

DATE OF DETERMINATION	22 August 2025
DATE OF PANEL DECISION	22 August 2025
DATE OF PANEL BRIEFING	20 August 2025
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Pat Miller and Ned Wales
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 8 August 2025.

MATTER DETERMINED

PPSNTH-412 - Tweed - DA25/0123 - 87-89 Tweed Coast Road, Hastings Point - Construction of a seniors housing development consisting of 4 x 3 storey residential flat buildings, including the provision of 91 independent living units, provision of 132 car parking spaces over basement and at-grade level and the construction of 2 communal facility buildings. Additionally, the Development Application seeks approval for earthworks, dewatering, vegetation clearing, internal vehicular roads, pedestrian pathways and landscaping (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 briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under s.4.6 (3) of the Tweed Local Environmental Plan 2014 (LEP), the Panel is not satisfied that the applicant has demonstrated that:

- compliance with S.4.3 (Height of Buildings) of the LEP and S.108(2)(a) (Non-discretionary development standards) of the State Environmental Planning Policy (Housing) 2021 (SEPP(Housing)), is unreasonable or unnecessary in the circumstances because it has not been sufficiently demonstrated that the objectives of s.4.3 of the LEP have been achieved and there is no detailed 5-part-test assessment for the variation to s.108 of the SEPP (Housing); and
- there are sufficient environmental planning grounds to justify contravening the development standard as an existing development consent, approved under previous planning legislation, is not adequate justification and the specific variation has not been considered in the justification provided.

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.

In reaching its decision, the Panel noted there is merit in the provision of seniors housing and that the site is suitable for development. However, the Panel is of the opinion that a future development application should fully respond to all the issues raised in the Council Assessment Report.

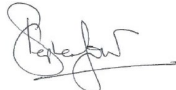
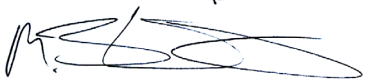
CONDITIONS

Not applicable

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:

- Ability to age in place
- Existing road network safety
- Secondary access point at northern site boundary
- Internal pedestrian and vehicular interaction
- Car and caravan parking
- Existing commercial operations
- Landscaping plans
- Creek access
- Bushfire impact and assessment
- Ground water/water table
- Construction impacts on resident's amenity

PANEL MEMBERS	
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 Michael Wright	 Pat Miller
 Ned Wales	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-412 - Tweed - DA25/0123
2	PROPOSED DEVELOPMENT	Construction of a seniors housing development consisting of 4 x 3 storey residential flat buildings, including the provision of 91 independent living units, provision of 132 car parking spaces over basement and at-grade level and the construction of 2 communal facility buildings. Additionally, the Development Application seeks approval for earthworks, dewatering, vegetation clearing, internal vehicular roads, pedestrian pathways and landscaping
3	STREET ADDRESS	87-89 Tweed Coast Road, Hastings Point
4	APPLICANT/OWNER	Planit Consulting TriCare (Hastings) Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Biodiversity Conservation Act, 2016 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Tweed Local Environmental Plan 2014 - Draft environmental planning instruments: Nil - Development control plans: - Tweed Development Control 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: 8 August 2025 - S.4.6 variation requests: S.4.3 (Height of Buildings) of the Tweed Local Environmental Plan 2014, S.108(2)(a) (Non-discretionary development standards) of the State Environmental Planning Policy (Housing) 2021 - Written submissions during public exhibition: 6 - Total number of unique submissions received by way of objection: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: 15 August 2025 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales and Pat Miller <u>Council assessment staff</u>: Ashleigh McLean, Judith Evans and Michael Banks <u>Applicant representatives</u>: Rachel Heath and Michael Goulder

		• Applicant Briefing: 20 August 2025 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales and Pat Miller ○ <u>Applicant representatives</u>: Luke Blandford, Trevor Meers ○ <u>Council assessment staff</u>: Ashleigh McLean, Judith Evans, Michael Banks, Melissa Lindeberg, Elleni Stewart, Denise Galle ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova • Final briefing to discuss Council’s recommendation: 20 August 2025 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Ned Wales and Pat Miller ○ <u>Council assessment staff</u>: Ashleigh McLean, Judith Evans, Michael Banks, Melissa Lindeberg, Elleni Stewart, Denise Galle ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A