

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Friday, 18 October 2018
PANEL MEMBERS	Gordon Kirby (Chair), Ruth Fagan, Mark Grayson, Andrew Muir and Stephen Lesslie
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Lithgow City Council on 18 October 2019, opened at 12:45pm and closed at 1:15pm.

MATTER DETERMINED

2019WES002 – Lithgow City Council – DA016/19 at Lot 3 and Part Lot 5 DP829137, within the Wallerawang Ash Repository site to the south of Kerosene Vale Ash Repository – Asbestos Disposal Area (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 proposed development is permissible with consent
- The site for the proposed asbestos disposal area is located a significant and acceptable distance from residences
- The proposed management and mitigation measures associated with the transportation of material to the site and its burial and capping are robust and acceptable
- No significant concerns were raised by relevant Government agencies with regard to the location and proposed management of the facility.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Replace Condition 1 with the following:

The development is to be carried out in accordance with DA016/19 and the Environmental Impact Statement prepared by Aurecon Australasia Pty Ltd dated 26 October 2018 and further information provided during the process unless otherwise amended by the following conditions

- Amend recommended Condition 10b) to add the following words:






The plan shall include procedures to be implemented to ensure permanent recording, and notification on site that the material is located there.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. No member of the community registered to speak at the panel determination meeting. The panel notes that issues of concern included:

- Ensuring that all proposed safety measures are met given the proximity of the facility to the villages of Lidsdale and Wallerawang;
- Concern regarding the impact of the development on people's health and safety.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed to ensure that the facility is designed and managed appropriately to minimise risk to the community.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	 Andrew Muir
 Stephen Lesslie	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WES002 – Lithgow City Council – DA016/19
2	PROPOSED DEVELOPMENT	Asbestos Disposal Area
3	STREET ADDRESS	Lot 3 and Part Lot 5 DP829137, within the Wallerawang Ash Repository site to the south of Kerosene Vale Ash Repository.
4	APPLICANT/OWNER	Aurecon Australasia Pty Ltd / EnergyAustralia NSW Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 33 – Hazardous & Offensive Development State Environmental Planning Policy No 44 – Koala Habitat Protection State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 Lithgow Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: Nil 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: 28 August 2019 List any clause 4.6 variation requests here: Nil Written submissions during public exhibition: 1 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Paul Cashel
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: Friday, 18 October 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Andrew Muir and Stephen Lesslie <u>Council assessment staff</u>: Paul Cashel Final briefing to discuss council's recommendation, Friday, 18 October 2019, 11:30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Andrew Muir and Stephen Lesslie <u>Council assessment staff</u>: Paul Cashel
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

