

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 20 November 2019
PANEL MEMBERS	Jason Perica (Chair), Kara Krason and Michael Leavey
APOLOGIES	None
DECLARATIONS OF INTEREST	Councillors Sally Halliday, Peter Garnham and Mitchell Griffin all declared non-pecuniary conflicts related to a potential perception of bias and conflict of duties given their roles as Councillors and the land being owned and operated by Council.

Public meeting held at Maitland No. 1 Sportsground, Odd & James Street, Maitland on 20 November 2019, opened at 4:00pm and closed at 4.30pm.

MATTER DETERMINED

2016HCC052 – Maitland City Council – DA16-1805 at 109 to 110 Mt Vincent Road, East Maitland – Mt Vincent Waste Transfer 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel determined to approve 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 agreed with the assessment of environmental impacts as contained in the external report commissioned by Council;
- The proposal would be in the public interest, with the benefits of increased recycling and reduced landfill outweighing the impacts from the proposal;
- The proposed siting was rational and logical for the site;
- The use is permissible with consent and consistent with the objectives of the zone;
- There are limited and acceptable impacts upon neighbours;
- The decision by Council to purchase the immediately adjoining neighbour helps provide an improved buffer to surrounding private land;
- Impacts have been reasonably mitigated by the design and conditions of consent.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 7 be amended to include the words “and meet Australian Standards” at the end of the first sentence.
- Condition 31 be amended to change the first sentence to state: “All workers on the site shall be informed of possible previous aboriginal use and occupation of the site”.

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 (none). The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring

assessment were raised during the public meeting. The panel also notes that the Council has subsequently purchased the land which the objector previously owned.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC052 – Maitland City Council – DA-16/1805
2	PROPOSED DEVELOPMENT	Designated/ Integrated Development – Construction and operation of a Waste Transfer and Recycling Facility at the existing Mt Vincent Waste Management Centre including: • Small vehicle waste and recycling facility; • Material segregation facility; • New gatehouse to support the existing weighbridges; and • Administration building.
3	STREET ADDRESS	109 to 110 Mt Vincent Road, East Maitland
4	APPLICANT/OWNER	GHD Pty Ltd / Maitland City Council
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ Environmental Planning & Assessment Act 1979 ○ Environmental Protection & Biodiversity Conservation Act 1999 ○ National Parks & Wildlife Act 1974 ○ Heritage Act 1977 ○ Local Land Services Act 2013 ○ Threatened Species Conservation Act 1995 ○ Protection of the Environment Operations Act 1997 ○ Coal Mine Subsidence Act 2017 ○ Roads Act 1993 ○ Rural Fires Act 1997 ○ Water Management Act 2000 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No.33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No 44 – Koala Habitat Protection

		○ State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) ○ State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) ○ Maitland Local Environmental Plan 2011 • Development control plans: ○ Maitland Development Control Plan 2011 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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 • 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: 5 November 2019 • Written submissions during public exhibition: 3 • Verbal submissions at the public meeting: ○ Nil ○ Council assessment officer and independent planner – Leanne Harris and Simon Smith ○ On behalf of the applicant – Elfi Blackburn The Panel also received a memo dated 18 November 2019 from Council's appointed independent planner and a letter from Council stating the elected Council supported the proposal.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: Thursday, 2 August 2018 ○ <u>Panel members</u>: Kara Krason (Chair), Peter Garnham and Sally Halliday ○ <u>Council assessment staff</u>: Leanne Harris, David Simm, Robyn Hawes, Anne Moore and Kristy Cousins • Site inspection: Wednesday, 20 November 2019 ○ <u>Panel members</u>: Jason Perica (Chair), Kara Krason and Michael Leavey ○ <u>Council assessment staff</u>: Leanne Harris • Final briefing to discuss council's recommendation, Wednesday, 20 November 2019, 3:00pm. Attendees: ○ <u>Panel members</u>: Jason Perica (Chair), Kara Krason and Michael Leavey ○ <u>Council assessment staff</u>: Leanne Harris and Simon Smith
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report