Freshwater Wetland EEC. Locating artificial wetlands on existing natural wetland areas (resulting in their destruction) is contrary to the stated principles of the NSW *Wetland Policy*. It is not acceptable to count the creation of stormwater ponds as creating habitat when considering the guiding principle behind threatened species conservation of 'improve or maintain'. An alternative site upstream of this location, or an alternative method for stormwater treatment must be provided.

**RESPONSE:**

*The final Project Application does not include any infrastructure in the wetland buffer north of Broadwater Parkway with the exception of a stormwater detention area. See **Annexures 8, 9 & 19**.*

**ISSUE:**

- o The Department notes that Council is working towards updating its outdated stormwater 'deemed to comply' provisions and have preferred the adoption of Water By Design's percentage reduction targets for Total Suspended Solids, Total Phosphorus, Total Nitrogen, and Gross Pollutants. The effectiveness of proposed devices on-site and the treatment train should be modelled using MUSIC (or similar technology). Council is redefining its urban stormwater quality parameters and have recently completed investigations into the Terranora Broadwater through the Ecosystem Health Monitoring Program (*Technical Report 2009 for the waterways and catchments of Cobaki and Terranora Broadwaters*, Tweed Shire council/International WaterCentre) and adopted the Coastal Zone Management Plan for Cobaki Broadwater and Terranora Broadwater, September 2010.

Total Suspended Solids, turbidity, dissolved oxygen and total nitrogen were deemed likely to have the biggest impact on ecosystem health. It would seem appropriate to use these parameters to help set water quality targets for discharges emanating from Altitude Aspire, and the wider Area E.

Currently the *Tweed Urban Stormwater Quality Management Plan* sets various environmental values for the Broadwater (aquatic habitat, edible molluscs etc.) and sets interim water quality objectives pending further study. The Plan also identifies the impacts of future urban development and sedimentation as a priority management issue for the Broadwater. Using ANZECC guidelines these values should determine how catchment inputs are managed.

Stormwater management and the ecological health of the adjacent wetland and Broadwater are critical considerations across the Area E site and this proposal must set the benchmark for its management (refer clause 53D of the Tweed LEP).

Provide modelling of the expected pollutant load reduction for a developed catchment with no treatment, and a developed catchment with best practice treatment (use MUSIC or equivalent software). Furthermore please note that rainwater tanks provide no water quality treatment. **Provide an assessment of ground and surface water quality** post-treatment against relevant water quality standards as outlined above.

Given the above comments and constraints, the proponent must prepare an updated Stormwater Management Concept Plan.

**RESPONSE:**

See Revised Stormwater Assessment and Management Plan at **Annexure 8**.

**ISSUE:**

- o The typical design of the wetland does not appear to have a provision for a level spreading device - this is inconsistent with the recommendations of the *Biting Insect Management Plan* and should be rectified if this is the final approach taken.

**RESPONSE:**

See Revised Stormwater Assessment and Management Plan at **Annexure 8** and Amended Biting Insect Management Plan at **Annexure 13**.

**ISSUE:**

- o Wetlands appear undersized possibly due to uncertainty around catchments and the inclusion of rainwater tanks. However no information has been provided on the minimum requirements of rainwater tanks to justify the size of proposed wetlands- this would then need to be assessed against BASIX mandatory requirements for new homes and Council's *Demand Management Strategy* (including tank size and connected roof catchment area).

**RESPONSE:**

See Revised Stormwater Assessment and Management Plan at **Annexure 8**.

**ISSUE:**

- What are the impacts of 50% hardstand surface area (piped discharge), subsequent reduced groundwater infiltration, WSUD measures (biofiltration basins) and stormwater ponds on the **hydrological regime of the SEPP 14 wetland**? While the proponent argues the direction of groundwater flow is not altered, reduced infiltration of groundwater to these areas is inferred (Annex 17).

**RESPONSE:**

See Revised Stormwater Assessment and Management Plan at **Annexure 8**, Acid Sulphate Soils Assessment and Management Plan at **Annexure 18** and Hydrologic and Hydraulic Assessment at **Annexure 19**.

**ISSUE:**

Groundwater impacts on the lower alluvial geological unit adjacent to the SEPP 14 wetland require combined consideration with ASS, stormwater (both construction and permanent) and geotech issues.

**RESPONSE:**

See Revised Stormwater Assessment and Management Plan at **Annexure 8**, Acid Sulphate Soils Assessment and Management Plan at **Annexure 18** and Hydrologic and Hydraulic Assessment at **Annexure 19**.

- **Flooding-** The Department defers to Council's submission and provides the following additional comments:

**ISSUE:**

- o **Regional flooding** -The Department notes that mitigation of regional flooding potential from Terranora Broadwater is reliant on Broadwater Parkway being constructed and used as a bund. The proposed timing of construction of this road may have adverse affects on lower parts of the development if they were to go ahead without the Parkway in its current location. This possibility must be assessed and allowed for in the proposal.

**RESPONSE:**

Broadwater Parkway has been located further to the south. Flooding issues are addressed in the Hydrologic and Hydraulic Assessment at **Annexure 19**.

**ISSUE:**

- o **Local flooding** - There is approximately 30-40 hectares of catchment upstream of the central gully that has the ability to result in localised flood risk adjacent to the central drain. Proposed works within this channel will result in changes to velocities, concentration times, loss of vegetation, a constricted flow area, and potential for greater erosion. Produce flood maps for localised catchment flooding coming through the central gully. Lots on both the east and west side of the central gully (Lots 712-721 and 601-610) may be at risk from localised flooding events and erosion. A detailed assessment of this risk should be provided in accordance with the relevant guidelines and Council policy.

**RESPONSE:**

*Broadwater Parkway has been located further to the south. Flooding issues are addressed in the Hydrologic and Hydraulic Assessment at **Annexure 19**.*

**ISSUE:**

- o There are a number of water bodies immediately upstream of the proposed development- how does the operating capacity and management regime of these bodies (and farm dam policy?) affect the likelihood and magnitude of flooding downstream at the site?

**RESPONSE:**

*Broadwater Parkway has been located further to the south. Flooding issues are addressed in the Hydrological Report at **Annexure 19**.*

- **Earthworks** - significant bulk earthworks are proposed across the site to create the final landform essentially requiring the filling of the central gully by taking the tops off surrounding hillsides. This is inconsistent with accepted best practice (refer *North Coast Urban Design Guidelines*, *Coastal Design Guidelines* and Council policy) that seeks new development be designed to fit the topography and avoid the substantial earthworks required to re-engineer the topography to fit the subdivision (this is noted within the Geotech report provided as Annex 20). It is preferable that essential infrastructure such as roads and other services are designed at the outset and then allotments fitted in around those constraints as opposed to allotments being designed first.

**RESPONSE:**

*The amended proposal complies with Council's Landforming Policy (TDCP2008, Section A5) and road gradient standards. Road gradient standards are the key determination in the extent of fill required in the gully. See further comments regarding earthworks in Table 1 and Sections 3.1 and 3.2 of the Preferred Project Report.*

**ISSUE:**

- o The current proposal does not attempt to minimise the amount of earthworks required across the site- alterations to subdivision design and road layout, housing design, and stormwater management should be considered. The proponent must investigate the use of stepped built form as opposed to traditional 'slab on ground' type allotments. This allows a more responsive subdivision design that takes slope into account and requires less earthworks and leaves a much lighter footprint. This would also favour a reduction of roads constructed perpendicular to the dominant slope angle for roads constructed along slope.



**RESPONSE:**

*The amended proposal complies with Council's Landforming Policy (TDCP2008, Section A5) and road gradient standards. Road gradient standards are the key determination in the extent of fill required in the gully. See further comments regarding earthworks in Table 1 and Sections 3.1 and 3.2 of the Preferred Project Report.*

**ISSUE:**

- o The subdivision layout is inconsistent with Council's DCP that requires variations from natural ground level of no more than 5m vertical displacement across no more than 10% of the site (or 15% if demonstrated it is required to minimise adverse effects on environment). The current proposal involves such earthworks over 18% of the site, with particularly deep levels of fill required in the central gully (up to 13.5m of vertical fill). Information provided to date provides insufficient justification for such a scale of earthworks, particularly when alternative subdivision design has not been considered.

**RESPONSE:**

*The amended proposal complies with Council's Landforming Policy (TDCP2008, Section A5) and road gradient standards. Road gradient standards are the key determination in the extent of fill required in the gully. See further comments regarding earthworks in Table 1 and Sections 3.1 and 3.2 of the Preferred Project Report.*

**ISSUE:**

- o The edges of the proposed earthworks must (where possible) grade smoothly into the adjacent landform to minimise adverse effects on neighbours from shading, aesthetics, amenity, and alleviate possible geotech and land stability issues. The proponent must produce a digital terrain model of the finished subdivision landform, with particular attention as to how the proposed landform relates to the landform of adjacent properties. Provide a subsequent assessment of proposed earthworks on neighbouring properties and detailed justification for any departure from current policy.

**RESPONSE:**

***Annexure 11** contains plans showing final landforms which address edge treatment with adjoining properties.*

**ISSUE:**

- o Provide typical detail of 3.0m high retaining walls at Fraser Drive and south of lots abutting Parkes Lane and whether fencing will be (or is likely to be) utilised in these locations. Provide typical detail of retaining wall design between lots (1.2- 1.8m high). The majority of the retaining walls proposed are departures from Council's DCP and are insufficiently justified. Focus should be directed to the impacts of these walls on stormwater flows.

**RESPONSE:**

*Perimeter retaining walls have been deleted from the Preferred Project Report. See Table 1 of Preferred Project Report regarding earthwork and retaining walls. Further details of earthwork and retaining walls are contained in **Annexure 11**.*

**ISSUE:**

- o The application proposes a network of retaining walls between almost every allotment to provide a terraced or stepped site and flatter building platforms. This goes against the principles of good hillside engineering (as outlined in Australian Geomechanics Vol 42, March 2007) that seeks to retain the natural slope and minimise the disturbance required. Individual retaining wall design will need to be considered early on in the landforming process and include appropriate measures for drainage, piercing to bedrock, diverting water from infiltrating, and retaining or encouraging vegetation. The Morrison Geotech report acknowledges that there are significant constraints with regard to slope instability on the site and proposes strict conditions on earthworks to enable the land to be suitable for residential development. The report recommends further investigation of the contact area between geological layers is completed prior to any works commencing. The management of drainage and groundwater seepage over the entire site is critical to the success of the proposed development layout and as such sufficient detail/plans regarding those controls must be provided at this stage. This is particularly relevant if there are areas within the site that require treatment before they are developable.

**RESPONSE:**

*Perimeter retaining walls have been deleted from the Preferred Project Report. See Table 1 of Preferred Project Report regarding earthwork and retaining walls. Further details of earthwork and retaining walls are contained in **Annexure 11**.*

**ISSUE:**

- o Earthworks over 4-5m vertical will require super-sized excavators and machinery. The Morrison Geotech Report recommends that ideally earthworks be kept to a minimum (up to 5m) so that conventional sized machinery can work the site, noting the traction difficulties posed with the clayey soil type, slope and larger machines and the large buried volcanic boulders.

**RESPONSE:**

*Perimeter retaining walls have been deleted from the Preferred Project Report. See Table 1 of Preferred Project Report regarding earthwork and retaining walls. Further details of earthwork and retaining walls are contained in **Annexure 11**.*

**ISSUE:**

- **Acoustic assessment** - the Department has reviewed the acoustic assessment provided as Annex 12 to the EA.
  - o The Department notes that acoustic monitoring for the site was undertaken at approximately the point on Fraser Drive where the speed limit changes up from 60km/hr to 80km/hr- this may give rise to artificially inflated noise values as vehicles accelerate at this point and are not maintaining a steady velocity. The Department also requests further information regarding the location of the monitoring equipment (and subsequent modelling) given the likely building envelopes and future built form, combined with the proposed topography and having regard to the RTA's *Environmental Criteria For Road Traffic Noise*.
  - o Appendix C of the TTM Acoustic report requires updating to include  $L_{eq\ 1\ hour}$  day and night noise levels for those lots along Fraser Drive without the proposed acoustic barrier.

- o The addition of a proposed 2.4m high noise wall around the Fraser Drive side of the subdivision would appear unnecessary when a 2-3m retaining wall is proposed along the same location. The Department notes that even with the construction of the proposed 2.4m solid acoustic barrier that recommended noise criteria are not wholly satisfied. Given the building types proposed along this boundary (stepped, pole or terraced homes) for steep or moderately sloping sites it would appear possible that adequate noise mitigation measures can be included in future building design - particularly given the affected lots will have buildings that face toward the Broadwater and the internal streetscape.
- o The Department is not supportive of the use of a solid acoustic barrier in this instance and requests the proponent to investigate alternative landscaping, alternative lot layout and design, and building design mechanisms to mitigate any noise impacts on *affected* properties along this frontage. The proposed wall will also have adverse visual effects for residents across Fraser Drive, potential negative impacts on morning solar access for immediately adjacent properties, creates opportunities for anti-social behaviour like graffiti/tagging along the wall, and is likely to create the feeling of the proposed development as an enclosed or exclusive community.
- o New residential areas provide greater opportunities for noise mitigation than existing developments as mitigation strategies should be implemented during the design and planning stages of the project, rather than through building design, which is more suitable for existing residential areas. For new developments, the amenity of future residents and the design of homes should not be adversely affected by existing road traffic noise - this is consistent with recommendations in the RTA's *Environmental Criteria For Road Traffic Noise*.
- o Furthermore, the Visual Impact Assessment provided in Annex 21 takes no specific account of the acoustic barrier. Paragraph 53 of the Visual Impact Assessment argues that fences or other structures constructed on the lots along Fraser Drive are unlikely to result in any negative impact. The proposed acoustic barrier along the length of Fraser Drive is not likely to allow for viewshafts to be maintained for residents on the eastern side of Fraser Drive, and is probably beyond local residents expectations in terms of the development expected on the land. Local expectation of some form of development is the key thread of the proponent's argument for visual impacts being insignificant.

**RESPONSE:**

*Based on the revised Acoustic Report at **Annexure 7** and having regard to objections to the proposed noise fence from local residents (on visual impact grounds) the noise fence has been deleted from the final Project Application. Lots abutting Fraser Drive requiring further acoustic assessment as recommended in **Annexure 7** at the Development Application stage for dwellings are identified in the revised Statement of Commitments.*

**ISSUE:**

- o Please identify designated access points to the Crown Reserve 1012191 and outline any proposed access structures to ensure **public access to the foreshore** is appropriately controlled (pp. 3 of the Ecological Assessment)

**RESPONSE:**

*It is no longer proposed to provide designated access points to the Crown Reserve adjacent to the subject site. A 100m vegetated buffer is proposed to the SEPP 14 Wetland adjacent to the northern boundary of the site (i.e. between the site and the Crown Reserve). This densely vegetated area will be fenced to prevent unauthorized access and will in turn restrict access to the SEPP 14 wetland and the Crown Reserve.*

**ISSUE:**

- o The Department notes that your proposal to construct the **site sales office** has been included in the EA. However this aspect of the development is not covered by the major project declaration. Therefore please *remove* reference to this in your response to submissions.

**RESPONSE:**

*The site sales office has been deleted from the final Project Application.*

**ISSUE:**

- o **Community facility** - this cannot be counted as a contribution toward open space or community facilities as the proposed end use of this facility will in effect be a private club, open only to residents, and not the general public.

**RESPONSE:**

*See comments at Section 3.4 of the Preferred Project Report.*

**ISSUE:**

- o The **Statement of Commitments** should not be a 'cut and paste' job - it must clearly state what is being committed to and why, timing of the proposed action, and who is responsible e.g. the Residential Development recommendations pp.75. Also *remove* all references to the 'Cobaki' development in the relevant annexures.

**RESPONSE:**

*The revised Statement of Commitments at **Annexure 26** addresses the above issue.*

**ISSUE:**

- o As a general note, all recommendations from specialist reports should be contained within the SoC and if necessary re-worded in Plain English so as to make clear the intention and proposed actions.

**RESPONSE:**

*The revised Statement of Commitments at **Annexure 26** contains all relevant recommendations from specialist reports. The recommendations have been "reworded" into Plain English where possible. However, some recommendations contained in specialist reports (eg. Noise, Geotechnical) are, of necessity, highly technical and therefore rewording to Plain English is neither appropriate nor possible.*

**ISSUE:**

Note: if alterations are proposed to the subdivision layout and design the proponent will need to consider flow-on updates to specialist technical reports eg. Noise, geotechnics, etc.

**RESPONSE:**

*All relevant specialist reports have been revised to address key issues raised in the submissions and changes to the subdivision layout. The revised reports are contained in the Annexures.*

1. **Colin Moores – 10 Parkes Lane, Terranora NSW 2486**

**Issues:**

As a property owner adjacent to the development under Application Number: 09\_0166, we object to the concentration of housing lot sizes proposed, type of land form changes and traffic increase along Parkes Lane. Of major concern is the amount of cut'n'fill earth works that will be necessary to achieve the small house lot sizes on such a steep gradient on the southern section of lot 2/778727 under the proposal that against the existing properties along Parkes Lane.

Having lived for over 25 years in the same property we have experienced many problems of the local terrain with regards the steep gradient. We can foresee many problems as a result of the high level earth form changes needed under the proposal in terms of water runoff, soil water absorption and general terracing problems. As a directly affected resident, we have never been advised the degree of affect the earthworks in this area will have on our property boundary. We have concerns with regards soil loss due to runoff, the height or type of retaining structures proposed plus the general affect of noise, dust and disturbances caused by the construction and additional high density housing abutting our property.

Furthermore, the proposal we feel does not address adequately the access to so many properties in such an area. Parkes Lane is just that, a lane with many concealed house entrances, narrow and with inadequate on road parking options. There are no dedicated pedestrian pathways and parts still remain with no curb and guttering road drainage. To then expect an additional through traffic flow I fear raises considerably the potential for accidents and serious injury of local children and residents.

In conclusion, as a concerned resident who attended a number of the initial affected resident meetings, our understanding and reluctant acceptance of the initial raised concerns have surfaced again due the developers bypassing our local councils role in making this development a long term asset to our Tweed living and working environment. Instead we feel it is about a short term maximising of gains over a workable and common sense approach of housing land use.

**RESPONSE:**

*By way of general comment, many private submissions raise essential the same issues. Those issues have been addressed, at least in part, in the Preferred Project Report generally and in the responses to submissions from Tweed Shire Council and State Agencies. Therefore a brief summary response only is provided in respect of the various private submissions.*

*Housing lot sizes and densities in the amended Project Application are generally consistent with the provisions of Tweed Development Control Plan 2008, Section B24.*

*Large transitional lots are proposed abutting the Parkes Lane and Market Parade lots in general accordance with Section B24.*

*The proposed final landforming complies with Tweed Shire Council's Landforming Policy.*

*Interface earthworks and drainage treatment at the boundary of the development site between Parkes Lane and Market Parade allotments has been included in the final application.*

*The revised Transport Assessment Report at **Annexure 15** addresses Parkes Lane and Market Parade traffic capacity and potential impacts.*

*Connection of the proposed Altitude Aspire internal streets with Market Parade and Parkes Lane is consistent with the provisions of Development Control Plan, Section B24.*

*The suggestion that the developers have bypassed the local Council's role by lodging a Part 3A Application is false. A Part 3A Application was lodged because that was the relevant statutory framework at the time and it was not a matter of choice by the developer.*

*A temporary access is proposed to Fraser Drive, which is consistent with Council's approach to Flame Tree Park Estate, Banora Gardens Estate and Harrier Street, all of which have been developed adjacent to Fraser Drive based on temporary access arrangements. This is normal practice until such time as sufficient funding and detailed design work has been undertaken to provide the permanent road.*

*Any suggestion that funding of Broadwater Parkway is to be met by ratepayers is misconceived. Funding will be provided by developers by way of Section 94 Contributions or contributions under the Voluntary Planning Agreement. Council's only role is to acquire the corridor of Broadwater Parkway through those lots between Fraser Drive and Altitude Aspire because Council has the power to acquire the land whereas private developers do not. The acquisition costs will, of course, be met by way of developer contributions.*

*The acoustic fence to Fraser Drive has been deleted from the final Project Application for the reasons discussed in Section 2.0 of the Preferred Project Report.*

## **2. Donald and Helen Piper – PO Box 5030, Terranora NSW 2486**

### **Issues:**

Thank you for your letter dated 18th February 2011 inviting a submission in respect of the above project.

We have resided in the local area for the past 31 years, have attended information briefings hosted by the Applicant and have viewed many of the documents prepared in relation to the application. As a result, we claim to have a reasonable understanding of what is proposed and accordingly make the following submission:

We support the application and set out below various aspects of the project as proposed by the Proponent which, in our view, add credibility to the development:

1. The provision of landscaped streets and extensive areas of open space, taking advantage of the topography of the subject land.
2. The commitment to the protection and rehabilitation of areas of environmental significance.
3. The introduction of cycle and pedestrian pathways.
4. Rainwater tanks will be required by all residences.
5. The provision of shared community infrastructure.

We understand that access to Fraser Drive will be a temporary measure. "Altitude Aspire" and other development within the precinct of Area E will eventually link with Broadwater Parkway, a main access road to be constructed by Tweed Council, and to which all Developers will contribute.

### **RESPONSE:**

*Noted.*

3. **John Thebridge – 85 Parkes Lane, Terranora NSW 2486**

**Issues:**

The proposed development is flawed in many respects.

1. It is completely out of character with the existing neighbourhood which consists of block sizes of approximately 2000 sq m and houses which blend into the natural landscape.
2. There is no planned integration of the development and the existing neighbourhood.
3. The proposed block sizes, many under 500sq m, cannot and will not harmonise with the existing neighbourhood.
4. The housing density proposed must therefore be completely out of kilter with the neighbourhood.
5. The proposed destruction of the natural landscape to accommodate the excessive number of blocks scars forever the beauty of the area.
6. Parkes Lane already has a number of "danger spots". The extra traffic will exacerbate this problem, putting at risk our children and adults (many elderly), who are forced to walk on the road because there are no footpaths or defined walking areas.
7. It encourages a "You versus Us" philosophy by making exclusive the Aspire community recreation centre. This will only further flame the fires of discontent in the neighbourhood.
8. The house designs will lead to increases in power usage as the omission of eaves will leave greater areas of the homes unprotected from the blazing sun necessitating air conditioning use.

In conclusion I wish to state that any development of the land in question, needs to at least address the issues above. It is essential that it harmonises with both the existing neighbourhood and the existing natural landscape. It must also provide safe walking streets for pedestrians and cyclists. The current proposal does not.

