

**Georgia Dragicevic - RE: New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval**

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**From:** Craig Patterson <Craig.Patterson@epa.nsw.gov.au>  
**To:** David.Mooney@planning.nsw.gov.au  
**Date:** 22/05/2012 9:25 AM  
**Subject:** RE: New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval

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David

I have reviewed the draft approval conditions for the project and provide the following comments:

- Generally, the approval conditions and the EPA's draft Licence Conditions are consistent

#### Schedule 3

- Condition 14 – would the NSW Office of Water also need to be consulted in terms of water supply?
- Condition 23(a) – this condition should refer to the “relevant Local Aboriginal Land Council” instead of the Local Aboriginal Community to be consistent with the Statement of Commitments
- Condition 23(c) – the EPA recommends that the first dot point should be revised to read “program for the recording, notifying, salvaging etc” as SoC 10.2 requires the proponent to notify the EPA and the Local Aboriginal Land Council.
- Condition 36 – may need to include an additional point with words to the effect of “ensure that all waste generated by the project is lawfully disposed of to an appropriate facility”
- Condition 45 – a word appears to be missing – may need to review

#### Schedule 4

- Condition 5 - Licensees under the POEO Act and anyone carrying on an activity or occupying a premises who becomes aware of a pollution incident are now required to report pollution incidents 'immediately' instead of 'as soon as practicable' under section 148 of the POEO Act. The EPA's licence will reflect this new wording.

If you have any questions please give me a call.

Regards

**Craig Patterson**

Senior Operations Officer | **NSW Environment Protection Authority** |  
☎: (02) 4224 4100 | 📠: (02) 4224 4110 | ✉: [craig.patterson@epa.nsw.gov.au](mailto:craig.patterson@epa.nsw.gov.au)

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**From:** David Mooney [mailto:David.Mooney@planning.nsw.gov.au]  
**Sent:** Wednesday, 16 May 2012 12:07 PM  
**To:** David Mooney  
**Subject:** New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval

Hello everyone,

We have now drafted 'without prejudice' approval conditions for the Project.  
We'd appreciate your review and any comments on the draft conditions by Friday 25 May 2012.

Please feel welcome to telephone me if you have any questions or need more information.

Regards,

**David Mooney**  
Senior Planner  
NSW Department of Planning and Infrastructure  
p. 02 9228 2040  
e. [david.mooney@planning.nsw.gov.au](mailto:david.mooney@planning.nsw.gov.au)

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**Georgia Dragicevic - RMS Response - New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval**

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**From:** NICHOLSON Rachel A <Rachel.NICHOLSON@rms.nsw.gov.au>  
**To:** David.Mooney@planning.nsw.gov.au  
**Date:** 6/06/2012 12:27 PM  
**Subject:** RMS Response - New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval

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Hi David

Thank you for your email referral of the draft approval conditions for the New Berrima Clay/Shale Quarry Project for RMS' review and comment. RMS has reviewed the draft conditions and notes that the upgrade of the junction of Taylor Avenue and Berrima Road to a Basic Right Turn (BAR) treatment for a 19.0m design vehicle has been conditioned. In this regard, the following comments are offered to the Department for consideration:

- RMS advises that the AUSTRROADS Guide to Traffic Engineering Practice (referred to in condition 24) has been superseded, and the current design standards for the BAR treatment are contained within the AUSTRROADS *Guide to Road Design* (Part 4A: Unsignalised and Signalised Intersections), which contains slight variations to the design requirements under the previous Guide.
- Further to the above, RMS requests that the Department considers incorporating the following condition relating to works within the classified road reserve into the approval (perhaps incorporated as subclause (c) to condition 29 relating to the Traffic Management Plan):
  - Should the Traffic Management Plan (TMP) for the proposed works require a reduction of the speed limit on Berrima Road and/or Taylor Avenue, a Speed Zone Authorisation shall be obtained from RMS Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve. The requests shall be submitted to the RMS 10 business days prior to commencing work. It should be noted that receiving an authorisation within this 10 business day period is dependant upon RMS receiving an accurate and compliant TMP. It should be noted that a Road Occupancy Licence from RMS is not required for works on regional classified roads.

If you have any questions, please contact me on the details below.

Kind regards

**Rachel Nicholson**  
Development Assessment Officer  
Land Use Development | **Southern RS&TM**  
T 02 4221 2769 | F 02 4221 2557

Roads and Maritime Services  
L4 90 Crown Street Wollongong NSW 2500

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**From:** David Mooney [mailto:David.Mooney@planning.nsw.gov.au]  
**Sent:** Wednesday, 16 May 2012 12:07 PM  
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**Subject:** New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval

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Please feel welcome to telephone me if you have any questions or need more information.

