



Our Ref: 01231

26th February 2010

**The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484**

Attention: Mr. Adam Henson

LN: 24737

TWEED SHIRE COUNCIL	
FILE No:	DA09/0685 PT. 1
ECC. No:
RECD:	- 4 MAR 2010
ASSIGNED TO:	HENSON, A
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

**Development Application – Two (2) Lot Subdivision
DA 09/0685
Lot 2 in DP772129
Hogans Road, Bilambil**

Dear Sir,

10291649

We refer to the above and correspondence tendered to the Tweed Shire Council by the Department of Planning on the 17th December 2009.

In this regard we have liaised with the Department and described to them the particular circumstances of this application, namely the physical parameters of the site that have led the design of the proposed subdivision. The department has invited us to put these particular circumstances in writing so as to allow for a review of their concurrence determination.

We have also discussed this with the proponent and in line with the Department's request, we wish to advise as follows:-

1. The subdivision design submitted reflects the physical limitations of the land in that the common boundary proposed follows a distinct ridge line (escarpment) that is not trafficable. This ridge line (escarpment) also, as is common in these circumstances, effectively differentiates the agricultural lands (which are located on proposed Lot 1) from those lands that are largely vegetated and therefore, in addition to the escarpment constraint, are unable to be utilised for agricultural purposes. That said, the smaller lot (proposed Lot 2) has however some distinct value in remaining in a smaller separate parcel for reasons of limiting the fragmentation of those lands with environmental value.
2. Perhaps the most critical consideration with respect to the siting of the proposed boundaries is that there is absolutely no way of accessing proposed Lot 1 from proposed Lot 2 and vice versa. This clear separation makes the retention of any land within proposed Lot 2 that is north of the existing escarpment as unviable and therefore potentially leading to the ultimate mis-management of the land and certainly a reduced ability to farm those lands capable of same. Indeed, it is pertinent to note that should proposed Lot 2 be increased in size by way of including lands north of the escarpment line, then the owners of proposed Lot 2 would then need to travel by car 4.4km to the road frontage of proposed Lot 1, before then

NEW SOUTH WALES

Kingscliff
PO Box 1623, Kingscliff NSW 2487
Level 2, Kingscliff Central, 11-13 Pearl Street, Kingscliff
Telephone: (02) 6674 5001
Facsimile: (02) 6674 5003
E-mail: info@planitconsulting.com.au

QUEENSLAND

Gold Coast
PO Box 206, Nobby Beach QLD 4218
Level 1, 2247 Gold Coast Highway, Nobby Beach
Telephone: (07) 5526 1500
Facsimile: (07) 5526 1502
E-mail: admin@planitconsulting.com.au

NORTHERN TERRITORY

Darwin
GPO Box 800, Darwin NT 0801
Telephone: 1800 083 622
E-mail: admin@planitconsulting.com.au

ABN 20 099 261 711

accessing presumably a right of carriageway of approximately 1km length in order to gain access to the lands just north of the existing escarpment. It is considered therefore that to impose an area restriction greater than that proposed upon Lot 2 would effectively (or at least practically) sterilise a significant proportion of viable agricultural lands north of the escarpment for no practical benefit.

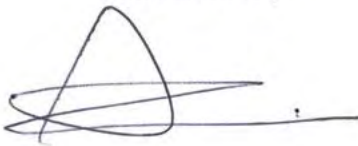
3. The proponent has asked that we also make it clear to the Department and Council that he has no intention of further subdividing the subject lands.

We acknowledge the concerns raised by the Department and the potential for further subdivision. We also acknowledged that there is no clear mechanism to limit the lodgement of future applications. We would however be amiable to a condition of consent that clearly states that no future subdivision of Lot 1 is allowed, whilst ever the 40ha development standard remains. This will at the very least give some level of comfort in respect of the potential for future development.

We have assumed that this correspondence will be forwarded direct to the Department of Planning and hence we have not copied this letter to the Department.

If you have any questions relating to the Development Application, please don't hesitate to contact our office on 02 6674 5001.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Adam Smith', with a horizontal line extending to the right.

Adam Smith
Director
Planit Consulting Pty Ltd

Attachment – proposed subdivision plan



NSW GOVERNMENT
Department of Planning

Contact: Gina Davis
 Phone: 02 6701 9687
 Fax: 02 6701 9690
 Email: gina.davis@planning.nsw.gov.au

Mr M Rayner
 General Manager
 Tweed Shire Council
 PO Box 816
 MURWILLUMBAH NSW 2484

Our ref: G09/01510-1
 Your ref: DA09/0685

Attention: Mr Adam Henson

17 December 2009

24737

TWEED SHIRE COUNCIL	
FILE No:	DA09/0685 A1
DOC. No:	
RECD:	21 DEC 2009
ASSIGNED TO:	HENSON, A
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

Dear Mr Rayner

Subject: Application Under State Environmental Planning Policy No 1 for a 2 Lot Subdivision of Lot 2 DP 772129, Hogans Road, Bilambil.

Thankyou for your letter of the 18 November 2009 in which you seek the Director-General's concurrence to the development of the above land and also your letter of 26 November 2009 where your concern regarding the proposal is expressed. 9237822 9421770

The lot as it currently exists is 95.23ha. This would enable a two lot subdivision that met the minimum lot size of 40ha for the zone. The application argues however that the proposed lot sizes will ensure the maintenance of the agricultural value of the property whilst also protecting the scenic ridgeline and quality of the wildlife corridor. The application as it currently stands would result in an approximate 52% variation to the standard.

We are concerned that if we were to approve concurrence of the application in its current form, a real potential exists for proposed Lot 1 to be further subdivided at some future date. Any such application would enable the concurrence of the Department to be assumed as it would fall under the 10% variation requirement. Should this occur, it is considered likely that the end result would be contrary to the aims and objectives of the zone as well as the planning principles of the Rural Lands SEPP (2008).

The Department has enclosed two (2) suggested options which Council should discuss with the applicant. In such discussions, Council should bear in mind that the Department's preference is Option 2 as it will create lot sizes closer to the standard whilst reducing the possibility of the future fragmentation of proposed Lot 1

Your comments on these issues would be appreciated before a final decision on concurrence for the application is made. Accordingly, the concurrence period prescribed by clause 62(1) of the Regulation will be extended by the operation of clause 110(1) until the information requested above has been forwarded to us.

Yours sincerely

Gina Davis
 Senior Planner
 Northern Region

Option 1 – Proposed Lot 2 (approx 27 ha)



Option 2 – proposed Lot 1 (approx 38 ha)