**RESPONSE:**

*See response to Submission 1.*

4. **Lynette Fleming – 3 Mibbin Parade, Banora Point NSW 2486**

**Issues:**

The traffic from Fraser Drive onto Terranora Road is chaotic and very dangerous every morning and afternoon, without an extra 321 houses. - Most houses have more than one car attached. Terranora Road at present is no more than a bitumen covered goat track and must be upgraded BEFORE any approval - there are no footpaths, cycleways for elderly or young people without cars. Why do you let developers continually reshape the landscape of somewhere, for the sole purpose of the developer making more money. What about the amenity of the people you already take money from in the way of taxes and charges??

**RESPONSE:**

*This issue is addressed in **Annexure 15**.*

5. **Henry Flanagan – 61 Parkes Lane, Terranora NSW 2486**

**Issues:**

I have been a resident in Tweed Heads for the past sixty odd years and during this period I have witnessed the trajectory of our residential planning authority, compounded by inappropriate contributions from the RTA, to seriously impair the exceptional beauty of our Terranora district.

I would like to submit my objection to the plans submitted by Newlands Developers for Major Project 09\_0166 - 'Altitude Aspire' at Fraser Drive, Terranora.

1. The proposed development should be required to present larger allotments (800-1000 m<sup>2</sup>) which would intergrate and harmonise with the neighbouring Terranora residents.
2. No relaxation of Tweed Shire Council building requirements should be allowed.
3. The council plans, directing all access to the project via the Broadwater Parkway, should be mandatory. Access through Parkes Lane and Market Parade connecting the Altitude Aspire development should be disallowed due to the established driveways here and also due to the Tweed Shire Council being unable to maintain and provide suitable footpaths.
4. It will precipitate an immense ecological disturbance with myriads of reptiles, vermin and regional bird life, previously cultured by an almost dormant farm over the past few years. The harmonious ecology established in the neighbouring community over the past fifteen years will be extensively compromised by these displaced creatures. Newlands Developers and the Tweed Shire Council should be held responsible and should take a compelling interest in this serious implication.

**RESPONSE:**

*See response to Submission 1.*

*It is proposed that Broadwater Parkway will be constructed prior to the completion of Stage 7 of the estate and this provision is incorporated in the Voluntary Planning Agreement and the revised Statement of Commitments.*

*The revised Ecological Assessment at **Annexure 9** addresses ecological issues and concludes that there will be no significant effect on threatened species. Appropriate mitigation measures are also proposed as indicated in the revised Statement of Commitments.*

6. **Kim Woodhart – 1 Glen Ayr Drive, Banora Point NSW 2486**

**Issues:**

Along Fraser drive in front of the 2.4 meter high fence we request that no trees be planted as it will block our remaining view of the lakes and mountains to the west and the view north of the gold coast.

**RESPONSE:**

*The 2.4m high noise fence has been deleted from the final project.*

7. **Janece Thebridge – 85 Parkes Lane, Terranora NSW 2486**

**Issues:** In its current form the above development possesses many flaws and does not deserve to be approved. Following are some reasons for a rejection.



1. Residences adjacent to the proposal are built on sizeable blocks (usually 2000 sq m plus), and blend successfully and aesthetically into the natural environment.

The proposed development, adjacent to this harmonious community, is in stark contrast. In fact, it could be said that it is diametrically opposite. For example:

- a. Many blocks are under 500 sqm. This will result in a community of approximately 4 or 5 houses crammed into the average sized block of the adjacent community. This housing density is overly excessive and needs to be slashed to be in harmony with its surrounds.
  - b. To enable this high density, the current landscape will require trashing to cut and fill. Once again, this is in stark contrast to the neighbourhood.
  - c. The house designs are planned to utilise every bit of space in a current community where space is in abundance. This cannot foster harmonious relations between the two communities which will develop.
  - d. Eave overhangs are not planned in house designs. With the world needing to be "greener", new developments need to be in keeping with this philosophy.
2. The 700m long acoustic wall along Fraser Drive will have a many faceted effect. Firstly it seems to be a recognition by the developer that their development will not be a picture postcard of beauty in harmony with its surrounds, but, an ugly eyesore which needs to be protected from the view of motorists, cyclists and pedestrians along its path. Secondly, this barrier will block the beautiful vistas of the Tweed countryside that all, who now use this thoroughfare, have come to enjoy.

The above provides compelling reasons why, in its current form, the proposed development needs to be rejected. Any development needs to fit, glove in hand, with the already harmonious community.

**RESPONSE:**

See response to Submission 1.

**8. Brenda Connelly – 15 Parkes Lane, Terranora NSW 2486**

**Issues:**

I wish to object to the development proposal (09\_0166 – Residential subdivision) by Metricon on the following grounds:

1. Out of character with the adjoining Rural Living Estate in Parkes Lane, Market Parade and Trutes Terrace.

Item 2.2 of the Director General's Environmental Assessment Requirements (DGEARs) requires that *"iv. the character of the surrounding area is maintained through appropriate subdivision layout, building height and scale, setbacks and streetscape and retention of views to significant landscape features."*

The Visual Impact Assessment prepared by LVO Architecture pays no attention to the adjacent rural living estate when assessing this.

The proposal to develop housing lots as small as 450sq/m is in contrast with the existing subdivision where average allotments are in the order of 2000 - 3000sq/m. The Visual Impact Assessment prepared by LVO Architecture to reflect the expected outcomes for the developers is deficient in its assessment of the character of the area.

In paragraph 4.1.2 they state that the development "will be consistent (in terms of subdivision pattern, building scale, streetscape and so on) with the history and type of development in the local area, which is also part of the area's character." The fact is, this development is proposed on land that is a natural amphitheatre surrounded by a Rural Residential garden suburb. Contrary to LVO's assessment, the proposed subdivision pattern is NOT consistent with that existing, is NOT consistent with the existing streetscape, and the proposed slab-on-ground terraced building platforms are NOT in character with the existing housing that has been in most cases, built in harmony with the existing landform demonstrating a wide variety of building construction techniques.

By changing the existing cul-de-sac roads in the rural living area to through-roads to the proposed development, Newland Developments (Metricon) will exacerbate the loss of character of the existing garden subdivision. There needs to be delineation of these two distinct precincts. This can only be achieved by not having connecting roads and by having a native vegetative buffer zone as described in the draft DCP prepared by Tweed Shire Council in 2005.

## 2. The Impact on Scenic Amenity and Natural Landscape Elements.

Again LVO's assessment of the impact of the proposed development is deficient in its assessment of, and dismissive 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.

In LVO's assessment (paragraph 36) they state that "when assessing the extent of impacts on the visual amenity of the local area it is important to bear in mind that (with the exception of the residents club and display home) the proposed development does not include the development of any built form. However, this assessment will, where necessary, consider the impacts of likely future built form".

However, LVO have given no assessment of the impact on Scenic Amenity when the views to the west of Fraser Drive, (which includes views of natural mountains, bluffs, valleys and lakes), are totally obliterated by the minimum 2.4metre proposed acoustic wall recommended by TTM Consulting (Acoustic Report) I suggest this IS built form and therefore should be assessed for its impact on scenic amenity. The vista across the site from Fraser Drive has high scenic value for passing motorists and the residents on the eastern side of Fraser Drive.

The Tweed Shire Council DCP is specific in its goal to preserve public views.

### *"Public Views and Vistas*

*Public views and vistas are enjoyed from public places such as foreshores, parks and along streets. Views are generally contained by buildings in the streetscape, such as view corridors down a residential street.*

*Vistas are long wide views, generally across a locality. Vistas are generally defined by ridgelines and valleys.*

### *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.*
- To ensure public views of important public places or buildings are protected.*

### Controls

- a. *The location and height of new development is not to significantly diminish the public views to heritage items, dominant landmarks or public buildings from public places.*
- b. *The location and height of new development is to be designed so that it does not unnecessarily or unreasonably obscure public district views of major natural features such as the water, ridgelines or bushland.*
- c. *The location and height of new development is to be designed so that it does not unnecessarily or unreasonably obscure public view corridors, for example, down a street.*
- d. *The location and height of new development is to be designed to minimise the impact on public views or view corridors between buildings."*

### Tweed Development Control Plan

#### Section A1 - Residential and Tourist Code

LVO is also dismissive of the impact on the Scenic Amenity of the proposed development on the residents of the adjoining rural living estate. As stated before, the proposed development is in a natural amphitheatre with the existing residents all looking across the proposed subdivision. In paragraph 44 LVO states 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. (*Landforming that is also in contravention to Tweed Shire Council DCP No. 16 Site regrading Acceptance Criteria Development Design Specification – D6.*)

#### *"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"*

By understating the scenic impact of the massive landforming and retaining walls, LVO is simply delivering an assessment that the developers require to avoid the scrutiny of State Planning. From many properties in Parkes Lane, their view will consist of a highly altered landform with up to 15 terraced and retained building platforms with a backdrop of a 3 metre rock wall with a 2.4 metre acoustic wall on top bordering Fraser Drive.

I believe that the Visual Impact Assessment produced by LVO to be flawed. It needs to be dismissed and an independent assessment undertaken.

### 3. Traffic Impact on Existing Local Roads

I have lived in Parkes Lane for over 15 years. This street is typical of many rural residential areas in that it has only been designed and maintained to cater for a low density small subdivision of about 120 houses.

The Newland (Metrickon) proposal links the existing Rural Living roads to the new higher density residential estate. This will impact negatively on the existing residents and is inappropriate for several reasons including the loss of character mentioned previously.

- a) There is NO footpath. Local residents and school children are required to walk cautiously along the edge of the bitumen. See Attached Photos
- b) The street is also accentuated by concealed driveways and poor visibility on the bends.

At the Altitude Aspire public display on Saturday 26th Feb, Sean Nicholson from Newland and consultant Darryl Anderson, conceded to several concerned residents that Parkes Lane will experience increased traffic, particularly during the construction of houses in stages 7-10. They also stated that it's a problem that council will have to deal with!

The best solution would be to adopt the council position (Draft DCP 2005 & 2008) that any development on Area E should have a self-contained road network that excludes the use of existing local roads including Parkes Lane and Market Parade. I have been in contact with council planning and that is still their position. Again the developers have treated the existing residents with contempt by passing the responsibility of impact on existing roads on to the council and ratepayers and have again come up with a sham traffic report that understates the social impact.

It is vital that NO subdivision be allowed until the proposed Broadwater Parkway is completed and that this be the ONLY access into Altitude Aspire.

In conclusion, I am a realist and understand that the Altitude Aspire site will be developed into a residential housing estate. I do however believe that the current proposal is flawed in its lack of consideration to the existing residents by:

1. the loss of character that will result
2. the impact on the scenic quality due to the acoustic wall and radical landforming and
3. the safety impact of increased traffic on the existing road network.

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.

This picture shows how narrow Parkes Lane is in places. Any increase in traffic generated by linking these roads to the proposed development would endanger the lives of existing residents.

Note also the driveways on the left of the photo. In that particular section, there are 6 driveways that are partially or wholly concealed.



These photos show how inadequate the road would be if extra traffic were to be generated with the Altitude Aspire development. These photos were taken at the edge of yet another concealed driveway.



These photos show a resident's protest sign. The yellow stripe at the top of the sign indicates the height of the proposed acoustic wall. This photo was taken from the edge of Fraser Drive at a point midway between Parkes Lane and Gen Ayre Drive looking north-west. It is clearly seen how this wall will obliterate the public views across Terranora Lakes to the Lamington plateau.



#### **RESPONSE:**

*See response to Submissions 1, 5 and 6.*

#### **9. B J McLauchlan – 51 Bilambil Road, Terranora NSW 2486**

##### **Issues:**

In this submission, I wish to comment on some aspects of the application, and raise concern over others. My capacity to constructively provide input towards the determination process is reflected in my being a Terranora resident of 35 years, who return travels to Tweed Heads via Fraser Drive 10 – 14 times weekly, but also my situation in being a retired development consultant and consulting survey principal in the area for over 30 years. In that period, I was deeply involved in the subdivisional developments creating around 1,500 residential, rural residential, and industrial allotments to the immediate east and adjacent south-west of this subject application site.

Positive comments:

1. The internal roading and lot layout appears to be as satisfactory as could be achieved given the fairly steep topography and other natural constraints.

2. The move to initiate development in 'Area E' is long overdue with landowners being frustrated since 1996. Matters of concern and objected to: Non-compliance with the Tweed L.E.P. In response to your letter of 21 December 2009, Tweed Council outlined significant matters which should be addressed, and which the Department incorporated in its D.G.Rs to the proponent. They include:

- Ad-Hoc development prior to a D.C.P. and Sec 94 contribution plan being adopted.
- Planning to be co-ordinated with provision of future road networks, access points etc.
- Road. "- The E.A. should demonstrate that *adequate* provision of this infrastructure is feasible". The subdivision is premature given that feasibility and environmental studies for Broadwater Parkway have not been undertaken. Not surprising when the final connection from the site to Fraser Drive is as yet undecided, with no representation shown in the application to which residents are invited to comment.

The Parkway is presented as a two-lane configuration. However, the traffic predictions by Tweed Council is for volumes 11,800 vpd. Reference to Tweed Roadworks Standards depicted in drawing S.D. 002 dated 2004, shows that a PCU021241PCU021241 normal neighbourhood collector road should cater for up to 7,000 vpd, while volumes in excess of 7,000 vpd require a four lane facility with median strip.

It is submitted that the application cannot be rationally determined until the parkway alignment and design is completed, and the public are given time to inspect and comment. Meantime the application must be deemed to be incomplete.

In regard to the general alignment location approaching Fraser Drive, it should be noted (as referred to in the application) that four properties will be involved and basically destroyed by encroachment of massive batters, loss of amenity and subjection to excessive traffic noise from the steep grades, should the road be constructed in this vicinity.

Should design standards be grossly departed from, and moral obligations be ignored, to provide a road linkage for the future, when it is so destructive yet 30 years out of date before it is even constructed?

The community deserves better. Other alternatives however difficult, or constrained must be investigated.

Exhibition period

The proposal is listed to be on exhibition for 39 days. This is considerably shorter than similar cases. Relative urgency may or may not be justified in areas such as Western Sydney where available residential land is in shortage.

The same reason does not exist here in the Tweed, with the Minister quite recently in late 2010 approving the following:

Cobaki Lakes – 5,000 lots,  
Kings Forest – 4,500 lots,  
Bilambil Hts – 1,694 lots.

Why the urgency with a fundamentally incomplete application?

**RESPONSE:**

*The adopted Development Control Plan, Section B24 identifies a preferred alignment for Broadwater Parkway and the final project is substantially compliant with that alignment. Alternative routes for Broadwater Parkway through the wetland have been investigated but are likely to have significant adverse environmental impacts and be cost prohibitive.*

*Should the submitter consider that a route through the SEPP14 wetland is more appropriate then it is open to the landowner to prepare and lodge a Development Application and Environmental Impact Statement and seek the necessary approvals.*

**10. Stephen J Tunks – Lot 9 Fraser Drive, Banora Point NSW 2486**

**Issues:**

We make strong objection to the proposal as exhibited, on the following grounds:

1. There is no representation or design detail of the proposed Broadwater parkway, from its departure from the developers holding, to any junction to the north with Fraser Drive, which could be studied to ascertain the impacts on ours and other properties. In the very steep terrain earthworks batters to Council standards would be to the detriment of, above lot 3 and total destruction of Lot 2, according to tentative sketching.
2. Broadwater Parkway is to be a major "collector" road, which we understand will service the future "Area E" population, settling on about 1200 allotments. Although just lay-persons, we cannot see how a road to the required standards can be constructed in the proposed general vicinity without major design departures or landscape destruction.
3. Surely the proponents should be required to graphically indicate the impact of the parkway on each of the holdings through which it passes or affects, to give the owners an indication of the future of our properties. Liaison to date is non-existent.
4. The proponents must revisit the "drawing board" and provide a concept for us to study and make ultimate comment. If this means a fresh application under Pt. 3(a) or whatever jurisdiction is applicable, then so be it.

Most of us do not want financial loss, loss of amenity, including exposure to resultant traffic noise or trauma of uncertainty, caused by an intruding party.

**RESPONSE:**

*See response to Submission 9. In addition, the alignment of Broadwater Parkway from Altitude Aspire to Fraser Drive has been determined by Tweed Shire Council and adopted as part of Development Control Plan, Section B24.*

**11. Brenda Connelly – 15 Parkes Lane, Terranora NSW 2486**

**Issues:** The same as Submission 8.

**RESPONSE:**

*See response to Submission 8.*

**12. John Turney – 46 Parkes Lane, Terranora NSW 2486**

**Issues:**

I submit the following objections with reference to above project. Being a long time resident of Parkes Lane Terranora I do not object to a development as it was inevitable, but I did suspect it would maintain the rural nature & ridge line along which was & is Terranora.

The proposed Development will look over large ½ to 1+ acre lots with reasonably large houses, primarily unfenced with minimal but attractive retaining & planted out in what many would consider a dress circle and the very reason we settled here.

We on the other hand will be subjected to an unsightly plethora of project homes stuffed onto 500 sq mtr fenced blocks with massive retaining walls & a ridgeline of concrete wall along Fraser Drive which establishes a private kingdom not befitting the nature of the area.

Traffic in Parkes Lane currently a Quiet safe street will increase exponentially & any temporary access to any proposed development should remain in force until the site can be interconnected to the proposed Broadwater Parkway.

The Newland company states in its frequently asked Questions that it extensively involved neighbours & stake holders.

Like many Neighbours we received nothing until advised via letter on the 20th of Feb of a display open day!

**RESPONSE:**

*See response to Submission 1.*

**13. Kim Burton – Heritage National Limited - 19 Corinna Street, Falcon WA 6210**

**Issues:**

In response to the exhibition of this proposed residential subdivision we hereby provide the following submission.

For your records Heritage National Limited is one of the financiers for 93 Parkes Lane Terranora that abuts this subject site. The undersigned is also the sole director of Creeksound Pty Ltd (subject to Deed of Company Arrangements) the registered owner of 93 Parkes Lane.

Our site has been recognised as the village precinct for the greater Terranora Area E precinct.

Our concerns in relation to this proposal are:

- 1) Broadwater Parkway – location, timing and funding
- 2) Provision of other major infrastructure
- 3) Development in context of Area E planning
- 4) Public Open Space
- 5) Form and substance
- 6) Interface

**Broadwater Parkway**

This piece of common infrastructure is a vital part of Area E. Without it the development of the greater area cannot proceed in a sustainable and equitable manner. Stakeholders must resolve the alignment. Council needs to take control of the construction of this road with a cost recovery headwork charge created on a per lot basis. Any approval of the site that is subject to this exhibition must see the resolution of the alignment, timing of construction and the required contributions for the subject lots.

**Provision of other major infrastructure**

We have participated in the second of three land owners forums with the Tweed Council and the Tweed Council have presented a basic outline of the required Area E water and sewer infrastructure requirements and location.



As Council outlined logical development of the site occurs from east to west due to Broadwater Parkway acting as the key link road. However long term provision of water and sewer to Area E flows logically flows from west to east. You also have the issue of storm water runoff flowing towards Broadwater Parkway and again the construction of this and the associated implementation of a nutrient management plan become vital.

This site should be considered in terms of other required major infrastructure for all of Area E. Again a form of development control should be established by Council that allows for the development of Area E in a sustainable and equitable manner including the provision of overall Area E servicing for water, sewerage, power, communications and importantly storm water run-off and nutrient management.

Sustainable development requires a sense of place and the most vital link is the village centre. Development controls need to be established for all major common infrastructure to ensure certainty of funding and timing of community facilities, structured open space, and constructed wetlands. This also establishes an equitable opportunity for other land owners to the east to develop their land.

#### Development in context of Area E planning

We come late to this planning process and understand why the land owner is seeking to progress the development of a portion of their land holdings. However we have to date participated in two land owners forums conducted by the council and by the third meeting it is our understanding that they wish to present a DCP in a form to advertise.

In response to this process we have met separately with Council Officers and our consulting architect to allow us to provide Council with an outline development plan for our site. It appears that the proponent of this subdivision is not participating in the creation of an overall DCP but seeking to get approval for a piece of the jigsaw without determining fully how that piece fits in.

We have attached for your reference a plan prepared by the Samtay Group who previously controlled 93 Parkes Lane. This plan shows a retirement village concept which does not reflect our current vision for the site. However there are some concepts and elements such as logical road patterns and a village centre that we embrace and are using to progress our plan.

In response to the workshops it has been identified that the major piece of structured open space is to be located as part of the village centre. We are working to incorporate this into our village centre plan.

In addition at the workshop our neighbour whose land is within Area E but abuts a number of landowners outside of the precinct stated that firstly he did not want to see a plan that did not address access issues for his property and allow for development of his site.

Secondly he believed that a number of lot owners that abut his land outside Area E rather than desiring a transition zone would like have the future opportunity to sell off the rear of their block. Armed with this knowledge we are seeking to engage with these landowners.

Also attached is a draft design that will allow us and our neighbour to discuss this option with his neighbours and reach a plan in conjunction with adjoining land owners. This process seems the logical approach and it does not appear in our opinion that the developer of the subject proposal is undertaking a similar consultative process.

It is our view that much of the detail required to meet the approval for this subdivision will require reference to the DCP and therefore the land owner must commit to that process to ensure that this development logically fits into the greater Area E precinct.

#### Public Open Space

As indicated we accept that the playing field and other infrastructure that form part of the structured open space belong as part of the village precinct. However it is our view that the proposed subdivision lacks a place within easy and safe walking distance to send children to go and play.

They propose private facilities for residents and a park at the base of the development but area's such as near the extension of Parkes Lane are not within a reasonable distance.

If you are prepared to bench for lots then a benching for a park while not needing to be a huge area needs to be done to place parks within walking distances of all lot owners.

#### Form and substance

The development appears to require significant benching to achieve flat lots. Provision of public roads in this environment immediately requires significant cut to fill requirements.

Our vision for the adjoining land embraces the idea of "touching lightly on the land". We will seek to try not to have to force the land but instead work with the land.

If the land owner is seeking level pads for housing blocks then an alternative approach rather than a complete terracing of lots is for the developer to hold funds to earth work as part of the house building process not at the initial lot development phase. Create a build up for the house and courtyards and leave the balance to more natural ground levels.

It is our view that that the steeper parts of our site lend themselves to more lightweight structures.

#### Interface

Again reference is made to the original design concept for 93 Parkes Lane. The position of the extension of Parkes Lane was prepared we understand in consultation with the adjoining land owner who is proposing the subject subdivision.

Evidence of this can be seen if you refer to the original subdivision layout that was lodged with State Government in relation to this proposed development. In the original plan lodged, Parkes Lane extended along our common boundary as a shared road and there was a logical road pattern to the left and right.

