

DETERMINATION AND STATEMENT OF REASONS
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	5 July 2023
DATE OF PANEL DECISION	4 July 2023
PANEL MEMBERS	Dianne Leeson (Chair), Michael Wright, Stephen Gow, Ned Wales, and Pat Miller
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 28 June 2023, opened at 4pm and closed at 4:35pm.

MATTER DETERMINED

PPSNTH-177 – Tweed – DA 22/0515 at 13, 15-17 and 19 Enid Street, Tweed Heads – Two residential flat buildings comprising of 110 units and a swimming pool (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The development application was refused for the reasons listed in attachment A to the Council's assessment report.

In particular, the Panel agreed the bulk, massing and modulation of the buildings is unsatisfactory and results in an adverse impact on the streetscape, exacerbated by the large blank walls surrounding the car parking at ground level.

The Panel also agreed the ground level car parking contributes to an inhospitable pedestrian environment on Enid Street.

The Panel concluded an alternative design could achieve improved outcomes for amenity and solar access to Jack Chard Park, communal open spaces within the site, view corridors for developments to the west, streetscape and pedestrian amenity.



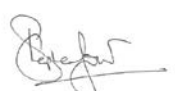
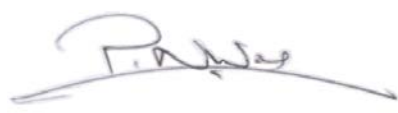

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Construction impacts
- Increase in traffic generation and lack of car parking
- Impacts to visual and acoustic privacy, view loss, natural ventilation and solar access
- Loss of street character, overdevelopment and excessive height
- Overshadowing of the adjoining Jack Chard Park and potential impact to trees in the park

- Lack of setback to the adjoining northern building
- Flooding impacts on the site
- Loss of low cost accommodation
- Driveway sight distance and safety of pedestrians
- Overshadowing of proposed communal open space
- Financial position of the developer
- Potential impacts from wind tunnelling
- Potential for increase in anti-social behaviour
- Potential impacts to the structural integrity of existing infrastructure

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Dianne Leeson (Chair) 	Michael Wright 
Stephen Gow 	Ned Wales 
Pat Miller 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-177 – Tweed – DA 22/0515
2	PROPOSED DEVELOPMENT	Demolition of the existing structures on the site, construction of two (2) and eleven (11) storey residential apartment buildings comprising 110 residential units, basement and ground level parking, swimming pool, provision of services, landscaping and lot consolidation
3	STREET ADDRESS	Lots 8, 9, 10 & 11 DP 224382 and Lot 24 DP 776673 13-19 Enid Street, Tweed Heads
4	APPLICANT/OWNER	Zone Planning Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Water Management Act 2000 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Tweed City Centre Local Environmental Plan 2012 Tweed Coast Comprehensive Koala Plan of Management Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Tweed Development Control Plan 2008 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil 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: 15 June 2023 Written submissions during public exhibition: 12 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Valerie Conway <u>Independent assessing planner</u>: Kim Johnston
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 18 April 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Stephen Gow, Ned Wales and Pat Miller <u>Council assessment staff</u>: Judith Evans and Valerie Conway <u>Department staff</u>: Carolyn Hunt

		<ul style="list-style-type: none"> • Site inspection: 16 June 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Ned Wales, and Pat Miller ○ <u>Council assessment staff</u>: Judith Evans • Final briefing to discuss council's recommendation: 28 June 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Stephen Gow, Ned Wales, and Pat Miller ○ <u>Council assessment staff</u>: Valerie Conway ○ <u>Independent assessing planner</u>: Kim Johnston ○ <u>Department staff</u>: Carolyn Hunt and Louisa Agyare
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided