



Our Ref: 3479C\_Haerses Road Quarry\_Appl for Minor Mod\_ltr

28 November 2018

Howard Reed  
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Att: Lauren Evans

Dear Lauren

**Re: Application to modify DA 165-7-2005 for Haerses Road Quarry under Section 4.55(1) of the Environmental Planning & Assessment Act 1979**

Dixon Sand Pty Ltd operates the Haerses Road Quarry at Maroota under DA 165-7-2005 ("the development consent"). The development consent was originally issued by the Minister for Planning on 14 February 2006 and modified on 22 January 2018.

On behalf of Dixon Sand Pty Ltd, it is requested that the development consent is modified under Section 4.55(1) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) to correct a minor error. The minor error to be corrected is described and assessed as follows

As recently identified with the Department, a small area of the approved extension to disturbance area on the Quarry Site (as identified on *Figure 2 of Appendix 1* of the development consent) overlaps with the 40m buffer zone (to the former Maroota State Forest) identified in *Appendix 2* of the development consent. The area in question represents approximately 0.6 hectares along the eastern boundary of Lot 216 DP752039 (referred to hereafter as Lot 216) with the Haerses Road easement. The proposed modification seeks to replace the existing figure of *Appendix 2*, which we understand was prepared as part of the environmental assessment supporting the original development application, with the attached **Figure 1**. **Figure 1** modifies the buffers to reflect the approved disturbance area of the Quarry.

In assessing the effect of the proposed modification, consideration has been given to the establishment and maintenance of buffer zones within the Quarry Site. It is understood that the buffer zones presented in *Appendix 2* of the development consent were applied in accordance with the Hills Shire Council Development Control Plan ("Hills DCP"). Section 1 of Part 2 of the Hills DCP recommends minimum setbacks as follows.

- 10m to an adjoining property.

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- 30m to a public road.
- 40m to National Park, State Forest or Crown lands boundary.

Notwithstanding the fact that Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 confirms that development control plans do not apply to State Significant Development, the buffers as originally applied have been considered and assessed.

When originally approved (2006), Lot 216 adjoined the Haerses Road easement and the former Maroota State Forest, hence the application of the 40m buffer. It is noted that the section of road reserve between Lot 216 and Lot 7308 DP1163424 of the former Maroota State Forest (referred to hereafter as Lot 7308) is owned by the Hills Shire Council and not used as a public road. On the basis of the above, any buffer zone should be considered with respect to the minimum setback to an adjoining property, i.e. 10m.

With respect to the maintenance of effective buffers for extractive industry, Section 1 of Part 2 of the current Hills DCP identifies that these are to achieve the following outcomes.

- *“To protect landscape quality, the habitats of threatened species, populations and ecological communities of the shire”.*
- *“To maintain and enhance the rural-residential streetscape, existing character and amenity of rural-residential activities”.*

Noting these outcomes, Section 1 (of the Hills DCP) also states that *“setbacks may vary depending upon the nature and location of extractive industries”*. Noting the nominated outcome objectives of extractive industry buffers, it is argued that modifying the buffer to account for the approved disturbance footprint on Lot 216 would not result in any adverse effect on the landscape quality or habitat availability within the shire, nor have any noticeable effect on existing character and amenity of rural-residential activities.

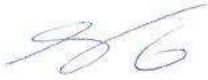
- The area of additional disturbance on Lot 216 was already disturbed prior to the modification being approved. The area of additional disturbance proposed and then approved by the January 2018 modification incorporates this into the disturbance footprint of the Quarry (which therefore provides for its rehabilitation and remediation prior to Quarry closure).
- While it is proposed to remove the buffer along the Quarry Site boundary in question, a thin strip of undisturbed native vegetation (approximately 10m in width) will be retained the majority of the length between the approved disturbance area and Haerses Road.
- Lot 7308 and Lot 1 DP1139713, which surrounds Lot 7308, contain over 40km<sup>2</sup> of contiguous vegetation without any residences or streetscapes.

On the basis of the above, it is considered that the assessment contained on p.32 of the Environmental Assessment Report for the modification (Umwelt, 2016) that *“the key operational areas of the quarry have substantial buffer distances to sensitive surrounding land uses and the Modification, as designed, is considered to be broadly compatible with surrounding land uses”* remains an accurate statement. This proposed minor modification aligns the supporting Appendices of DA 165-7-2005 with this assessment, which was confirmed by approval of the recent modification.

We trust that the information contained within this correspondence provides sufficient information for the Department to consider and determine this request to modify DA 165-7-2005 under Section 4.55(1) of the EP&A Act. Should any further information be required, please do not hesitate to contact Alex Irwin.

It is understood that the application fee for a Section 4.55(1) application is up to \$850. On confirmation that the Department will accept this application to modify, an invoice should be made out to Dixon Sand Pty Ltd who will arrange for payment.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'A Irwin'.

Alex Irwin  
Principal Environmental Consultant