Regards,

**David Mooney**  
Senior Planner  
NSW Department of Planning and Infrastructure  
p. 02 9228 2040  
e. [david.mooney@planning.nsw.gov.au](mailto:david.mooney@planning.nsw.gov.au)

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**Georgia Dragicvic - RE: New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval**

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**From:** Malcolm Hughes <Malcolm.Hughes@sca.nsw.gov.au>  
**To:** David.Mooney@planning.nsw.gov.au  
**Date:** 28/05/2012 5:07 PM  
**Subject:** RE: New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval  
**CC:** Neil.Cowley@sca.nsw.gov.au

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Hi David

Thank you for providing the SCA with the opportunity to comment on the draft conditions. The conditions address most of the issues previously raised by the SCA with the Department. In particular the proposal to require the proponent to consult with the SCA during the development of the SWMP is strongly supported.

The SCA considers that the use of a portable toilet on site for the 30 years of quarry operation is undesirable. The SCA therefore requests an additional condition of approval requiring the installation of a **permanent** onsite wastewater management system under the *Local Government Act 1993*.

Malcolm Hughes  
Manager Planning & Assessments  
Sydney Catchment Authority  
2-6 Station St Penrith NSW 2750  
47242452  
0427466934

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**From:** David Mooney [mailto:David.Mooney@planning.nsw.gov.au]  
**Sent:** Wednesday, 16 May 2012 12:07 PM  
**To:** David Mooney  
**Subject:** New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval

Hello everyone,

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Please feel welcome to telephone me if you have any questions or need more information.

Regards,

**David Mooney**  
Senior Planner  
NSW Department of Planning and Infrastructure  
p. 02 9228 2040

e. [david.mooney@planning.nsw.gov.au](mailto:david.mooney@planning.nsw.gov.au)

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Department of  
Primary Industries  
Office of Water



PCU034239

naw

Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Contact Fergus Hancock  
Phone 02 4904 2532  
Fax 02 4904 2503  
Email fergus.hancock@water.nsw.gov.au

Our ref ER 20270  
Your ref MP 08\_0212

**Attention: David Mooney**

Dear David

**New Berrima Clay/Shale Quarry (MP 08\_0212)  
Draft Approval Instrument**

I refer to your undated letter requesting the NSW Office of Water review the proposed draft conditions contained in the draft approval instrument for the New Berrima Clay/Shale Quarry Project.

The Office of Water has reviewed the proposed draft conditions with reference to the Office of Water's submission on the proposal dated 31 January 2011 and comments on the Response to Submissions dated 27 March 2012.

The draft approval instrument does not include the Office of Water's recommended condition that the applicant adhere to the *NSW Guidelines for Controlled Activities* and ensure that any replacement or upgraded watercourse crossing does not increase afflux through any culvert or other flow conduit through the crossing. Accordingly, the Office of Water recommends the addition of the following conditions of approval:

- The design and construction of watercourse crossings, or the upgrade thereof, is to be in accordance with the *NSW Guidelines for Controlled Activities*.
- Watercourse crossings, or the upgrade thereof, shall be designed in consultation with the Office of Water.

If you require further information please contact Fergus Hancock, Planning and Assessment Coordinator on (02) 4904 2532 at the Newcastle office.

Yours sincerely

**Mark Mignanelli**  
Manager Major Projects, Mines and Assessment  
25 May 2012





**Georgia Dragicevic - RE: (DWS Doc No 1976190) Re: FW: (DWS Doc No 1974409) FW: New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval**

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**From:** David Matthews <David.Matthews@wsc.nsw.gov.au>  
**To:** David.Mooney@planning.nsw.gov.au  
**Date:** 1/06/2012 12:05 PM  
**Subject:** RE: (DWS Doc No 1976190) Re: FW: (DWS Doc No 1974409) FW: New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval  
**CC:** Les.Pawlak@wsc.nsw.gov.au  
**Attachments:** 120516\_Draft approval\_New Berrima.pdf

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Dear David,

I have reviewed the consent in respect of the Road Maintenance Contributions, for which I was originally involved, and agree with the condition.

However, in respect of the other conditions I forwarded the consent to the Les Pawlak, Manager of Environmental Assessment, who's team supplied the original submission and requests of Council. Unfortunately I have not had a response.

Could you clarify whether or not you have received any other correspondence from Les's Team regarding the matter. If not can the deadline be extended further? I did receive a phone call from your Office this week discussing the SCA's requirements for sewerage treatment and an email was to be sent for our Environmental Team to review, however no such email has arrived.

Considering these outstanding matters we should once again discuss time lines for Council to respond, especially considering your department needs us to review the SCA's recommendations in respect of proposed sewerage systems and we currently do not have that information.

