

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	11 November 2021
DATE OF PANEL DECISION	11 November 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	David Sherley, Monica Morse and Graeme Hanger as Councillors of Bathurst Regional Council have a conflict of interest as council is the landowner of the application.

Papers circulated electronically on 27 October 2021.

MATTER DETERMINED

PPSWES-56 – Bathurst – DA2020/508 at Marsden Lane Kelso for a 139 residential lot subdivision (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.

CONDITIONS

The development application was approved subject to the conditions in the council assessment.

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	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-56 – Bathurst – DA2020/508
2	PROPOSED DEVELOPMENT	135 Lot Residential Subdivision (4 Open Space Lots and 131 Residential Lots), Construction of Roads, Clearing of Vegetation and Bulk Earthworks
3	STREET ADDRESS	Lot 157 DP 1275358, Marsden Lane Kelso NSW 2795
4	APPLICANT/OWNER	Bathurst Regional Council (Applicant and Owner)
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 (Infrastructure) 2007. State Environmental Planning Policy (Koala Habitat Protection) 2020. State Environmental Planning Policy No 55 – Remediation of Land. Bathurst Regional Local Environmental Plan 2014. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bathurst Regional Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 27 October 2021 Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 8 and 10 March 2021 <ul style="list-style-type: none"> <u>Panel member (8 March 2021)</u>: Sandra Hutton <u>Panel members (10 March 2021)</u>: Garry Fielding (Chair), Graham Brown <u>Council assessment staff (10 March 2021)</u>: Daniel Dwyer Final briefing to discuss council's recommendation: 9 November 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown <u>Council assessment staff</u>: Daniel Dwyer, Neil Southorn, Fern-Alice Coles <u>Panel Secretariat</u>: Kim Holt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report