

## DETERMINATION AND STATEMENT OF REASONS

### WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	28 November 2023
DATE OF PANEL DECISION	28 November 2023
DATE OF PANEL MEETING	21 November 2023
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Robert Taylor & Ian North – Councillors are conflicted as the site is Council owned land

Papers circulated electronically on 14 November 2023 and revised draft conditions on 20 November 2023.

#### MATTER DETERMINED

##### PPSWES-198 – DA 2023/273 - Bathurst Regional, Chifley Dam Road, The Lagoon

Construction of a Community Facility for the purposes of providing a creative and performing arts space and ancillary accommodation (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 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


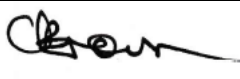

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

#### CONDITIONS

The Development Application was approved subject to the draft conditions of consent dated 20 November 2023.

#### 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)	 Graham Brown
 Donna Rygate	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-198 – DA 2023/273 - Bathurst Regional
2	PROPOSED DEVELOPMENT	Construction of a Community Facility for the purposes of providing a creative and performing arts space and ancillary accommodation
3	STREET ADDRESS	Chifley Dam Road, The Lagoon
4	APPLICANT/OWNER	Eleanor Peres of Sibling Architecture on behalf of Bathurst Regional Council Site owned by Bathurst Regional Council
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value (CIV) of the development is \$6,913,500.00. This exceeds the CIV threshold of \$5 million for private infrastructure or community facilities for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Biodiversity and Conservation Act 2016</li> <li>Bathurst Regional Local Environmental Plan 2014</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>Environmental Planning and Assessment Regulation 2021</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Bathurst Regional Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the Environmental Planning and Assessment Regulation 2021</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 30 September 2023</li> <li>Draft conditions of consent dated 20 November 2023</li> <li>Statement of Environmental Effects</li> </ul>

		<ul style="list-style-type: none"> <li>• DA Plans</li> <li>• Survey Plan</li> <li>• Title Search</li> <li>• New Access Road Civil Road Drawings</li> <li>• External Materials and Finishes</li> <li>• Plan of Management</li> <li>• Aboriginal Cultural Heritage Assessment Report</li> <li>• Archaeological Report</li> <li>• Geotechnical Investigation</li> <li>• Preliminary Arborist Assessment Report</li> <li>• Crime Prevention Through Environmental Design (CPTED) Report</li> <li>• Vegetation Assessment</li> <li>• Summary of Ecological Constraints</li> <li>• Accessibility Assessment Report</li> <li>• Sedimentation and Erosion Control Plan</li> <li>• BCA Compliance Report</li> <li>• Section J Compliance Report</li> <li>• Draft Notice of Determination</li> <li>• Written submissions during public exhibition: Nil</li> </ul>
8	MEETINGS, BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> <li>• Preliminary Briefing: 31 October 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Donna Rygate</li> <li>○ Council - Emma Castle, Stephen Champion</li> <li>○ Applicant – Eleanor Peres, Qianyi Lim</li> </ul> </li> <li>• Final briefing to discuss council’s recommendation: 21 November 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Donna Rygate</li> <li>○ Council Officer - Emma Castle, Richard Denyer, Stephen Champion, Myles Lawrence</li> <li>○ Jess Jennings (Mayor), Ben Fry (Deputy Mayor)</li> <li>○ Applicant - Eleanor Peres (Sibling Architecture), Qianyi Lim (Sibling Architecture)</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Updated draft conditions of 20 November 2023