

DETERMINATION AND STATEMENT OF REASONS

WESTERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	13 June 2018
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan and Mark Grayson
APOLOGIES	None
DECLARATIONS OF INTEREST	Graeme Hanger, David Sherley and Monica Morse - the DA relates to a quarry that is leased and operated by Bathurst Regional Council (BRC). As part of the operational costs, BRC pays the landowner a lease/royalty fee. Accordingly, all three Council Panel members declared a conflict of interest in this matter and declined to participate.

Public meeting held at Bathurst Regional Council, 158 Russell St, Bathurst on 13 June 2018, opened at 12.05pm and closed at 1:15pm.

MATTER DETERMINED

2018WES004 – Bathurst – DA2018/55 at 103 Gormans Hill Road, 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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 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 RU4 Primary Production Small Lots zone under Bathurst Regional Local Environmental Plan 2014;
- Subject to the inclusion of new conditions relating to revised landscape management and rehabilitation of the site, the potential impacts of the proposed development are able to be managed and mitigated;
- The proposed development represents the continued extraction of a significant resource located in close proximity to the Bathurst urban area;
- The Panel is satisfied that the proposed conditions requiring road and intersection upgrades and the route of trucks to and from the site via Lloyds Road and Vale Road will remove potential noise and safety impacts from sensitive land uses to the north of the site in Gorman's Hill Road.
- The Panel notes that the Environment Protection Authority has issued General Terms of Approval for the development

CONDITIONS

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

- Replace Condition 7 with the following:

The applicant is to submit to Council, for endorsement, a landscape plan prepared in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014.

Council is to certify that the landscape plan is in accordance with Council's Development Control Plan prior to any work occurring on the site.

The applicant is plant a vegetative screen along the property boundary to the north, south and west within three months of the date of this consent. The vegetative screen should be a height, density and width to facilitate a visual screen on all sides of the development. Species are to be approved by Council. Plants should be irrigated for the first five years and maintained for the life of the quarry. Plants should reach a height on the northern boundary of 3m within two years and on the eastern boundary of 5m within five years.

The landscape plan is to incorporate bunding and vegetation including:

- (a) Landscaping to the northern boundary incorporating the full width between the existing access route and the boundary with the Dees Close properties;*
- (b) Extension and augmentation of the existing bund walls on the inside of the existing northern access road through to the proposed entrance road;*
- (c) Landscaping to the rear of 86, 88 and 103 Gormans Hill Road (i.e. connecting the proposed landscaping to the northern and western boundaries);*
- (d) A minimum of two rows of trees are to be planted on the southern boundary; and*
- (e) Consultation is to occur between the landscape architect and the adjoining residents as to species.*




Reason: So that the development does not reduce the amenity of the area. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, as amended.

- Replace Condition 14 with the following:

The applicant is to submit a Rehabilitation Plan incorporating:

- (a) A schedule of rehabilitation commencing with the inactive or terminal areas to be implemented within 6 months.*
- (b) A Quarry Closure Plan in the event of either temporary (in excess of 6 months) or permanent closure of the quarry.*
- (c) Progress is to be reported annually in the annual report*

- Delete Condition 34 (duplicates Condition 16)
- In Condition 8, replace the word "Basix" with "Basic".

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WES004 – Bathurst – DA2018/55
2	PROPOSED DEVELOPMENT	Extension of existing quarry
3	STREET ADDRESS	103 Gormans Hill Road, Gormans Hill
4	APPLICANT/OWNER	Mr RT McPhillamy (Owner and Applicant)
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> (a) Environmental Planning and Assessment Act 1979 (as amended) (b) Protection of the Environment Operations Act 1997 (c) Environmental Planning and Assessment Regulation 2000 (d) State Environmental Planning Policy (State and Regional Development) 2011 (e) State and Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (f) Bathurst Regional Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> (a) 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: 31 May 2017 Written submissions during public exhibition: 12 Verbal submissions at the public meeting: <ul style="list-style-type: none"> (a) Support – Nil (b) Object – Jane McGarity, Phil Hotham, Garth Dean (c) On behalf of the applicant – Mitchell Bland
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing meeting Wednesday, 13 June 2018 Final briefing meeting to discuss council's recommendation, 13 June 2018, 12.30pm. Attendees: <ul style="list-style-type: none"> Panel members: Gordon Kirkby (Chair), Ruth Fagan and Mark Grayson Council assessment staff: Neil Southorn, Richard Denyer, Lucie Barnett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report