




SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at 1.05 pm on Thursday 26 March 2015 at Wollondilly Council		
Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald, Col Mitchell and Peter Wright		
Apologies: Nil Declarations of Interest: Nil		
Determination and Statement of Reasons		
2014SYW034 – Wollondilly – DA 010.2014.00000034.001 – [665 Bents Basin Road] as described in Schedule 1.		
Date of determination: 26 March 2015		
Decision: The panel determined to refuse the development application as described in Schedule A pursuant to section 80 of the <i>Environmental Planning and Assessment Act 1979</i> .		
Panel consideration: The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1. The panel has decided not to agree with the applicant's request for a deferment to be able to address the outstanding requirements of the NSW Environment Protection Agency because non-compliance with the EPA's requirements is not the only pertinent reason for refusal of the application.		
Reasons for the panel decision: The panel resolves to refuse the application for the following reasons: <ol style="list-style-type: none"> 1. The proposal does not demonstrate adequate compliance with the following State Environmental Planning Policies: SEPP 55 Remediation of Land and SREP No. 20 Hawkesbury/Nepean River as the panel considers the proposal has unacceptable potential to pollute ground and surface water systems and the Nepean River 2. The proposal does not adequately satisfy the objectives and provisions of Wollondilly Local Environmental Plan 2011 as <ol style="list-style-type: none"> a) The scale of the operations generates buildings of a size in a rural location that will be grossly out of character with the rural locality in which the land is sited and the built form elements of the proposal will generate adverse visual impacts on the amenity of adjacent and nearby premises. b) The development presents an unacceptable risk of polluting the local water systems and the Nepean River 3. The NSW Environment Protection Agency has refused to issue General Terms of Approval to the proposed development. Accordingly pursuant to section 91A(4) of the Environment Planning and Assessment Act 1979 the panel cannot approve the application. 4. The panel endorses the reasons for refusal in the Council planning assessment report. <p>In consideration of conclusions 1-4 above the panel considers it has not been demonstrated that the proposed development is a suitable use of the site and considers approval would not be in the public interest.</p>		
Conditions: Not applicable		
Panel members:		
 Mary-Lynne (Chair)	 Bruce McDonald	 Stuart McDonald
Approval by email Peter Wright		

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SCHEDULE 1

1	JRPP Reference: 2014SYW034 – Wollondilly- Council Reference: DA 010.2014.00000034.001
2	Proposed development: Continued use of a horticulture products facility and erection of a new shed.
3	Street address: 665 Bents Basin Road, Wallacia
4	Applicant/Owner: Applicant: Bernie Fussell Owner: BJ & LM Fussell
5	Type of Regional development: Designated Development Waste Facility
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 33 - Hazardous and Offensive • State Environmental Planning Policy No 44 - Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report dated: 27 February 2015 Written submissions during public exhibition: 1 Submission Verbal submissions at the panel meeting: On behalf of the Applicant: Gary Rhodes & Brent Winning
8	Meetings and site inspections by the panel: 1 Final Briefing Meeting and 1 Site Inspection
9	Council recommendation: Refusal
10	Draft conditions: Not applicable