

DEPARTMENT OF PLANNING*Major Project Assessment***For decision**

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- 4 MAR 2009

MINISTER'S
OFFICE**SECTION 75W MODIFICATION**
DIXON SAND QUARRY, OLD NORTHERN ROAD, MAROOTA**PURPOSE**

To obtain the Minister's approval that the Part 4 development consents for the Dixon Sand Quarry at Old Northern Road, Maroota, may be treated as a Part 3A approval for the purposes of a proposed modification under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

BACKGROUND

Dixon Sand (Penrith) Pty Ltd operates two nearby sand quarries at Maroota in the Baulkham Hills local government area – the Old Northern Road Quarry and the Haerses Road Quarry.

The Old Northern Road Quarry, on Lots 196 and 29 DP 752025, was approved by the Land and Environment Court on 7 July 2000 under development consent 796/00/HE. An easterly extension to the quarry, on Lots 1 and 2 DP 547255, was granted by the Court on 24 May 2004 (DA 250-09-01). A plan showing the layout of the quarry is provided in Figure 1, below.

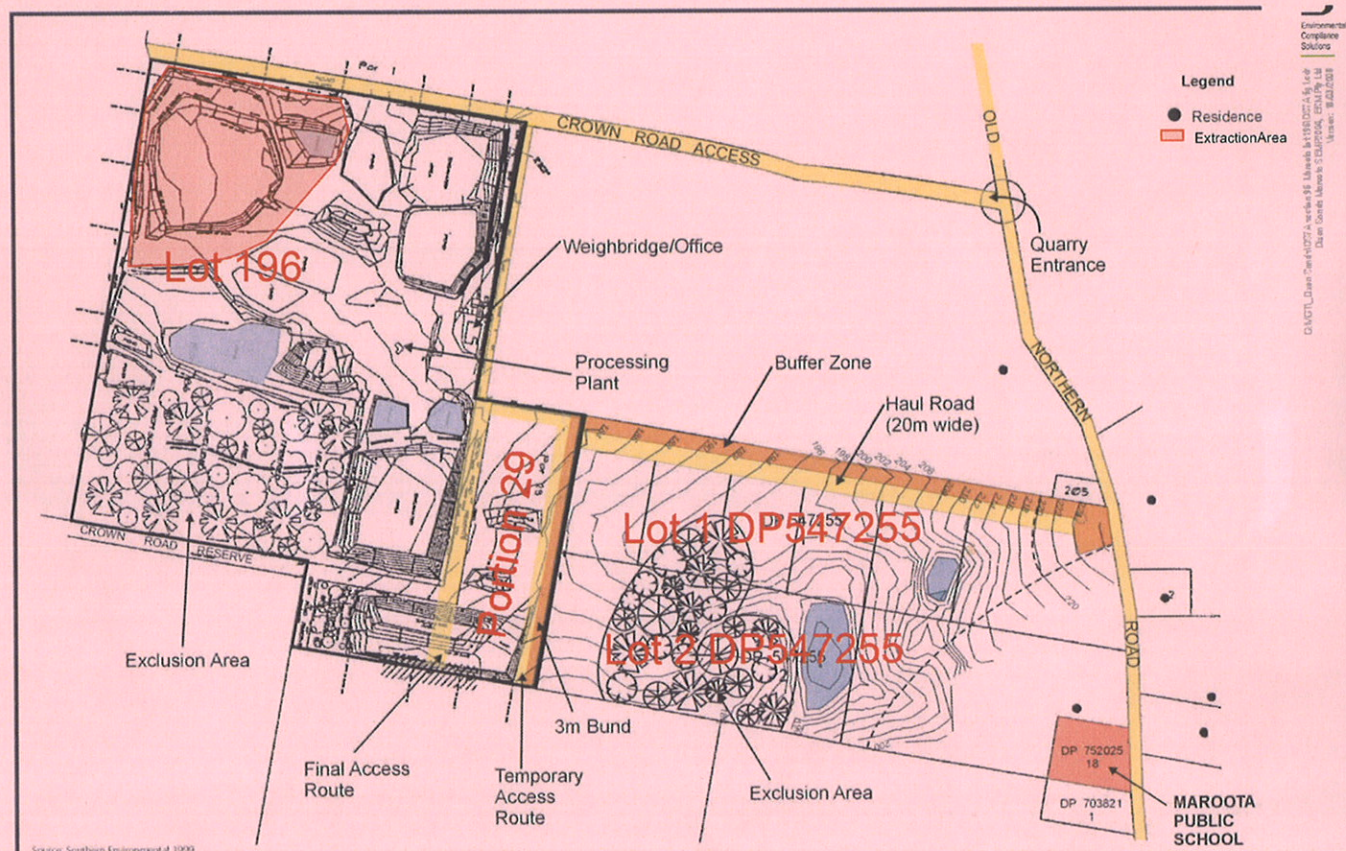


Figure 1: Dixon Sand - Old Northern Road Quarry

Under consent 796/00/HE, Dixon Sand is permitted to:

- extract to a maximum depth of 15.24m below the original surface for a period of 10 years, ending on 22 March 2010; and

- transport a maximum of 60 laden trucks per day, equivalent to a maximum of 490,000 tonnes of sand products a year.

The EIS supporting the application for consent 796/00/HE estimated the average rate of extraction of extractive material (sand) at 250,000 tonnes per annum.

Under the consent for DA 250-09-01, Dixon Sand is permitted to:

- produce a maximum of 495,000 tonnes of sand products a year (sourced from both the Old Northern Road Quarry and the Haerses Road Quarry);
- generate a maximum of 120 truck movements per day, of which only 88 movements may be laden;
- process extracted materials on Lot 196 until 2020; and
- transport sand product to local and regional markets via Old Northern Road and Wiseman's Ferry Road.

Dixon Sand now proposes modifications to the two consents that govern the operation of the quarries on Old Northern Road. These are:

- modifying development consent 796/00/HE to extend the consent expiry date from 2010 to 2022 and increase the limits of extraction, from a depth of 15.24m below surface level to 2m above the high groundwater level (an approximate 11.25m increase in the depth of extraction); and
- modifying development consent DA 250-09-01 to allow extraction of sand from within an area precluded by the existing consent (outlined in orange edge on Figure 2 below). The area from which the company is seeking to extract further resources, shown hatched yellow in Figure 2, comprises a shallow groundwater zone and a buffer of up to 50m around a stand of significant vegetation (although not including the vegetation). The modification would be configured and assessed to ensure that the features protected by the buffer zones would not be directly impacted by the proposed works.

