

STATE ENVIRONMENTAL PLANNING POLICY NO. 1 OBJECTION

I, Damian Chapelle of Newton Denny Chapelle of 31 Carrington Street, Lismore on behalf of the proponent & property owner, object pursuant to Clause 6 of State Environmental Planning Policy No. 1 to the development standard relating to the requirement for a minimum lot size of 450m² for subdivision upon land described as Portions 194, 301 and 312 Kings Beach South Kingscliff under Schedule 3 of the Tweed Local Environmental Plan 2000.

I contend that the development standard prescribed within Schedule 3 of the Tweed Local Environmental Plan 2000 is unreasonable and unnecessary in the circumstances of the subject case. Furthermore, I am of the view that the proposed development raises no matters of adverse significance in local, regional or state terms and no public benefit will result from the maintenance of the subject development standard in this case.



Damian Chapelle
Town Planner BTP CPP

STATE ENVIRONMENTAL PLANNING POLICY NO. 1:

APPLICATION FORM

The following information should be supplied by the applicant and represented to the Council with the development application. Council staff might assist you in obtaining this information. Attach further documentation wherever necessary.

1. *What is your application for?*

Consent is sought for the following development:

Staged integrated housing development comprising 18 residential dwellings, community building, car parking, 19 lot community title subdivision with pathway to public open space at Lot 238 DP 1070792 Salt Water Crescent and Lot 86 DP 1066472 Elliston Street, Kingscliff.

2. (a) *Where is your land located?*

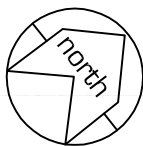
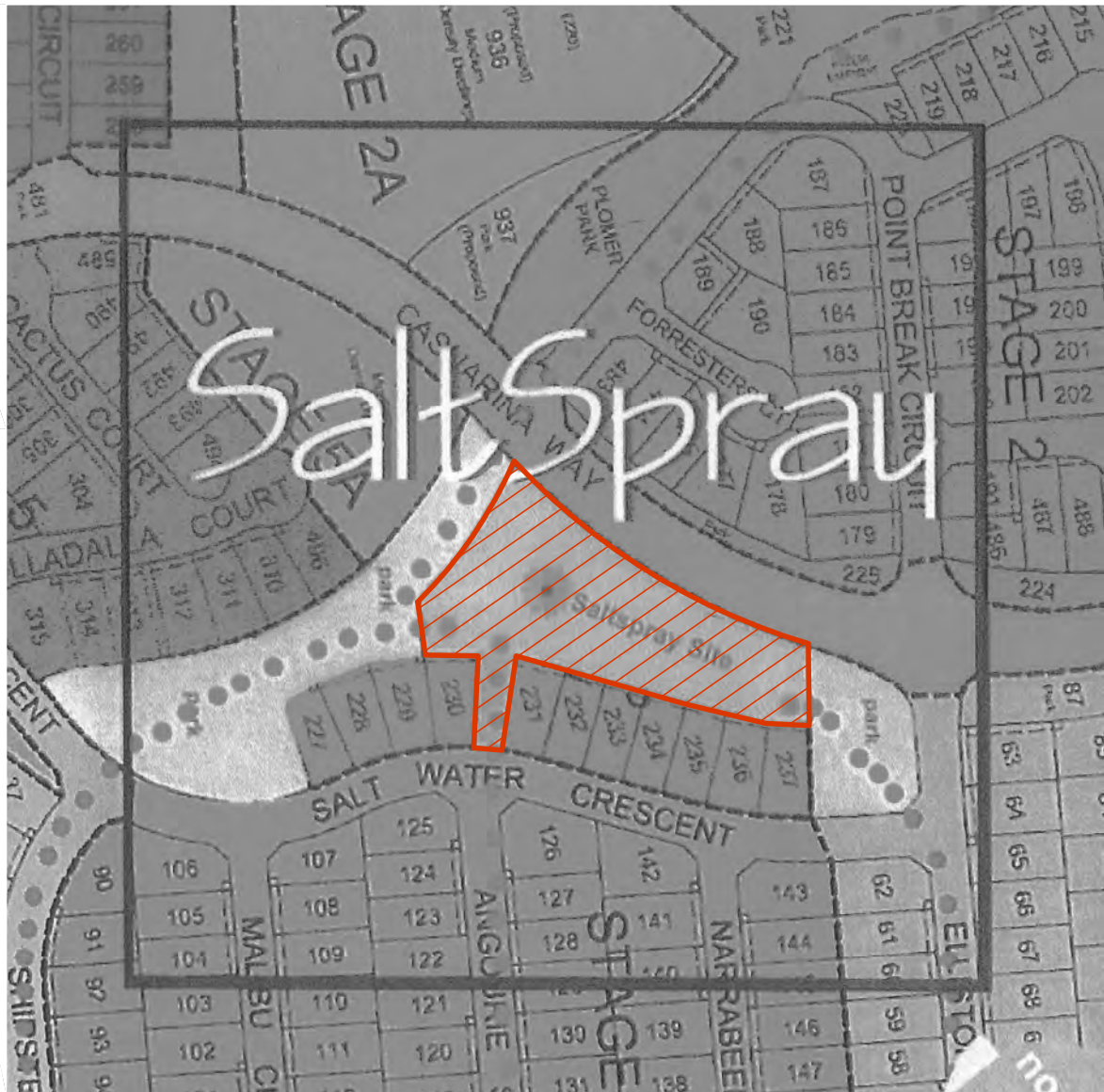
The property is located on Casuarina Way between the Saltwater Crescent and Elliston Way. The land, the subject of the residential development proposal, is detailed in a local context within **Plan 1** of this application.

