

DATE OF DETERMINATION	17 November 2022
DATE OF PANEL DECISION	16 November 2022
DATE OF PANEL MEETING	25 October 2022
PANEL MEMBERS	Chris Wilson (Acting Chair), Susan Budd, Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 October 2022.

MATTER DETERMINED

PPSSTH-83 – Snowy Valleys – DA2021/0011 at Lot 1 DP 197308 Snowy Mountains Highway, Gilmore NSW 2720 – Proposed waste management facility for the purpose of sorting and composting a maximum of 10,000 tonnes per annum of organic material, including food organics garden organics (FOGO), and associated access and supporting infrastructure and associated site works (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.

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 for the reasons outlined in the Council's Assessment and Addendum Reports. It is noted that prior to making its decision, the Panel sought clarification of several matters from the Council. These matters were addressed in the Addendum Report and included the following:

1. Clarification regarding the retail of end products and any implications for traffic/parking;
2. Consideration of potentially offensive development (odour) against the provisions of the Resilience and Hazards SEPP;
3. Clarification that any Increase in throughput on the site above 3,000 tonnes per annum would be sought through changes to the environmental protection license (EPL) issued for the operation;
4. Consideration of the objectives of the IN1 zone;
5. Resolution of any issues raised by NSW Department of Planning and Environment Biodiversity and Conservation Division including the need for conditions;
6. Expand on the Heritage NSW findings and the rationale behind the application of the GTA's to the whole site; and
7. Review and update the draft Conditions to specifically refer to recommendations in the specialist reports supporting the application.

Having received and reviewed Council's Addendum Report, the Panel was satisfied that:

- All outstanding matters had been adequately addressed;




- All relevant environmental, amenity and land use safety impacts associated with the development had been considered and were acceptable subject to the imposition of the recommended conditions;
- The Development was an important initiative that would divert waste from landfill for reuse consistent with Government policy; and
- Given the above, the development was in the public interest.

CONDITIONS

The Development Application was approved subject to the amended conditions, with further amendments to conditions 15 and 21 to provide for Council approval of the Landscape Plan and Erosion and Sediment Control Plan.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the two (2) written submissions made during the public exhibition. The Panel was satisfied that the issues raised in those submissions had been adequately addressed in the Council's Assessment and Addendum Reports, and the recommended conditions of consent.

PANEL MEMBERS	
 Chris Wilson (Acting Chair)	 Susan Budd
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-83 – Snowy Valleys – DA2021/0011
2	PROPOSED DEVELOPMENT	Proposed waste management facility for the purpose of sorting and composting a maximum of 10,000 tonnes per annum of organic material, including food organics garden organics (FOGO), and associated access and supporting infrastructure and associated site works.
3	STREET ADDRESS	Lot 1 DP 197308 Snowy Mountains Highway, Gilmore NSW 2720
4	APPLICANT/OWNER	Snowy Valleys Council
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Protection of the Environment Operations Act 1997 • National Parks and Wildlife Act 1974 • Biodiversity and Conservation Act 2016 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazard) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ Tumut Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Snowy Valley Development Control Plan 2019 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</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"> • Council Assessment Report: 24 October 2022 • Council Addendum Report: 1 November 2022 • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 6 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Graham Brown ○ <u>Council staff</u>: John Osland, Martin Canteros-Paz, Paul Nugent, Quentin Adams • Applicant / Council Briefing: 2 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Susan Budd ○ <u>Council Staff</u>: Nick Wilton, Mark Kirkton, Bradley Allen ○ DPE: Amanda Moylan ○ <u>Council Consultant Planners</u>: Jeremy Swan & Lachlan Rogers (The Planning Hub) ○ <u>Applicant representatives</u>: Andy Findlay, Quinin Adams (SVSC), Martin Canteros-Paz (SVSC)

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 25 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Susan Budd, Graham Brown ○ <u>DPE</u>: Amanda Moylan ○ <u>Council assessment staff</u>: Rohan Johnston, Jeremy Swan - Consultant Assessment Planner (The Planning Hub) ○ <u>Applicant representatives</u>: Quinin Adams (SVSC), Martin Canteros-Paz (SVSC)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and Addendum Report