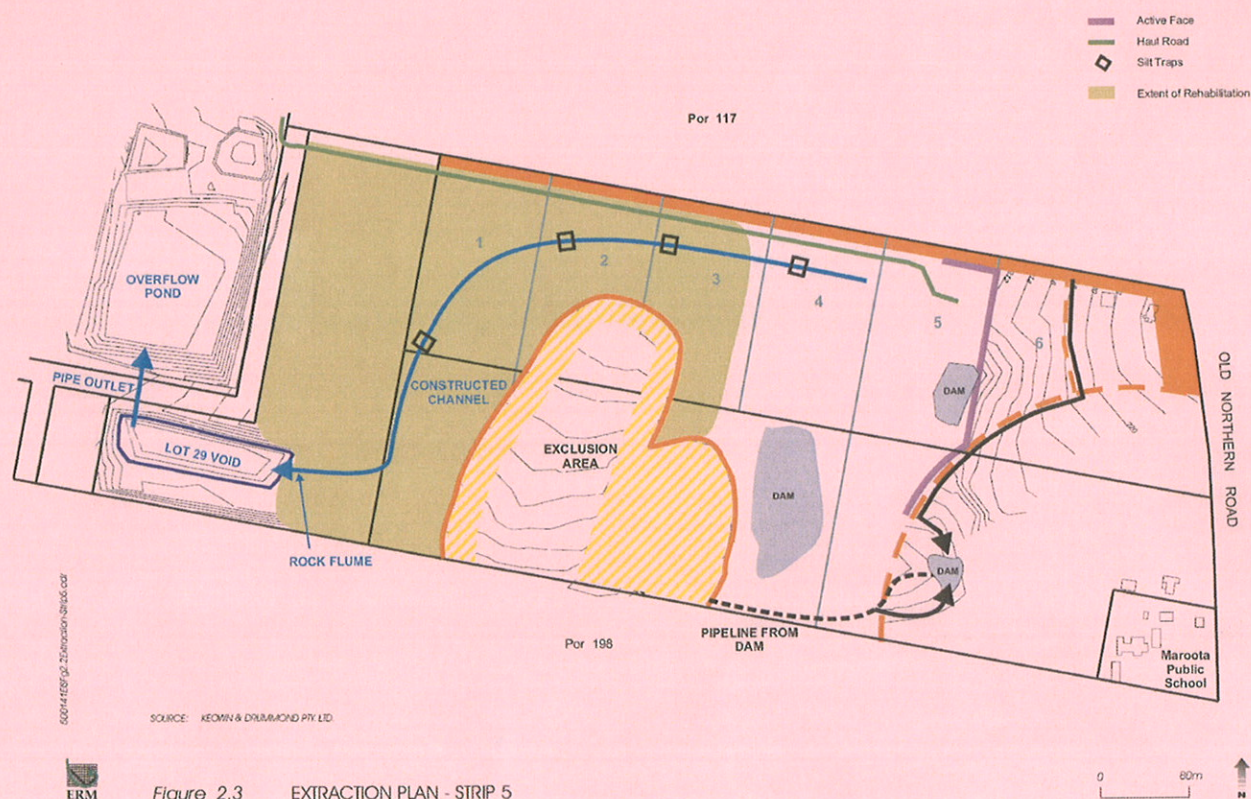


Figure 2: Exclusion Areas – Lots 1 and 2

ISSUE

Dixon Sand proposes to seek approval for the proposed modifications under Section 75W of the EP&A Act.

MINISTER'S POWERS

Under Clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000*, a development consent granted under Part 4 of the EP&A Act may be modified under Section 75W (ie. Part 3A) of the EP&A Act, but only if:

- a) *the consent was granted with respect to development that would be a project to which Part 3A of the Act applies but for the operation of Clause 6 (2)(a) of State Environmental Planning Policy (Major Projects) 2005, and*
- b) *the Minister approves of the development consent being treated as an approval for the purposes of Section 75W of the Act.*

Essentially, this means the Minister may allow certain Part 4 development consents to be modified under Part 3A. However, it is important to note that although these consents would be modified under Part 3A they would remain Part 4 consents.

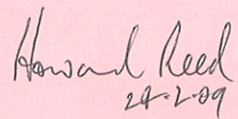
CONSIDERATION


The Department has reviewed Dixon Sand's proposed modifications, and is satisfied that:

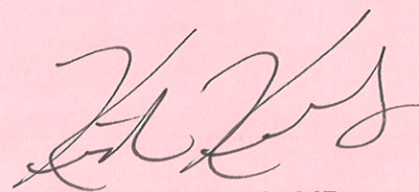
- but for clause 6(2)(a) of the Major Projects SEPP, the two development consents for the Old Northern Road Quarry were granted for development that would be a project to which Part 3A applies, as the development satisfies the criteria in Clause 7(1)(a) of Schedule 1 of the Major Projects SEPP being development for the purpose of an extractive industry that extracts more than 200,000 tonnes of extractive material a year;
- the proposed modifications involve extracting the resource from an existing pit on Lot 196 DP 752025 (796/00/HE) and marginally expanding the extraction footprint on Lots 1 and 2 DP 547255, and would not "radically transform" the development that was originally approved by the Land and Environment Court.

RECOMMENDATION

It is RECOMMENDED that the Minister approves the development consents 796/00/HE and DA 250-09-01 for Dixon Sand's Old Northern Road Quarry being treated as approvals for the purposes of Section 75W of the EP&A Act.


24-2-09
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3.7.09
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Kristina Keneally MP
Minister for Planning
26/3/09