

# Notice of Decision – Roberts Road Quarry Modification 4 (DA267-11-99-MOD-4)

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>	Roberts Road Quarry Modification 4 (DA267-11-99-MOD-4)
<b>Applicant</b>	Hodgson Quarries and Plant Pty Limited
<b>Consent Authority</b>	Minister for Planning & Public Spaces

## Decision

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

A copy of the instrument of modification and the consolidated conditions of consent, as modified, are available here: <https://www.planningportal.nsw.gov.au/major-projects/project/25871>

A copy of the Department of Planning, Industry & Environment's assessment report is available here: <https://www.planningportal.nsw.gov.au/major-projects/project/25871>

## Date of decision

13 August 2021

## Reasons for decision

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

- the relevant matters listed in section 4.15 and section 4.55 (3) 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 objects of the Act;
- all information submitted to the Department during the assessment of the modification application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

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.

The key reasons for granting the modification are as follows:

- the modification is permissible with consent, and is consistent with NSW Government policies including *State Environmental Planning Policy (State and Regional Development) 2011* and *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*;
- the modification is unlikely to significantly increase impacts than those already assessed and approved, subject to adoption of assessment recommendations and revised conditions of consent;
- the import of ENM and VENM for the purpose of reprocessing or establishing the final landform is considered a more beneficial reuse than diverting the material to landfill;
- the modification would improve project rehabilitation outcomes;
- the issues raised in submissions have been considered and adequately addressed through existing and recommended conditions of consent; and
- weighing all relevant considerations, the modification is in the public interest.

### **Attachment 1 – Consideration of Community Views**

The Department publicly exhibited the modification application from 13 January 2020 until 7 February 2020 (25 days). The Department also advertised the exhibition in *The Hills Shire Times* on 8 January 2020 and directly notified surrounding landowners within the vicinity of the site, by letter. The Department received no community submissions for the project.

The key issues considered in the Department's Assessment Report and by the decision maker include rehabilitation and final landform, traffic and air quality management.

The existing and updated conditions of consent provide a robust framework for the management of environmental and social impacts, in accordance with best practice and a comprehensive suite of management plans. The Department has taken the opportunity to update these conditions to reflect its current standards. The conditions also require the preparation of an updated suite of management plans following approval a modification.