



DATE OF DETERMINATION	18 October 2016
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, David Sherley, Gary Rush
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 6 October 2016 and 18 October 2016

MATTER DETERMINED

2016WES012 – Bathurst Regional Council – DA 2016/202 AT 233 College Road, South Bathurst. (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 listed at item 8 in Schedule 1.

The Panel determined to approve 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:

- The development is permissible in the zone and consistent with applicable development controls
- The Panel is satisfied that environmental impacts are able to be appropriately mitigated or managed;
- The modified condition relating to tree planting provides for greater flexibility in terms of variety of planting, given the low lying nature of part of the site.
- The modified condition relating to the transport code of conduct provides for a more practical regime for driver management and road safety during school pick-up and drop off.

CONDITIONS

The development application was approved subject to a few amendments to the conditions in the Council Assessment Report. The amendments are as follows:

Condition	Change	Reason
1 d) iii)	Details of local school bus routes, operating hours and pick-up and drop-off points along College Road between the entrance to the property to Havannah Street, and Lloyds Road from Havannah Street to Vale Road, and South Bathurst Public School.	To ensure the impact of the work on the environment and surrounding properties is considered and appropriately mitigated. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.
3	Screen plantings of box-gum woodland tree species, or lowland or riparian species such as E. Viminalis or casuarina cunninghamiana are to be planted along the eastern (340m) and southern (400m) boundaries of the property. Trees are to be spaced no more than 3m apart and in at least two rows, sufficient to screen the development. Plantings are to be completed within 12 months of approval, and maintained (watered, weeded, replaced) to ensure at least 85% survival of trees for the life of the development.	REASON: To ensure that landscaping and screening will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 David Sherley
 Ruth Fagan	 Gary Rush
 Mark Grayson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016WES012 – Bathurst Regional Council – DA 2016/202
2	PROPOSED DEVELOPMENT	Extension of existing extractive industry for granite gravel quarry.
3	STREET ADDRESS	233 College Road, South Bathurst
4	APPLICANT/OWNER	Mrs. Norma Rowling / Rowling Quarry
5	TYPE OF REGIONAL DEVELOPMENT	Particular designated development - extractive industries
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 (Mining, Petroleum Production and Extractive Industries) 2007 ○ State Environmental Planning Policy 33 - Hazardous and Offensive Developments ○ State Environmental Planning Policy 55 - Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Bathurst Regional Development Control Plan 2014 • Planning agreements: Nil • Local Environment Plan: <ul style="list-style-type: none"> ○ Bathurst Regional Local Environmental Plan 2014 • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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: 6 October 2016 • Written submissions during public exhibition: None
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting between the Council staff (Richard Denyer, Lucie Clifton) and David Sherley
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the council assessment report