We now are presented with a plan that sees Parkes Lane deviate into this landowners site which immediately puts the timing and ability to access in the hands of this developer and completely beyond our control. This part alone is in our view not equitable to our land or our other neighbour.

In addition while they have maintained a link to Broadwater Parkway they have removed the ability to have a logical connection and road pattern for our eastern precinct. This will force vehicle movements from our site either back up the hill (not efficient) or to the west before they can access Broadwater Parkway where most will head east which is again inefficient.

There is limited access from our land for a secondary access to Broadwater Parkway as we have a number of proposed constructed wetlands to deal with storm water run-off from the greater Area E precinct and the previous shared location was the only opportunity.

Parkes Lane located on a shared boundary should form part of the common infrastructure as it also forms a key part of a transport link through to Broadwater Parkway.

#### Summary

We remain committed to supporting and progressing the development of Area E in a sustainable manner. The land that is subject to this proposal does form a logical starting point for the overall area but the proposal must address how it forms part of the greater precinct including a commitment to key overall infrastructure funding.

This process will be set out in the framework that is the DCP that the Council is preparing.

#### **RESPONSE:**

*The various issues raised in this submission are addressed in the Preferred Project Report particularly Section 2.0 and elsewhere in response to submissions.*

#### **14. Ian Ross – 7 Lovat Brae Court, Banora Point NSW 2486**

##### **Issues:**

I object to the construction of a 2.4 metre high acoustic fence on Fraser Drive opposite my property. I believe that this structure will cause traffic noise to rebound across the road and pass over my lawn and enter my house thereby destroying the peaceful amenity I have enjoyed for 20 years.

Likewise a fence of this height will obstruct my view of the valley. I would suggest that this structure is out of character with the developers previous projects on Fraser Drive as nothing like it exists anywhere in the area. Surely the traffic noise could be allowed to naturally dissipate across the valley as it has done for years. I believe the new homes will be below the level of Fraser Drive and the sound would pass over them. I feel this fence will not only be an eyesore but would present an open invitation to graffiti.

#### **RESPONSE:**

*See response to Submission 1.*

#### **15. Deborah Byrne – 753 Terranora Road, Terranora NSW 2486**

##### **Issues:**

I believe the development will de-track (sic) from the area and lower property values...

#### **RESPONSE:**

*The amended project is generally consistent with the Far North Coast Regional Strategy, current zoning and Tweed Development Control Plan 2008, Section B24. All substantive issues raised by State Agencies, Tweed Shire Council and members of the community have been addressed in the revised layout, amended reports and this Preferred Project Report.*

#### **16. Mark Upton – email: markupton2@bigpond.com**

**Issues:** I make the following comments for your consideration:

## 1. Traffic and Zoning

- (a) Parkes Lane and Market Pde are existing roads proposed to connect to the new subdivision. Whilst this appears logical at the planning stage, the reality is the existing alignment, lack of off- street parking along crucial lengths of Parkes Lane and steep sections of Market Pde are simply not conducive to additional traffic. At present some sections of these roads give less than 100mtrs clear vision, the roadway is reduced to one lane when vehicles are parked (legally) on the pavement and accordingly increased traffic will only add to the dangers currently experienced for pedestrians, passing traffic, school buses and service vehicles such as garbage trucks and visiting tradesman. I propose the two existing roads be delineated at the new boundaries by no entry signs or no access to Fraser Drive from the subdivision and vice versa. A reasonable alternative is to terminate both existing roads with a cul-de-sac thereby giving the developer 4 or so blocks at each road with little cost, and with minimal traffic increase.
- (b) The temporary intersection proposal is unacceptable. It would seem the proponent cannot undertake construction of the Broadwater Parkway in the first stage of development due to not owning the land. It would be reasonable to ensure this roadway, being the main access for the entire subdivision and vital to limiting traffic to Parkes Lane and Market Pde be redesigned onto land owned currently by the developer. If in time it can be realigned, then so be it. The other foreseeable problems are the financial viability and long term desire of the developer to carry out the later works. What happens if the developer ceases to exist after the first stages, or if Stage 7 doesn't??? (this is how it finished)

### **RESPONSE:**

*See response to Submission 1.*

## **17. Bruce Steel – 89 Parkes Lane, Terranora NSW 2486**

### **Issues:**

I object to the current proposal in its present form on the following grounds:

#### Road Safety

Tweed Shire Council, in the interests of road safety have designated an entry point off Fraser Drive which is intended to service this development but it initially passes through a small stretch which is not owned by the developers. The Council believes that the developer should purchase this piece of land and build the access road as it is to their benefit.

The developer, through its representatives, is urging the community to lobby the council to purchase and pay for this land and build the access road. Therefore, because of the impasse, the developer is seeking a "temporary" access to their initial part of the development via Fraser Drive, close to Parkes Lane.

Parkes Lane and its secondary lane, known as Market Parade is zoned Rural Residential. The lanes in this area are narrow, with blind corners and many blind accesses to properties. This area is famed locally as "The Garden Suburb" and is peaceful and beautiful locale.

#### Traffic flow

Contrary to Tweed Shire Council's planning intentions which were to not interconnect this area with Area E but to require a floral boundary around the fully established rural residential Parkes Lane/Market Parade precinct, the developer intends to open these lanes into their development and therefore we believe that the traffic flows that will occur will be extremely excessive and make these lanes very dangerous, especially as, apart from the other factors, there are not even any footpaths and two school buses can barely pass each other here.

#### "Cut and fill" intentions

Another concern is the developer's intention to flout Tweed Shire Council's planning policies in regard to "cut and fill" by requesting permission to have cuts of 3 metres or more rather than the Council's stipulated maximum of 1.5 metres. Their desire is to provide more flat building sites but we believe that action will result in further siltation in the Trutes Bay area below. Most of the soil in this area is of red volcanic origin and prone to erosion if disturbed. This will also result in major changes to the natural topography.

#### Council's planning procedures overridden

The whole of Area E, including this proposed development needs further consideration, including a full masterplan instead of piecemeal actions which usually lead to poor outcomes. We believe that the Council is presently working on this. It was very unfortunate that this development was able to be approved under the Part 3(a) state legislation. Inappropriate building restrictions.

As a consequence, there appears that there will be a preponderance of very small lots of houses of designated designs and no eaves – a disastrous directive for this wet, and hot sub-tropical climate.

I am hoping that officers from the NSW Department of Planning will visit this area again before any final decisions are made as I believe it could be fruitful to talk with some of the long-term residents about some of these aspects.

#### **RESPONSE:**

*See response to Submission 1.*

#### **18. Martin and Margaret Piper – 30 Fraser Drive, Banora Point NSW 2486**

##### **Issues:**

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 brochure 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 Modelled 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 seems 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 effect 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 be 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 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 for 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 Broadway 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.

**RESPONSE:**

See response to Submission 1. Details of the temporary intersection with Fraser Drive and driveway access arrangements are contained in **Annexures 11 and 15**.

**19. Kim Woodhart – 1 Glen Ayr Drive, Banora Point NSW 2486 – (see also No. 6)**

**Issues:**

I oppose the 2.4 meter fence because of the traffic noise it will produce at my residence. Also, the trees along the fence as they will spoil my view of the mountains and ocean.

**RESPONSE:**

See response to Submission 6.

**20. Lisa Albrecht – 2 Vista Close, Terranora NSW 2486**

**Issues:**

- Parkes Lane/Market Parade estate is very quiet. Based on your figures regarding car movement, there would be an additional 1200 car movements per day with the new estate being built. This additional traffic would decay our peaceful surroundings.

- Many residents in the Parkes Lane/Market Parade estate work from home. The constant building noise would make it very difficult to concentrate on conducting business activities.
- Some driveways in Parkes Lane are very difficult to see and care needs to be taken when travelling along this road to avoid residents reversing out of these driveways. Extra traffic would make exiting these driveways perilous.
- Many children meet up and play in the street in Market Parade. Extra car movement would make this hazardous for the children.
- The fact that this estate would go ahead whether the Future Broadwater Parkway is built or not shows irresponsibility by the developer and that they are only looking at their own financial gain, not residents' safety and harmony. Two permanent entrances and exits to & from the Altitude Aspire Estate should be built, with Parkes Lane & Market Parade kept as deadend roads.
- Building blocks in Altitude Aspire are around 500sqm, which is in vast contrast to the adjoining rural living areas.
- Unsightly retaining walls will block out views and lower the value of existing properties in the Parkes Lane/Market Parade estate.

#### **RESPONSE:**

*See response to Submission 1.*

#### **21. Ian Ayers – 16 Parkes Lane, Terranora NSW 2486**

##### **Issues:**

We object to the current proposal for the residential subdivision at Fraser Drive Terranora. Reasons for our objections are detailed in the PDF attachment.

We wish to make known our objection to the proposal by Newland Developers to develop the farmland adjacent to Parkes Lane and Fraser Drive into a high density residential estate to be known as Aspire.

We live at 16 Parkes Lane and our block will back onto the proposed estate. During a meeting with representatives from Newland Developments, the negative impact of Aspire on us, as well as to all residents of Parkes Lane, Market Place, Trutes Terrace and Fraser Drive, became apparent.

Following are the reasons for our objection to the proposal;

##### **Density of the Development**

- *The density of the development is excessive and does not integrate physically or visually with the surrounding areas.* All blocks in Parkes Lane, Market Place and Trutes Terrace are a minimum size of 2000m<sup>2</sup> giving residents a rural living lifestyle.

Plans of the proposed estate indicates that backing on to blocks 6 to 16 Parkes Lane, (6 residences) will be 11 'Aspire' blocks. These 11 'Aspire' blocks are the largest in the estate. (Approximately 800 m<sup>2</sup>). The remaining 300+ blocks are significantly smaller, many as small as 450m<sup>2</sup>. Further indication that the proposed residential blocks are too small is that Newland is applying for a relaxation on council side boundary requirements so that garages can be built to the boundary. Also, proposed house designs show no eaves – again an indication of the small block size. *Newland are proposing a high density housing estate which is incongruent with the 2000m<sup>2</sup> blocks of the surrounding residential area.* Surely this area would lend itself to a higher quality estate with a minimum block size of 800m<sup>2</sup>.

### Increased Traffic and Associated Risk to Residents

- *Increased traffic, particularly on Parkes Lane, will create a dangerous situation where lives are at risk.*

We have been living in Parkes Lane for 15 years. The older section of Parkes Lane is not a wide street, has concealed driveways, no footpaths and in places, residents have to use the road when walking. Our driveway, like a number of others, is on a blind bend. By their own admission, Newland Development representatives have stated that Parkes Lane, due to planned through roads to the estate, will experience a notable increase in traffic. This will stem from tradesmen's vehicles (including heavy vehicles) as well as 'Aspire' residents accessing the estate. The lives of residents entering/exiting their properties by car as well as pedestrians, many of whom are children who walk to and from bus stops will be at an increased risk of injury. When we raised our concern with representatives from Newland, we were told, 'This is council's problem, take it up with them'.

When questions were put to Newland representatives regarding whether a right hand turn could be made from the proposed Broadwater Parkway into Fraser drive, again we were told 'This is up to Council – talk to them about it.' This alone could mean greatly increased traffic on our quiet streets and will increase the risk to the safety of residents and their children.

### Loss of Public Views

- *Erection of a 2.4 metre x 700 metre sound wall along Fraser Drive*

From Fraser Drive where the 'Aspire' estate is proposed, early morning walkers have views of the Tweed hinterland. Newland have stated that a 2.4 metre x 700 metre sound wall is to be built that will result in a complete loss of views to the public.

### Financial Burden

- *No provision for sewer and storm water*

Our block has a septic system with the outlet at the bottom of our block. We can foresee that it is highly likely complaints from residents in the new estate will result in Council forcing us, at considerable personal cost, to connect to a sewerage system where the outlet is at the top of our block thus the sewage is pumped up to Parkes Lane. Representatives from Newland did not discount this as likely and went on to say that our concern is 'Council's problem' and not the responsibility of Newland.

If the estate is to go ahead, we ask that council make it a condition that the Developers provide access to the blocks backing directly onto the estate to the sewerage system within the new estate.

- *Devaluation of Our Home*

Newland Developers 'Aspire' proposal, in its current form, will result in the loss of a rural living lifestyle – a lifestyle that drew us to the area 15 years ago. If the current proposal is approved, as a resident of Parkes Lane, we will lose the view of tree tops and the inlet, to be replaced by roof tops, roads and walls. No longer will we be able to ride our bike around Parkes and Market Place as the significant increase in traffic will make it too dangerous to do so.

We know of at least one house sale in Parkes Lane that fell through when the prospective buyer learnt of the Newland proposal. If the traffic, noise and loss of rural views become a reality, buyers will no longer be drawn to Parkes Lane resulting in the inevitable decline in house values. For many of us, much of our retirement capital is in our home thus the loss of value in our home has a significant long term negative impact.

We are not against the development of the farmland adjacent to Fraser Drive and Parkes Lane. However we are against the high density nature of the proposed 'Aspire' estate and the complete lack of consideration that this proposal has for existing residents.

We ask that you give serious consideration to our objections as detailed above prior to any decision is made with regard to Newlands 'Aspire' development.

**RESPONSE:**

See response to Submission 1 and **Annexure 15**.

**22. Michael Connelly – 15 Parkes Lane, Terranora NSW 2486**

**Issues:**

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 land forming and the disregard for Tweed Shire Council land forming 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 land forming, 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; land forming requiring extensive terracing and retaining walls up to 6 metres in height. *(This land forming 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 produced 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 30th March 2011.

The newspaper report drew the following responses from concerned locals.

"Let's 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."

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 land forming policy.

*Tweed Shire Council DCP No. 16 Site regrading Acceptance Criteria Development Design Specification - D6 states 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"*

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 land forming 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 land forming 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 26th, 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 land forming policy. (*DGP 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 officers from NSW Dept. of Planning when they visit the area to evaluate the proposal.

**RESPONSE:**

See response to Submission 1 and **Annexure 15**.

**23. Greg Winfield – 26 Market Parade, Terranora NSW 2486**

**Issues:**

I am writing to express my opposition to the proposed development at Fraser Drive, Terranora.

- Many of the proposed lots are under 500 sqm, and are in total contrast to the rural living lots of 0.5 acres immediately adjacent to the proposed development.
- I object to the density of housing in the development – it is in contrast to the surrounding properties
- I object to the proposed development on the grounds it currently has a lack of green spaces (parks) and community areas throughout the development
- I object to the proposed development on the grounds that the proposed development does not integrate with the existing neighbourhood character
- I object to the application by Newland to have the boundary setbacks relaxed to allow garages to be built on the boundary
- I object to the application by Newland to relax council rules on retaining wall heights
- Both Market Parade and Parkes Lane are currently quiet cul-de-sacs and traffic is currently minimal – the proposed development will bring increased traffic along Market Parade and Parkes Lane which in turn will create hazards due to the lack of footpaths and our concealed driveways
- I object to the connection of Market Parade to the proposed development
- There will be a loss of views for current residents
- There will be increased noise pollution for current residents
- The community services within the development are being promoted by Newland and CPR Group as a positive feature of the development but will not be accessible to the current residents of Market Parade and Parkes Lane.

- DGR5.13 acknowledges the council requirement that all access be provided via Broadwater parkway, however Newland's plans show connecting roads from Parkes Lane and Market Parade. We object to connecting the proposed development with these established cul-de-sacs.

The land in question lends itself to having its own roads and infrastructure such that Parkes Lane and Market Parade can remain rural residential cul-de-sacs.

**RESPONSE:**

*See response to Submission 1.*

**24. Annette Windfield – 26 Market Parade, Terranora NSW 2486 – (same as above)**

**Issues:**

I am writing to express my opposition to the proposed development at Fraser Drive, Terranora.

- Many of the proposed lots are under 500 sqm, and are in total contrast to the rural living lots of 0.5 acres immediately adjacent to the proposed development.
- I object to the density of housing in the development – it is in contrast to the surrounding properties
- I object to the proposed development on the grounds it currently has a lack of green spaces (parks) and community areas throughout the development
- I object to the proposed development on the grounds that the proposed development does not integrate with the existing neighbourhood character
- I object to the application by Newland to have the boundary setbacks relaxed to allow garages to be built on the boundary
- I object to the application by Newland to relax council rules on retaining wall heights
- Both Market Parade and Parkes Lane are currently quiet cul-de-sacs and traffic is currently minimal – the proposed development will bring increased traffic along Market Parade and Parkes Lane which in turn will create hazards due to the lack of footpaths and our concealed driveways
- I object to the connection of Market Parade to the proposed development
- There will be a loss of views for current residents
- There will be increased noise pollution for current residents
- The community services within the development are being promoted by Newland and CPR Group as a positive feature of the development but will not be accessible to the current residents of Market Parade and Parkes Lane.
- DGR5.13 acknowledges the council requirement that all access be provided via Broadwater parkway, however Newland's plans show connecting roads from Parkes Lane and Market Parade. We object to connecting the proposed development with these established cul-de-sacs.

The land in question lends itself to having its own roads and infrastructure such that Parkes Lane and Market Parade can remain rural residential cul-de-sacs.

**RESPONSE:**

*See response to Submission 1.*

25. **Richard Murray, Secretary, Tweed Heads Environment Group Inc - 116 Harbour Drive, Tweed Heads NSW 2485**

**Issues:**

Tweed Heads Environment Group Inc. makes the following submission in response to the above development and wishes to object and raise concerns about the following issues:

1. Aboriginal Cultural Heritage issues.
2. Managing 'Altitude Aspire's' urban water on a whole-of-water cycle basis.
3. Managing polluting stormwater discharge of into the 'highly stressed' Trutes Bay and the Terranora Broadwater.
4. Unapproved Master plan for Quality Stormwater Drainage.
5. Key traffic infrastructure is not in place.

**Background**

Major Project MP09-0166 development for the proposed 'Altitude Aspire' development at Fraser Drive, Terranora is the first major residential subdivision of Area 'E'. Area 'E' is principally comprised of the following uses:

- The Lindisfarne Anglican Secondary School, on an approximately eight hectare site.
- Approximately 52 hectares of SEPP-14 wetlands at the northern interface with Trutes Bay.
- Approximately 237 hectares of rezoned rural lands, previously [zoned 1(b1) Agricultural Protection] of which the major resource is 73 ha of Class 6 Specialist Use Agricultural lands, the majority of which are lying fallow.

**Other factors**

- A Tweed Shire Local Environment Study (2005) forecasts a potential population of 3500 persons for Area E.
- Major Project 06\_0243 has also been approved for a further subdivision of 151 freehold Lots and 1 super lot off Fraser Drive, South Tweed Heads, just north of this subject proposal.
- By 2036 the estimated population of nearby major development areas in Tweed including Area E will total 34,003, while the projected infill population will add another 25,896 persons.

**Aboriginal Cultural Heritage Management Plan**

Tweed Heads Environment Group Inc. considers that the consultant Everick Heritage Consultants Pty Ltd have overlooked the Tweed Shire Council Cobaki and Terranora Aboriginal Cultural Heritage Management Plan (2006) as a source of information and reference. This Plan has mapped much of the elevated ridgeline areas as "higher potential for cultural heritage".

The Everick Heritage Consultants Cultural Heritage Assessment (December 2010) questionably advises:

"It would appear that the occupants of all the estuarine sites on the lower Tweed River waterways had immediate access to extensive tracts of rainforests. However, no occupation sites have been found on the higher elevations which supported sub-tropical rainforests. Other than isolated artefact sites there have been no other site types recorded on the higher plateaus and slopes of Terranora". (Page 35)

Tweed Heads Environment Group Inc. has been informed that this statement is not correct as there are several "rainforest occupational sites" on the ridgelines to the east and south of the proposed development area. One of those sites is registered – a midden/campsite complex on top of the ridge at the old school site which is now the SES Headquarters.

The following criticisms have been made by the Tweed Community in regards to The Everick Heritage Consultants Cultural Heritage Assessment (December 2010);

- Consultation with the Aboriginal community for site survey appears to have been limited to a representative of the Tweed Byron Local Aboriginal Land Council (TBLALC). Had other Aboriginal community groups been represented then they would have been aware of nearby "rainforest occupation sites" approximately 2km distant, and this knowledge is contradictory to that stated on page 35.
- Consultation and engagement should have been more inclusive of the Tweeds Aboriginal community groups – including the recently registered Gold Coast Native Title Claim Group whose mapped claim area is immediately adjacent to the proposed development area.
- The TSC Cobaki and Terranora Cultural Heritage Management Plan (2006) appears not to have been referenced or consulted for the Assessment. Information in the Tweed Shire Council Plan would further inform the cultural heritage knowledge for the landscape, both within, and surrounding, the proposed development.

#### Conclusion

*Tweed Heads Environment Group Inc. requests that the Department of Planning (Major Projects Assessment Branch) resolves the above issues with the developer and appropriate Aboriginal communities.*

#### **RESPONSE:**

*Relevant issues are addressed in the Revised Cultural Heritage Assessment at **Annexure 6**.*

Managing 'Altitude Aspire's' urban water on a whole-of-water cycle basis.

In our submission of 28 February 2009 to The Director of Coastal Assessments, NSW Department of Planning, regarding the nearby Cobaki Lakes (12,000 person) subdivision Tweed Heads Environment Group Inc. wrote:

*"The COAG National Water Principle 4 requires that water in the urban context be managed on a whole-of-water cycle basis. This means that further improvements to water security for urban communities should be approached using a comprehensive and consistent 'integrated urban cycle water management' (IUWCM) strategy which includes 'fit for purpose' water use, the promotion of alternative water sources, and the deployment of decentralised systems, where deployment is cost effective.*

*The water sensitive cities project (WSC) concept embraces a range of water management techniques, including stormwater harvesting, flood management, urban water recycling and reuse programs, urban rainwater harvesting and urban water use efficiency programs.*

*Large scale residential 'greenfield' developments such as Cobaki Lakes should seek water security through whole-of-water cycle management using National Integrated Water Cycle Management principles.*

*In the Cobaki Lakes residential project, the Tweed Shire Council appears to be ignoring common sense water saving solutions outlined in the National Water Sensitive Cities Project (WSC) concept."*

The following policy statement of the Far Nth Coast Regional Strategy, page 40, supports the above water saving concept:

*"All future development is to apply water sensitive urban design principles, including the use of dual use reticulation systems in releases of adequate scale, and meet storm water management targets that support the environmental values of the catchments.*



Our submission

The WSC concept includes stormwater harvesting (rainwater tanks, urban water recycling and grey water reuse programs).

Tweed Heads Environment Group presents our following concerns in regards to the future sustainable use of water resources for this subdivision. Nearby future (2036) major development areas in Tweed (population 34003) and infill population totalling 25,896 are underway could save considerable amounts of drinking water with the reuse of reclaimed water and grey water.

