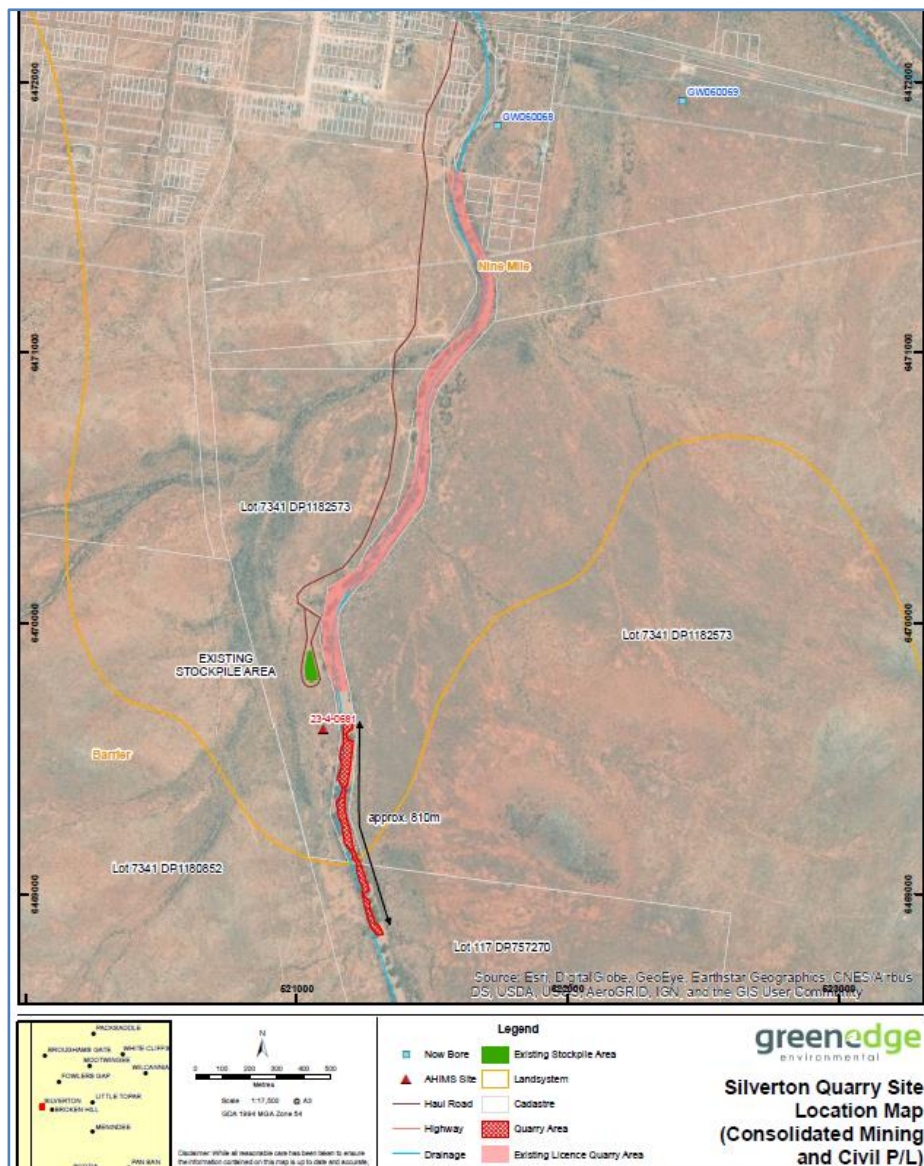


Silverton Sand Quarry Modification 2

Project Life Clarification

Modification Assessment (DA 14/08786 MOD 2) August 2022



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Title: Silverton Sand Quarry Modification 2

Subtitle: Project life clarification

Cover image: *Locality figure from Boral's modification report.*

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1 Introduction

Consolidated Mining and Civil Pty Ltd (CMC) operates the Silverton Sand Quarry, approximately 10 kilometres (km) north-west of Broken Hill, in the unincorporated area of Western New South Wales, at Silverton. The land is referred to as Mindioomballa Creek and is adjacent to several allotments along the creek (see cover figure). CMC was granted development consent on 29 April 2015 for a 10-year quarry project life. The project was modified on the 17 June 2020 to allow quarrying to expand by 1.9 hectares, for 18 months, into a new area within the same creek bed to the south (refer red hatched area on cover figure).

CMC is now seeking to modify the development consent via Section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to clarify a condition relating to when quarrying operations should cease.

2 Statutory Context

2.1 Scope of modifications

When drafting the conditions of consent for Modification 1, the Department included condition 9A which set the timeframe for quarrying in the expansion area. However, the condition did not specify that the timeframe applied to the expansion area only. Consequently, 9A unintentionally limited the extraction period in the original extraction area.

As the original consent was granted for 10 years, CMC is seeking to have condition 9A amended to clarify that quarrying operations in the original extraction area are permitted until 29 April 2025, while quarrying operations in the expansion area ceased 31 October 2021.

Given the nature of the modification the Department considers it meets the definitions of Section 4.55(1) of the EP&A Act and would not change the nature or scale of the development consent as originally approved.

2.2 Consent authority

The Minister for Planning is the consent authority for the application, under clause 2.3(b) of the *State Environmental Planning Policy (Resources and Energy) 2021*. However, under the Minister's delegation dated 9 March 2022, the Director Resource Assessments, may determine the application.

2.3 Engagement

The Department is not required to publicly exhibit a modification application made in accordance with Section 4.55(1) of the EP&A Act and given the minor nature of the application, it was not. However, it was made available on the NSW Planning Portal.

3 Evaluation

The modification proposes to correct a misdescription in the development consent and would not change the environmental or amenity impacts generated by the project. The correction would ensure that the consent accurately describes the project life of quarrying operations.

Some other administrative updates to the consent are proposed to correct state agency names.

4 Recommendation

It is recommended that the Director Resource Assessment, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the modification falls within the scope of section 4.55(1) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



11/08/2022

Carl Dumpleton
Team Leader
Resource Assessments

5 Determination

The recommendation is **Adopted** by:



11/08/2022

Jessie Evans
Director
Resource Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – Modification Report

<https://www.planningportal.nsw.gov.au/daex/exhibition/silverton-sand-extraction-modification-2>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/daex/exhibition/silverton-sand-extraction-modification-2>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/daex/exhibition/silverton-sand-extraction-modification-2>