



Our ref: DOC21/1137130

Nagindar Singh
Department of Planning,
Industry and Environment
Email: Nagindar.Singh@planning.nsw.gov.au

Dear Mr Singh

Subject: Bass Point Quarry – Proposed Modification (MP08_0143-MOD-3).

I write in response to your request for comment on the proposed modification to Bass Point Quarry (MP08_0143-MOD-3) to recognise the existing and proposed locations of amenity barriers within the site, and provide for the importation of Virgin Excavated Natural Material and/or Excavated Natural Material for use in landscaping and progressive rehabilitation at the quarry.

We have reviewed the Modification Report and note that the Report states there would not be any changes to biodiversity matters as a result of the modification. However, we request Planning and Assessment Group (PAG) clarify the process for complying with Clause 30A(2) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017, which states:

(b) a biodiversity development assessment report is required to be submitted and taken into consideration if Division 4 of Part 7 of the new Act would have applied to the original development (as proposed to be modified) if planning approval had been granted after the commencement of the new Act, and

(c) however a biodiversity development assessment report is not required to be submitted if the authority or person determining the application for modification (or determining the environmental assessment requirements for the application) is satisfied that the modification will not increase the impact on biodiversity values.

Regarding the Landscape Management Plan (LMP) provided as Appendix 1 of the Modification Report, we advise that we have no specific comments on the Plan. We note the original approval did not require consultation with the Department of Planning, Industry and Environment - Biodiversity and Conservation Division (DPIE – BCD) or predecessor departments. However, Shellharbour City Council provided detailed biodiversity comments as part of an earlier consultation process. Please ensure that DPIE – BCD is not given a post-approval role as stated in the updated material.

We remain available to provide Shellharbour City Council with any specific technical advice on relevant biodiversity matters if required during ongoing liaison and finalisation of the LMP.

If you have any questions about this advice, please do not hesitate to contact me via chris.page@environment.nsw.gov.au or 4224 4180.

Yours sincerely

Chris Page
22/12/2021
**Senior Team Leader, Planning (Illawarra)
Biodiversity & Conservation Division
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