

DETERMINATION AND STATEMENT OF REASONS

WESTERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	22 September 2017
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Chris Roylance and Phyllis Miller
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Forbes Shire Council on Friday 22 September 2017, opened at 1.30 pm and closed at 2:00pm.

MATTER DETERMINED

2017WES005 – Forbes Shire Council – DA2017/0039, 22-36 Parkes Road, Forbes (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:





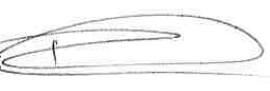
- The proposed development is permissible with consent in the B5 Business Development Zone and consistent with the zone objectives;
- The proposed development is considered an appropriate use for the site given its size, visibility and access to the Newell Highway;
- The Panel notes that the Roads and Maritime Service has considered the development and provided its concurrence to any approval for the development, subject to a number of conditions relating to road access and layout;
- The potential impacts on an adjoining residence in terms of noise and traffic light glare are able to be satisfactorily ameliorated through conditions of consent requiring a 2.1m high solid fence with acoustic attenuation and vegetation screening.

CONDITIONS

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

- Condition 1 be amended to refer to *Forbes Shire Council seal*;
- Condition 7 – *Road Details – Traffic and Pedestrian Management Plan* be reworded to articulate clear requirements as to the content of the plan;
- Condition 21 be revised to remove reference to 50cm separation between advanced stock trees;

- Condition 23 be revised to require a 2.1 metre fence with acoustic treatment to be constructed along the entire common boundary of the site with the property at 42 Parkes Road. The remainder of the boundary to have constructed a 1.8m colorbond fence.
- Condition 42 to be revised to replace then words *subdivision certificate* with *occupation certificate*
- An additional condition be included to require lighting to be designed to meet Australian and New Zealand Standards.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	 Chris Roylance
 Phyllis Miller	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017WES005 – Forbes Shire Council – DA2017/0039
2	PROPOSED DEVELOPMENT	Stage 3 of DA2012/0051-proposed highway service centre
3	STREET ADDRESS	22-36 Parkes Road, Forbes
4	APPLICANT/OWNER	Forbesamatta Pty Ltd (Peter Middlebrook)
5	TYPE OF REGIONAL DEVELOPMENT	The capital investment value (CIV) of the proposed development is \$5million and is a Crown development.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No. 44 Koala Habitat ○ State Environmental Planning Policy No. 64 – Advertising and Signage

		<ul style="list-style-type: none"> ○ Forbes Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Forbes Development Control Plan 2013 • 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: 22 September 2017 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Peter Middlebrook
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 22 September 2017 • Final briefing meeting to discuss council's recommendation - 22 September 2017. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Panel members - Ruth Fagan, Mark Grayson, Chris Roylance and Phyllis Miller • <u>Council assessment staff</u>: Alexandra Power • Determination meeting – 22 September 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report