

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	28 May 2025
DATE OF PANEL DECISION	27 May 2025
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 May 2025.

MATTER DETERMINED

PPSWES-262 – Cabonne Council – DA 2024/166 at Lot 2 DP1301356, Canowindra Road, Canowindra – Extractive Industry (Open-Cut Quarry) (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 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 Report with the following amendments:

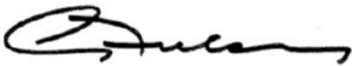


- All amendments requested by the applicant in the letter dated 22 May 2025 (and uploaded to the NSW Planning Portal on 27 May 2025), with the following exceptions:
 - Condition 2 is to refer to a “separate development consent or modification application as appropriate”
 - Condition 15 is to refer to fencing to a minimum height of 1.8m “adjoining the road frontage and 1.2m elsewhere”
 - Condition 17 is to remain unchanged

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition. The Panel notes that the issues of concern included:

- Noise, dust and water impacts
- Increased truck usage, road damage, road maintenance, traffic safety
- Maximum extraction and truck movements clarification
- Quarry not necessary as plenty of others in vicinity
- Decrease in land value

The Panel considers that the concerns raised in the submission have been adequately addressed in the Assessment Report or via amendment of the application (removal of blasting).

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-262 – Cabonne Council – DA 2024/166
2	PROPOSED DEVELOPMENT	Extractive Industry (Open-cut Quarry)
3	STREET ADDRESS	Lot 2 DP1301356, Canowindra Road, Canowindra
4	APPLICANT/OWNER	Makk McNaught – McNaught Earthworks Pty Ltd McNaught Family Capital
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Regulation 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Resources and Energy) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Cabonne Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Cabonne Development Control Plan 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: 13 May 2025 Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 27 May 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate <u>Council assessment staff</u>: Kelly Walker, Heather Nicholls, Rhassel Mhasho, Heather Nicolls, Andrew Crump <u>Applicant representatives</u>: Makk McNaught, Indigo Devane, Mitchell Bland <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report