

DATE OF DETERMINATION	25 August 2025
DATE OF PANEL DECISION	25 August 2025
DATE OF PANEL MEETING	20 August 2025
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Pat Miller and Ned Wales
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 20 August 2025, opened at 10.05am and closed at 10.41am.

MATTER DETERMINED

PPSNTH-404 - Tweed - DA25/0011 - Lot 13 DP 1264394, Henry Lawson Drive, Lot 3 DP 622318 and 127-137 Mahers Lane, Terranora - Staged 217 lot residential subdivision, with conservation lot and associated civil works and vegetation removal, environmental facility, recreation areas and environmental protection works (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 the site inspection 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 Panel determined to refuse the application for the reasons outlined in the Council Assessment Report.

The Panel was not satisfied that key issues outlined below were satisfactorily addressed or resolved:

- Ecological impacts on and buffer distances from mapped coastal wetland particularly relating to stormwater drainage, groundwater impact assessment
- Lack of public utility infrastructure (water and sewer) and road network capacity to support the proposed development
- Bushfire risk and reliance on required rehabilitation areas for APZs. The Panel also notes the Applicant's proposal to dedicate APZ areas to Council for management in perpetuity which Council rejects
- Geotechnical constraints and implications for future residential development and land maintenance

The Panel concluded the issues identified above are predominantly attributable to the proposal representing an overdevelopment of the site and as such are unlikely to be able to be satisfactorily addressed. The Panel therefore concluded the site is not suitable for the proposed development and the proposed development is not in the public interest.

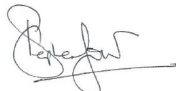
CONDITIONS

Not applicable

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:

- Traffic impact
- Earthworks/Geotechnical stability of the land and topography too steep
- Impact to wetland
- Location of reserve/open space
- Impact to koala habitat
- Bushfire protection
- Mosquito biting
- Pedestrian connectivity
- Road safety
- Noise and construction noise impact assessment

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-404 - Tweed - DA25/0011
2	PROPOSED DEVELOPMENT	Staged 217 lot residential subdivision, with conservation lot and associated civil works and vegetation removal, environmental facility, recreation areas and environmental protection works
3	STREET ADDRESS	Lot 13 DP 1264394, Henry Lawson Drive, Lot 3 DP 622318 and 127-137 Mahers Lane, Terranora
4	APPLICANT/OWNER	Zone Planning NSW Pty Ltd Mahers Lane Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - 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 - Tweed Local Environmental Plan 2000 - Tweed Local Environmental Plan 2014 - Draft environmental planning instruments: Draft Conservation Zone (C Zone) TLEP 2014 - Development control plans: - Tweed Development Control Plan 2008 - Planning agreements: Altitude Aspire Planning Agreement (22 September 2014) between Tweed Shire Council and Metricon Qld Pty Limited - 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: 7 August 2025 - Written submissions during public exhibition: 39 (+ 1 late submission) - Verbal submissions at the public meeting: - Marion Godfrey, Liz Collyer, Amanda Lane - Council assessment officer – Hannah Van de Werff, Denise Galle - On behalf of the applicant – Darren Gibson, Alan Blackman - Total number of unique submissions received by way of objection: 39 (+ 1 late submission)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 20 May 2025 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Pat Miller and Ned Wales <u>Council assessment staff</u>: Hannah Van de Werff, Colleen Forbes, Oscar Sargeson and Denise Galle <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova

		• Site inspection: 15 August 2025 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Pat Miller and Ned Wales ○ <u>Council assessment staff</u>: Hannah Van de Werff and Dylan Catt • Final briefing to discuss Council’s recommendation: 20 August 2025 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Pat Miller and Ned Wales ○ <u>Council assessment staff</u>: Hannah Van de Werff and Denise Galle ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A