

DETERMINATION AND STATEMENT OF REASONS

WESTERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	4 May 2017
PANEL MEMBERS	Gordon Kirkby (Chair), John Griffin, Peter Brennan, David Sherley Graeme Hanger
APOLOGIES	None
DECLARATIONS OF INTEREST	David Sherley stated that he had met with the Applicant on one occasion on 20 January 2016 where the Applicant raised a number of issues. Mr Sherley referred the Applicant to Council Planning Staff who subsequently met with the Applicant on 23 January 2017. Mr Sherley did not attend the second meeting. He is of the opinion that there was no conflict of interest and participated in the determination meeting.

Public meeting held at Bathurst Regional Council, 158 Russell Street, Bathurst on Thursday, 4 May 2017, opened at 5pm and closed at 5:45pm.

MATTER DETERMINED

2016WES018 – Bathurst – DA 2016/41 AT 51 Upfold Street, Gormans Hill (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 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 proposed development is permissible with development consent in the zone;
- The proposed development is consistent with the zone objectives;
- The site has been subject to long term industrial use (concrete batching) and the proposed use is complementary to this use
- The proposed development has not been objected to by relevant government regulatory agencies:
 - Environment Protection Authority which issued General Terms of Approval
 - Roads and Maritime Services
 - Department of Primary Industries (Water)
 - NSW Department of Environment and Heritage

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition 8 (or add a condition) to require trucks leaving the site empty to cover loads at all times
- Include a Condition requiring a formal process for the Applicant to meet with representatives of the local community on two occasions per year for a period of two years after commencement of works.
- Delete Condition 27 regarding scour protection downstream of the site. Deletion of the Condition has been agreed to by the department of Primary Industries (Water)

PANEL MEMBERS



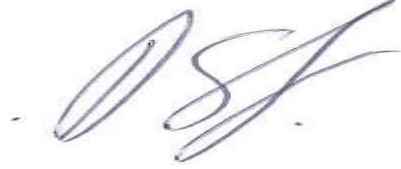
Gordon Kirkby (Chair)



John Griffin



Peter Brennan



David Sherley



Graeme Hanger

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016WES018 – Bathurst – DA 2016/413
2	PROPOSED DEVELOPMENT	Resource Recovery Facility
3	STREET ADDRESS	51 Upfold Street, Gormans Hill
4	APPLICANT/OWNER	Rokobauer Planning and Environment Pty Ltd (applicant) CL & CC Clark (owner)
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: 7 April 2017 • Written submissions during public exhibition: 17 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> – Support – Nil – Object – James Bowrey – On behalf of the applicant – Grant Rokobauer

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection conducted on 4 May 2017 • Final Briefing Meeting conducted on 4 May 2017 • Determination Meeting Conducted on 4 May 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report