

DATE OF DETERMINATION	19 October 2023
DATE OF PANEL DECISION	19 October 2023
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright and Daniel Walsh
APOLOGIES	Rhonda Hoban
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 October 2023.

MATTER DETERMINED

PPSNTH-210 – Kempsey – DA2300720 at 42 Saleyards Road West Kempsey – Kempsey Regional Saleyards Infrastructure Upgrade (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 listed at item 8 in Schedule 1.

Development application

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 Panel determined to approve the application, subject to conditions, for the reasons noted in the Assessment Report. The Panel notes the Assessment Report was prepared by an independent planning consultant as Council is the Applicant for the proposal.

In particular, the Panel agrees with the assessment that the development proposal will:

- improve animal welfare and comfort through the provision of shade over the saleyards and the use of soft flooring
- improve stormwater quality and management/reuse
- improve safety for animal handlers in the ring
- improve road safety during operations
- provide upgraded facilities and amenities including for people with disabilities
- not result in unacceptable adverse environmental impacts - subject to compliance with the conditions

The Panel concluded the proposal is in the public interest.

CONDITIONS





The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition 11 to insert the following and re-number the remainder of the condition accordingly:
 - c) staging of the development and the required operational procedures to allow the saleyards to continue to operate,

- Amend Condition 43 to remove the duplicated words 'of the completion'

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 Daniel Walsh

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-210 – Kempsey – DA2300720
2	PROPOSED DEVELOPMENT	Kempsey Regional Saleyards Infrastructure Upgrade
3	STREET ADDRESS	42 Saleyards Road West Kempsey
4	APPLICANT/OWNER	Ben Lee - Kempsey Shire Council Kempsey 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"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Kempsey Local Environmental Plan 2013; • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Kempsey Development Control Plan 2013 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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"> • Independent Consultant Planner Assessment Report: 4 October 2023 • Supplementary Assessment Report: 17 October 2023 • Written submissions during public exhibition: Zero (0) • Total number of unique submissions received by way of objection: Zero (0)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 12 July 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Rhonda Hoban and Daniel Walsh ○ <u>Council assessment staff</u>: Melissa Zaide ○ <u>Independent Planning Consultant</u>: Chris Pratt (Independent Assessment Planner) ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis • Site inspection: 16th October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Lees (Chair), Stephen Gow, Michael Wright, Daniel Walsh and Rhonda Hoban ○ <u>Applicant representatives</u>: Ben Lee ○ <u>Council assessment staff</u>: Melissa Ziade, Retha Du Preez and Melissa Thompson ○ <u>Independent Planning Consultant</u>: Chris Pratt

		<ul style="list-style-type: none"> • Applicant Briefing: 18 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Daniel Walsh ○ <u>Applicant representatives</u>: Ben Lee ○ <u>Council assessment staff</u>: Melissa Zaide ○ <u>Independent Planning Consultant</u>: Chris Pratt, Michiel Kamphorst and Heather Murphy ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis • Final briefing to discuss council's recommendation: 18 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Daniel Walsh ○ <u>Council assessment staff</u>: Melissa Zaide ○ <u>Independent Planning Consultant</u>: Chris Pratt, Michiel Kamphorst and Heather Murphy ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report