#### Rainwater Tanks

While Council has mandated 2000 and 5000 litre rainwater tanks, I have been told by a council member, that a developer could avoid the installation of rainwater tanks, providing that other approved water saving devices meet the requirements of the NSW BASIX legislation.

If the developer did avoid the installation of 2000/5000 litre rain water tanks to lower his selling price this matter should be considered as council is currently reviewing their Stormwater Quality Management Plan.

While rainwater tanks are beneficial in saving valuable drinking water, tanks of this relatively small size are easily over filled by regular heavy rain events. During heavy rain events surplus tank-water can substantially add to the stormwater excess that could pollute the Terranora Broadwater and this should be considered in any reviewed Stormwater Quality Management Plan.

#### Lack of grey water reuse planning at new Tweed subdivisions

Amendments to the Local Government Regulations in NSW, allows householders to *install & make use of grey water reuse schemes* diverting bath, shower or washing machine water onto gardens *without requiring prior council approval*.

Council has questioned reports on the extent that grey water is used elsewhere in Australia and yet plans not to encourage grey water plumbing at Cobaki Lakes.

The following AWA Water Sector News Reports provide an indication of the extent that grey water is used elsewhere in Australia.

Water Sector News – 21.12.2009 - The annual Newspoll WATER SAVING SURVEY conducted for Smart WaterMark indicates that the proportion using grey water in Brisbane at 57% (up from 42% in 2008).

Water Sector News 10.12.2007 - More than half of Australian households use greywater, with Victorians leading the way, according to a new report by the ABS. Other findings include that the majority of Australian households are undertaking water saving activities. (Website)

AWA Water News for week ending 16 April 2006 - Amendments to the Local Government Regulations in NSW to be in place before end of April 2006 will allow householders to *install & make use of grey water reuse schemes* diverting bath, shower or washing machine water onto gardens *without requiring prior council approval*.

Water Sector News 2.02.2009 - Australian households will be eligible for a rebate of up to \$500 each for the purchase of a rainwater tank or a grey water system under a new Commonwealth Government program - the National Rainwater and Grey water Initiative. (Department of the Environment, Water, Heritage and the Arts)

While Council's maintains its current policy towards grey water re use, then vast amounts of drinking water are wasted instead of the reuse of grey water.

By 2031, Banora Point wastewater treatment plant will discharge up to 10,015 million litres (ML) annually of treated wastewater into the 'stressed' Terranora Inlet. This volume is more than the total amount of drinking water currently produced by Tweed Shire Council (9550ML).

As an indication of the amount of drinking water that can be saved by greywater reuse the *South East Queensland Water Strategy - November 2009* reports that: "By comparison, prior to the Millennium Drought, residents of SEQ used on average more than 120 litres per person per day for outdoor irrigation."

Dual Reticulation at Cobaki Lakes rejected by Tweed Shire Council

Even though the Tweed Shire Council plans to rebuild the West Tweed Sewage Treatment Plant already located on a nutrient overloaded Terranora Inlet in 2016, Tweed Shire Council failed to successfully negotiate with the developer in an earlier development proposal, plans for dual reticulation and an on-site Sewage Treatment Plant at the Cobaki Lakes site. A Cobaki Sewage Treatment Plant was feasible provided council had been prepared to negotiate with the developer on arrangements for discharge through their existing Banora Point Sewage Treatment Plant.

The Far North Coast Regional Strategy (FNCRS) 'Outcomes' states: "Improved water cycle management to increase reuse of effluent & reduce the impact of sewerage & stormwater." are required. (p.40)

In addition The Far North Coast Regional Strategy states:

"All future development is to apply water sensitive urban design principles, including the use of dual use reticulation systems in releases of adequate scale & meet storm water management targets that support the environmental values of the catchment." ((FNCRS) Actions page 40).

Our Comment - dual reticulation

Tweed Heads Environment Group considers that the fact that the NSW Department of Planning (DoP) in assessing the Cobaki Concept plan have not stipulated that dual reticulation is required, due to the fact that council had already informed DoP that council did not intend to accept dual reticulation offered by the Cobaki developer.

Council has advised the community on the 19 February 2011: "concept plan approvals by DoP have reduced Council's ability to implement IWCM requirements despite Council's submissions requesting compliance with our Demand Management Strategy. For example, there is no mechanism to ensure complying development will incorporate Council's requirements".

Our Comment – grey water or other bulk stormwater harvesting

Tweed Heads Environment Group does not accept that the NSW Department of Planning is opposed to the reuse of grey water or other bulk stormwater harvesting or would impose restrictions on dual reticulation, all areas within Tweed Shire Council's control.

Tweed Heads Environment Group considers that with Council's unsatisfactory performance in the reuse and harvesting of storm water, the Tweed community might reasonably question council's sincerity towards the maximum saving of Tweed's existing drinking water supply.

Each day more than 14 million litres of the Banora Point Plant's reclaimed water is wastefully discharged into the Terranora Inlet, adding to the already high nutrient loadings of the 'stressed' Terranora Inlet system.

Alternatively, 90% reclaimed water now wasted, could be reused with dual reticulation to the 20416 new residents soon to live relatively close to the Banora Point reclaimed wastewater plant.

As the 'Altitude Aspire' subdivision is just 3klms from the Banora Point reclaimed wastewater plant reclaimed waste water is readily available for Area E and other closer subdivisions off Fraser Drive.

*The Tweed community is not encouraged by reported remarks from a developer's representative that 'the Tweed Shire Council is only interested in selling drinking water', rather than the reuse of drinking water.*

Conclusion

*Tweed Heads Environment Group Inc. considers that:*

- *Both the Tweed Shire Council and NSW Department of Planning should adopt the WSC concept and apply WSC water saving strategies in the 'Altitude Aspire' subdivision at a time of advancing climate change.*
- *This whole-of-water cycle basis strategy would also allow Tweed Shire Council a way forward towards improving the 'poor' health of the Terranora Broadwater catchment system.*
- *The Tweed community perceives Tweed Council's continued wastage of reusable water as being part of a policy to support their 'preferred future water supply option', which is to construct a Byrill Creek dam.*

A reviewed Stormwater Quality Management Plan and Stormwater Drainage Master Plan is required for current the proposed 'Altitude Aspire' development

#### **RESPONSE:**

*Issues relating to stormwater are addressed in the Stormwater Assessment and Management Report at **Annexure 8**.*

Background

The International Water Centre 2009 EHMP Health Report Card for the Catchment and Estuary Management Plan for the Terranora and Cobaki Broadwaters indicate that:

- the greatest percentage increase in pollutants found between the existing position and post development (unmitigated) is likely to be from Cobaki Lakes with 237% increase in TSS, 231% increase in TP and 270% increase in Total Nitrogen (TN)
- Other than from Council's Sewage Treatment Plants, The International Water Centre Plan (2009) estimated that the existing load of Total Nitrogen for the Terranora Inlet Catchment is 32.584/34.161 tonnes per year while a previous GHD EIS for Banora Point STP Reclaimed Water Release report (2005) estimated that the existing load of Total Nitrogen for the Terranora Inlet Catchment is 88.1 tonnes/year.
- A 237% increase of the highest estimation of 88.1 tonnes/year means the load of Total Nitrogen for the Terranora Inlet Catchment will increase to 208tonnes/year, from sources other than Council's Sewage Treatment Plants.

The International Water Centre 2009 EHMP Health Report Card for the Catchment and Estuary Management Plan for the Cobaki and Terranora Broadwaters also reported that:

“Significant work needs to be undertaken if the current health of the system is to be improved. The pollutant of greatest concern to ecosystem health is dissolved inorganic nitrogen (DIN) loading as it is the primary driver of phytoplankton biomass (chlorophyll-a, an indicator of algal blooms).

To keep the chlorophyll-a concentration low enough to ensure a healthy functioning ecosystem, *it is necessary to reduce total catchment dissolved inorganic nitrogen (DIN) loads by approximately 30% in both the Terranora and Cobaki Broadwater catchments*”.

#### *Our Comment*

It would appear that the International Water Centre in 2009 considered that the load of Total Nitrogen for the Terranora Inlet Catchment should be 23.9 tonnes per year which is a long way from present 80 to 208 tonnes per year that is currently calculated.

Tweed Shire Council should act immediately and accept the following recommendation from the International Water Centre 2009 EHMP Health Report:

“A concerted effort from Government and the community is required to prevent these waterways from becoming terminally ill”.

Council has recently appointed Designflow and Australian Wetlands to complete a review of Tweed Shire Council's Stormwater Quality Management Plan (2000) & Design Specification D7 Stormwater Quality Version 1.3 (2005).

The Tweed River Committee meeting was told on the 18 January 2011 that this project was expected to be completed by June 2011.

It is considered that Tweed Shire Council's current Stormwater Quality Management Plan (2000) & Design Specification D7 Stormwater Quality Version 1.3 (2005) has not been implemented effectively in managing quality stormwater discharge from both the Cobaki development earthworks to the Cobaki Broadwater and from The Western Drainage system to Trutes Bay Terranora Broadwater.

#### *Our Comment*

On 17 March 2011, Tweed Heads Environment Group Inc. requested that:

- Tweed Shire Council makes all future earthworks and development at Cobaki Lakes subject to the reviewed version of Tweed Shire Council's Stormwater Quality Management Plan (2000) & Design Specification D7 Stormwater Quality Version 1.3 (2005).
- Tweed Shire Council should consider first the approval of the whole Stormwater drainage Master plan within the Cobaki Lake development before approving individual stormwater drainage plans for precincts 1, 2 and 6.

Failure to do this would allow serious stormwater pollution to increase while the development is completed over many years. Flora and fauna habitat could also be adversely affected. In 2005 Council's Planning Committee recommended that no development on Area E should be approved unless a Development Control Plan, Section 94 Plan, Master Plan, Wetland Rehabilitation and Stormwater Management Plan had been approved for the land.

On 2 March 2011 Tweed Shire Council confirmed that some of these issues still remain unresolved.

The Executive Summary (Page (xi)) of the Tweed Local Environment Study 'Area E' March 2004 also advised: "There are significant hydrology, flooding and drainage constraints for the development of Area E, including runoff from the site contributing to the silting of the mud basin in Terranora Broadwater. Furthermore, the area is identified as an area that may potentially generate acid runoff and nutrient problems as a result of development".

In addition it was uncertain whether issues associated with the Stormwater drainage flowing from this proposed subdivision onto (Bolster's) land, had been resolved. The Bolster property is the end site for the bulk of stormwater drainage from the developable area of Area E and contains a considerable area of SEPP 14 Wetland, with considerable environmental values, located adjacent to Trutes Bay in Terranora Broadwater.

Trutes Bay is a significant wetland bird habitat, and is a major roosting site for wetland and migratory birds.

The Tweed Bird Observer's Bird List has previously recorded sightings of 138 species of birds in the Trutes Bay Wetland.

Tweed Shire Council Bird studies have identified Trutes Bay as a major roost site for wader birds the most important migratory bird roost site in the area.

The EHMP Health Report Card (International Water Centre – 2009) advised that Terranora Broadwater has an EHMP Score of D+ (Poor)

#### Conclusion

*Tweed Heads Environment Group Inc. recommends that:*

- *The reviewed version of Tweed Shire Council's Stormwater Quality Management Plan (2000) & Design Specification D7 Stormwater Quality Version 1.3 (2005) should be considered in the proposed 'Altitude Aspire' development considering the 'dismal' performance of previously Stormwater Quality Management Plans that were badly managed.*
- *Firstly, NSW Department of Planning should consider the approval of the whole Stormwater drainage Master Plan within the Area E before approving the individual stormwater drainage plan for the first subdivision of the proposed 'Altitude Aspire' development.*

*Failure to do this would allow serious stormwater pollution in Trutes Bay to increase while the development of Area E is completed over many years. Flora and fauna habitat could also be adversely affected.*

#### **RESPONSE:**

*Issues relating to stormwater are addressed in the Stormwater Assessment and Management Report at **Annexure 8**.*

#### Traffic

NSW RTA Roads – Accessibility and impact on Tweed Shire road traffic network.

Tweed Heads Environment Group advises:

- Terranora Road is a major road connecting this subdivision of Area E to the recently started Sexton Hill bypass, the completion date of which is uncertain.
- The section of Darlington Drive from Leisure Drive to the Pacific Highway Motorway is currently level of service 'D', (i.e. all drivers are severely restricted in their freedom to select their desired speed and to manoeuvre within the traffic stream)
- Leisure Drive from Greenway Drive to Darlington Drive is already operating at level of service 'C'.

- Major Project 06\_0243 recently approved for a further subdivision of 151 freehold Lots and 1 super lot at Fraser Drive, South Tweed Heads, north of this subject proposal will increase the urgency for a four-lane Fraser Drive near the proposed 'Altitude Aspire' development.
- The Kirkwood Road upgrade is another uncompleted key road that significantly impacts on increased traffic within the Tweed Shire Road Network.

Tweed Heads Environment Group - Comment

*Tweed Heads Environment Group objects to this proposal on the grounds that key traffic infrastructure for this initial subdivision of Area E is not in place.*

Conclusion

Tweed Heads Environment Group Inc. requests that you consider our submission on the several issues raised.

**RESPONSE:**

*Issues relating to traffic are addressed in the Revised Traffic Assessment at **Annexure 15**.*

**26. Travers – Jones – Email [kate.traversjones@yahoo.com.au](mailto:kate.traversjones@yahoo.com.au)**

**Issues:**

As a resident of Parkes Lane originally from 1972, I believe the proposed development will radically and permanently alter our current unique family environment which does not integrate with the existing neighbourhood in relation to lot size, housing style, landform and density. In particular:

1. Newland

**RESPONSE:**

*See response to Submission 1.*

**27. Rosemary Vickery – 6 Lovat Brae Court, Banora Point NSW 2486**

**Issues:**

Action: I object to the project.

1. Street entry to my home is from Lovat Brae Court but the front of my block is Fraser Drive and overlooks the proposed residential subdivision at Fraser Drive. My home on the Fraser Drive side has a retaining rock wall with a fence atop to assist in minimising noise from traffic from Fraser Drive. The proposed development includes the erection of a 2.4 metre acoustic fence on Fraser Drive situated opposite my home. I have sought advice from an architect as to the sound effects that the erection of such a fence will have upon us in my home. The architect told me that the erection of a 2.4 metre fence in the proposed location would create a sound tunnel ie. noise from traffic on Fraser Drive would bounce between the proposed 2.4 metre fence and my rock wall and that the noise would be significantly louder for us in my home. The lifestyle that we enjoy at present will be significantly hampered by the erection of the 2.4 metre acoustic wall. The erection of such a fence will benefit the residents of the new residential subdivision but will significantly and negatively effect the lifestyles of those not part of the development who live on Fraser Drive.
2. Housing development will include much more traffic on Fraser Drive from builders, trades persons etc. This in turn will create more traffic noise for residents on Fraser Drive, including myself. This will create even further noise in the sound tunnel for my family and I to endure.

3. The erection of the 2.4 metre fence will block the view of residents along Fraser Drive to the Terranora Lakes and rural setting that was a key reason for purchasing and/or building homes along Fraser Drive. To look out on to a fence is not aesthetically pleasing, nor will it be an attractive feature to potential buyers when present property owners on Fraser Drive attempt to sell their properties.
4. The erection of the 2.4 metre acoustic fence on Fraser Drive will block the view of all on Fraser Drive, both living in their homes and those driving on Fraser Drive. At present Fraser Drive has a beautiful vista. The erection of a 2.4 metre fence along its proposed length does not benefit the residents including myself, who currently enjoy the view.

**RESPONSE:**

*See response to Submission 6.*

5. The proposed development does not integrate with the existing neighbourhood character of Parkes Lane, Market Parade, Trutes Terrace and Fraser Drive residences. The proposed development is designed to fit as many lots as is possible with many blocks as small as 450sq/m. This is in direct contrast with current residences and block sizes of the area.
6. As a resident living on Fraser Drive we currently look out over and enjoy the rural setting and have done so for any years. The proposed residential development includes the development of hundreds of small blocks which will greatly detract from the view and may adversely affect future house resale values on Fraser Drive, which directly affects me as a resident and future home seller on Fraser Drive.
7. Proposed house designs of the residential development show no eave overhangs. This may allow Newland to cram more houses on smaller allotments but gives no consideration to the protection that eave overhangs give to thermal and weather protection of windows and walls in this climate. Houses without eaves will need to be air-conditioned which is a huge environmental and financial imposition for the future owners and the community.

**RESPONSE:**

*See response to Submission 1.*

**28, 28a, 28b. Mike Allen – 10 Bione Avenue, Banora Point NSW 2486**

**Issues:**

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 Broadwater 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 Broadwater 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 Section 94 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 Environmental Assessment 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.

**RE: Area 'E' Broadwater Parkway**

I refer to the meeting with Council Officers' Connell & Knight on Friday 30 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, traverses 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 LEP2000. ?

#### (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 65 neighbourhood 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 SEPP 14 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.

#### **RESPONSE:**

*See response to Submission 1 and the comments in Section 2.0 of the Preferred Project Report.*

29. Helen Wilson – 1-5 Market Parade, Terranora NSW 2486

Issues:

**Objection to the Project**

The subdivision design does not comply with Tweed DCP 2008. The balanced earthworks across the site do not justify the significant inconsistency with Tweed DCP 2008. *Approx 18% of the site will require earth works at greater than 5m depth – Bradlees Civil Consulting, Nov 2010.* Tweed DCP 2008 restricts this figure to 10% and up to 15% where environmental benefit can be demonstrated. In this instance the balanced earths and avoidance of importing fill could not be countenanced as a demonstrated environmental benefit, as the objective is to generate the maximum yield of allotments, not to achieve a design sympathetic to the topography – some fill areas are up to 15m.

The layout, size and numbers of allotments do not constitute good design. Massive cut batters are designed the rear of allotments 801-810 in Stage 8. Tweed DCP 2008 recommends no sharp changes of gradient at or near interlot boundaries (presumably this includes boundaries within and between adjoining subdivisions as well)

The allotment yield driven design imperative has resulted in massive cut and fill areas. If this factor was subjugated by good design then allotments 601-610, stage 6 and allotments 712-721, Stage 7 would be eliminated from the design. This would obviate the need for such massive quantities of fill (some of these allotments fall within the existing large farm dams, will require extensive draining, excavation and careful stabilisation if they are to provide sound building platforms). The elimination of the above allotments would allow a larger proportion of the existing drainage swale to be retained in its existing state, provide a more viable (wider) wildlife corridor between remnant vegetation in Council reserves to the south and SEPP 44 areas abutting Terranora Broadwater.

The proponents claim that the subdivision layout design has been driven by Tweed Shire Council's 'new urbanism' principles for transport (sic) connectivity throughout the development cannot be used to justify the over engineered, intrusive road connection across the existing drainage swale.

This road link simply provides a cost effective solution (for the proponents) to unlock a further 135 allotments on the western side of the major drainage swale using the Fraser Drive roadway infrastructure via a proposed 'temporary' round-a-bout. A more rational design would be to provide a parallel feeder road from the intersection with the proposed Broadwater parkway to service the allotments on the eastern side of the major drainage swale, that is the allotments in stages 1-6. This would have facilitated a precinct style 'east & west' design with their own design attributes sympathetic to the topography rather than the 'cookie-cutter' layout served up by this proposal. A parallel feeder road would also move the building with the proposed Broadwater parkway to service the allotments on the eastern side of the major drainage swale, that is the allotments in stages 1-6. This would have facilitated a precinct style 'east & west' design with their own design attributes sympathetic to the topography rather than the 'cookie-cutter' layout served up by this proposal. A parallel feeder road would also move the building envelope for residences along the length of Fraser Drive, further to the West, which would go some way to lowering noise impacts from Fraser Drive traffic. It also may reduce the need of the proposed acoustic barrier/fence along Fraser Drive which will significantly impact on high value distant landscape views (mountain & lake) afforded to motorists traversing Fraser Drive.

The subdivision design ignores the interface between the adjoining rural- residential precinct and the proposed urban precinct. The different zonings accommodate a variety of differing activities and incorporate a range of residential values that are not always compatible. The current design concentrates amenity impacts along these boundaries, especially in the instance of lots 55 & 58 DP 792238 where each of these allotments has been subjected to an interface with no less than 5 new urban allotments each. There appears to be no consideration of how this interface should be managed. Although one of the proponents statements/publications did suggest that each of these residences were sufficiently located away from the proposed common boundaries to mitigate any amenity impacts - at its worst interpretation this statement is contemptuous or at its best it simply fails to appreciate urban design 101 principles. A landowner's amenity is enjoyed to the extent of the boundaries, not confined to the building/dwelling exterior. No provision has been made for screened fencing, rear boundary setbacks or buffers in the new allotments to minimise impacts, instead these existing residences are relegated to the vagaries and cost of dealing with five new adjoining neighbours under the Dividing Fences legislation – a travesty of design !!

The ecological predictive assessment seriously understates the fauna diversity on the site. Over 100 species of birds have been recorded by neighbouring residents as using both the subject site and adjoining reserves. Only 38 species were recorded through the time-limited assessment by the proponent's consultant. Indeed the predictive assessment indicated that the Comb-crested Jacana, Magpie Goose and the Wompoo fruit dove are unlikely to occur in the study area. On the contrary all these species have been observed on numerous occasions as using water bodies (farm dams) and pockets of existing vegetation remaining on the site. A population of Comb-crested Jacana have been recorded inhabiting artificial waterways opposite the South Tweed Rugby League Club on Fraser Drive.

It's highly probable the Jacanas use the network of farm dams on the subject site as part of their local migratory corridor. The report does not record the wallaby population on the site, which are regular visitors to adjoining properties. Much photographic material records their presence. The removal of grassland corridors by restricting the width of the drainage swale and planting it out to subtropical species, combined with impact of feral cats and dogs will in all probability quickly decimate the remnant population of the larger marsupials on this site, as it has done in. No provision has been made for their accommodation in terms of vegetation or connecting grassland corridors. A family of wedge tailed eagles have used this property for generations as part of their range. A reduction of open grasslands will incrementally diminish their habitat.

"

The site is a prolific mosquito breeding area following major rain and spring tides" – Clive Easton, Tweed Shire Council Entomologist cited by James warren in Ecological assessment – Altitude 1. Notwithstanding the historical acceptance that this is a major mosquito breeding site, the environmental evaluation report concludes that the mitigation and habitat modification measures will adequately minimise the public health and biting nuisance risk. This conclusion is not supported by the recent statistics which log the rising incidence of reported mosquito borne disease in the Northern Rivers catchment. The net effect of placing increased numbers of persons adjacent to a well-known source of prolific mosquito and biting midges will be to increase the risk of exposure, not adequately minimise it.

