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BANORA POINT & DISTRICT RESIDENTS ASSOCIATION Inc.



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Friday, 1 April 2011

The Manager,
Major Projects Assessment,
Department of Planning,
GPO Box 39,
SYDNEY, NSW 2001

**Re: DEP Reference 09_0166
Altitude Aspire 321 Lot Subdivision, Fraser Drive, Terranora.**

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 it's meeting of 7th 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 1st 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:

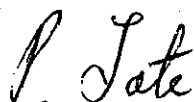
1. Access to and from the estate has not been determined.
2. The access corridor proposed under Tweed LEP 2000 appears to have been abandoned without justification.
3. No costings for the road can be assessed in the absence of design plans.
4. Method of payment for the road and time of construction are 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.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'P. Tate'.

PAT TATE
Secretary

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Kirkwood Road extension update

The 15 February Council meeting received an update from Council officers on the Kirkwood Road extension project.

Council was informed that the detailed cost estimate for the eastern works portion has increased by \$2.53 million to \$13.439 million and there was potential for further increases due to issues such as geotechnical stability.

The project is running two months behind schedule due to poor weather, statutory timeframes on cultural heritage matters and delays from specialist consultants' reports.

The final cost estimate will be known when tenders for construction have been received.

Public exhibition of the Part V development application has been held and submissions closed on 21 February.

There has been extensive community consultation with affected residents and community groups, with more meetings planned early this month.

Kirkwood Road in Tweed Heads South is being extended to create a more efficient road network. The extended road will provide another access to the Pacific Highway and the South Tweed business precinct, relieving pressure from Minjungbal Drive.

The project is the first stage of the Pacific Highway Road Network Master Plan, to deal with the Tweed's growing population.

Construction of the eastern section of Kirkwood Road, from Falcon Way to the Pacific Highway, is anticipated to start in the first half of 2011.

For more information on the project, go to Council's website www.tweed.nsw.gov.au and click on 'Kirkwood Road Extension'.

Council's quarterly report reveals project activity

At its February meeting, Council considered and adopted the Quarterly Management Plan incorporating the 7 Year Infrastructure and Services Plan report for the period 1 October to 31 December 2010.

A snapshot of Council projects over this time includes:

- A commercial kitchen was installed at Crystal Creek Hall.
- 25 kilometres of cane drain were planted and maintained within the Jobs Fund Cane Drain Project.
- Plastic Bag Free Town scheme was adopted by Tumbulgum, with Stokers Siding and Crabbes Creek underway.
- 1.5kw solar systems were installed on Uki Sports Clubhouse and Crystal Creek Community Hall.
- 2.5 kilometres of creek banks are under rehabilitation at Tyalgum Water Treatment Plant, Tyalgum Waste Water Treatment Plant, Uki Waste Water Treatment Plant and the proposed Moobali Burringbar Waste Water Treatment Plant. Cattle have been excluded from waterways and riparian areas are being rehabilitated through replanting and weed control.
- South Tweed Skate Park CCTV system was implemented.
- 558,964m³ of landfill gas was captured.
- 1886 tonnes of green waste were processed.
- 40 per cent of domestic waste is being recycled which has greatly exceeded the target of 25 per cent. This has increased the recycling per capita to 36 kilograms which is more than double the target of 14 kilograms.
- The average time to process Construction Certificates was 11 days which is under the target of 14 days.
- 21 complying development approvals were determined with an average time to process these of only four days, which is six days less than the timeframe set by the Department of Planning.
- Smart phone application mobile was released at m.tweed.nsw.gov.au
- 12 kilometres of re-sheeting to unsealed roads was completed.
- 98,000m² of sprayed seals were resurfaced.
- Over 35,000 visits to the Tweed's three swimming facilities.
- CCTV inspection of sewer mains to detect maintenance issues completed for areas of Murwillumbah, Tweed Heads, Banora Point and Kingscliff.
- 943 metres of new footpath was installed and 741 metres of cycleway.
- 11 floodgates were repaired or maintained.



Planning

EXHIBITION OF ENVIRONMENTAL ASSESSMENT

09 0166 Altitude Aspire, Fraser Drive, Terranora

Application No. 09_0166

Location Lot 1 DP 304649, Lot 1 DP 175235, Lot 1 DP 781687, Lot 2 DP 778727, Lot 1 DP 781697, Lot 1 DP 169490, and Lots 40 & 43 DP 254416, at Fraser Drive, Terranora.

Proponent Newland Developers (formerly Metricon Queensland) Pty Ltd

Council area Tweed

Approval Authority Minister for Planning

Description of proposal

The proponent seeks project approval for a 321-lot community title subdivision comprising 317 Residential lots, one community association lot (Lot 711), public reserves (Lots 436 and 710) and one drainage reserve lot (Lot 630) and the provision of all usual urban infrastructure including reticulated water, sewer, stormwater, power and telephone. Bulk earthworks across the site will also be required to create the proposed final landform.

A temporary road access is proposed to Fraser Drive to service the first stages of the subdivision. Approval is also sought for the construction of a temporary site sales office on proposed Lot 1103 and a community clubhouse on proposed Lot 711

Exhibition

The Environmental Assessment (EA) for the application will be on public exhibition from Friday 25 February 2011 until Monday 4 April 2011 during regular business hours at:

- Department of Planning, Information Centre, 23-33 Bridge Street, Sydney, NSW;
- Tweed Shire Council, Murwillumbah Office, Civic & Cultural Centre, Tumbulgum Road, Murwillumbah, NSW;
- Tweed Shire Council, Tweed Heads Branch Office, Brett Street, Tweed Heads, NSW; and
- Kingscliff Public Library, Turnock Street, Kingscliff, NSW.

Submissions

Submissions on the project must reach the Department by close of business on Monday 4 April 2011. Your submission should include:

- Your name and address;
- The name of the application and the application number (09_0166);
- A statement on whether you support or object to the project, and
- The reasons why you support or object to the project.

Your submission should be either:

- Online via the entry for the project on the Department's website (majorprojects.planning.nsw.gov.au);
- Posted to Major Projects Assessment, Department of Planning, GPO Box 39, SYDNEY NSW 2001; or
- Faxed to (02) 9228 6455.

Persons lodging submissions are required to declare reportable political donations (including donations of \$1000 or more) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations

Under section 75H of the *Environmental Planning and Assessment Act 1979*, the Director-General is required to provide copies of submissions received during the exhibition period, or a report of the issues raised in those submissions, to the Proponent and other interested public authorities. It is Departmental policy to also place a copy of your submission on the Department's website. If you do not want your name to be made available to the Proponent, these authorities, or on the Department's website, please clearly state this in your submission.

Enquiries

1300 305 695 or information@planning.nsw.gov.au