

APPENDIX D: DRAFT INSTRUMENTS OF REFUSAL

State Significant Development – Notice of Refusal of Modification Application

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission, pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979*, determines the modification application referred to in Schedule 1, by refusing to modify the development consent referred to in Schedule 2, for the reasons outlined in Schedule 3.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2017

SCHEDULE 1

Modification application "Stratford Extension Project – Modification 1" submitted by Stratford Coal Pty Ltd on 15 August 2016.

SCHEDULE 2

The development consent (SSD 4966) for the Stratford Extension Project, granted by the Planning Assessment Commission, as delegate of the Minister for Planning on 29 May 2015.

SCHEDULE 3

The reasons for refusing the modification application are:

1. the application is intrinsically related to the Rocky Hill Coal Project;
2. the Commission has refused the Rocky Hill Coal Project; and
3. the application has no critical purpose related to the operation of the Stratford Extension Project in the absence of approval for the Rocky Hill Coal Project.

State Significant Development – Notice of Refusal of Development Application

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission refuses consent to the development application referred to in Schedule 1 pursuant to section 89E(1)(b) of the *Environmental Planning and Assessment Act 1979*, for the reasons outlined in Schedule 2.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2017

SCHEDULE 1

Application Number:

SSD 5156

Applicant:

Gloucester Resources Limited

Consent Authority:

Minister for Planning

Land:

See Appendix 1

Project:

Rocky Hill Coal Project

SCHEDULE 2

The reasons for refusing the development application are:

1. the site is not suitable for the project;
2. the project is too close to the town of Gloucester and would result in unacceptable risks of noise, blasting and air quality impacts for residents;
3. the project would have unacceptable visual impacts;
4. the project would have unacceptable social impacts; and
5. for the above reasons, the project is not in the public interest.

**APPENDIX 1
SCHEDULE OF LAND**

Lot	DP	Lot	DP
1	180294	345	720602
112	877190	333	41170
113	877190	1	48808
16	755769	4	249955
3	755769	5	249955
17	755769	331	46518
41	755769	332	46518
42	755769	1	1025909
49	755769	36	755769
57	755769	1	220269
59	755769	1	248473
62	755769	3	220269
63	755769	7005	1026565
74	755769	7315	1142024
85	755769	7316	1142025
92	755759	50	827626
96	755759	363	740604
125	755769	6	1127747
164	755759	51	827626
1	160808	52	827626
1	376417	1	803655
1	528538	191	629212