

NORTHERN JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS **for decision under the *Environmental Planning and Assessment Act 1979*** **(NSW)**

The Northern Joint Regional Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

grant consent to the development application subject to conditions

for:

Northern expansion to Tweed City Shopping Centre; 38 Minjungbal Drive, Tweed Heads South

JRPP Reference: 2014NTH002 – Council Reference: DA14/0063

made by:

DEXUS Funds Management Ltd

Type of regional development:

The development is referred to the JRPP as it has a capital investment value of more than \$20 million.

A. Background

1. JRPP meeting

Northern Joint Regional Planning Panel meeting held:

Date: Wednesday 18 June 2014

Time: 10.30am

Location: Tweed Heads Civic Centre, 17 Brett Street, Tweed Heads

Panel Members present:

Garry West – chair

John Griffin – panel member

Bruce Clarke – panel member

Ned Wales – panel member

Stephen Phillips – panel member

Council staff in attendance:

David O'Connell

Ray Clark – Traffic Engineer

Peter Ainsworth – Environmental Health Officer
Lindsay McGavin – Manager, Development Assessment

Declarations of Interest:

NIL

2. JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Northern Joint Planning Panel (the Panel), which covers the Tweed Shire Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s23G(2)(a) of the Act], which in this case is the *State Environment Planning Policy (State and Regional Development) 2011*.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

3. Procedural background

A site inspection and a final briefing was undertaken by Garry West, Bruce Clarke, John Griffin, Ned Wales and Stephen Phillips on 18 June 2014.

A Supplementary Report dated 16 June 2014 was submitted responding to comments by the Applicant on the draft conditions and a new set of consolidated recommended conditions was also provided on the same day.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act 1979

s.79C (1) Matters for consideration—general

(a)(i) the provisions of the following environmental planning instruments:

- State Environmental Planning Policy (SEPP) No. 1 - Development Standards
- State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land
- State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage
- State Environmental Planning Policy (SEPP) No 71 – Coastal Protection
- State Environmental Planning Policy (SEPP) (Infrastructure) 2007
- State Environmental Planning Policy (SEPP) (North Coast Regional Environmental Plan) 1988
- Tweed Local Environmental Plan 2000

a(ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

- Draft Tweed Local Environmental Plan 2012
- Please note this was gazetted (as amended) on 4 April 2014 as the Tweed Local Environmental Plan 2014.

(a)(iii) the provisions of the following development control plan:

- Tweed Development Control Plan Section A2-Site Access and Parking Code
- Tweed Development Control Plan Section A3-Development of Flood Liable Land
- Tweed Development Control Plan Section A4-Advertising Signs Code
- Tweed Development Control Plan Section A11-Public Notification of Development Proposals
- Tweed Development Control Plan Section A13-Socio-Economic Impact Assessment
- Tweed Development Control Plan Section A15 – Waste Minimisation and Management
- Tweed Development Control Plan Section B2-Tweed Heads

(a) (iiia) the provision of relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F (see s 79C(1)(a)(iv)).

- Not applicable

(v) any coastal zone management plan

- Tweed Shire Coastline Management Plan 2005
- Coastal zone Management Plan for Cobaki and Terranora Broadwater

(iv) relevant regulations:

- Clause 92(a) Government Coastal Policy
- Clause 92(b) Applications for demolition
- Clause 94 Buildings to be upgraded

The Panel was provided with 4 submissions of objection relating to the proposal made in accordance with the Act or the regulations. In making the decision, the Panel considered all of those submissions.

In making the decision, the Panel also considered the following material:

1. Council's Assessment Report on the application received on 4 June 2014.
2. Council's Supplementary Report dated 16 June 2014.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 18 June 2014:

1. submissions addressing the Panel against the application:
 - Kevin Gunn – on behalf of Dutchmead Pty Ltd representing the owners of Tweed Gardens
2. submissions addressing the Panel in favour the application:
 - Belinda Hufton – Regional Development Manager, Retail, Dexus
 - David Hoy – Director, Urbis
 - Ed Tang – Director, NH Architecture
 - Andrew Eke – Bitzios (Traffic)

C. Findings on material questions of fact

The Panel has carefully considered all of the material referred to in Section B.

(a) *Environmental planning instruments.* The Panel has noted each of the environmental planning instruments referred to in Section B and Council's assessment of those instruments.

(b) *Development control plan.* The Panel has noted the DCPs referred to in Section B and Council's assessment of the DA under these DCPs.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plans.

(c) *Regulations.* The Panel agrees with and adopt the analysis in Council's Assessment Report in relation to the Regulations.

(d) *Likely environmental impacts on the natural environment.* In relation to the likely environmental impacts of the development on the natural environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the natural environment in Council's Assessment Report.

(e) *Likely environmental impacts of the development on the built environment.* In relation to the likely environmental impacts of the development on the built environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the built environment in Council's Assessment Report.

(f) Likely social and economic impacts. In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

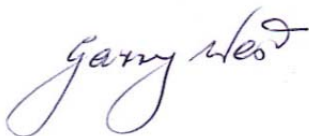
The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development in Council's Assessment Report.

(g) Suitability of site. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(h) Public Interest. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest. In particular, the Panel is of the view that the following matters lead to the conclusion that granting consent to the development application is in the public interest.

D. Why the decision was made:

- The proposed development is considered suitable for the site as it is a permissible form of development and aligns with Council's adopted retail strategy which reinforces Tweed City Shopping Centre as a district shopping centre for the Tweed.
- State Environmental Planning Policy No. 1 objection to Clause 16(2) of Tweed Local Environmental Plan 2000 regarding heights of buildings be supported.
- The proposed development provides facilities in keeping with the population increase locally and for community members of adjacent local government areas to be able to utilise a shopping facility of a regional nature.




Garry West (chair)



John Griffin



Bruce Clarke



Ned Wales



Stephen Phillips