COUNCIL ASSESSMENT REPORT

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| **Panel Reference** | PPSNTH-77 | |
| **DA Number** | DA21/0010 | |
| **LGA** | Tweed Shire | |
| **Proposed Development** | Concept Staged Development Application for a Rural Land Sharing Community and associated works over 21 lots which are to be subdivided into 11 lots to allow for 392 dwelling plots over 10 lots to create 10 interconnected Rural Land Sharing Communities (the remaining lot will contain all of the RU5 Village zoned land). | |
| **Street Address** | Lot 4 DP 737440 & Lot 2 DP 1235488, No. 2924 Kyogle Road; Lot 34 DP 755714, No. 2956 Kyogle Road; Lot 121 DP 134446, Lot 1 DP 390311, Lot 5 DP 282299, Lot 2 DP 582300, Lots 1-2 DP 611556, Lots 3, 8, 19, 22, 31-33, 35 DP755714; Lot 1 DP 1183098; Lot 11 DP 1194471 No. 2984 Kyogle Road, Kunghur; Lot 20 DP 755714 & Lot 2 DP 1148316, No. 3222 Kyogle Road, Mount Burrell and unnamed Crown Road reserves | |
| **Applicant/Owner** | Kempcove Pty Ltd, NCV Enterprises Pty Ltd, Peter Van Lieshout, Dolph Cooke, Darko Kovac, Zimmer Land Pty Ltd | |
| **Date of DA lodgement** | 14 January 2021 | |
| **Total number of Submissions**  **Number of Unique Objections** | 225 submissions were received objecting to the proposal. | |
| **Recommendation** | **Refusal** | |
| **Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011** | The applicant lodged the Development Application as regional development in accordance with Schedule 7 clause 2 General development over $30 million and Schedule 7 clause 5 Private infrastructure and community facilities over $5 million of State and Regional Development) 2011. The applicant claimed that the Development Application had a CIV of $37 million and also that the development proposed private infrastructure works exceeding $5 million.  Council sought legal advice which concluded that several items listed in the CIV value are not part of the proposal and consequently reduces the CIV value to below the $30million threshold. The applicant agreed that these items were not to be included and removed them from the CIV and increased the value of other items. The applicant has adjusted the CIV to $39,850,000. | |
| **List of all relevant s4.15(1)(a) matters** | Relevant [environmental planning instrument](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/s4.html#environmental_planning_instrument)s  Tweed Local Environmental Plan 2014  SEPP No. 55 - Remediation of Land  SEPP (Infrastructure) 2007  SEPP (State and Regional Development) 2011  SEPP (Primary Production and Rural Development) 2019  SEPP (Koala Habitat Protection) 2020  Relevant [development control plan](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/s4.html#development_control_plan)  A2-Site Access and Parking Code  A3-Development of Flood Liable Land  A5-Subdivision Manual  A19-Biodiversity and habitat management | |
| **List all documents submitted with this report for the Panel’s consideration** | * Site Plans * Development Plans * Revised CIV * Combined Submissions * Legal advice 1 dated 22 April 2021 * Legal advice 1 dated 7 May 2021 * Legal advice 1 dated 14 May 2021 | |
| **Clause 4.6 requests** | No. | |
| **Summary of key submissions** | * Lack of detail/information * Incorrect CIV * Traffic concerns * Environmental concerns * Social impact * Bushfire risk * Vegetation loss 106ha of native vegetation * Impact on fauna 220ha * Impact on Aboriginal Cultural Heritage | |
| **Report prepared by** | Seth Philbrook Town Planner Development Assessment | |
| **Report date** | 15 July 2021 | |
| **Summary of s4.15 matters**  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | | **Yes** | |
| **Legislative clauses requiring consent authority satisfaction**  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* | | **Yes** | |
| **Clause 4.6 Exceptions to development standards**  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | | **Not applicable** | |
| **Special Infrastructure Contributions**  Does the DA require Special Infrastructure Contributions conditions (S7.24)?  *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | | **No** | |
| **Conditions**  Have draft conditions been provided to the applicant for comment?  *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report* | | **No** | |