

DATE OF DETERMINATION	18 June 2020
PANEL MEMBERS	Stephen Gow (Acting Chair), Penny Holloway, John Brockhoff, Stephen Phillips and Ned Wales
APOLOGIES	None
DECLARATIONS OF INTEREST	Paul Mitchell declared a conflict of interest as his company prepared the statement of environmental effects for the development application.

Public meeting held via teleconference on 18 June 2020, opened at 10:40 am and closed at 11:40 am.

MATTER DETERMINED

PPSNTH-26 – Tweed Shire Council - DA19/0865 at 33-35 Boyd St, Tweed Heads – residential flat building (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 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 project will provide a mix of 40 one and two bedroom social housing units, for which there is a demonstrated need / waiting list in the local government area.
- The project involved a rigorous pre-lodgement design process, which resulted in the adjustment of the proposed building form and reduction of its bulk to mitigate potential impacts on neighbouring properties.
- The project is considered to exhibit design excellence in the circumstances of the case and would be compatible with the character of the area as envisaged in the Council's planning controls.
- The proposed development is well within statutory building height and floor space ratio limits.
- Although there will be impacts in terms of overshadowing to the south, it was noted that this would be the case even with a much lower development; additionally, the removal of existing vegetation on the site's south-western boundary will improve daylighting to some of the neighbouring units.
- Potential privacy impacts will be mitigated by the use of full height vertical louvre screens on the balconies of the development.
- The ground floor car park will be fully enclosed, alleviating potential impacts to neighbours.
- The Crown applicant has provided concurrence to the proposed conditions of consent.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the addition of an advisory note, as follows:



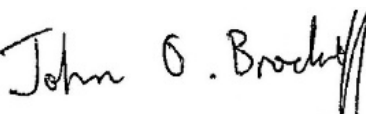


- That consideration be given in the final design process for construction for the proposed balcony screening systems to allow the position and orientation of the full height vertical louvres to be adjusted to allow for optimal privacy, solar access and weather protection for residents.

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:

- overshadowing;
- 7 storey height;
- noise from proposed parking area;
- overlooking/privacy;
- setback to southern boundary;
- traffic impacts during construction.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Stephen Gow (Acting Chair)	 Penny Holloway
 John Brockhoff	 Ned Wales
 Stephen Phillips	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-26 – Tweed Shire Council - Da19/0865
2	PROPOSED DEVELOPMENT	Residential flat building comprising 40 units for social housing
3	STREET ADDRESS	33 Boyd St, Tweed Heads
4	APPLICANT/OWNER	NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (& Associated Apartment Design Guidelines) ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Tweed City Centre Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Tweed Development Control Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 3 June 2020 • Council Memo to the Panel: 15 June 2000 • Written submissions during public exhibition: two (2) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Faye Money ○ Council assessment officers - Lydia Charman and David Oxenham ○ On behalf of the applicant – Stuart Campbell, Kate McMullen, Lisa Heniedi
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 13 June 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen Gow (Acting Chair) • Site inspection: 17 June 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen Phillips • Site inspection: 18 June 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Ned Wales • Final briefing to discuss Council's recommendation, 18 June 2020, 9:30 am. Attendees:

		<ul style="list-style-type: none">○ <u>Panel members</u>: Stephen Gow (Acting Chair), Penny Holloway, John Brockhoff, Stephen Phillips and Ned Wales○ <u>Council assessment staff</u>: Lydia Charman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report