**RESPONSE:**

See response to Submission 1 and Annexure 9.

**30. Greg Burgis President Friends of Terranora – 8 Carrington Court, Terranora NSW 2486**

**Issues:**

On behalf of the executive of our community group we submit this objection to the above subdivision application. Several of our issues are significant. By approving this Application, the Minister is accepting the developers version of the whole Area E DCP. Therefore this objection is forced to deal with all of Area E.

**[1] The Application is Premature**

We request the Department of Planning to recommend to the Minister to over turn the Part 3A Application as premature and return the matter to Tweed Shire Council so that they can exhibit their Draft DCP for community comment.

The Friends of Terranora are the only community group in Terranora. Since 1993 we have been pro- active in seeking appropriate uses for this former highly productive small crop growing area known as Area E. Future land uses here have always been highly contentious, being escarpment land on the Mount Warning caldera scenic rim, yet also fronting environmentally sensitive Terranora Broadwater with its extra-ordinary scenic vistas. Special low density residential was confirmed with the adoption of the Parsons Brinkerhoff LES. The original promise by Chief Planner David Broyd for 'minimum 800m<sup>2</sup> residential lots' was replaced with 'average 800m<sup>2</sup> residential lots' in the LES. This we were forced to accept with the 2007 rezoning under Tweed LEP Amendment 10 to 2[c] Urban Expansion. No medium density use was envisaged. This 2 [c] zone may allow 450m<sup>2</sup> lots but the rezoning fully encompasses the requirements of the LES which clearly specifies average 800m<sup>2</sup> lot size over the whole of Area E. A 450m<sup>2</sup> lot on stable land will mean an 1150m<sup>2</sup> lot elsewhere on unstable land where bulk earth works must be avoided.

Endless hours of strongly attended public meetings anguished over how this compromise on lot size would affect stormwater volumes, avoiding cut on the high percentage of unstable land, road noise and traffic volumes among other negative impacts. The report admitted that both Terranora Rd and Broadwater Pkwy would be over capacity with the approximately 1632 single residential lots permitted.

Without a valid DCP, it is unfair to all 33 Area E property owners to approve this application for 317 residential lots with average size 600m<sup>2</sup> to 650m<sup>2</sup> [78% of required average size]. It means other owners will have lower capacity. Lot capacity on a property is meant to vary with slope and stability not with who gets in first. The capacity of every holding needs to be determined first -based on stability not on area zoned for development. Without a valid DCP, Area E will become a mess of ad hoc land uses. The community must have a proper say in what contribution Area E can make to the future city of Greater Tweed..

In the second quarter of 2010 we requested Council to also consider future land uses on those parts of Terranora outside of Area E in conjunction with the proposed draught Area E DCP. The idea being to stop ad hoc rezoning applications and provide certainty of potential in the rest of Terranora. Council decided that funding constraints would prevent them from dealing with all of Terranora at the one time. In February 2011, we were informed the Area E draught DCP would soon be ready for public exhibition. We were therefore shocked to hear this week that the former Government's planning minister had approved exhibition of a Part 3A application over a part of Area E at the eastern end of the Terranora Ridge. This action is out of order. A valid Development Control Plan over Area E is essential first to ensure conformity to the LES and allow full community consultation.

## **[2] Lack of community consultation.**

To date, no-one representing Newland has attempted to consult with Friends of Terranora, a Council registered community organisation, despite our high profile in Area E's history.

## **[3] Roads and Traffic Issues:**

It is obvious the developer desires to substantially increase lot yield without upgrading the 2 access roads, Broadwater Pkwy and Terranora Rd, also Fraser Drive, beyond a single lane in each direction. This is totally unacceptable. They would all need to be 4 lane roads.

It is apparent from the Preliminary Structure Plan that Area E is now proposed to have a much higher residential density than the LES is based on, with significant 3 storey medium density areas, retirement precincts and a very large village precinct. As only a small commercial area was planned in the adopted LES, it is not known what this village area is meant to become. It incorporates some very steep land. The increase in lot yield is totally unacceptable on such sensitive land and without dual carriageways. Traffic gridlock will result. Not even a new school site is proposed when the local Terranora primary school is at capacity with no further expansion possible.

We object to the following:

### **[a] Terranora Road**

- + The second access opposite Sunnycrest Dr is not acceptable. This is the preferred scenic public lookout site. Only one access further west was ever envisaged in the LES.
- + Terranora Rd landowners will be unable to safely access or leave their properties with the over capacity on the road. Road noise will exceed legal limits of 60DbA daytime and 55 DbA night time.
- + Council report that Terranora Rd can not be widened to 4 lanes. Therefore, we argue the population density of Area E must be limited to the roads capacity or less.

### **[b] Fraser Drive**

- + For the noise level to reach 70DbA, traffic volumes are going to be very high- equal to the local Pacific Highway which has similar noise levels. This is ominous proof of Area E over loading the roads. Relief must be given to all land owners on the eastern side of Fraser Drive by creating a service road which will give them safe access by separation from passing traffic; and offering free double glazed windows and air conditioning [RTA do these things].
- + Widening Fraser Drive to dual carriageway with 3metre medium strip. If the extra lanes are not built then the land should still be dedicated for the future when it will be needed. Do not repeat the Greenway Drive fiasco of deliberately not widening the road to discourage use. It does not work.
- + Not building a 2.4 metre 'graffiti wall' or any other height fence near the road- the wider road will push the new lots down the hill for most of the frontage. This will decrease the noise level on the lots as the road will be above the lots. Maintaining the appealing scenic vista over Terranora Broadwater to the rugged mountain skyline for the public and residents alike.
- + Council Strategic Planner Douglas Jardine promised the junction of Broadwater Pkwy and Fraser Drive would not be near Amaroo Drive so that the latter Road would not become a 'rat-run'. The iconic large fig tree opposite Amaroo Drive must not be destroyed for Area E road access.
- + Ban temporary access from the proposed estate. It is dangerously close to Parkes Lane

### **[c] Broadwater Pkwy**

- + The LES locations of this road were deliberately vague but were within the Residential Zone. No road should be within SEPP 14 wetland. Remnant high value rainforest patches along the edge of the wetland and within the residential zone must not be destroyed. The road location must be up slope from these trees for conservation purposes and to improve the appeal of the drive.

+Grades must not exceed legal limits

### **[3] Stormwater Issues**

The stormwater system is too small and must be improved to the size and standard of that described in the 2004 LES.

+ The elaborate very expensive stormwater catchment system in the 2004 LES has been used on the proposed Fraser Drive subdivision in a minimalist manner. We do not believe it has the capacity to handle the typical 1:5 year flood event when at least 350mm of rain is dumped on Terranora within 3 to 5 hours.

+ The SEPP 14 wetlands were cleared in 1983 of magnificent mature swamp forest [similar to that still seen at Ocean Shores North National Park]. The land was lowered and win rowed creating today's salt marsh mosquito breeding ponds. There is a need to laser grade the land to remove the ponds so fresh water runs over it. Only a token mention is made of wetland regeneration. Will it be taken back to its former glory? This must be stated clearly.

+ Water tanks are too small and will be full most of the time because of our very high rainfall. Double tank size needed otherwise they do not serve the intention.

### **[4] Land - forming Issues and Road Pattern.**

The DG requires the developer [at 2.5] to demonstrate minimum cut and fill /and slope sensitive building design. This has not been done. We object to the use of cut and fill homesites in this high rainfall area and because of critical stated risks of cutting into weak soil stratum and thereby creating instability. Retain natural ground. Only the top 100mm of red soil is fertile. This is typically site dressed [bulldozed away and even sold for profit] by developers causing purchasers to endlessly use nitrogen fertilisers which ruin lake ecology.

The LES mapping shows vast areas of various categories of slip prone land on Area E. On the proposed Fraser Drive subdivision of 317 lots, the average 800m<sup>2</sup> lot size has not been ? utilised but should be to minimise cut and fill as per Council's code. Instead, most lots are proposed to be on seriously deep cut and fill sites. Such rock retaining walls in Terranora are favourite hideouts for snakes and rodents. Most proposed streets go directly up steep hillsides rather than follow contours along the hillsides as they should. [Solar orientation should not be the priority here]. All sites must be natural ground as happened very successfully in Terranora Village in the 1990's. Project slab on ground house designs are inappropriate here. Force innovative designs on natural ground. The consultant states the land has serious seepage issues and is especially slip prone near the interface of red krasnozems and clay- this occurs throughout 3 sides of the property. We object to disturbing soils on home sites. Adopt large lots.

The lot layout/lot sizing/road pattern will make a boring subdivision.

We disagree that the proposed subdivision [average 600m<sup>2</sup> to 650m<sup>2</sup> lots with little greenery] is consistent with the character of the area. The adjoining lots in the rural residential Parkes Ln/Market St are minimum 2000m<sup>2</sup> with fruit and vegetable gardens/abundant greenery. It is essential large house lots be created on the common boundary with a 15metre buffer of greenery at their rear [no buildings] to mitigate conflict of use impacts. We know typical urban dwellers and rural residential dwellers have vastly different mid sets.

Thank you for the opportunity of making our submission Please acknowledge receipt

### **RESPONSE:**

*See response to Submission 1.*

**31. Michael Evans – evo12b@gmail.com**

I have lived in Parkes Lane for nearly 13 years and moved here with my then young family for a choice of semi rural lifestyle with relative close proximity to schools, coast ,shopping and public transport.

Vehicle use is a major issue I wish to raise.

In that time I have seen a lane (not a street) slowly develop some curb and channeling and be resealed. It still is narrow, has no pavements and has a number of very sharp bends which completely limit vision of oncoming traffic- pedestrians(children, people exercising and people with pets),school buses, cyclists, skateboarders and of course other motor vehicles. The gardeners who are working on their properties bordering the lane are also often very close to vehicles using this lane.

Every week it is a common occurrence when driving to have to brake suddenly to avoid collision with any of the previously mentioned lane traffic, especially on the bends or if vehicles are parked on the side of the lane. The danger increases dramatically if vehicles are parked on the sides of the road near the bends. The chances are high that a severe accident will occur. If Parkes Lane has added traffic as indicated by the development of the new estate then the chances are extremely high for severe damage or death to occur on this narrow lane. I cannot imagine the trauma caused to a family if this occurred especially if the chance could have been minimised with forethought and planning. Please consider this aspect carefully when dealing with the new estate development.

Another issue is privacy and care of the land itself.

The proposed small blocks with proposed buildings such as garages abutting present property boundaries show no concern or respect for a present lifestyle of local residents. Previous submissions in the past offered a natural corridor between present properties and new blocks so that some privacy would be retained. Will this still occur?

The increase in buildings, coupled with a huge volume of run off rain water will cause erosion and contamination of the frail local ecology. Presently heavy rainfall causes huge torrents of water to flow down the slopes from Terranora Road, through properties, and along driveways.

It is common to see red muddy water striking Parkes Lane with quite some force and with enough volume to flow over existing curb and channeling. Some properties have resorted to raising garden bed heights to protect themselves from this excess water entering their homes.

If higher density dwellings are allowed to cover the landscape, and, coupled with this present high volume and energy flow, one can expect damage to land, home and environment.

The ramifications of present proposals are very detrimental to the land, the environment and the safety of the present residents.

As a long term resident I have seen the present problems first hand and advise you to consider carefully the long term effects and not be pressured by these commercial developers.

**RESPONSE:**

*See response to Submission 1.*



**32. Banora Point & District Residents Association Inc. – Pat Tate Secretary**

This submission has been prepared and lodged by the Executive Committee of the Banora Point & District Residents Assoc. Inc. in accordance with a resolution of the Association passed at its meeting of 71h March 2011.

This is an objection to the application in its present form, primarily on grounds of unsatisfactory and unresolved access.

This Association does not and never has, ever made political donations.

We also record our dissatisfaction as to the brevity of the exhibition period. We were made aware of the proposal by the Tweed Link issue 700 (refer attachment) dated 1<sup>st</sup> March 2011. This allows us less than a month to review and comment on a document which has obviously been some years in preparation.

The application papers are quite massive and daunting comprising three (3) volumes. In addition to the 173 page Environmental Assessment Summary prepared by DAC Pty. Ltd., it contains some 12 expert Technical Reports in excess of 1000 pages of text and test results, and around 100 detailed plans. Significantly, none of the expert reports addresses the fundamental consideration of access. This mass of documentation defies detailed examination and appropriate response to many heads of consideration within the allocated time frame. Accordingly, this objection is based on traffic and access considerations.

Note that our absence of a response to other heads of considerations should be construed as neither an objection to, or an acceptance of, the content of the Environmental Assessment. We do have reservations in respect to other matters including the sufficiency and adequacy of useable, casual open space, block sizing, layout and provision for downstream external drainage. This lack of response is the inevitable consequence of the inadequate time period allocated to responds with submissions.

Members of our Association have held positions of responsibility in areas of traffic management, road construction and road design. We can speak with considerable expertise in this area. The Association has also had considerable input into the design and construction of the Banora Point upgrade (currently under construction) and have actively promoted the Kirkwood Road extension and interchange. These initiatives are now coming to fruition. The Kirkwood Road extension and interchange are primarily to discourage the use of internal local roads at Banora Point, including Amaroo Drive and Glen Ayr Drive, as through traffic to the major retail and commerce centre of South Tweed Heads, and the Pacific Highway.

Fundamental to development of Area E has always been the construction of a satisfactory point of access. Tweed LEP 2000 (which is still current) proposes an internal collector road which intersects with Fraser Drive, near the northern end of Lot 6, DP 788780. Lot 6 was purchased by Council circa 1998 for this specific purpose.

This internal collector road (Broadwater Parkway) has been allocated a corridor within Area E and links Mahers Lane with Fraser Drive, and is generally located on land which provides near level grades and good horizontal alignment. Much of the corridor is located within the degraded 7(a) wetland within the northern precinct of Area E.

Tweed LEP 2000 also mandates that a DCP be prepared for the whole of Area E prior to any subdivision to avoid "ad hoc" development. The application lodged by Altitude Aspire specifically ignores this requirement and states on page 51 of the DAC summary document:

"The final design, alignment and construction of Broadwater Parkway does not form part of this application and is to be funded by way of local area contributions under Section 94 Plan No. 4 following finalisation of the connection point to Fraser Drive by Tweed Shire Council and appropriate acquisition of properties which are not owned by Metricon."

Instead, the application proposes a "temporary" link with Fraser Drive via a Right of Carriageway (ROW) at the most southerly point of their development. During the development of Altitude Aspire, other links with roads have been proposed (Parkes Lane and Market Parade). The final stage of Altitude Aspire. Stage 11, is the closure of the ROW.

At an "open house" display by Newland Developers (formerly Metricon Queensland Pty. Ltd.), it was made clear by the proponents, that the onus of construction of Broadwater Parkway was upon Council i.e. we ratepayers.

This is entirely unsatisfactory as the alignment of Broadwater Parkway has not been finalised, no design, plans prepared, no costings available, and no time frame for construction is proposed.

It was noted that a number of inconsistent locations for Broadwater Parkway were included in the EA documentation including one at Page 52 of the DAC E.A. document, but none were submitted as part of the proposal. Indeed, some of the routes chosen were inappropriate and impracticable due to excessive grades and unfavourable ground conditions.

Another disturbing aspect of the proposal is that it tacitly acknowledges that it is in part, inconsistent with Council development standards and it appears to cajole the Minister into his acceptance of an inadequate document and inferior standards.

On Page 50 of the DAC summary document it states:

"As discussed at the meeting with Departmental Officers on 26 August 2009, Metricon has settled on the Altitude Aspire site (and other properties in Area E) and for commercial reasons is not in a position to further delay approvals to enable lots to be created. In this regard we note that the Minister is not bound by the provisions of the Local Environmental Plan."

The Minister's concurrence to the application should not be the vehicle which supports the financial expediency of the proponent company. Nor should it be used to relax development standards. Tweed Shire residents deserve a proper standard of infrastructure construction the necessity for which is dictated by privately owned subdivisional development. Equally, they should not be exposed to potential future financial burdens to complete such infrastructure in advance for the benefit of a development company.

The applicant is a large development company with both completed and ongoing subdivisional developments within Tweed Shire. There is, to our knowledge, no urgency associated with this development which is demand driven. The proponent company would be well aware of time frames involved in the development process and the commercial risk associated with such development.

It would be entirely inappropriate to relax development standards or to expose the ratepayers of the Shire to potential financial burdens on the basis of an incomplete document and proposal.

The subject application should therefore be refused on the following grounds;

1. Access to and from the estate has not been determined.
2. The access corridor proposed under Tweed LEP 2000 appears to have been abandoned without justification.

3. No costings for the road can be assessed in the absence of design plans.
4. Method of payment for the road and time of construction are not known and no commitment for construction made.
5. The proposed "temporary" access road via a ROW to Fraser Drive is unsatisfactory. This will be the only access to the estate until Stage 5 when an equally unsatisfactory link is proposed to Market Parade.

All construction traffic (road works and subsequent housing development) will be via these unsatisfactory routes which will also impact on Amaroo Drive and Glen Ayr Drive.

*It is therefore submitted that based on 'these reasons alone, the application should be refused and no amending application approved until and unless, detailed designs, costings and time frame of a Broadwater Parkway are identified and form part of the application. These details MUST precede any approval.*

**RESPONSE:**

*See response to Submission 1.*

33. John Bolster - PO Box 527 Tweed Heads NSW 2485

JOHN BOLSTER  
P. 0755 904377 Box 527 P.O.,  
F. 0755 905463 TWEED HEADS NSW 2485

THE DIRECTOR,  
DEPARTMENT OF PLANNING, FAX 02 92286455  
Box 39, G.P.O.,  
SYDNEY, N.S.W. 2001.

RE MAJOR PROJECT 090166  
ALTITUDE ASPIRE AT FRASER DRIVE, TERRANORA -  
NEWLAND DEVELOPERS (FORMERLY METRICON  
QUEENSLAND) PTY. LTD.

I, JOHN BOLSTER OF 2 RAYLES LANE, TERRANORA  
HEREBY GIVE YOU NOTICE THAT I OBJECT TO  
THIS PROJECT FOR THE REASONS THAT -

① STORMWATER AND RUN-OFF WATER  
FROM THE SUBJECT LAND WILL BE DISCHARGED  
ON TO MY PROPERTY.

② THE PROPOSALS DO NOT COMPLY WITH  
THE PROVISIONS OF TWEED LOCAL  
ENVIRONMENT PLAN 2000 IN PARTICULAR  
THE PROVISIONS OF CLAUSE 53B.

I AM THE OWNER OF THE ADJOINING  
LAND BEING PORTION 227 IN THE  
PARISH OF TERRANORA WHICH IS ON THE  
NORTHERN (DOWNHILL) SIDE OF THE LAND  
THE SUBJECT OF THE APPLICATION.

DATED THIS 31ST DAY OF MARCH, 2011

*John Bolster*  
JOHN BOLSTER

**RESPONSE:**

It is proposed to discharge stormwater to Trutes Bay via an easement to be acquired by Council over Lot 227. The easement will create a legal point of discharge. Provisions are contained in the Voluntary Planning Agreement and the revised Statement of Commitments in relation to the acquisition and funding of the easement.

Clause 53B of Tweed Local Environmental Plan 2000 requires a Development Control Plan to be prepared for Area E before consent is granted. However, in determining a Project Application under the former Part 3A of the Act, (which has been saved for transitional projects) the Minister is not bound by the provisions of a Local Environmental Plan. In any case, Council has now prepared and adopted Tweed Development Control Plan 2008, Section B24 which is considered to satisfy this Clause.

From David Robbins.  
9 Valley view Pl.  
Terranora N.S.W.  
P.C. 2486.

Applicant.

email - drdm@tpg.com.au.

Newland Developers  
(formerly Metricon Queensland) Pty Ltd.  
Application No 090166.

Dear Sir, Madam,

I object to some points on the  
proposed development

The proposed development is in an area  
where most properties are either  $\frac{1}{2}$  acre  
lots or full acre lots. Because of the  
elevation of the area it boasts some  
great views.

Objection 1 - Newland Developers plan to  
build a 2.4m wall along Frasier  
Dve, which is in direct contrast to the  
surrounding properties. This will make the  
development look like a prison along  
with the fact that the locals lose  
a great view over Trutes bay all the  
way up to Surfers Paradise. If the  
development goes ahead the land bordering  
Frasier Dve should be  $\frac{1}{2}$  acre lots to  
make the development try + blend in and  
abolish the 2.4m wall altogether. The  
access to these block can still be through  
the new developments access road.

Objection 2 - I think the proposed lot size of around 600m<sup>2</sup> is too small. As I'm a builder I've seen 1st hand how poky these feel like. This development in its present format is not at all sympathetic with the local area. The developers are simply trying to squeeze as many lots on to the land as possible. They walk a way at the end with a bag full of money and we the locals have to live with the consequences.

Objection 3 - Access to the new development should not be permitted through Parkes lane as the corner (see UBD Map 92 A10) is extremely dangerous even with the present traffic flow as there are a lot of driveways that converge at that corner both from the high side of the road and the low side. This is exasperated by any large vehicles or any one who is unfamiliar with the road or simply not driving defensively. I built a house down the end of Parkes lane so I know from personal experience over the months that I worked there that you have to approach the corner below the speed limit to avoid a possible collision.

Thanks

Please respond to email address

**RESPONSE:**

See response to Submissions 1 and 6.

35. D Cheetham - 12 Trutes Terrace Terranora NSW 2486

Submission in support.

**36. Alan Cheetham – 12 Trutes Terrace Terranora NSW 2486**

Submission in support.

**37. Philip Worboyes – P O Box 981 Banora Point NSW 2486**

Submission in support.

**38. Paul Abernethy – 22 Fraser Drive Banora Point NSW 2486**

Submission in support.

**39. Richard Williams – 20 Elm Place Banora Point NSW 2486**

Submission in support.

**40. William and Marie Power – 14 Trutes Terrace Terranora NSW 2486**

Submission in support.

**41. Graham and Jenny Abernethy – 7/13 Ivory Crescent Tweed Heads NSW 2485**

Submission in support.

**42. Patrick Stephens – 560 Terranora Road Terranora NSW 2486**

Submission in support.

**43. A Merlino – 8 Trutes Terrace Terranora NSW 2486**

Submission in support.

**44. Amber Stachin – 20 Elm Place Banora Point NSW 2486**

Submission in support.

**45. Richard Wright – 12 Parkes Lane Terranora NSW 2486**

**Issue:**

The applicant Newlands (Previously Metricon Old) have submitted this development proposal with scant regard for the local population or the adjoining rural residential property owners of Parkes Lane, Market Parade and Fraser Drive.

