



Our ref: IRF18/3944

Prof Mary O'Kane
Chairperson
Independent Planning Commission
GPO Box 3415
SYDNEY NSW 2001

Dear Prof O'Kane

Dunloe Park Sand Quarry Modification 2 (MP 06_0030)

The Department has received an application from Holcim (Australia) Pty Ltd (Holcim) to modify the project approval for its Dunloe Park Sand Quarry, located in the Tweed Shire local government area.

During exhibition of the application, the Department received five submissions from NSW Government agencies and one submission from a member of the public. Subsequently, in response to Holcim's Response to Submissions report, the Department received additional submissions from Tweed Shire Council (Council) advising that it did not support the proposed modification. In subsequent discussions between Department officers and Council, Council advised that its submission should be considered to be a formal objection.

The Independent Planning Commission of NSW (IPC) must determine the application, in accordance with the Minister's delegation of 14 September 2011, because:

- Council has objected to the proposed modification;
- Council's objection was not received during the public exhibition period, and as such, Clause 8A(2) of the *State Environmental Planning Policy (SEPP) (State and Regional Development) 2011*, does not apply;
- the Minister's delegation to Department officers (11 October 2017) only applies to applications where Council has not made an objection;
- the Minister's delegation of 14 September 2011 to the Planning Assessment Commission (PAC) has not been revoked; and
- references to the PAC are to be considered as references to the IPC.

The key assessment issues relate to traffic and road safety, noise, air quality and Koala habitat. The Department considers the application to be approvable, subject to conditions.

Should you have any further questions in relation to this matter, please contact Mr Howard Reed, Director, Resource Assessments, at the Department on 9274 6308.

Yours sincerely

Oliver Holm
Executive Director
Resource Assessments and Compliance