MIDCOAST council

Memo

To	Hunter Central Coast Regional Planning Panel
From	Lisa Proctor, Development Planner MidCoast Council
Date	15 June 2021
Subject	PPSHCC-14 – 90 Viney Creek Road Tea Gardens

Please find below additional information pertaining to the proposed 226 lot subdivision at 90 Viney Creek Road Tea Gardens.

Reasons for refusal:

1. The applicant has not demonstrated that satisfactory arrangements have been made for the provision of designated State public infrastructure and has therefore been unable to comply with Clause 6.1 of *Great Lakes Local Environmental Plan 2014*.

2. In accordance with Section 4.15 of the *Environmental Planning & Assessment Act 1979* the applicant has failed to demonstrate that the subdivision design will not result in unacceptable visual, amenity and privacy impacts on neighbouring properties at the interface of the development along the southern boundary.

Land acquisition process relating to Lot 3 DP 1154170:

The dispute over the valuation of the land has meant that the land acquisition process relating to the applicant's purchase of Lot 3 DP 1154170 has not been resolved. This has delayed the provision of satisfactory arrangements for State public infrastructure. The following is a timeline of negotiations relating to Lot 3:

2006 - Resolution by Great Lakes Council to close road with intention that it be transferred to the adjoining owner.

2007 – Registration of road closure plan: Lot 1 DP 1105446 – 5.345 ha.

2010 – Subject land integrated into DP 1154170 becoming Lot 3; area now 5.268 ha.

April 2018 – Applicant contacted MCC regarding potential acquisition of Lot 3 and Council advised that a valuation of Lot 3 would be obtained for the purpose of considering the acquisition.

September 2018 – Valuation Report by Country Coast Valuers was issued to the applicant. The 5.345 ha of land was valued at $325,000 exclusive of GST.

August 2020 – Applicant requested transfer of Lot 3 for purposes of Development Application DA-100/2019. Council's Valuers instructed to provide updated valuation.

13.11.2020 – MCC gave owners consent to lodge an application with DPIE for a State VPA (SVPA) for the development, which included Lot 3. Council confirmed with the applicant that no agreement to transfer land was in place and Council was still waiting on an updated valuation.

09.03.2021 – Applicant advised Council that the delay in resolving the land transfer was impacting the SVPA and that the SVPA is delaying the JRPP determination. Council invited the developer to make an offer (pending finalisation of valuation). Also indicated that, subject to agreement being reached, a report could go to Council for resolution in April / May 2021.

15.03.2021 – Applicant offered $136,000 and requested that Council provide a copy of most recent valuation.

17.03.2021 – Council provided valuation to applicant showing $325,000 which would have to form the basis of the report to Council at that point in time. Applicant did not accept Council's valuation and indicated that an alternative valuer would be engaged to carry out another valuation.

27.04.2021 - Council chased up the alternative valuation and indicated that potentially, if agreement was reached within 10 days, a report could be prepared for 2 June 2021 Council meeting.

07.05.2021 – Applicant provided an alternative valuation of $150,000 exclusive of GST.

08.05.2021 – Council wrote to the applicant indicating that the alternative valuation was not acceptable.

10.05.2021 – Applicant requested that a discussion be held regarding valuation dispute resolution process or that MCC agree to be included as a party to the SVPA.

04.06.2021 – MCC received and provided to the applicant an updated valuation of $300,000 exclusive of GST. Council advised, based on acceptance of that valuation, a report could be prepared for 30 June 2021 Council meeting to allow the applicant to acquire the land. The applicant stated that they maintain their dispute with the valuation amount.