I believe the Tweed Shire Council and its professional planners are also not in agreement with the applicant's proposal with regards to road access, sewerage and drainage and the extensive earthworks with regards to cut and fill.

DGR2.5

*"Demonstrate that slope sensitive building design initiatives have been considered in the subdivision design to ensure there is a suitable access gradient and minimal cut and fill"*

At the community access meeting in the Banora Point Community centre on Saturday 26th February in discussion with Shaun Nicholson and Darryl Anderson I questioned what was the detail of the proposed development on the southern boundary as it abuts our property. I was told there would be a 3m buffer between our boundary line and a 3m rock wall below the existing ground level.

Shaun Nicholson did mention the fact that they were seeking a relaxation of the Tweed Shire Council's restriction on retaining wall height limits.

In the executive summary (Brad lees Civil Consulting Annexure 19 Engineering report Part 10 page 3)" A high retaining structure (up to 3.0m) is proposed for the site boundary along Fraser Drive and the southern boundary of lots adjacent to Parkes Lane"

So far so good, but low and behold I locate a drawing SK2759 (Annexure 19 Part 9 page 20) with a section 3 note "2 by 3m walls". Is this not a 6.0 m high wall in total.

Please explain to me why this would not be considered deceitful o(the true intent o(the proposed ? retaining rock wall height

If this 6.0m retaining wall proposal is accepted, then this is contrary to nearly all sound aspects of best practice planning in the Shire. With no supporting information on the design of this structure, no stormwater drainage collection details from the above properties I am concerned for the walls long term integrity.

What then stops the proponent at a later date submitting a variation to include higher retaining structures in other areas of the development?

**RESPONSE:**

*This issue is addressed in Table 1 of the Preferred Project Report and **Annexure 11**.*

*Stormwater Drainage*

Brad lees Report Annexure 19 Part 10 on page 5 states "Upstream catchments, external to altitude Aspire development, are conveyed through the site (via the central open drain) without the need to pass through the treatment basin". This would appear to only collect storm water from the existing kerb and channeled roads and south side properties of Parkes Lane.

This comment in no way covers those properties of Parkes Lane which are on the southern boundary of the development. There is no indication on submitted drawings of pipes and manholes which service this area

**RESPONSE:**

*This issue is addressed in Table 1 of the Preferred Project Report and **Annexures 8 and 11**.*

*Sewerage Connection*

Where is the provision in the proponent's development for the later connection of the existing Parkes Lane residents? There is no easement on the blocks adjacent to the southern boundary of the development or any signs of pipe work and manholes to cover this provision.

Ref Minutes of DAP meeting with TSC and the proponent held on 26th March 2010.



**RESPONSE:**

*This issue is addressed in Table 1 of the Preferred Project Report and **Annexure 11**.*

**46. A Edwards and R Eyre – 95 Fraser Drive Terranora NSW 2486**

**Issue:**

We are the owners, respectively, of two properties on Fraser Drive.

Lot 3 DP 713031 - A & J Edwards

Lot 2 DP 814255 - R & L Eyre

We make strong objection to the proposal as exhibited, on the following grounds:

1. There is no representation or design detail of the proposed Broadwater parkway, from its departure from the developers holding, to any junction to the north with Fraser Drive, which could be studied to ascertain the impacts on ours and other properties. In the very steep terrain earthworks batters to Council standards would be to the detriment of, above lot 3 and total destruction of Lot 2, according to tentative sketching.
2. Broadwater Parkway is to be a major "collector" road, which we understand will service the future "Area E" population, settling on about 1200 allotments. Although just lay-persons, we cannot see how a road to the required standards can be constructed in the proposed general vicinity without major design departures or landscape destruction.
3. Surely the proponents should be required to graphically indicate the impact of the parkway on each of the holdings through which it passes or affects, to give the owners an indication of the future of our properties. Liaison to date is non-existent.
4. The proponents must revisit the "drawing board" and provide a concept for us to study and make ultimate comment. If this means a fresh application under Pt. 3(a) or whatever jurisdiction is applicable, then so be it.

Most of us do not want financial loss, loss of amenity, including exposure to resultant traffic noise or trauma of uncertainty, caused by an intruding party.

**RESPONSE:**

*See response to Submission 10.*

**47. Peter Anthony Stark & Leonne Cheryl Stark – 45 Parkes Lane Terranora NSW 2486**

**Issue:**

Due to the narrowness of Parkes Lane we object to the use of Parkes Lane as extra vehicle access for this new development, We live of a Lane from Parkes Lane that we share with 3 other residents & as our driveway is right on the bend of the road it is already dangerous for all of us especially negotiating large caravans & trailers onto Parkes Lane & also with no footpaths & plenty of concealed driveway's it already has its dangerous aspects without large trucks & extra vehicles Parkes Lane is also a no through road as is Trutes Terrace & Market Parade ,Also School buses are a daily occurrence here & our children are at risk, Please rethink this madness before people start getting hurt. Very concerned Residents.

**RESPONSE:**

*See response to Submission 1.*

**48. A M Wright – 12 Parkes Lane Terranora NSW 2486**

**Issue:**

To whom it may concern

Re: The development of Altitude Aspire- Project No 090166-Fraser Drive Terranora N.S.W.

On the 4th May 2004 and 1st April 2005 I wrote objections to Amendment No 10 Tweed Shire Area Draft Local Environment Plan 2000.

My submissions stated that a major development with small lots of 450 sq. metres would destroy and impact on one of the most beautiful areas of the state. In pursuing this objective there would need to be massive earthworks of cut and fill to the steeper escarpments to raise the lower levels, which have huge flooding and drainage problems. The area below Parkes Lane is a catchment for storm water and is always flooded in heavy rains with the added problems of acid sulphate soils. (See attachment 1 -Photos of flooding)

I also stated that the Tweed Shire Council urgently needed an integrated traffic plan before any further developments took place and that the building of the now proposed Broadwater Parkway would severely impact on the noise levels and destroy the aesthetic values of Trutes Bay, not to mention further degradation by storm water drainage from the new estate.

I concede that this development will take place but I sincerely hope that more consideration will be given to some aspects and of some criterias I and others in the area feel are not being adequately met!!

*My objections and concerns to Altitude Aspire in its current form are:*

1. The Change in the Environment and Topography
2. Traffic Generating Flows and Road Networks
3. Late development of Broadwater Parkway
4. Provision for Future Sewerage and Storm Water Connections to surrounding homes

*1 The Change in the Environment and Topography*

DGEAR2.4

Proposal provides for the establishment of a suitable neighbourhood character for the area.

## DGR2.5

*Demonstrate that slope sensitive building design initiatives have been considered in the subdivision design to ensure there is a suitable access gradient and minimal cut and fill.*

- I believe these criteria are not being met, are out of character and will not enhance the surrounding areas with steep terrains by imposing a densely built environment that fundamentally alters the topography by cutting and filling to allow small allotments on a flat pad that then require retaining walls.
- A 3.0 metre high wall with a 2.4 metre high noise barrier is to be built along Fraser Drive. Two three metre high retaining walls are to be built abounding the southern boundary of Parkes Lane to allow the land to be leveled.  
These new retaining walls will be above or below the existing surface levels to meet the new levels of the proposed development, (in conflict with Councils Landforming Policy in LEP 2000.)

A visual eyesore, totally destroying the beautiful vista from all areas. The proposed timber fence along Fraser Drive will act as a noise tunnel and restrict the views of not only the existing residents, but passing motorists and the casual pedestrians.

- As a consequence of the existing topography, and the proposed earthworks, it is expected that approximately 18 % of the site will require earthworks greater than 5.0m depth. Centrally the development will require cut and fill up to 13.5 m over the natural water course and movement of material across the whole of area E. Some slope sections are greater than 25%. (Ref Brad Lees Consulting Cut and fill - Legends section 5 and Slope Analysis 17III /20 IO See attachment 2/3)
- Tweed Shire Council regulations stipulate 1.0 cut with 1.0m (As at 11/03/2011) fill to prevent a development like Bancrara Ave, Banora Point or the collapse of retaining walls as in Bulwarra Place Bilambil Heights. See attached photos 4/5
- Extensive networks of low to medium retaining walls of 1.2- 1.8m throughout the subdivision is proposed (TSC stipulation 1.0- 1.2m as at the 11/03/2010)
- Terranora is well known for its rocky and unstable topography! Why are excessive heights and earthworks being required by Newlands (Metricon) against Council regulations and development criteria and the past reports? (Ex Administrator Lucy Turnbull. TSC Addendum 6 Jul2005.)
- Why does Newlands (and the State Dept. of Planning) require a high density built environment in areas totally unsuited to this type of development and which will alter forever the landscape, topography and aesthetic values, for which they are currently using to sell their development?
- Small allotments with excessive site coverage that do not allow for trees, gardens, breezes etc become environmentally unfriendly! ie require air conditioners and clothes dryers etc.
- What buffers are proposed to existing areas? Altitude Aspire's answer in its publication to the most asked questions were "Relatively large lots abut Parkes Lane which achieves buffering. Public reserves and roads provide buffers to the remaining perimeter of Altitude Aspire with the exception of two lots on which houses are well clear of the common boundaries. Environmental areas will be protected by appropriate buffers"

- DCP No 16 page 4 - 4.2.1 States "There are to be green space buffers between urban localities to contain urban sprawl and maintain identities of localities." Where are the proposed buffers surrounding Altitude Aspire?
- Are they the 3m retaining walls, above or below ground? I see no public reserves abutting Parkes Lane. However there will be 2x3m (total 6m) walls on the southern boundary plus a 1.5m retaining wall to the sub division road 2 (total 7.5m) and two narrow allotments abutting my home .How can roads and these walls be called buffers??? (See Attachment No.6&7 SK2759 Bradlees Building Pad Layouts sheet 2of3)
- Previously the Planning Minister Craig Knowles refused to adopt a plan for area E for 240 lots averaging 800sq. m because of the steepness and instability of the site and the fact that they would require extensive cut and fill operations. Not the desired best practice! Density now increased to 317 lots!! (See Attachment No 8 Newspaper Clipping.)

#### **RESPONSE:**

See response to Submission 1.

#### *2. Traffic Generating Flows and Road Network*

My objections and concerns to the road networks and traffic flows are

##### *Safety*

- The proposed development of Altitude Aspire encompasses Fraser Drive, Parkes Lane, Market Parade and the future Broadwater Parkway.  
A temporary access will be to the estate from Fraser Drive.
- Parkes Lane and Market Parade are lanes, but are gazetted as access streets and serve approximately 150 residents.
- They are quiet, dead ended, with several very dangerous bends which are totally blind! (five in total) Several of these have easements to service multiple lots. Others have steep driveways, some with poor visibility.  
(DCPxx p34 States a maximum of 3 turns on Local roads is the maximum!)
- There are no footpaths which cause residents to walk on the roads and riding bicycles very dangerous.
- Children wait and play on the road edges waiting for school buses to pick them up and discharge them at different locations, as there are no designated bus stops. (It is a lane!)
- The road is designated as 50 kms/hr but should be 40kms/hr due to poor visibility of some houses and stupidity of some drivers and are very likely to be used as Rat Runs, with future traffic flows.

##### *Traffic Flows & Networks*

- At present there are approximately 500 traffic movements per day from Market Parade and Parkes Lane to Fraser Drive.
- This will increase particularly during the initial phase 1-5 development, even though the temporary entrance and construction site is off Fraser Drive. Altitude Aspire Transport Assessment report (Bitzios p8 & DGEAR 5.8) states "traffic from the development will be able to access both Parkes Lane and Market Parade."

#### DGEAR5.9

- The proposed development expects to generate 145 peak hour trips for phase 1 prior to the construction of the Broadway Parkway and 264 peak hour trips for the full development.
- In the second phase 7- 11 construction vehicles and others are sure to use Parkes Lane as it is a direct route to the site rather than using the temporary site access. This will cause extra traffic, large vehicles, noise and rat runs!,
- Has Altitude Aspire taken into consideration all this traffic and the cumulative effect on Parkes Lane, Market Parade and Fraser Drive, particularly in the event of the late development of the Broadway Parkway.  
(It's not their problem)

#### **RESPONSE:**

*See response to Submission 1.*

#### *3. Late development of Broadway Parkway*

- Tweed Shire Council's requirement is that all access be provided via the Broadwater Parkway (Brad Lees Civil Consulting Report p6).
- Has consideration been given to its postponement by Altitude Aspire except for stating all intersections will perform to capacity to the year 2025. (DGEAR 5.9)? (Not their problem!)
- As Tweed Shire Council has not yet finalized planning and timing for the Parkway, will further development be allowed ie phase 2 of Altitude Aspire without its completion, as it is scheduled to coincide with the construction and opening of the Broadwater Parkway ??
- Metricon (Newlands) stated at a community meeting (26.2 2011, Nicholson and Anderson) "phase 2 will go ahead regardless and it is expected to be constructed by year 2016 ready for release"(contrary to their application.)
- Will other developments be allowed further west of Altitude Aspire in area E after 2015 to connect with the extension from Stage 10, Road 12?
- Will the temporary access from Fraser Drive be closed upon completion of phases 1-11 of Altitude Aspire necessitating all traffic to use Parkes Lane? Newlands state "that is not our concern it is councils."
- If the above points are allowed to occur Parkes Lane will never cope with the extra traffic volumes expected and road safety will be a major issue!!
- A reference (p199 of the Tweed Shire Council Planning report 16111 Nov 2005) relates to "The potential impacts to the existing 1C zone and Parkes Lane. (See attachment C, draft DCP), provides for controls that restrict the movement of vehicles from Area E through to Parkes Lane. This provision should maintain the traffic concerns and amenity of residents of Parkes Lane".

#### **RESPONSE:**

*See response to Submission 1.*

#### 4. Provision of Future Sewerage and Storm Water Drainage

My concerns here are

##### **DGR 4.1 (pages 4 and 5)**

- As Residents of Parkes Lane on the southern boundary of Altitude Aspire we are concerned about the provision of storm water and sewerage connections. We had believed there was an easement that allowed for this connection abutting properties Lots 1-5, but it does not now appear so.
- There are about 145 homes in Parkes Lane, Market Parade and Trutes Parade that will be affected
- We feel if there is no provision made before the subdivision completion, either in the form of an easement or for pipes to be laid for the future; it will be too late or too expensive for any future connection.
- Engineering plans SK2743 and SK2741 clearly show that there is no provision for the future connection of storm water and sewerage for Parkes Lane, an Environmental and Public Safety Concern.
- Newlands (Metricon) (Nicholson and Anderson) were approached at its meeting 26.2.2011 but insisted "it is not their problem, it is the councils. There will be no internal connection in the development". However DCP XX 1/2005 page37 states "the sewerage system in the study area is to be designed and sized to account for future sewerage from upstream unsewered areas eg residential development in the vicinity of Parkes Lane"
- Will future sewerage connection pipes or easements be put in place in this development?
- There is no mention of sewerage connection to existing homes, but there is mention that storm water treatment and management systems are to be implemented. Up stream catchments external to Altitude Aspire are to be conveyed through the site (via the central Open Drain) with out the need to pass through the treatment basin. (Bradlees Civil Consulting Report Revised Prelim. Nov 2010.) However not so according to SK2743 and SK2741 Engineering Plans.

#### **RESPONSE:**

*This issue is addressed in Table 1 of the Preferred Project Report and **Annexure 11**.*

#### *Summary*

- As already stated, I am not against future development, but I am against this type of development that is proposed by Newlands in this very scenic area with steep topography. It does not suit a densely built environment with massive cut and fill and retaining walls up to 7.5m that are invasive, unsightly and create risks of landslip. They totally alter the land form to create building pads that suit and target only Project Homes.
- This development must not go ahead without planned and necessary infrastructure in place. (ie connection to the Broadwater Parkway and with sewerage and stormwater provisions to adjoining properties).

- It is imperative that sewerage provision (pipes or easement) be in place, regardless of Newlands position!
- I believe Altitude Aspire should have its own permanent access road, (not temporary) as well as the future proposed connection to the Broadwater Parkway.. It must not rely on the established road networks, as I have demonstrated. With extra traffic loadings it will destroy the lovely quite and safe area of Parkes Lane and Market Parade and create safety as a major issue!
- I believe that controls must be in place to restrict Parkes Lane from the movement of vehicles from all areas of Area E development, including Altitude Aspire, as was previously planned by council.
- I believe there must be a complete, integrated and planned development for the whole of Area E. As there are many landholders involved, planned infrastructure must be in place before commencement of each section as required for future population trends.
- I believe there must be buffer zones (vegetation or space) surrounding existing communities, (not roads or rock walls 3m to 7.5m high) and that communities should be able to maintain their own identities and characteristics, for future generations.
- I understand that changes are inevitable with an ever increasing population, and that development will have an impact on traffic patterns and localities. However, I do believe they must be managed with care and consideration for neighbouring communities.
- Flat dense areas will be needed, but let site gradings be sensitive to the existing landforms and topography of both the subdivision and the neighbouring areas, so that the surrounding landscapes will be preserved to the greatest possible extent for the future generations. No massive cut and fill to be supported by retaining walls!
- The subdivision must be designed to fit the topography, rather than altering the topography to fit the subdivision.
- Why did Newlands misinform the residents about the boundary heights, the depth of fill, buffers and site gradings in their published Frequently asked Questions pamphlet?? Are they to be believed? I am sure if one had the time and the expertise there may be other things!
- Why does planning for country areas have to be submitted to State Authorities who have no connections to the areas, and who's ruling can still be over ridden by a State Minister. (Part 3A). Why are they able to null and void Council Regulations to appease Developers?
- I believe the development of Altitude Aspire and Area E must be postponed until planning and timing of the Broadway Parkway is finalized and other uncertainties associated with this development are remedied.

**RESPONSE:**

*See above.*

**49. Mr Leslie T Zahn – 26 Fraser Drive Banora Point NSW 2486**

**Issue:**

I object to the proposed development on a number of grounds including the following:

- A.** That it does not adequately provide for access to and from my property at 26 Fraser Drive, Banora Point and does not deal adequately with traffic flow to and from the proposed development generally.
- B.** The proposed creation of a temporary road is an inadequate and inappropriate provision of access to and from the development to Fraser Drive.
- C.** There is no plan or adequate plan for containment of noise as a result of the development including during construction should large boulders or rock shelf's be encountered.
- D.** The proposed development will result in a significant reduction in the visual amenity from my property together with other properties in the area and any users of Fraser Drive in particular which will be obscured by a 2.4 metre high wall/fence 700 metres long along Fraser Drive.
- E.** There is misuse of proposed Council funds requiring Council to provide permanent road access over private land to be paid for out of Section 94 contributions.

The term "TEMPORARY" in relation to the road into Fraser Drive is not to be believed. There is a history of developments being approved with temporary access which has later become permanent. There is a development just to the north of the present proposed development named "FLAME TREE PARK" which was developed in Fraser Drive. It is now admitted that the road is now permanent after 14 years. That development has an entirely inadequate road system which I believe will be similar where vehicles, particularly larger vehicles are unable to access the roads in normal terms including an inability for buses to cross narrow roundabouts. I would be concerned that if a "TEMPORARY" road was approved, it will become permanent.

In relation to noise and in particular during construction I drew their attention to a development on the same hill just around the corner where large volcanic boulders were encountered and to handle them they had to be broken up with large excavators, fitted with jack hammers causing enormous noise for months. When asked what will they do if the same thing happened, they said that it won't happen. So there is no provision if large boulders are encountered.

At the present time there is a lovely view over Terranora Lakes and the Hinterland to the west and many vehicles stop to take in the view and take photos.

I object to the erection of a 2.4 metre high fence/wall which is indicated on the plans, 700 metres long down Fraser Drive, along the back fence of the development from the "temporary road" north. This fence is to act as a sound barrier for the houses on the development but will act to reflect the traffic noise back onto my home as well a blocking out our view.

The developer must consider that there will be a considerable amount of noise from the heavy traffic on Fraser Drive to be going to this much trouble and expense. In other words the traffic is not light on Fraser Drive.



From our point of view the fence will change our pleasant area into something like looking at "LONG BAY PRISON" wall.

My Wife and I are 75 years of age and if the road changes go ahead plus the horrible fence/wall, it will certainly change our lives for the worst, and as well reduce the value of our property.

We know that development will happen and believe that a far better development could fit in with the present nature of the area, which a visit to the area by the decision maker/s would help.

**RESPONSE:**

*See response to Submissions 1 and 6 and **Annexure 15**.*

## AGENCY COMMENTS

### DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE NSW

#### Issues:

#### SEPP 14 Wetland

1. Prior to the commencement of any works, the applicant must demonstrate that the quality and quantity of stormwater to be dispersed into the SEPP 14 Wetland and associated EECs and 7a land from the development will improve or maintain the natural hydrological regime.

#### **RESPONSE:**

*This issue is addressed in the Revised Conceptual Stormwater Management Plan at **Annexure 8**.*

2. The allotment design is to be modified to include a minimum 50 metre vegetated buffer area free of any infrastructure to protect the mapped SEPP 14 Wetlands.

#### **RESPONSE:**

*The allotment design has been modified to comply with this requirement.*

3. A responsible party for the monitoring and reporting of the implementation of the Vegetation Management Plan and progress for 5 years, including ongoing weed control works, is to be identified and reported to the Department of Planning prior to commencement of any works on the site.

#### **RESPONSE:**

*This requirement has been included in the Revised Statement of Commitments.*

4. A responsible party in perpetuity for the management, monitoring and reporting of stormwater retention basins, artificial wetlands and associated design works is to be identified and reported to the Department of Planning prior to commencement of any works on the site.

#### **RESPONSE:**

*Maintenance in perpetuity can only be the responsibility of Tweed Shire Council as they will be the asset owner.*

#### Threatened Species

1. The keeping of cats (with the exception of assistance animals, as defined under the *Commonwealth Disability Discrimination Act 1992*) within the site is prohibited and all residential lots are to be encumbered to this effect with a Section 88B instrument under the *Conveyancing Act 1919*.

#### **RESPONSE:**

*This is clearly an onerous and unreasonable requirement. The proposed condition does not arise from the findings and recommendations of the Ecological Assessment (Annexure 15 of the Environmental Assessment) or the Revised Ecological Assessment (**Annexure 9**) both of which conclude that the development will not have a significant effect on threatened species. The condition is therefore not acceptable to Newland.*

### Endangered Ecological Communities

1. The allotment design is to be modified to avoid impacting on the identified EECs within the site by the removal or relocation of the 20 allotments adjacent to the central drainage line.

