

DETERMINATION AND STATEMENT OF REASONS

NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 13 December 2017
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow and John Byrne
APOLOGIES	Ned Wales
DECLARATIONS OF INTEREST	Stephen Phillips declared a perceived conflict of interest due to his professional work in relation to the site.

Public meeting held at Tweed Heads Administration Building on Wednesday, 13 December 2017, opened at 10:00 am and closed at 11:50 am.

MATTER DETERMINED

2016NTH009 – Tweed Shire – DA16/0056 AT Piggabeen Road, Cobaki Lakes (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

REASONS FOR THE DECISION

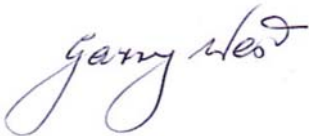

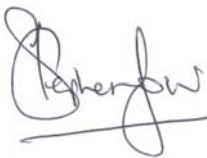

The reasons for the decision of the Panel were:

- The deferred commencement matters were deemed acceptable;
- The conditions of consent as amended adequately control and manage any potential impacts arising from the proposed development;
- There is no potential contaminated land in relation to Precincts 6 & 7 therefore the requirements of SEPP 55 Remediation of Land were satisfied;
- The proposed subdivision satisfies the requirements of Infrastructure SEPP – Traffic Generating Development; and
- The relevant clauses of the Tweed LEP 2014 were adequately considered in the assessment report and the subdivision was considered to be acceptable.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Deferred Commencement (Condition 1(o)) was amended to reflect the potential dedicated bus stops will not be restricted to Road 2 but to include alternative internal routes.
- Condition 27 was amended to reflect the requirement that safe public access is required during and post construction.
- Condition 128 was amended to change the timing as to when the bond/guarantee is required to be lodged for rehabilitation works as required under the Site Regeneration and Revegetation Plan.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Stephen Gow	 John Byrne

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016NTH009 – Tweed Shire – DA16/0056
2	PROPOSED DEVELOPMENT	Concept Development Application under Section 83B of the EP&A Act 1979 for the development of Precincts 6, 7, 8, 9, 10, 11 & 12 – Cobaki Lakes, Stages 2 and 3 – Subdivision of part Precinct 6 and part Precinct 7 comprising 452 residential lots, 8 public open space lots, 1 school lot, residual lots and associated infrastructure.
3	STREET ADDRESS	Piggabeen Road, Cobaki Lakes
4	APPLICANT OWNER	LEDA Manorstead Pty Ltd C/- Planit Consulting Pty Ltd LEDA Manorstead Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development with a CIV of more than \$20 million and coastal subdivision of land into more than 100 lots.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy No 44 – Koala Habitat Protection • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 71 – Coastal Protection • State Environmental Planning Policy (Infrastructure) 2007 • Tweed Local Environmental Plan 2014 • Tweed Development Control Plan 2008 • Tweed Shire Coastline Management Plan 2005 • Coastal zone management plan for Cobaki and Terranora Broadwater. • Clause 92(a) Governmental Coastal Policy • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 30 November 2017 • Written submissions during public exhibition: none • Email from Council relating to discussions with the applicant regarding the draft conditions • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – None ○ Object – None ○ On behalf of the applicant – Reg van Rij (Leda's Regional Manager – Residential) and Dale Scotcher (Leda's Development Manager)

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and final briefing meeting to discuss council's recommendation, 13 December 2017, 8:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry West (Chair), Pamela Westing, Stephen Gow and John Byrne ○ <u>Council assessment staff</u>: Colleen Forbes (Team Leader Development Assessment); Mick Denny (Senior Development Engineer); Danny Rose (Manager Roads & Stormwater); Brad Pearce (Team Leader Environmental Health); Peter Pennycuik (Senior Engineer – Planning & Assets); Leon McLean (Flooding & Stormwater Engineer) and Grahame Burton (Open Space Officer).
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report