Regards,

**DAVID MATTHEWS** | Coordinator Strategic Planning | Wingecarribee Shire Council  
P: 02 4868 0773 | F: 02 4869 1203 | david.matthews@wsc.nsw.gov.au | [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)  
Civic Centre Elizabeth Street Moss Vale NSW 2577 | PO Box 141 Moss Vale NSW 2577 | DX 4961  
Bowral

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**From:** David Mooney [mailto:David.Mooney@planning.nsw.gov.au]  
**Sent:** Thursday, 24 May 2012 10:32 AM  
**To:** David Matthews  
**Subject:** (DWS Doc No 1976190) Re: FW: (DWS Doc No 1974409) FW: New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval

Thanks David.  
1 June 2012 is fine for your submission.

Regards,

**David Mooney**  
Senior Planner  
NSW Department of Planning and Infrastructure  
p. 02 9228 2040  
e. [david.mooney@planning.nsw.gov.au](mailto:david.mooney@planning.nsw.gov.au)

>>> On 24/05/2012 at 10:29 am, <David.Matthews@wsc.nsw.gov.au> wrote:

Hi Les,

In respect of the attached draft conditions, I have asked David Mooney at the DP&I if we could have a week's extension to review the conditions. He has verbally granted the extension making the due date 1 June 2012.

Regards,

**DAVID MATTHEWS** | Coordinator Strategic Planning | Wingecarribee Shire Council  
P: 02 4868 0773 | F: 02 4869 1203 | [david.matthews@wsc.nsw.gov.au](mailto:david.matthews@wsc.nsw.gov.au) | [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)  
Civic Centre Elizabeth Street Moss Vale NSW 2577 | PO Box 141 Moss Vale NSW 2577 | DX 4961  
Bowral

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**From:** David Matthews  
**Sent:** Tuesday, 22 May 2012 9:24 AM  
**To:** Les Pawlak  
**Subject:** (DWS Doc No 1974409) FW: New Berrima Clay/Shale Quarry Project (MP 08\_0212) - Draft approval

Les,

Please find attached Draft conditions for the Berrima Quarry from DP&I. I will look over the 'Contributions' conditions which were agreed upon with Austral, however I will need your Dept to review other conditions to see if they meet what Council recommended in its submission. Would you like the final reply to be coordinated through you or me? I believe they contacted me as I had discussions with Austral re the contributions and Peter Mitchell is no longer with us.

Regards

**DAVID MATTHEWS** | Coordinator Strategic Planning | Wingecarribee Shire Council  
P: 02 4868 0773 | F: 02 4869 1203 | [david.matthews@wsc.nsw.gov.au](mailto:david.matthews@wsc.nsw.gov.au) | [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)  
Civic Centre Elizabeth Street Moss Vale NSW 2577 | PO Box 141 Moss Vale NSW 2577 | DX 4961  
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Please feel welcome to telephone me if you have any questions or need more information.

Regards,

**David Mooney**

Senior Planner

NSW Department of Planning and Infrastructure

p. 02 9228 2040

e. [david.mooney@planning.nsw.gov.au](mailto:david.mooney@planning.nsw.gov.au)

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Georgia Dragicevic - FW: New Berrima Clay/Shale quarry - email 1

**From:** David Matthews <David.Matthews@wsc.nsw.gov.au>  
**To:** David.Mooney@planning.nsw.gov.au  
**Date:** 18/06/2012 2:09 PM  
**Subject:** FW: New Berrima Clay/Shale quarry - email 1  
**Attachments:** Review of conditions New Berrima Shale Quarry - 15062012.pdf

Dear David,

Please find attached Council's comments in respect of the Draft conditions. I will forward another email in relation to traffic matters.

Regards,

**DAVID MATTHEWS** | Coordinator Strategic Planning | Wingecarribee Shire Council  
P: 02 4868 0773 | F: 02 4869 1203 | david.matthews@wsc.nsw.gov.au | [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)  
Civic Centre Elizabeth Street Moss Vale NSW 2577 | PO Box 141 Moss Vale NSW 2577 | DX 4961 Bowral

**From:** Les Pawlak  
**Sent:** Friday, 15 June 2012 3:08 PM  
**To:** David Matthews  
**Cc:** Frank Iacono  
**Subject:** RE: New Berrima Clay/Shale quarry

David,

Peter Mitchell has provided the attached review of the draft conditions.

I have been thru it, and given Peter's previous involvement with this matter I'm happy for it to be Council's response to DoP.

I haven't received anything from Frank, and he may wish to comment on the following traffic matter which Peter identified.

Frank may want to review the comments I have made particularly the Taylor Avenue/Berrima Road intersection. One point that would need to be clarified with the reprioritisation is how a vehicle travelling North along Berrima Road then safely navigates the intersection – he may need to add some details about this in the submission.

Subject to Frank's comments on this and any changes he thinks necessary it can be sent to DoP.

In response to OSSM, I think it appropriate that the SCA determine what is appropriate.

