

DATE OF DETERMINATION	15 December 2022
DATE OF PANEL DECISION	15 December 2022
DATE OF PANEL MEETING	13 December 2022
PANEL MEMBERS	Garry Fielding – Chair, Sandra Hutton, Graham Brown, Cr Geoff Chapman and David Webb
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 December 2022.

MATTER DETERMINED

PPSWES-159 – Hay – 2022-10 - 32570 Sturt Highway, Hay - UAG Bio Nutrients Facility (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 Assessment Report and was satisfied that the use and impacts could be appropriately regulated and mitigated through conditions of consent. The Panel noted the importance of the project and the potential social, economic and environmental benefit of the facility.

CONDITIONS

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

- Condition (1) - **Compliance with Consent**, to be amended as follows:

The Development must:






- (a) be carried out in accordance with the approved plans and recommendations and directions contained within UAG Bio Nutrients EIS (February 2022) & UAG Bio Nutrients EIS Supporting Documentation (October 2022), except where varied by conditions of this consent; and
- (b) only input waste material originating from the subject site; and
- (c) limit the processing of material to no more than 5,000 tonne per annum.

- Condition 16 - **Essential Energy Conditions** to be amended as follows:

A minimum distance of 15 metres from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.

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	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Geoff Chapman
 David Webb	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-159 – Hay – 2022-10
2	PROPOSED DEVELOPMENT	Waste Recycling and Energy Generating Works
3	STREET ADDRESS	32570 Sturt Highway, Hay
4	APPLICANT/OWNER	Peter Fusarelli / Ronald and Suzanne Harris
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities 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 (Planning Systems) 2021; ○ State Environmental Planning Policy (Resilience and Hazards) 2021; ○ State Environmental Planning Policy (Transport and Infrastructure) 2021; ○ Hay Local Environmental Plan (LEP) 2011. • Draft environmental planning instruments: Nil • 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"> • Council Assessment Report: 6 December 2022 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing and site inspection: 8 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Cr Geoff Chapman and David Web ○ <u>Council assessment staff</u>: Jack Terblanche ○ <u>DPE</u>: Amanda Moylan • Final briefing to discuss council's recommendation: 13 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Cr Geoff Chapman and David Web ○ <u>Council assessment staff</u>: Jack Terblanche ○ <u>Applicant representatives</u>: Peter Fusarelli, Brett Peterkin, Jane Carroll, John Barraclough, Tom Wilson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report