#### **RESPONSE:**

*This is an onerous and unreasonable requirement. The EEC in the northern part of the site and the majority in the south western part will be retained in public reserves. However, because of the need to carry out earthworks to achieve compliant road gradients and suitable final landforms, the centrally located EECs will be removed. This issue is further addressed in **Annexure 9**.*

2. The allotment design is to be modified to allow for access points other than the currently proposed Broadwater Parkway route, to avoid impacts on the Freshwater EEC and the SEPP 14 Wetland.

#### **RESPONSE:**

*No access is proposed to the SEPP14 Wetland from Broadwater Parkway (see **Annexure 9**).*

3. The allotment design is to be modified to include a 50 metre vegetated buffer area free of any infrastructure to protect the mapped Freshwater Wetland and Rainforest EECs.

#### **RESPONSE:**

*The revised layout provides for a suitable buffer to the EECs north of Broadwater Parkway (see **Annexure 9**).*

### Regional Corridor for native fauna

1. The route and design of the Broadwater Parkway is to be modified to avoid impacting on the identified EECs within the proposal and beyond.

#### **RESPONSE:**

*The alignment of Broadwater Parkway has been changed to be predominantly within the 2(c) zoned land to avoid any EECs and provide appropriate buffers. The revised alignment is in accordance with the adopted Section B24 for Area E.*

### 2. Heritage and Archaeology

1. The applicant must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.

#### **RESPONSE:**

*This requirement has been included in the revised Statement of Commitments.*

2. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS.

The proponent will consult with the Aboriginal community representatives the archaeologist and DECCW to develop and implement management strategies for all objects/sites.

**RESPONSE:**

*As above.*

3. If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCW's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until DECCW provide written notification to the proponent.

**RESPONSE:**

*As above.*

4. All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and DECCW. All sites impacted must have a DECCW Aboriginal Site Impact Recording (ASIR) form completed and submitted to DECCW AHIMS unit within three (3) months of completion of these works.

**RESPONSE:**

*As above.*

5. An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the local Aboriginal community.

**RESPONSE:**

*As above.*

**3. Stormwater**

1. A detailed stormwater management plan (SWMP) for the construction and operational phases of the project must be prepared by a suitably qualified person as per specifications detailed by LANDCOM Soil and Construction guidelines for managing urban stormwater (2004).

**RESPONSE:**

See **Annexure 8**.

2. Water Sensitive Urban Design (WSUD) measures must be positioned away from identified natural conservation and biodiversity values such as EECs, SEPP lands, threatened species and outside of core riparian areas and vegetated buffers as per DECCW's "Managing Urban Stormwater: Urban Design–Consultation Draft, October 2007".

**RESPONSE:**

See **Annexure 8**.

3. The SWMP must provide detailed modelling and amelioration strategies to ensure the project will not increase the quantity or pollutant load of stormwater discharged from the site.

**RESPONSE:**

See **Annexure 8**.

4. The SWMP must be submitted to the Department of Planning for approval.

**RESPONSE:**

See **Annexure 8**.

5. Subject to the SWMP being approved, it must be implemented prior to the commencement of any other activities on the site.

**RESPONSE:**

See revised *Statement of Commitments*.

6. A responsible party in perpetuity to maintain and monitor stormwater and sediment mitigation works is to be identified and reported to the Department of Planning prior to the commencement of any works onsite.

**RESPONSE:**

*Tweed Shire Council is the appropriate authority to maintain the public infrastructure in perpetuity.*

**NSW TRANSPORT**

**Issues:**

In keeping with the objectives of the State Plan, TNSW encourages land use and transport measures that will facilitate greater mode shift away from car usage to public transport, together with walking and cycling. TNSW supports the location of housing close to shops and public transport as outlined in the strategy and TNSW acknowledges that these measures have been addressed in the Environmental Assessment and in Annexure 24 Part A and Part B.

- The proposal has limited direct access to Fraser Drive for pedestrians and cyclists. It is requested that a shared mid block access point be considered for pedestrians and cyclists.

**RESPONSE:**

*The amended subdivision layout provides for two pathways 6m wide linking the internal streets to Fraser Drive.*

- TNSW is satisfied with the level of bike parking that has been allocated to the proposed community facility. This bicycle parking should be located in areas close to entrances in well lit and secure locations. Bicycle racks should allow cyclists to lock up the frame and at least one wheel of their bicycles, in accordance with the *NSW Bicycle Guidelines*. TNSW acknowledges the developer is supplying 'end of journey' facilities for cyclists. These facilities should include appropriate showering and changing amenities. The following documents may be of further assistance to Council in this regard:
  - NSW Bike Plan, NSW Government, 2010;
  - Healthy Urban Development Checklist, NSW Health, 2010.
- More information on active infrastructure development related to specific housing types, and how to integrate active transport into planning, is available in:
  - Development and Active Living: Designing Projects for Active Living, NSW Premier's Council for Active Living, 2010.
- TNSW encourages the developer to take advantage of the BikePlan's programs for improvement to local cycle networks and promotion of bicycle tourism, which include opportunities for joint funding with the Roads and Traffic Authority (RTA). As part of the BikePlan, the NSW Government will double the existing matched funding program for local cycleway networks in regional NSW. For more information about matched funding for cycling programs, please contact your area RTA representative.

**RESPONSE:**

*Section 94 Contribution Plan No. 22 – Cycleways provides for contributions to be paid by developers towards Council's wider cycleway network. Internal cycleway/walkways within the subdivision will be provided in accordance with the provisions of Tweed Development Control Plan 2008, Section A5 – Subdivision Manual.*

- TNSW advises that our contract with Surfside buses requires the provision of services in accordance with Schedule 10 "Service planning Guidelines". Bus services in new residential developments are to be designed and operational as soon as practicable. Where a new development falls within or adjacent to a country town, or the urban centre or locality of a country town is expanded or there is demand for non school services outside the country town, then the country town of the country town operator will be extended to cover the additional Urban Region.

**RESPONSE:**

See **Annexure 8**.

- TNSW also suggests the development of a Transport Access Guide for residents of the Altitude Aspire development. A Transport Access Guide provides customised travel information for people travelling to and from a particular site or venue using sustainable forms of transport - walking, cycling and public transport. More information on producing a guide is available on the RTA website:
  - <http://www.rta.nsw.gov.au/usingroads/traveldemandmanagement/transportaccess/guides/index.html>

**RESPONSE:**

*This issue is addressed in the revised Statement of Commitments.*

## NSW EDUCATION AND TRAINING

### Issues:

#### ***Background and previous correspondence***

The Department notes that the Altitude Aspire Subdivision (formerly known as Altitude 1) is anticipated to yield 320 new residential lots and is part of a wider 1,100- lot development known as Area E in the Terranora area.

In previous advice to the Department of Planning (DOC 09/123440) and to Darryl Anderson Consulting Pty Ltd (DOC 10/47414) the Department concluded that the 320-lot subdivision at Altitude Aspire and Area E would generate sufficient additional demand on government school facilities for the Department to seek a contribution from the developer towards education infrastructure.

The majority of the proposed Area E development is in the Terranora Public School catchment, with only a small number of lots from the Altitude Aspire development located in the Centaur Public School intake area.

Terranora Public School and Centaur Public School are both operating over their permanent teaching space capacities, requiring the supplementation of demountable accommodation. The Terranora Public School site, at 2.5 hectares in size and of uneven terrain, is below the Department's preferred 3.0-hectare optimum site size.

The entire Area E development is within the catchment area for Banora Point High School, which is able to accommodate additional secondary schooling demand.

#### ***Department advice***

The Department maintains its previous advice that the Terranora Altitude Aspire residential development will contribute to the anticipated generation of additional demand for Government primary schooling at levels higher than the current public education infrastructure provides.

As such, the Department advises that a contribution would be of assistance from the developer towards the cost of providing for primary education infrastructure.

The calculation and mechanism by which contributions can be determined can be discussed in further detail with the Department of Planning and consistent with advice in Planning Circulars PS 10-001.

#### ***RESPONSE:***

*Following further consultations with the Department of Employment and Training, the Department advised by email on 5 December 2011 that the Department is not indicating a need for additional land or education infrastructure as a result of the Area E development. A copy of the email and DET letter of 30 March 2010 is attached at **Annexure 23**.*

## LAND AND PROPERTY MANAGEMENT AUTHORITY

### Issues:

The subject site does not immediately adjoin any Crown lands however in our submission of 9 November 2009 we raised concerns relating to the cumulative impact on the Crown estate.

We appreciate that Land & Property Management Authority (LPMA) requirements were incorporated in the DGs requirements and acknowledge that the key points raised have been recognised by the proponent.

Notwithstanding the above it is unclear from the information provided what contributions, if any, to mitigate off site cumulative impacts have been proposed as part of the development or indeed whether practical avenues are available to effectively contribute to off site regional open space outcomes i.e. through appropriate local planning instruments or policies.

For example, it is unclear in Section 8.13.6 (P167) how the acquisition of the freehold land adjoining Lot 227 DP 755740 as foreshadowed in the LES and draft DCP relates to the proposed development or contributions by the proponent to mitigating off site cumulative impacts.

**RESPONSE:**

*Section 8.13.6 (Page 167) of the Environmental Assessment refers to acquisition of Lot 227 DP 755740 (the SEPP14 Wetland). Provisions for funding acquisition and rehabilitation of Lot 227 will be included in the Voluntary Planning Agreement.*

Cumulative impacts on the Crown estate and open space values in general are a particular concern in the Tweed coastal region given the high rate of residential development and projected population growth. In the absence of any strategic open space planning in NSW the onus appears to fall back on NSW Planning to ensure due consideration has been applied by developers to this important issue during the Part 3A review process.

**RESPONSE:**

- *Required contributions are identified in Tables 16 and 17, Section 4.6.10 of the Environmental Assessment*
- *Strategic open space planning is the responsibility of LPMA & Department of Planning*

**RURAL FIRE SERVICE**

The RFS has reviewed the EA and the following comments are made:

The Bushfire Assessment Report has determined that the adjoining land to the west is a "Grassland / Grassy Woodland" and has proposed a 10 metre asset protection zone (APZ) for future dwellings on Lots 1001 to 1020. 'Planning for Bush Fire Protection' requires a 15 metre APZ for woodland vegetation. In this regard the proposed APZs do not comply and aerial photography would suggest that the on going management of the adjoining grazing paddocks to the west is uncertain.

The applicant is to provide further evidence on the vegetation classification and state of management for the adjoining property to the west.

The applicant should consider the impact of the revised Australian Standard AS 3959 'Construction of buildings in bushfire-prone areas' on future dwellings constructed on proposed Lots 1001 to 1020. For any enquiries regarding this correspondence please contact Garth Bladwell.

**RESPONSE:**

*These issues are addressed in the Amended Subdivision Layout (**Annexure 4**) and Bushfire Assessment Report (**Annexure 14**).*



## ROADS AND TRAFFIC AUTHORITY

The Roads and Traffic Authority (RTA) has no objection to the proposed residential development at Fraser Drive Terranora. Your Department may wish to consider the following comments when considering this proposal.

The temporary access to Fraser Drive for stages one to five will impact on existing driveways accessing Fraser Drive. AS2890 identifies driveways opposite intersections as prohibited locations for access to the road network. It is understood at least one existing driveway will be opposite the temporary connection for this development to Fraser Drive. To reduce the extent of impact on existing properties, it is suggested roundabout control of the temporary access be considered for the connection to Fraser Drive for the initial stages of the proposal.

To ensure sufficient parking is provided for the Community Facility component of the proposal, Tweed Shire Council's parking rate should be adopted as the minimum requirement.

Traffic signals or traffic control lights are regulated by section 87 of the *Roads Act 1993*. In particular, part 87(4) of the *Roads Act* relevantly provides that the consent of the RTA is required for the installation of traffic control lights. Due to the safety and traffic management significance of traffic signals, the RTA has not delegated this consent function to any other authority, and operates and maintains all traffic lights in NSW.

The traffic modelling supporting the proposal assumes in the future traffic signals will control the intersection of Fraser Drive and Broadwater Parkway. The installation of traffic signals will require approval of the RTA before adopting this method of intersection control. To ensure the RTA requirements for signals are met, consultation with the RTA will be necessary before traffic signals can be installed.

### **RESPONSE:**

*Issues raised by the Roads and Traffic Authority are addressed in the Transport Assessment Report at Annexure 15.*

## TWEED SHIRE COUNCIL

Council at its meeting on 19 April 2011 considered a report in relation to MP09\_0166 and resolved that Council endorses forwarding the report to the NSW Department of Planning as a submission in relation to the application.

The report identifies a snapshot of the concerns raised which are as follows:

- o The proposal was prepared without an endorsed 'whole of site' structure plan or a coherent well planned, strategic direction, resulting in more of a piecemeal consideration of one component of the site;
- o A number of urban design issues pertaining housing density, neighbourhood facilities, orientation and design of lots and slope sensitive building design;
- o A proposed temporary connection to Fraser Drive and lack of certainty surrounding the future Broadwater Parkway design, location, construction by others, including necessity to involve other landowners depending on final alignment.
- o Demonstration of compliance with bulk earthwork criteria contained in Tweed DCP part A5 – Subdivision Manual, Development Design Specification D6 – Site Regrading and Development Design Specification D1 – Road Design. Further, concern regarding lot grades and implications for building design in accordance with Tweed DCP part A1 – Residential and Tourist Design Code;
- o Water and Sewer supply and capacity implications;

- o Subdivision discharges its stormwater via central drainage reserve onto private land (Lot 227 DP 755740). The applicant must demonstrate that this is a lawful point of discharge for stormwater, by obtaining owners consent or creating easements. The applicant must demonstrate that stormwater discharge onto lot 227, which contains SEPP 14 wetlands, is suitable in terms of water quality and quantity;
- o Environmental issues, including flora and fauna assessment, wetland management, environmental areas management; and
- o Connection with overarching s94 implications and feasibility of design and delivery trunk infrastructure. Ad hoc – out of sequence developments, planning should be coordinated with the provision of future road networks, access points, coordinated stormwater treatment etc.

**RESPONSE:**

*The issues above have been addressed in the final Project Application as discussed in detail in Sections 2.0 and 3.0 of the Preferred Project Report, the final Application Plans and the revised specialist reports.*

**NSW INDUSTRY AND INVESTMENT (FISHERIES)**

DPI is responsible for ensuring that fish and fish habitat are protected and conserved for future generations and that there is "no net loss" of key fish habitats. DPI has reviewed the EA and has identified the following matters for consideration prior to further development of the proposal and final determination.

**Buffer to SEPP-14 Coastal Wetland**

SEPP 14 Coastal Wetlands are considered by DPI to be key fish habitats. Incorporating an adequate and effective buffer between key fish habitats and proposed developments is Departmental policy as it is a sound and proven strategy for minimising impacts on key fish habitats.

Well managed wetland buffers contribute to the resilience of the wetland and riparian plant communities, and provides scope for landward migration under climate change scenarios. It is noted that Tweed Shire Council's zoning of the area reflects the provision of a 100 metre buffer to the SEPP 14 Coastal Wetland by zoning the SEPP 14 Coastal Wetland itself, and a 100 metre buffer, with an environmental protection (7a) zoning.

DPI requests that bushfire asset protection and/or mosquito management zones and infrastructure such as road and stormwater infrastructure should, at a minimum, be located beyond the outer edge of a 50 metre habitat buffer of replanted native endemic riparian / wetland vegetation to protect these key fish habitats, including the mapped SEPP 14 Coastal Wetland.

It is noted that an existing transmission line easement is located around the perimeter of the SEPP 14 Coastal Wetland. Transmission line easements are generally under-scrubbed to facilitate access and ensure safe operation. These actions impact directly on the adjacent SEPP 14 Coastal Wetland. The Environmental Assessment (EA) also proposes a subdivision layout that locates water sensitive urban design features, and part of the proposed Broadwater Parkway road, within the core 50 metre wetland buffer.

Construction and subsequent effective management of these features generally necessitates provision of access points that further reduce the habitat value and functionality of the recommended wetland buffer.

The cumulative effect of locating these infrastructure items within the buffer zone is that, for some lengths of the whole 7a zoned buffer to the SEPP 14 Wetland, the proposal affords as little as 15 metres in width area for replanting of native endemic vegetation. Furthermore, it is possible that some of this 15 metre width could be impacted by the construction footprint of the proposed infrastructure, particularly the future Broadwater Parkway.

To achieve protection of the subject SEPP 14 Coastal Wetland and associated key fish habitats, the DPI "Policy and Guidelines for Aquatic Habitat Management and Fish Conservation, 1999" requires buffers to ecologically sensitive areas be 50 metres wide, be rehabilitated with native endemic vegetation and be appropriately managed in the long term to maintain their functionality and habitat values. In this instance, DPI requests that the Department of Planning and Infrastructure and the proponent consider improving the protection of the 50 metre habitat buffer zone and relocate infrastructure outside this area to ensure that the SEPP 14 Coastal Wetland is adequately protected in the long-term from off-site impacts and edge effects of the development.

**RESPONSE:**

*The final Project Application proposed Broadwater Parkway predominantly in the 2(c) zoned land (with the exception of a small section on the eastern site boundary) and all infrastructure has also been removed from the wetland buffer.*

**Stormwater Management**

In addition to the proximity of proposed stormwater management features to the SEPP 14 Coastal Wetland being inconsistent with DPI buffers policy, their positioning in an area of elevated groundwater may compromise the operation of these features.

DPI is also concerned about the limited amount of detail within Appendix 14 of the stormwater management plan within the EA. Where detail is provided, certain performance criteria do not achieve basic water quality standards.

For instances the stormwater management plan proposed minimum release criteria at the site for pH of >5.0. Firstly this level is inconsistent with the EA's own Acid Sulfate Soil Management Plan which requires pH 6.5. Secondly, the NSW Oyster Industry Sustainable Aquaculture Strategy (SEPP 62) sets the lower threshold for pH in oyster aquaculture areas as pH 6.75. The upper threshold is 8.75. It should be noted that SEPP 62 captures and has relevance to this proposal as the development site is within 10km of Priority Oyster Aquaculture Areas. Furthermore, the Office of Environment and Heritage's water quality objectives for the protection of aquatic ecosystem health within Terranora Broadwater sets a trigger value within the estuary of pH 7.0 with an upper threshold of pH 8.5.

DPI strongly recommend the stormwater management plan require that a pH range between 6.75 and 8.5 be achieved prior to discharge considering the SEPP 14 Coastal Wetland and the proximity of SEPP62 Priority Oyster Aquaculture Areas to the north at Birds Bay. The stormwater management plan should also, at a minimum, include contingencies for scenarios where it appears that treatment measures are ineffective in meeting pollution discharge targets.

**RESPONSE:**

*See Stormwater Management Plan at **Annexure 8**.*

## Wetland Hydrology

DPI notes that a consequence of the proposed development will be a change in the hydrology within the adjacent wetland. The SEPP 14 Coastal Wetland presently relies on a regular and sustained input of freshwater from numerous soaks and other discharge points on the hillside and particularly at the base of the hills to the south. A likely effect of the development will be an increase in volumes and velocities of stormwater, over shorter periods of time and at point locations into the wetland. Effectively the trailing limb of the hydrograph will be lowered and shortened. The presently diffuse flows from these soaks into the subject wetland will be directed into a drainage channel resulting in a series of point source freshwater inputs into the wetland.

The effect is both an apparent increase in the period between freshwater input events and isolation of some wetland areas from freshwater inputs. Potential effects can include changes in the wetland vegetation community with estuarine vegetation advancing into areas presently dominated by freshwater wetland plant communities.

An additional consequence from the increased 'drying out' of the freshwater component of the wetland can be increased isolation of pools, a consequence of which is exacerbation of mosquito hazard due to decreased likelihood of predation by insectivorous fish, and the potential for lowering of pH and dissolved oxygen levels within pools in the SEPP 14 Coastal Wetland that are isolated for increasingly long periods.

Neither the stormwater management plan, nor the EA more broadly, propose specific actions to maintain or mitigate changes to this important component of the natural hydrology. DPI requests that impacts on wetland hydrology and vegetation communities be adequately considered in the finalisation of the proposal and the final determination to ensure that impacts are avoided or minimised.

### **RESPONSE:**

*See Stormwater Management Plan at **Annexure 8** and Hydrological Report at **Annexure 19**.*

## Acid Sulfate Soil Management

The Acid Sulfate Soil Management Plan makes reference in sections 2.4 and 2.6 to Cobaki Creek which is not a tributary of Terranora Broadwater.

### **RESPONSE:**

*See amended Acid Sulphate Soils Management Plan at **Annexure 18**.*

## Conclusion

DPI is concerned that the present proposal outlined in the EA will reduce the ecological resilience of the SEPP 14 Coastal Wetland, a key fish habitat.

The proposed Statements of Commitment do not adequately address the matters raised above.

DPI recommends the Department of Planning and Infrastructure require the proponent to substantially amend the proposal to better recognise and accommodate the significant environmental values of the subject SEPP 14 Coastal Wetland and adjacent Terranora Broadwater.

An amended proposal that protects and improves the values of the SEPP 14 Coastal Wetland through the provision of a minimum 50 metre vegetated buffer, outlines specific offsets for other impacts on the SEPP 14 Coastal Wetland and achieves better water quality and hydrological outcomes would have a greater likelihood of satisfying the Department's "no net loss" policy.

**RESPONSE:**

*The amended subdivision layout provides a nominal 100m buffer to the SEPP14 Wetland. The Voluntary Planning Agreement will include provisions to fund acquisition and rehabilitation of the SEPP14 Wetland on an equitable basis.*

**NSW OFFICE OF WATER**

**Issues:**

NOW provides the following advice on the basis that the existing legislative provisions under Part 3A of the Environmental Planning and Assessment Act 1979 apply to this proposal.

The development is within the Terranora Broadwater Water Source of the *Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources Order 2010* (WSPTRUAWS 2010). NOW notes in the geotechnical report, the occurrence of groundwater seepages within the "far northern portion of Unit 4 and the banks of the main drainage channel adjacent to the dams within Unit 5 (and possibly encroaching into Units 3 and 4)" and "it is envisaged that these areas will require all instability to be removed and drainage provision implemented to intercept and divert these seepages into dedicated drainage easements" and "after the wet areas have been dried out, the colluvial material associated with the slipped area must be removed".

Any interception and/or removal of groundwater within the alluvium is considered take under the *Water Management Act 2000* (WMA). The surface and alluvium water associated with the Terranora Broadwater Water Source is subject to the rules of the WSPTRUAWS 2010. There are no shares allocated to the alluvium water source within the Terranora Broadwater Water Source and dealings under sections 71R and 71T are prohibited under sections 59 and 61 of the WSPTRUAWS 2010.