The site enjoys a 125.2 metre frontage to Casuarina Way and 9 metre frontage to Salt Water Crescent.

The surrounding land use comprises a mixture of open space and residential development. Residential development adjoins the site to the east with two storey detached dwellings fronting Salt Water Crescent. Open space lots are located to the north and south of the site (Lot 239 DP 1070792 & Lot 86 DP 1066472).

3. *What is the zoning of your land under the present planning instrument of your shire?*

The subject property is zoned 2(f) Tourism pursuant to clause 11 of the Tweed Local Environmental Plan 2000 (TLEP).



PLAN 1 - LOCATION PLAN
 LOT 238 DP 1070792
 SALT WATER CRESCENT KINGSCLIFF
 FOR:
 SALT 3 PTY LTD

Newton Denny Chapelle

CONSULTING SURVEYORS & PLANNERS

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4. *What are the "aims and objectives" of this zone?*

The 2(f) Tourism zone contains several objectives which are relevant to the subject proposal. The objectives are below with the proposal's response to these objectives.

Primary objectives

- *to encourage integrated tourist development and uses associated with, ancillary to or supportive of the tourist development, including retailing and service facilities, where such facilities are an integral part of the tourist development and are of a scale appropriate to the needs of that development.*
- *to ensure that prime sites are developed for the best use and fulfil their economic and employment generating potential for the area.*

Secondary objective

- *to permit high quality residential development as being integral and supportive of the primary intent of this zone (tourist orientated development) in terms of design and management structure and only at a scale which enhances the proposed tourist resort character.*

5. (a) *What is the "development standard" to be varied?*

Schedule 3 of the TLEP contains the following development standard.

If a subdivision is proposed to create an allotment for a dwelling house as part of the proposed development then such allotment must have a minimum area of 450m².

(b) *Why is the standard unreasonable or unnecessary in your circumstances?*

The upholding of the prescribed 450m² minimum lot size is considered to be both unreasonable and unnecessary in this instance based on the following grounds.

- The subject land permits integrated housing for which the proposal satisfies the prescribed density under the Tweed DCP 2008 - Section A1.
- The proposal is consistent with the land use definition for integrated housing and permissible under the Tweed LEP 2000.

- The proposed lots reflect the proposed built form and as such are compatible with the strategic planning for the site and other integrated housing in the surrounding Salt Estate.
- The proposal provides an acceptable form of housing which adds to the variety of housing choice within the Salt Estate and wider community.
- The property is well placed in location relative to key community, educational and commercial services.
- The subdivision will not result in any irreversible environmental impact.
- The proposal is consistent with the provisions of Clause 43 of the NCREP (Deemed SEPP) in so far that it maximises the density without affecting the environmental features of the site.

(c) *Is your application consistent with the objectives of the standard? Why?*

The proposed development seeks to meet the need for housing in Tweed by providing a variety in housing choice in an area close to existing services and infrastructure.

The proposed architectural design will provide a high quality residential development which compliments the existing retail, service and tourist facilities located within the immediate surrounding locality.

The community title scheme associated with the development provides a tourist like structure to the multi dwellings, through the managed neighbourhood statement and community facilities.

The proposed landscaping will contribute to the visual amenity of the locality through the use of landscape species, colours and shapes commonly found in the natural landscape within the coastal environment of Salt and will therefore contribute positively to the quality of the residential development.

The proposed development is considered to be consistent with the zone objectives relating to 2(f) Tourism zone.

6. *What are the possible environmental impacts of your proposal? Will it involve removal of trees and/or native vegetation; destruction of wildlife habitats/corridors or wetlands; or erosion due to necessary earthworks?*

No removal of native vegetation is required or proposed by virtue of the proposed integrated subdivision.

7. *Describe any natural hazards which affect or may affect your land.*

It is submitted that no natural hazards are known to affect the subject land that could impact the proposed subdivision.



Damian Chapelle

Town Planner BTP CPP