



DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	26/10/2023
DATE OF PANEL DECISION	25/10/2023
DATE OF PANEL MEETING	17/10/2023
PANEL MEMBERS	Garry Fielding – Chair, Graham Brown, Donna Rygate and Robert Taylor
APOLOGIES	Ian North
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 06 October 2023.

MATTER DETERMINED

PPSWES-171 – BATHURST REGIONAL – 2023/38 at 220 Bentinck Street, Bathurst – Partial demolition, additions and alterations to an existing educational establishment (St Stanislaus College) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered that the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the listed at item 8 in Schedule 1.

Application to vary a development standard

Having regard to the written request from the applicant made under cl 4.6 of the Bathurst Regional Local Environmental Plan 2014, the Panel is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by subclause 4.6(3) and is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the height buildings development standard and the objectives for development within the SP2 Infrastructure zone in which the development is proposed to be carried out.

The concurrence of the Secretary has been assumed.

Development application

The Panel determined to grant consent to the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

(Note: the site's property description in the DA Notice of Determination is to refer to all lots containing the St Stanislaus College educational establishment)

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to grant consent to the proposed development for the reasons outlined in the Council Assessment Report.





CONDITIONS

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

- Condition 1 to be amended to refer to the updated Fire Safety Upgrade Strategy Report by the Davis Group.
- Condition 2 to be amended to refer to the updated Fire Safety Upgrade Strategy Report by the Davis Group.

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 by the community.

PANEL MEMBERS	
 <p>Garry Fielding (Chair)</p>	 <p>Graham Brown</p>
 <p>Donna Rygate</p>	 <p>Robert Taylor</p>

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-171 – BATHURST REGIONAL – 2023/38
2	PROPOSED DEVELOPMENT	Partial demolition, additions and alterations to an existing educational establishment (St Stanislaus College)
3	STREET ADDRESS	220 Bentinck Street, Bathurst, 2795
4	APPLICANT/OWNER	Applicant: Henry Burnett of DFP Planning Pty Ltd on behalf of St Stanislaus' College Owner: The Trustees of the Vincentian Fathers
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Bathurst Regional Local Environmental Plan 2014 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 The Environmental Planning and Assessment Regulation 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bathurst Regional Development Control Plan 2014 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: 17/10/2023 The submitted Clause 4.6 variation request relates to a height exceedance under Clause 4.3 Height of buildings. Written submissions during public exhibition: Nil Total number of unique submissions received by way of objection: Nil

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 29-08-2023 • <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Donna Rygate, Robert Taylor • <u>Council assessment staff</u>: Daniel Dwyer, Richard Denyer, Neil Southorn, Tamsin McIntosh • Final briefing to discuss council’s recommendation: 17/10/2023 • <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Donna Rygate and Robert Taylor • <u>Council assessment staff</u>: Daniel Dwyer and Richard Denyer • <u>Applicant representatives</u>: Susan Plowman and Henry Burnett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report