

DETERMINATION AND STATEMENT OF REASONS
WESTERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 14 December 2017
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>David Sherley declared that Bathurst Regional Council (Council) is the proponent for this development. As the General Manager of the Council, David therefore declared a conflict of interest and did not sit on the Panel for this application.</p> <p>Grahame Hanger declared that Council is the proponent for this development. As the Mayor of Council, Grahame therefore declared a conflict of interest and did not sit on the Panel for this application.</p>

Public meeting held at Bathurst Regional Council, 158 Russell Street, Bathurst on 14 December 2017, opened at 12.00pm and closed at 12:45pm.

MATTER DETERMINED

2017WES006 – Bathurst Regional Council - 2017/212 - 197 Limekilns Road, Kelso - Sunbright Orchard Subdivision (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 R1 General Residential and RE1 Public Recreation zones under Bathurst Regional Local Environmental Plan 2014.
- The site has been identified in Council's strategic planning as being required for the future growth of the city.
- The site is contiguous to existing residential development and able to be serviced by utilities.
- The existing trees on the site, associated with the former use as an orchard, while in some cases of medium to high amenity value, have been assessed as being impacted on by recent drought conditions and the removal of an asbestos pipe.
- The Panel was satisfied that the removal of the tress, many of which are non-native, would not have a significant effect on any threatened species, populations or ecological communities or their habitats.
- The existing trees are not considered to be appropriate for public domain purposes due to the need for considerable thinning, their age and condition and on-going maintenance requirements.
- The site is not within the identified 20 ANEF contour for Bathurst Airport.

CONDITIONS

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

- Inclusion of a condition requiring that Reservoir No.34, currently under construction, be operational prior to the issue of a subdivision certificate for lots above the 708m AHD contour.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017WES006 – Bathurst Regional Council - 2017/212
2	PROPOSED DEVELOPMENT	Sunbright Orchard Subdivision
3	STREET ADDRESS	197 Limekilns Road, Kelso
4	APPLICANT/OWNER	Bathurst Regional Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State & Regional Development) 2011 ○ State Environmental Planning Policy 55 – Remediation of Land ○ Bathurst Regional Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Bathurst Regional Local Environmental Plan 2014 (Amendment No.10) • Development control plans: <ul style="list-style-type: none"> ○ Bathurst 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: 30 November 2017 • Written submissions during public exhibition: 11 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – John Eccles representing a Group of Bathurst Ratepayers
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection on 14 December 2017 • Final briefing meeting to discuss council's recommendation, 14 December 2017, 10.00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson ○ <u>Council assessment staff</u>: Richard Denyer
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report