

DATE OF DETERMINATION	18 December 2023
DATE OF PANEL DECISION	18 December 2023
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales, Pat Miller
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 November 2023.

MATTER DETERMINED

PPSNTH-197 – Tweed – DA22/0854 at 102 Lundberg Drive, South Murwillumbah – Staged Development for Animal rehoming facility and Council Pound and associated signage on proposed Lots 23 and 31 created from subdivision of Lot 2 DP 1139059, Lot 1 DP 232745, Lot 10 DP 1071301 and Lot 2 DP 1156966 (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 listed at item 8 in Schedule 1.

Development application

The Panel determined to approve 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 Panel determined to approve the development application for the reasons outlined in the Council assessment report including:

- The proposed public administration building for the purpose of administrative offices for rangers and ancillary facilities is permissible with consent on land zoned E4 General Industry
- Clause 21 of Schedule 1 of TLEP 2014 provides that use of land at 92 and 102 Lundberg Drive (the site) for a Community Facility that is “a council pound and a place used for rehoming animals” is permitted with development consent
- The proposal is compliant with applicable environmental planning instruments and controls
- The site is suitable for the proposed development being located in an industrial area with minimal sensitive receiver locations within the vicinity of the site
- Site remediation will be completed prior to construction of the proposal making it suitable for the proposed use
- Subject to the imposition of conditions, the development is unlikely to have significant adverse amenity or other impacts
- Adequate services are available to the site and stormwater, waste water and waste can be adequately managed
- Animal welfare has been adequately addressed
- The Panel has carefully considered all relevant issues raised in submissions and believes they have been satisfactorily resolved by design amendments and/or conditions imposed by this approval
- The proposal is in the public interest as it will deliver public and community facilities for the local Murwillumbah area

CONDITIONS

The Development Application was approved subject to the amended conditions (dated 8 December 2023) in the Council Assessment Report with the following amendments.

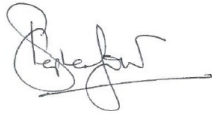
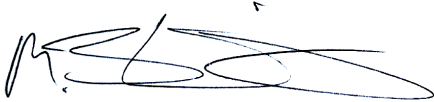
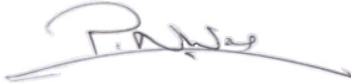
- Delete Condition 18 and renumber the remaining conditions accordingly

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Flooding and Stormwater
- Pound design
- Finance for development
- Acoustic impacts and animal welfare
- Notification period

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-197 – Tweed – DA22/0854
2	PROPOSED DEVELOPMENT	Staged Development for Construction of a Public Administration Building and Community Facility for the purpose of an Animal Rehoming Facility and a Council Pound on proposed Lots 23 and 31 created from subdivision of subdivision of Lot 2 DP 1139059, Lot 1 DP 232745 and Lot 2 DP 1156966. The DA includes ancillary signage, landscaping, vehicle parking and access.
3	STREET ADDRESS	Lot 1 DP 232745, Lot 1 DP1139059 & Part Lot 2 DP1139059, 92 & 102 Lundberg Drive SOUTH MURWILLUMBAH
4	APPLICANT OWNER	Newton Denny Chapelle (NDC) Planning Tweed Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Tweed Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: ○ Tweed Local Environmental Plan 2008 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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	• Council Assessment Report: 24 November 2023 • Peer Review Received: 24 November 2023 • Written submissions during public exhibition: Seven (7) • Late submissions received outside public exhibition: One (1) • Total number of unique submissions received by way of objection: Eight (8)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 15 March 2023 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales, Pat Miller ○ <u>Council assessment staff</u>: Hannah Van de Werff and Colleen Forbes ○ <u>Department staff</u>: Carolyn Hunt

		• Site inspection: 12 September 2023 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales, Pat Miller ○ <u>Council assessment staff</u>: Colleen Forbes, Pooja Chugh and Meredith Anderson ○ <u>Applicant representatives</u>: David Blinco ○ <u>Independent Planning Consultant</u>: Kim Johnston • Applicant Briefing: 12 December 2023 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales and Pat Miller ○ <u>Council assessment staff</u>: Hannah Van de Werff, Colleen Forbes, Jack Porter, Angie Cousens, Meredith Anderson and Ray Clark ○ <u>Independent Planning Consultant (Peer Review)</u>: Kim Johnston ○ <u>Applicant representatives</u>: Karina Vikstrom and David Blinco ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis • Final briefing to discuss council's recommendation: 12 December 2023 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales and Pat Miller ○ <u>Council assessment staff</u>: Hannah Van de Werff, Colleen Forbes, Jack Porter, Angie Cousens, Meredith Anderson and Ray Clark ○ <u>Independent Planning Consultant (Peer Review)</u>: Kim Johnston ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report