

<b>DATE OF DETERMINATION</b>	20 February 2025
<b>DATE OF PANEL DECISION</b>	20 February 2025
<b>DATE OF PANEL BRIEFING</b>	18 February 2025
<b>PANEL MEMBERS</b>	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales and Pat Miller
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 10 February 2025.

#### **MATTER DETERMINED**

PPSNTH-386 – Tweed – DA22/0793.02 – 208 Lundberg Drive, South Murwillumbah – S4.55 (2) Modification proposing to delete Condition number 20 relating to peak stormwater discharge (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 listed at item 8 in Schedule 1.

#### **Application for modification of consent**

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application as recommended in the Council Assessment Report. In making its determination, the Panel:

1. accepts the hydraulic analysis (Catchment Simulation Outcomes) and independent peer review (Worley) conclusions that provision of on-site detention (OSD) to address the performance requirements of Condition 20 would likely result in some additional impacts in the downstream South Murwillumbah Basin.
2. is satisfied that the proposed modification meets the Objective of cl 7.6 Stormwater Management of the Tweed Local Environmental Plan and that the requirements of cl 7.6(3) are met. In that regard, the Panel notes the development:
  - will be connected to the constructed wetland that services the site and the broader Industry Central subdivision
  - incorporates 10 x 5 KL rainwater harvesting tanks for non-potable reuse and rainwater gardens
  - is designed to maximise water permeable surfaces to the extent feasible in an industrial development.
3. notes Condition 18 of the Development Consent (DA22/0793) requires a detailed Stormwater Management Plan (SWMP), in accordance with Council's Development Design Specification D7 – Stormwater Quality, and the incorporation of Water Sensitive Urban Design (WSUD) principles in

stormwater design and site works. Design principles for WSUD include minimising the intensity of stormwater events by managing the quantity of water as it passes through a project site.

## CONDITIONS


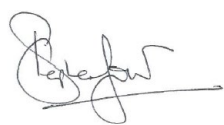



The Modification Application was approved subject to the removal of Condition number 20 as outlined in the Council Assessment Report.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition and further submission received prior to the meeting. The Panel notes that issues of concern included:

- Planning controls require Condition 20
- Development will lead to increases in peak discharge
- Deletion of Condition 20 is inappropriate regardless of the effectiveness of OSDs

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that as the Council is the Applicant, an independent peer review of the Hydraulic Assessment was carried out including consultation with the Submitter's hydraulic consultant to address the issues raised.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-386 – Tweed – DA22/0793.02
2	PROPOSED DEVELOPMENT	S4.55 (2) Modification proposing to delete Condition number 20 relating to peak stormwater discharge
3	STREET ADDRESS	208 Lundberg Drive, South Murwillumbah (Lot 604 DP 1244954)
4	APPLICANT/OWNER	Zone Planning Group Tweed Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Tweed Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Tweed Development Control Plan 2008</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 7 February 2025 and attachments</li> <li>Written submissions during public exhibition: 1</li> <li>Additional written submission prior to determination: 1</li> <li>Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Applicant Briefing: 18 February 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales and Pat Miller</li> <li><u>Applicant representatives</u>: Darren Gibson, Danny Rose, Adam Brown and David Tetley</li> <li><u>Council assessment staff</u>: Pooja Chugh, Colleen Forbes and Leon McLean</li> <li><u>Department staff</u>: Carolyn Hunt, Lisa Ellis and Ilona Ter-Stepanova</li> </ul> </li> <li>Final briefing to discuss Council's recommendation: 18 February 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales and Pat Miller</li> <li><u>Council assessment staff</u>: Pooja Chugh, Colleen Forbes and Leon McLean</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Department staff:</u> Carolyn Hunt, Lisa Ellis and Ilona Ter-Stepanova</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Deletion of Condition 20 only