

Our Ref: R13_RTS

11 January 2019

Howard Reed
Director Resource Assessments
Department of Planning & Environment
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Sydney NSW 2001

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Att: Rob Beckett

Dear Rob

Re: Additional information to support an application to modify DA 165-7-2005 for Haerses Road Quarry under Section 4.55(1) of the Environmental Planning & Assessment Act 1979

With respect to the Department's email of 21 December 2018 and comments of the NSW Office of Environment and Heritage (OEH) forwarded to the Department on 2 January 2019 relating to an application by Dixon Sand Pty Ltd to modify DA 165-7-2005, Umwelt (Australia) Pty Ltd provides the following response on behalf of the Applicant.

With respect to the Department's request for an amended diagram for inclusion in a consolidated consent, **Figure 1** has been updated and is attached for the Department's consideration and confirmation.

With respect to the comments of OEH, we make the following points.

1. The Applicant is not requesting any new, unassessed or unapproved impact, it only relates to the removal of a conflict between two appended figures of the development consent, as modified in January 2018.
2. The area in question was already cleared at the time of the application for Modification 1.
3. The area of proposed impact was assessed in accordance with the Framework for Biodiversity Assessment (FBA) as part of the Environmental Assessment submitted to support Modification 1. In accordance with the FBA, this assessment considered potential indirect impacts which were approved by DPE in consultation with OEH.
4. All impacts to biodiversity associated with the approved disturbance are to be offset in accordance with the conditions of DA 165-7-2005.
5. As noted by OEH, the referenced buffer zones are provided as guidelines contained within the Hills Shire Council Development Control Plan. As

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referenced by the Department, the Hills Shire Council has not raised any objection to the minor modification to the buffers of DA 165-7-2005.

In summary, the area of approved disturbance located within 40m of Haerses Road has been subject to appropriate impact assessment, of both direct and indirect impacts, with offsets developed in accordance with the biodiversity offsetting framework of the time and being implemented as required by the conditions of DA 165-7-2005. The matter raised by OEH over the potential indirect impacts on surrounding vegetation have therefore already been considered, assessed and approved.

It is also relevant to note that the area over which the 40m buffer would be applied contains the vehicular access to the approved 'Modification Disturbance Area' on Lot 216 DP752039 (refer to **Figure 1**). The buffer would therefore block commercial access to this approved area of disturbance on this portion of the Quarry Site. Relocating the access to accommodate a 40m buffer would require the importation of large volumes of material to backfill the approved extraction area on Lot 177 DP75203. This is considered an unnecessary action in light of the existing approval to operate within the 'Modification Disturbance Area' identified on **Figure 1**.

By not approving the proposed modification, the Department would be preventing development that has been assessed in accordance with the relevant requirements of the time and approved in consultation with all relevant government agencies (OEH included).

We trust that the information contained within this correspondence addresses the request of the Department and comments of OEH. Should any further information be required, please do not hesitate to contact Alex Irwin.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'AI', is positioned above the typed name.

Alex Irwin
Principal Environmental Consultant