

# Notice of decision SSD-5300-MOD-3 – Kembla Grange Resource Recovery Facility

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

|                                            |                                                      |
|--------------------------------------------|------------------------------------------------------|
| <b>Application type</b>                    | State significant development modification           |
| <b>Application number and project name</b> | SSD-5300-Mod-3<br>Kembla Grange Waste Facility-Mod-3 |
| <b>Applicant</b>                           | BINGO RECYCLING PTY LTD                              |
| <b>Consent Authority</b>                   | Minister for Planning and Public Spaces              |

### Decision

The Director under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to conditions.

A copy of the instrument of modification and conditions is available [here](#).

A copy of the Department of Planning, Industry & Environment's assessment report is available [here](#).

### Date of decision

24 December 2021

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the submissions from Council and State Authorities

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region and the State as a whole, including full time employment for an additional two staff and assisting the State of NSW to achieve its recycling targets and diversion of waste from landfill;
- the modification is permissible with consent, and is consistent with NSW Government policies including the Illawarra-Shoalhaven Regional Plan and the Waste and Sustainable Materials Strategy 2021;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards; and
- weighing all relevant considerations, the modification is in the public interest.