



DOC17/139245-03:MF

Department of Planning and Environment
(Attention: Lauren Evans)
GPO Box 39
SYDNEY NSW 2001

Dear Ms Evans

**PROPOSED SECTION 75W MODIFICATION 2 (MP 08_0212 MOD)
NEW BERRIMA SHALE QUARRY – ENVIRONMENTAL ASSESSMENT**

I am writing in response to the Department of Planning and Environment's (DPE) email dated 28 February 2017 seeking comments from the Environment Protection Authority (EPA) regarding the above development.

The Modification (Mod 2) seeks to allow the construction of a new causeway over Stony Creek, realignment of the western access road, relocation of the site office, amenities and storage container and installing underground power to replace a section of overhead power lines at The Austral Brick Co Pty Ltd's (Austral) quarry at Berrima Road, Berrima. The EPA regulates the activities undertaken at the premises through Environment Protection Licence (EPL 20377).

EPA previously provided conditions of approval and suggested Environment Protection Licence conditions to DPE on the proposed shale quarry dated 7 February 2011. EPA also subsequently provided its Environmental Assessment Requirements on the proposed Modification to DPE on 13 January 2015.

On the basis of a review of the EA documents for Mod 2, we consider that matters regulated by the EPA for the purposes of the *Protection of the Environment Operations Act 1997* (POEO Act) can generally be addressed by the existing conditions of consent issued by DPE on 6 July 2012, and in the EPL. DPE may wish to consider amending the existing condition (Schedule 3 Condition 18) requiring that Austral prepare a Surface Water Management Plan and include specific details on the construction and use of the proposed Stony Creek crossing.

Should DPE decide to approve the modification, the proponent will need to ensure that all activities are undertaken in compliance with the POEO Act and any associated regulations.

The EPA requests the opportunity to review draft consent conditions to ensure they are consistent with EPA licensing requirements (if approved).

If you have any questions, please phone Mr Matt Fuller on (02) 4224 4100.

Yours sincerely



14/03/17

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

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(02) 4224 4100