NOW notes that an only preliminary acid sulfate soil assessment has been undertaken as part of the geotechnical report and along with preliminary groundwater report. The EA states "there will be no impact on the GDE within the SEPP 14 wetland as a result of the development impacts on groundwater". However only a preliminary groundwater assessment has been undertaken which has not taken into account the proposed requirement of dewatering and removal of the colluvium within the development area and the associated impacts on the adjacent SEPP 14 wetland and the Terranora Creek.

Due to the lack of detailed assessment and water access rules in the WSPTRUAWS 2010 NOW provides the following recommended conditions.

**Recommended Conditions**

- 1) Any interception of alluvial groundwater is subject to the rules of the WSPTRUAWS 2010. Under these rules dealings are prohibited under sections 71R and 71T of the WMA for the Terranora Broadwater Water Source. Any works which require the drying out and removal of the colluviums for stabilisation works and/or any construction which will intercept and/or require taking groundwater require consultation with NOW, to ensure compliance with the WSPTRUAWS, prior to development approval.
- 2) Detailed groundwater assessment to include but not limited to the following:

- a. Groundwater levels and flow direction within the development area and adjacent SEPP 14 wetlands.
  - b. Extent surface-groundwater connectivity within the drainage lines (indicated as groundwater seeps in the Geotechnical Report).
  - c. Degree of groundwater dependency of the SEPP 14 wetlands and potential impacts of any changes to flow direction, quantity and quality of groundwater to the wetlands and Terranora Creek.
  - d. Development of trigger levels for impacts of changes in groundwater quantity and quality.
- 3) A detailed surface water assessment for the adjacent SEPP 14 wetland and Terranora Creek to provide baseline data for determining trigger levels for changes in water quantity and quality.
  - 4) A site specific Acid Sulfate Soil Management Plan should be produced in accordance with the ASSMAC guidelines including investigations to a total depth of one meter past the base of the deepest excavation within the identified potential acid sulfate soil area (assumed to be the stormwater quality treatment device).
  - 5) A Surface and Groundwater Management Plan to be developed to monitor for any potential impacts to surface and groundwater sources (including the SEPP 14 wetland) of the development and the stormwater quality treatment device.

**RESPONSE:**

*Following further consultations with NOW, including an onsite meeting, NOW has agreed to the following conditions (a copy of the email is attached at **Annexure 24**).*

1. *The applicant to prepare a Surface Water Management Plan in consultation with and to the satisfaction of the NSW Office of Water prior to the commencement of works.*
2. *The applicant to prepare a Groundwater Management Plan in consultation with and to the satisfaction of the NSW Office of Water prior to commencement of works.*
3. *The applicant to obtain the relevant licences to the satisfaction of the NSW Office of Water under the Water Act 1912 and the Water Management Act 2000 (whichever is relevant at the time application is made) for all activities that intercept or extract groundwater and surface water prior to commencement of these activities.*
4. *A site specific Acid Sulfate Soil Management Plan should be produced in accordance with the ASSMAC guidelines including investigations to a total depth of one metre past the base of the deepest excavation within the identified potential acid sulfate soil area (assumed to be the stormwater quality treatment device).*

*The documents to be prepared in conditions 1 and 2 above will include where relevant the following:*

1. *Detailed groundwater assessment to include but not limited to the following:*
  - *Groundwater levels and flow direction within the development area and adjacent SEPP 14 wetlands;*
  - *Extent surface-groundwater connectivity within the drainage lines;*
  - *Degree of groundwater dependency of the SEPP 14 wetlands and the potential impacts of any changes to flow direction, quantity and quality of groundwater to the wetlands and Terranora Creek; and*
  - *Development of trigger levels for impacts of changes in groundwater quantity and quality.*
2. *A detailed surface water assessment for the adjacent SEPP 14 wetland and Terranora Creek to provide baseline data for determining trigger levels for changes in water quantity and quality.*

*These requirements have been included in the revised Statement of Commitments.*

TWEED SHIRE COUNCIL LETTER 20 JULY 2012

ISSUE:

Road Connection to Fraser Drive, Staging and Traffic Management

RESPONSE:

See *Altitude Aspire Transport Assessment* at **Annexure 15**.

ISSUE:

Roads and Footpaths

RESPONSE:

See **Annexures 11 and 15**.

ISSUE:

Potential Flood Hazard in Central Drainage Area

RESPONSE:

See **Annexure 19**.

ISSUE:

Lot Sizes, Cul-de-sac and Street Frontages

RESPONSE:

*The revised proposal only involves one cul-de-sac in Stage 11. The previously proposed cul-de-sac in Stage 8 has been removed and Road 9 now connects with Market Parade. The proposed cul-de-sac complies with TDCP2008, Section A5 – Subdivision Manual requirements in relation to length (less than 100m) and number of lots served (less than 12).*

*Each lot fronting the cul-de-sac has a kerb frontage greater than 9m as required by Section A5. It should be noted that Stage 11 lots will not be created until the temporary access to Fraser Drive is removed.*

*The amended layout also achieves 9m kerb frontages for the Stage 8 lots with the exception of Lots 810, 811, 827 and 828. In accordance with the provisions of Section A5, a Restriction on Use will be created on these lots to require a visitor car park to be provided on the lot at the dwelling stage.*

*The amended layout also provides for larger lots fronting Market Parade (minimum 1200m<sup>2</sup>) to provide a transition between the rural/residential area and the proposed residential lots.*

**ISSUE:**

**Interface Detail**

**RESPONSE:**

*See Amended Landscape Master Plan at **Annexure 5**.*

**ISSUE:**

**Urban Agriculture**

**RESPONSE:**

*See PPR Table 3 and Soil Preservation Management Plan at **Annexure 29**.*

**ISSUE:**

**Street Trees**

**RESPONSE:**

*Section 94 Contribution Plan No. 6 – Street Trees, requires a contribution to be paid for 2 street trees per lot. In lieu of paying the contribution, the proponent will plant at least 2 street trees per lot, generally as shown on the amended Landscape Master Plan at **Annexure 5**.*

**ISSUE:**

**Open Space**

**RESPONSE:**

Casual Open Space – See Section 3.4

Structured Open Space

*In accordance with the Draft Voluntary Planning Agreement between Tweed Shire Council and Newland, contributions in lieu of dedication and embellishment of structured open space (sports fields) is proposed as Section B24 does not identify any sports fields in the Fraser Drive Precinct or the Altitude Aspire site.*

**ISSUE:**

**Public Reserves and Landscaping**

Public Reserves

**RESPONSE:**

*The 5m wide public reserves adjacent to Broadwater Parkway and Fraser Drive were shown on the previous Plan of Subdivision because they are required by Section B24.*

*However, the 5m public reserve adjacent to Fraser Drive has been deleted from the final plan at Annexure 4 following consultations with Tweed Shire Council, for the following reasons:*



- The land is very steep and maintenance will be difficult;
- The land falls away from Fraser Drive steeply and will not be usable for casual open space or as a cycleway/walkway;
- Fraser Drive road reserve is 20m wide and will ultimately only require a two lane carriageway with sufficient verge width on either side to accommodate cycleways/walkways and landscaping.

Notwithstanding the above, a 5m wide Restriction on Use is proposed on all lots abutting Fraser Drive precluding any buildings within the 5m corridor which will, in effect, become the deep soil zone for each lot.

#### Landscaping

##### **RESPONSE:**

Council requests a 5 year maintenance regime for landscape works, however Section 80A(6)(c) of the Environmental Planning and Assessment Act, 1979 (as amended) provides for a maximum defects liability period of 6 months.

Notwithstanding these provisions, Newland is prepared to maintain the landscaped areas for a maximum period of 2 years, or for such longer period as the Company may think fit. This arrangement is included in the revised Statement of Commitments.

##### **ISSUE:**

#### **Central Drainage Corridor Public Interface**

##### **RESPONSE:**

The amended subdivision layout provides for a perimeter road on the northern, southern and eastern boundaries of the drainage corridor. However, it is unreasonable and unnecessary to provide a perimeter road on the western boundary as the abutting land is a proposed drainage reserve and there is limited suitable land for medium density on the site because of topographic constraints. Lot 701 will abut the drainage reserve and will be developed on an integrated basis, which could include a standard type fence at the interface (see **Annexure 5**). This would achieve the objectives of this development control by defining the private and public edge.

##### **ISSUE:**

#### **Contamination**

##### **RESPONSE:**

Council contends that the Soil Contamination Assessment at Annexure 13 of the EA has not been provided for review. Annexure 13 of the EA was assessed by Tweed Shire Council as part of the EA assessment and can be accessed on the DOPI website or in Council's records if Council Officers wish to undertake further assessment. It is not necessary for Annexure 13 to be reproduced in the PPR.

A Summary of Soil Contamination Assessment is contained at **Annexure 28** of the PPR.

**ISSUE:**

**Acoustic Assessment**

**RESPONSE:**

*Council does not support removal of the previously proposed acoustic fence adjacent to Fraser Drive. A number of residents have objected to the acoustic fence on the grounds that it will be visibly intrusive and have an adverse impact on the landscape and scenic quality of the locality.*

*Locating the fence 5m from the Fraser Drive road reserve boundary is not feasible because the land falls steeply away from Fraser Drive. It would be difficult to effectively screen an acoustic fence located on the boundary and therefore, balancing the competing objectives, the acoustic fence has been deleted.*

*However, the Acoustic Report has been amended to include details of the construction standards applicable to affected dwellings to achieve the required noise attenuation (see **Annexure 7**).*

*In relation to the proposed community facility, as suggested by Council, the proponent would accept a condition to attenuate potential noise impacts. This issue is further addressed in the revised Statement of Commitments.*

**ISSUE:**

**Waste Management Plan**

**RESPONSE:**

*The SOC has been amended to include a commitment to prepare a Waste Management Plan prior to the issue of a Construction Certificate for Stage 1. This is considered to be a more appropriate approach as the Waste Management Plan can be tailored to meet the specific construction requirements of the contractor.*

**ISSUE:**

**Ecology**

a) Comb Crested Jacana

**RESPONSE:**

See **Annexure 9**.

b) Rough Shelled Bush Nut

**RESPONSE:**

See **Annexures 9 and 10**.

- c) Rare or Threatened Australian Plan Species

**RESPONSE:**

See **Annexures 9 and 10.**

- d) Lowland Rainforest and Coastal Wetland on Floodplain Endangered Ecological Communities

**RESPONSE:**

See **Annexures 9 and 10.**

- e) Revegetation of Rainforest Wetland Communities

**RESPONSE:**

See **Annexures 9 and 10.**

- f) Landscape Master Plan

**RESPONSE:**

See **Annexure 5.**

- g) Local Environmental Study

**RESPONSE:**

See **Annexure 9.**

- h) 7(a) Environmental Protection Zone

**RESPONSE:**

*Council raises issues concerning infrastructure within the 7(a) zoned ecological buffers including the outer 50m of the 7(a) zone. In particular, Council does not support the existing transmission line corridor which is the subject of an easement benefiting Essential Energy. See further comments below regarding the outcome of consultations with Essential Energy.*

**ISSUE:**

**Infrastructure**

Revised Statement of Commitments. Council has raised concerns relating to the provision of water and sewer services.

**RESPONSE:**

*This issue is addressed in **Annexure 11**. In addition, the SOC has been revised to include Council's Rainwater Tanks Policy.*

**ISSUE:**

**Community Title Considerations**

**RESPONSE:**

*Normal easements 3m wide will be created over water and sewer infrastructure to be owned by Council which is located on private land. See revised SOC.*

**ISSUE:**

**Engineering Report**

**RESPONSE:**

*The proponent agrees to prepare a comprehensive Water and Sewer Report prior to the issue of a Construction Certificate for Stage 1. This issue is addressed in the revised SOC. The Report will address water supply and sewer issues raised by Council in their letter dated 20 July 2012.*

**DEPARTMENT OF PLANNING AND INFRASTRUCTURE – 31 JULY 2012**

**ISSUE:**

**Community Management Statement**

**RESPONSE:**

*The draft Community Management Statement accompanying the EA at Appendix 27 is attached to the PPR at Appendix 26.*

**ISSUE:**

**Flooding**

Flood Risk Maps.

**RESPONSE:**

See **Annexure 19**.

**ISSUE:**

**Ecology**

In Stream Ecological Assessment.

**RESPONSE:**

See **Annexure 9**.

**ISSUE:**

**Remove Transmission Line Easement and Infrastructure from Lot 1001**

**RESPONSE:**

No infrastructure is proposed in Lot 1001 other than bunding for a stormwater detention basin. Details are contained in **Annexures 8, 9 and 19**.

In relation to the existing transmission line easement, Essential Energy has advised that it is not prepared to extinguish the easement (see **Annexure 27**) however, Essential Energy is prepared to consider relocating the easement to the Broadwater Parkway corridor.

Within Altitude Aspire, Broadwater Parkway road reserve is proposed at 20m wide which would provide sufficient space to locate future underground power lines if required by Essential Energy.

It should be noted that the transmission line easement is existing and Newland has no power to require extinguishment, relocation or otherwise.

**ISSUE:**

**Filling of Farm Dam – Lot 451**

**RESPONSE:**

The Department of Planning and Infrastructure does not support filling of the existing farm dam on this lot and prefers retention of the dam and surrounding vegetation.

Tweed Shire Council is generally not prepared to accept dedication of Lot 451 as a public reserve unless it complies with Council's requirements, which would involve filling of the dam and changing the landform.

Further ecological assessment of the dam and surrounds has been undertaken which conclude that filling of the dam will not have a significant impact. Offsets for the removal of the EEC are proposed. Details are contained in **Annexures 9 and 10**.

**ISSUE:**

**Biodiversity Offsets Package**

**RESPONSE:**

See **Annexures 9 and 10**.

**DEPARTMENT OF PLANNING AND INFRASTRUCTURE LETTER – 4 JULY 2012, ATTACHMENT 1**

**STRATEGIC PLANNING**

**ISSUE:**

**Compliance with Section A1**

**RESPONSE:**

TSC's Section A1 – Residential and Tourist Code applies to buildings such as dwelling houses, residential buildings and tourist accommodation. This Project Application does not seek approval for any buildings. In any case, TDCP2008, Section B24 – Area E prevails over Section A1. Table 3 comprises a Compliance Checklist in relation to applicable provisions of B24.

**ISSUE:**

**TDCP2008, Section A5 – Subdivision Manual**

**RESPONSE:**

*Tables 4 to 9 of the PPR comprise a Compliance Checklist against Section A5 together with **Annexure 11** which specifically addresses Development Design Specification D6 – Landforming.*

**ISSUE:**

**General Subdivision Layout, Housing Typologies, Structure Plan, Density and Built Form**

Density Protection Plan

**RESPONSE:**

See **Annexure 21**.

Density Targets

**RESPONSE:**

*Design Principle 6 comprises a Table which identifies target yields. Table 3 of the Preferred Project Report contains a table addressing compliance with Design Principle 6 and justifying the minor noncompliance with the target yields.*

**ISSUE:**

**Dwelling Types/Slopes/Structural System**

**RESPONSE:**

See **Annexure 21**.

**ISSUE:**

d) Solar Access and Lot Orientation

**RESPONSE:**

See **Annexure 21**.

e) Road Frontages in Cul-De-Sacs

**RESPONSE:**

See comments above.

f) Road Frontages

**RESPONSE:**

See comments above.

g) Community Management Statement

**RESPONSE:**

*See comments above.*

**ISSUE:**

**Transport and Access**

Road Orientation

**RESPONSE:**

*Council has advised by emails dated 31 July 2012 and 16 November 2012 (**Annexure 23**) that road orientation is not an issue subject to Newland demonstrating that acceptable road grades can be achieved in accordance with TDCP2008, Section A5 – Subdivision Manual.*

*The amended Engineering Plans at **Annexure 11** demonstrate that compliant gradients can be achieved and in effect, the road alignments are the only feasible option to achieve compliant road gradients given the difficult terrain.*

Inconsistence with the Traffic Report and Engineering Plans

**RESPONSE:**

*See revised **Annexures 11 and 15**.*

Road Hierarchy of Proposed Roads 1 to 5

**RESPONSE:**

*See revised **Annexure 15**.*

Roads and Footpaths

**RESPONSE:**

*See revised **Annexures 11 and 15**.*

Staging of Construction of the Road Network

**RESPONSE:**

*See revised **Annexures 11 and 15**.*

Fraser Drive Access Point

**RESPONSE:**

*See revised **Annexures 11 and 15**.*

#### Bus Stops

##### **RESPONSE:**

See revised **Annexures 11 and 15.**

#### Traffic Bollards

##### **RESPONSE:**

*The proposal to install traffic bollards temporarily at the end of Parkes Lane and Market Parade has been deleted from the final PPR.*

#### Garbage Vehicles

##### **RESPONSE:**

See revised **Annexure 15.**

#### Car Parking at the Community Facility

##### **RESPONSE:**

See revised **Annexure 15.**

##### **ISSUE:**

#### **Landforming and Cut and Fill Provisions**

#### Subdivision Design

##### **RESPONSE:**

*See amended Subdivision Layout at **Annexure 4** see Council's emails of 16.11.12 and 31.07.12 indicating general support for the revised landforms and layout (**Annexure 23**).*

#### Cut/Fill Development Controls

##### **RESPONSE:**

See Section A5 and B24 Compliance Tables at Sections 3.1 and 3.2 of the PPR.

#### Cut/Fill Plan

##### **RESPONSE:**

See **Annexure 11.**

#### Terracing and Retaining Walls

##### **RESPONSE:**

See **Annexure 11.**



DCP Requirements of A5 and B24

**RESPONSE:**

*See Sections 3.1 and 3.2 of the PPR.*

Documentation Consistency

**RESPONSE:**

*All reports and plans are considered to be consistent.*

**ISSUE:**

**Ecological Considerations and the Conservation Area**

Buffer to SEPP14 Wetland

**RESPONSE:**

*The revised proposal eliminates all infrastructure from within the land north of Broadwater Parkway with the exception of the transmission line easement which Essential Energy requires in its present position unless arrangements can be made to relocate the corridor within the Broadwater Parkway road reserve. See comments above in relation to this issue.*

*In relation to water quality, the revised **Annexure 8** demonstrates that water quality discharging into the SEPP14 wetland within Lot 227 achieves the required standards. In relation to quantity, **Annexure 19** confirms that there is a legal right to discharge stormwater into the existing watercourse and therefore the consent of the owner of Lot 227 is not required.*

Wetland Hydrology

**RESPONSE:**

*Potential impacts on wetland hydrology are addressed in **Annexure 9**.*

Vegetation Management and Rehabilitation Plan

**RESPONSE:**

*See revised Vegetation Management and Rehabilitation Plan at **Annexure 10**.*

Offsets for Vegetation Lost

**RESPONSE:**

*See **Annexures 9 and 10**.*

Filling in the Dam and Conservation of the Lower Land Rainforest at Lot 451

**RESPONSE:**

*See **Annexures 9 and 10**.*

### In Stream Assessment

#### **RESPONSE:**

See **Annexure 9**.

### Infrastructure in the Conservation Area

#### **RESPONSE:**

See comments above.

#### **ISSUE:**

### **Open Space and the Public Domain**

#### Casual Open Space Requirements

#### **RESPONSE:**

See comments at Section 3.4.

### Drainage and Water Quality Facilities in Parks

#### **RESPONSE:**

See **Annexure 5**.

### Interface Detail

#### **RESPONSE:**

See comments above regarding interface between Lot 701 and the adjacent drainage reserve. All other public reserves have a public road interface of generally 50% of the perimeter of the reserve, in accordance with TDCP2008, Section A5.

### Dedication of Public Reserves and Landscaping to Council

#### **RESPONSE:**

All proposed casual open space areas which are claimed as usable will be dedicated and embellished in accordance with the Design Standards contained in Section A5. Open space areas which comprise buffers (eg. to Broadwater Parkway) will simply be constructed to a maintainable standard.

It is unreasonable to require the PPR to address the maintenance costs of the central drainage corridor as it depends on the standard to which Council will want it maintained in perpetuity. However, the proponent is prepared to maintain the area for a period of at least two years after the date on which the lots are created and dedicated as drainage reserves or public reserve. This commitment is included in the revised SOC.

### Street Tree Planting

#### **RESPONSE:**

*See comments above.*

### Open Space and Public Domain

A combination of active and embellished casual open spaces should be provided.

#### **RESPONSE:**

*It is not clear what is meant by a combination of active spaces means. Active open space comprises sports fields, none of which are to be provided on Altitude Aspire under the provisions of Section B24. As indicated in Section 3.4, compliant casual open space will be dedicated and embellished on site to comply with the provisions of Section A5.*

*An amended Landscape Master Plan for the site accompanies this PPR (**Annexure 5**) and detailed Landscaping Plans for all public reserves and drainage reserves will be provided with the Construction Certificate Application in accordance with normal practice.*

### Embellishment in Public Open Space

Entry features or gateway markers as required by B24, Figure 2.1 and Control 2.2.

#### **RESPONSE:**

*See **Annexure 5**.*

#### **ISSUE:**

### **Infrastructure**

### Relocation of Proposed Detention Storage Area/Bund

#### **RESPONSE:**

*See revised **Annexures 8, 9 and 19**.*

### Lawful Point of Discharge

#### **RESPONSE:**

*See revised **Annexure 19**.*

### Errors/Misdescriptions in the Hydrologic and Hydraulic Assessment Report

#### **RESPONSE:**

*See revised **Annexure 19**.*

Stormwater Assessment and Management Plan

**RESPONSE:**

See **Annexure 8**.

Construction Staging of Stormwater Management

**RESPONSE:**

See **Annexures 8 and 11**.

Detailed Engineering Plans

**RESPONSE:**

See **Annexure 11**.

Council Acceptance of Infrastructure

**RESPONSE:**

See comments above.

**ISSUE:**

**Acoustic Wall**

**RESPONSE:**

See comments above.

**ISSUE:**

**Noise from Community Facility.**

**RESPONSE:**

See comments above.

**ISSUE:**

**Waste Management Plan**

**RESPONSE:**

See comments above.

**ISSUE:**

**Voluntary Planning Agreement**

**RESPONSE:**

*See comments in Table 1 of the PPR.*

Flooding

**RESPONSE:**

*See Annexure 19.*

Groundwater Assessment

**RESPONSE:**

*See Annexure 19.*

**DEPARTMENT OF PLANNING AND INFRASTRUCTURE – 7 JULY 2012**

**ISSUE:**

**Dam Retention**

**RESPONSE:**

*See comments above.*

**ISSUE:**

**Electricity Easement**

**RESPONSE:**

*See comments above.*

**ISSUE:**

**Acoustic Protection Along Fraser Drive**

**RESPONSE:**

*See comments above.*