



Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

15 December 2015

Dear Ms McNally

Subject: Determination of the New Berrima Shale Quarry Modification (08_0212 MOD 1)

I refer to your Department's letter of 30 November 2015 referring the above modification application to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011.

I constituted the Commission for this modification application.

The New Berrima Shale Quarry is located approximately 1.5 kilometres east of the town of New Berrima. The quarry site has been predominantly cleared for grazing and adjoins the Wingecarribee River. The existing project approval was granted in July 2012 and allows for the extraction of up to 150,000 tonnes of shale material a year for up to 30 years.

The proponent is seeking to modify the approved extraction area as new geological information has identified that there is a higher proportion of unwanted material (not suitable for brick-making) than previously expected, and the modified extraction plan would allow it to extract the shale resource more efficiently. The footprint of the proposed new extraction area is approximately 30% larger than the original approval and would require the relocation of some of the site infrastructure, such as a visibility barrier, water management dams and internal roads, however the depth is less and production rates remain the same.

I note that three public submissions objected to the modification application on the basis of visual, noise and dust impacts as the quarry moves closer to properties and land features and seven submissions received on the modification application from government agencies. None of the agency submissions objected to the modification application, however they raised a number of issues for consideration, particularly in relation to visual, water, noise and dust impacts. I am satisfied that environmental impacts resulting from the modified location were assessed to be low, and not greater than from the original approved location.

I have carefully considered the potential visual impacts of the modification application and note that six residences would have distant views of the proposed site layout. As noted in the Department's Assessment Report, views of the site from other nearby residences would generally be blocked by the surrounding topography or screened by existing vegetation.

I note that the potential visual impacts at these six residences would be mitigated by the installation and vegetation of two large and two small visibility barriers, and the planting of an additional tree screen. In addition, the proposed pit design has been revised so that the side that is visible from the nearby residence would be less steeply sloped and vegetated with fast-growing grasses. Consequently, I am satisfied that the visual impacts at the six residences would be minimal and that the views would generally be of distant trees and vegetated slopes.

Wingecarribee Shire Council (Council) recommended conditions relating to the planting of the Southern Highland Shale Woodland Endangered Ecological Community (EEC) species in the buffer zone north of the proposed site layout and I note that the Department has included the planting of this EEC in its recommended condition 19A of approval.

I have also considered the potential water impacts of the modification application and note that the Office of Environment and Heritage raised concerns that the proposed extraction area may be prone to flooding. I am satisfied that the Applicant has adequately addressed this issue in its Response to Submissions, which referred to the Wingecarribee River Flood Study undertaken by SMEC in 2014.

I also note that Council requested additional measures to ensure that water quality is maintained to the satisfaction of WaterNSW and NSW Office of Water, and the Department of Primary Industries recommended conditions in relation to the Groundwater Management Plan. These additional requirements have also been included in the conditions of approval 18A.

I note that specialist assessments have been undertaken in relation to potential noise and air quality impacts and that the predicted levels are below the relevant criteria with one exception relating to noise. However this exception is still less than the 4dB exceedance predicted for the original project.

Overall, I am satisfied that the proposed modification does not involve an increase in the environmental impacts and that appropriate measures to ensure mitigation for visual impacts have been undertaken.

I am also satisfied that the proposed modification would not result in any further significant environmental impacts beyond those previously approved. The likely impacts of the modification can be adequately managed through the existing management plans and conditions of approval, subject to some modifications as recommended by the Department.

The modification application is approved as recommended.

The signed instrument of approval and file returned herewith.

Yours sincerely



David Johnson
Commission Member
Planning Assessment Commission

cc. The Hon. Rob Stokes, MP
Minister for Planning
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