

**DETERMINATION AND STATEMENT OF REASONS**  
SOUTHERN JOINT REGIONAL PLANNING PANEL

|                                 |   |
|---------------------------------|---|
| <b>DATE OF DETERMINATION</b>    | 7 December 2017   |
| <b>PANEL MEMBERS</b>            | Alison McCabe (Chair), Renata Brooks, Mark Grayson, Ray Graham, Tony Donoghue |
| <b>APOLOGIES</b>                | Hon. Pam Allan  |
| <b>DECLARATIONS OF INTEREST</b> | None  |

Public meeting held at Gundagai District Services Club, 254 Sheridan St, Gundagai on 7 December 2017, opened at 1.30 pm and closed at 4.10 pm.

**MATTER DETERMINED**

**2017STH013 – Cootamundra-Gundagai – DA/242/2017** at 303 Burra Road, Gundagai  
Proposed Expansion of Existing Waste Disposal Facility

**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 resolved to refuse the development application as described in Schedule 1 pursuant to section 80 (1) (b) of the *Environmental Planning and Assessment Act 1979* for the following reasons.

1. The proposed development does not meet the objectives of Clause 6.3 of the Gundagai Local Environmental Plan 2011 for Water Sensitivity, which are “to maintain the hydrological functions of riparian land, waterways and aquifers”, with particular regard to groundwater aquifers;
2. The proposed development is inconsistent with the provisions of the EIS Guideline Landfilling Department of Urban Affairs and Planning September 1996, in relation to site selection procedures, which identifies the site as being fundamentally unsuitable for landfilling due to environmental constraints;
3. The case for feasible alternatives to the proposal has not been adequately assessed in the EIS as required by Clause 7(1)(c) of Schedule 2 of the Environmental Planning and Assessment Regulation 2000, thereby failing to provide adequate justification for the construction of a landfill in the proposed site; and
4. The NSW EPA is unable to support the proposal or provide General Terms of Approval.

The decision was Unanimous.

**REASONS FOR THE DECISION**

The reasons for the decision of the Panel are detailed above.

**CONDITIONS**

Not Applicable

| <b>PANEL MEMBERS</b>   |   |
|--|---|
| <br>Alison McCabe (Chair) | <br>Renata Brooks |
| <br>Mark Grayson          | <br>Ray Graham     |
| <br>Tony Donoghue         |   |

**SCHEDULE 1**

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|-----------|---|--|
| <b>1</b>  | <b>PANEL REF – LGA – DA NO.</b>                   | 2017STH013 – Cootamundra-Gundagai – DA/242/2017  |
| <b>2</b>  | <b>PROPOSED DEVELOPMENT</b>                       | Proposed Expansion of Existing Waste Disposal Facility   |
| <b>3</b>  | <b>STREET ADDRESS</b>                             | 303 Burra Road, Gundagai   |
| <b>4</b>  | <b>APPLICANT/OWNER</b>                            | Martin Hay Earthmoving   |
| <b>5</b>  | <b>TYPE OF REGIONAL DEVELOPMENT</b>               | Designated development - waste management facility or works  |
| <b>6</b>  | <b>RELEVANT MANDATORY CONSIDERATIONS</b>          | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No 33 – Hazardous and Offensive Development</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: Nil</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the Environmental Planning and Assessment Regulation 2000: 92, 93, 94, 94A, 288, Divisions 1 &amp; 3 of Part 6, Schedule 2, Schedule 3</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| <b>7</b>  | <b>MATERIAL CONSIDERED BY THE PANEL</b>           | <ul style="list-style-type: none"> <li>• Council assessment report: 21 November 2017</li> <li>• Written submissions during public exhibition: 241</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Peter Murray; Mark Maynard;</li> <li>○ Support deferral for further information: Matt Harker (Lindsay Taylor Lawyers on behalf of elected Council); Abb McAllister (Mayor of Cootamundra-Gundagai Council).</li> <li>○ Object – Warwick Giblin (on behalf of Gundagai Community Environmental Impact Group); Nancy Lawton; Jacinta McMahon (on behalf of Golder Associates); David Kennedy; Carolyne Kennedy; Sharon Elphick; Jenny Hawthorne; Jess Field; Stacey Smith; Jodie Bruce; Andrew Miller; Ann McDonald.</li> <li>○ On behalf of the applicant – Garry Salvestro (Salvestro Planning), David McMahon (DM McMahon Earth Science), Alan Dyer (Insitu Advisory)</li> </ul> </li> </ul>  |
| <b>8</b>  | <b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b> | <ul style="list-style-type: none"> <li>• Site inspection 7 December 2017</li> <li>• Final briefing meeting to discuss council’s recommendation, 7 December 2017 at 11:15am Attendees: <ul style="list-style-type: none"> <li>○ Panel members: Alison McCabe (Chair), Renata Brooks, Mark Grayson, Ray Graham, Tony Donoghue</li> <li>○ Council assessment staff: Brent Livermore</li> </ul> </li> </ul>  |
| <b>9</b>  | <b>COUNCIL RECOMMENDATION</b>                     | Refusal  |
| <b>10</b> | <b>DRAFT CONDITIONS</b>                           | N/A  |