

DETERMINATION AND STATEMENT OF REASONS
WESTERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	22 February 2018
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson
APOLOGIES	David Sherley and Graeme Hanger
DECLARATIONS OF INTEREST	Monica Morse has historically declared a non-pecuniary interest in matters relating to the owner of the land due to a long-standing association

Public meeting held at Bathurst Regional Council, 158 Russell Street, Bathurst on 22 February 2018, opened at 12.00pm and closed at 12:40pm.

MATTER DETERMINED

2015WES017 – Bathurst Regional Council - 2015/0426
296 Ophir Road, Stewarts Mount
Resource Recovery Facility
(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 the matters observed at site inspections listed at item 8 in Schedule 1.


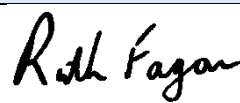
The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- There was insufficient information for the Council to undertake an adequate environmental impact assessment of the project against the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*;
- The Roads and Maritime Service, as an integrated approval authority, advised Council that it had insufficient information to be able to issue General Terms of Approval;
- The Environment Protection Authority, as an integrated approval authority, advised that it had insufficient information to be able to issue General Terms of Approval;
- The Panel were of the view that Council had undertaken reasonable endeavours to request the additional information required by the integrated approval authorities and had provided reasonable time to the applicant to provide the information.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan



Mark Grayson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015WES017 – Bathurst Regional Council - 2015/0426
2	PROPOSED DEVELOPMENT	Resource Recovery Facility
3	STREET ADDRESS	296 Ophir Road, Stewarts Mount
4	APPLICANT/OWNER	Montgomery Planning Solutions
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none">• Environmental planning instruments:<ul style="list-style-type: none">○ State Environmental Planning Policy (State and Regional Development) 2011○ State Environmental Planning Policy 33 - Hazardous and Offensive Development○ State Environmental Planning Policy 55 - Remediation of Land○ State Environmental Planning Policy (Infrastructure) 2007○ Bathurst Regional Local Environmental Plan 2014○ Protection of the Environment Operations Act 1997○ Environmental Planning and Assessment Act 1979 (as amended)• Draft environmental planning instruments: Nil• Development control plans:<ul style="list-style-type: none">○ Bathurst Regional Development Control Plan 2014• 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.• Written submissions during public exhibition: 80• Verbal submissions at the public meeting:<ul style="list-style-type: none">○ Support – Nil○ Object –<ul style="list-style-type: none">▪ Michael Knight▪ Roger Thomas▪ Elizabeth Rehling

		<ul style="list-style-type: none"> ▪ Peter Cruise ○ On behalf of the applicant – Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 22 February 2018 • Final briefing meeting to discuss council's recommendation, 22 February 2018, 11.00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson ○ <u>Council assessment staff</u>: Richard Denyer
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Nil