

<b>DATE OF DETERMINATION</b>	27 August 2021
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Andrew Muir, Stephen Lesslie
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 9 August 2021.

#### **MATTER DETERMINED**

PPSWES-80 – Lithgow – DA069/21 at Excelsior Road Round Swamp for a Waste and Resource Management Facility (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. The panel agreed with the recommendation in the council officers report however amended conditions 2, 7, 9 and 13 to strengthen the conditions or provide greater clarity.

#### **CONDITIONS**





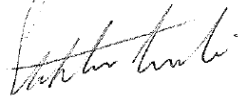
The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 2 amended to read as follows:  
*This development consent operates in conjunction with development consent DA450/01. If the operation authorised by DA450/01 ceases to operate then the operation of the activities authorised by this consent must also cease.*
- Condition 7 amended to read as follows:  
*This development consent is limited to the exportation of lime kiln dust from the Graymont Charbon Lime Kiln to the Excelsior Quarry for a period of five years from the date of the consent. The purpose of this limitation is to provide sufficient time for alternative uses of the lime kiln dust to be found. An extension of time for a further two-year period and/or a reduction of the total quantity of lime kiln dust referred to in condition 5 above may be approved by way of a written agreement between the operator, the NSW Environment Protection Authority and Lithgow City Council.*
- Condition 9 amended to read as follows:  
*All vehicles transporting lime kiln dust shall be securely covered or sealed to prevent dust escaping into the atmosphere.*

- Condition 13 amended to read as follows:  
*The following measures shall be implemented to manage dust from the transport and emplacement of lime kiln dust as outlined in the Environmental Impact Statement:*
  - *using securely covered or sealed trucks and/ or trailers*
  - *adding moisture to the material*
  - *not loading on windy days. A windy day is defined, for the purposes of this condition, as wind rated at 6 or greater on the Beaufort Scale <https://www.anbg.gov.au/jrc/kayak/beaufort.html>*

#### 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	 Andrew Muir
 Stephen Lesslie	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-80 Lithgow – DA069/21
2	PROPOSED DEVELOPMENT	Waste and Resource Management Facility (Placement of Lime Kiln Dust in Disused Quarry)
3	STREET ADDRESS	Excelsior Road, Round Swamp
4	APPLICANT/OWNER	Graymont (Excelsior) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No.55 Remediation of Land</li> <li>○ Lithgow Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: Nil</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: 6 August 2021</li> <li>• Written submissions during public exhibition: Nil</li> <li>• Total unique submissions received by way of objection: Nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 28 July 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Andrew Muir, Stephen Leslie</li> <li>○ <u>Council assessment staff</u>: Paul Cashel, Mark Hitchenson</li> </ul> </li> <li>• Site inspection: electronically</li> <li>• Final briefing to discuss council's recommendation: 24 August 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Andrew Muir, Stephen Leslie</li> <li>○ <u>Council assessment staff</u>: Paul Cashel, Mark Hitchenson</li> <li>○ <u>Applicant representatives</u>: Don Cheong</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report