

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 5 June 2019
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Peter Brennan and Derek Finnigan
APOLOGIES	Michael Leavey
DECLARATIONS OF INTEREST	Kellie Scholes declared a non-pecuniary interest as she was involved in providing advice on previous Das for the site with the same applicant, and this may be perceived as creating some bias.

Public meeting held at Muswellbrook Shire Council on 5 June 2019, opened at 3.00pm and closed at 3.30pm.

MATTER DETERMINED

2018HCC042 – Muswellbrook Shire Council – DA 101/2018 at 24 Carramerre Road, Muswellbrook – Biorefinery – High Technology Industry (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION



- The reasons for support within the Council staff report were agreed with;
- The use was suited to the site and area;
- The use would provide social, economic and potential environmental benefits, from the jobs, educational/scientific value and potential to reduce waste and oil consumption for fuel;
- The use was consistent with the objectives of the EPA Act 1979;
- No impacts adverse on surrounding land were anticipated, with the use and impacts appropriately regulated and mitigated through conditions of consent.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report

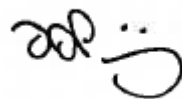
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted no submissions were made regarding the DA.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason



Peter Brennan



Derek Finnigan

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2018HCC042 – Muswellbrook Shire Council – SA 101/2018
2	PROPOSED DEVELOPMENT	Biorefinery – High Technology Industry
3	STREET ADDRESS	24 Carramerre Road, Muswellbrook
4	APPLICANT/OWNER	Applicant: Ethanol Technologies Owner: Muswellbrook Shire 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">○ Muswellbrook Local Environmental Plan 2009○ State Environmental Planning Policy No 33 Hazardous and Offensive Development○ State Environmental Planning Policy No 44 Koala Habitat Protection○ State Environmental Planning Policy No 55 Remediation of Land○ State Environmental Planning Policy (State and Regional Development) 2011○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017• Development control plans:<ul style="list-style-type: none">○ Muswellbrook Development Control Plan• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>• 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• The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none">• Email from council received on Tuesday, 4 June 2019 at 10:41am.• Council assessment report: 20 May 2019• Written submissions during public exhibition: Nil• Verbal submissions at the public meeting:<ul style="list-style-type: none">○ In support – Nil○ In objection – Nil○ Council assessment officer – Hamish McTaggart○ On behalf of the applicant – Andrew Reeves, Dr Geoff Doherty, Dr Russell Reeves and Dr Tony Banks
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none">• Site inspection: Wednesday, 5 June 2019• Briefing: Nil• Final briefing to discuss council's recommendation, Wednesday, 5 June 2019 at 3.00pm. Attendees:

		<ul style="list-style-type: none">○ <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Peter Brennan, and Derek Finnigan○ <u>Council assessment staff</u>: Hamish McTaggart
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report