Regards.....Les

**From:** David Matthews  
**Sent:** Wednesday, 13 June 2012 10:49 AM  
**To:** Les Pawlak  
**Subject:** RE: New Berrima Clay/Shale quarry

Les,

Did Frank follow up with any comments? Have we commented on the OSSM?

Regards,

**DAVID MATTHEWS** | Coordinator Strategic Planning | Wingecarribee Shire Council  
P: 02 4868 0773 | F: 02 4869 1203 | david.matthews@wsc.nsw.gov.au | [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)  
Civic Centre Elizabeth Street Moss Vale NSW 2577 | PO Box 141 Moss Vale NSW 2577 | DX 4961 Bowral

**From:** Les Pawlak  
**Sent:** Monday, 4 June 2012 1:08 PM  
**To:** David Matthews  
**Subject:** FW: New Berrima Clay/Shale quarry

David,

FYI only at this stage as the other David would like something by 8 June.

I have asked Frank for comments.

Regards.....Les

**From:** Peter Mitchell [mailto:peter@accds.com.au]  
**Sent:** Monday, 4 June 2012 12:13 PM  
**To:** Les Pawlak  
**Cc:** frank.iacono@wsc.nsw.gov.au  
**Subject:** New Berrima Clay/Shale quarry

Hello Les – I have completed the review of the draft consent and this is attached, I will drop a signed copy in for you this week. I have also included a schedule of suggested amendments for a submission to the Department. Frank may want to review the comments I have made particularly the Taylor Avenue/Berrima Road intersection. One point that would need to be clarified with the reprioritisation is how a vehicle travelling North along Berrima Road then safely navigates the intersection – he may need to add some details about this in the submission.

David Mooney also emailed something about OSSM and maybe this could also be added in.

Give me a call if you need to clarify any aspect of the review.

Regards  
Peter

*Peter Mitchell*  
Director, Accomplished Development Services

Full Member PIA 48701  
0413 709 609  
[peter@accds.com.au](mailto:peter@accds.com.au)  
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# Accomplished Development Services

PO Box 2268

Bowral NSW 2576  
[peter@accds.com.au](mailto:peter@accds.com.au)  
[www.accds.com.au](http://www.accds.com.au)

4<sup>th</sup> June 2012

The General Manager  
Wingecarribee Shire Council  
PO Box 141  
MOSS VALE NSW 2577

Attention: Les Pawlak

**Report to Manager Environmental Assessment Wingecarribee Shire Council  
Review of draft conditions for Major Project development application MP 08\_0212 New Berrima  
Shale Quarry**

**Council File Reference 5305/6**

Dear Les

Thank you for the opportunity to review the abovementioned Major Project draft development consent. In the review of the conditions I have considered Councils previous report, adopted resolution and submission in relation to the development application. I also reference previous meetings with Council staff when I was employed by the Council , emails provided with the draft consent and also a discussion with Mr Frank Iacano, Councils Transportation and Planning Engineer on the 1<sup>st</sup> June 2012.

I provide the attached for your perusal for inclusion in any final submission to the NSW Department of Planning and Infrastructure.

Yours Sincerely



Peter Mitchell  
Director, Accomplished Development Services

**Review of draft conditions for Major Project development application MP 08\_0212 New Berrima Shale Quarry for Manager Environmental Assessment, Wingecarribee Shire Council**

**Introduction**

Council considered this proposal throughout 2010 and considered a report on the 9<sup>th</sup> February 2011. Council made a resolution for the Department to consider various matters in determining the development application and they were included in a submission to the Department on the 11<sup>th</sup> February 2011 – attachment One.

Council throughout the report was critical of the traffic and transport study and this is the predominant area Council seeks an equitable outcome on behalf of the community. Comments on each of the Councils areas of concerns as outlined in its 11<sup>th</sup> February 2011 submission, and their reference within the draft conditions of consent, are now presented.

**Council's submission and the Departments response through the draft consent**

*1) Transport route public road Upgrading*

Council's fundamental concerns are with the contribution of the proponent toward the transport route upgrade. Council felt the original study did not adequately deal with the impacts of the operation on the roads under Council's and also joint RMS/Council control. A number of upgrades and additional requests were made by Council for further investigation and works upgrading. Following further meetings at Council between the proponents and Council staff there was little additional provision included by the proponent for road upgrades or maintenance. This was outlined in their response to submissions made by RJ Corkery in April 2011 where they continually referenced the capacity and pavement standard of the existing road network to cater for the traffic attributable to the development proposal.

The following table provides the requests and the draft consent inclusions:

<b>Council request</b>	<b>Provision within Draft consent</b>
Assess intersection capacities	No specific reference made in consent
Assess existing pavement strength & condition	This has been addressed by the road maintenance conditions – see following section
Suitability of pavement width to be assessed , potentially requiring shoulder widening	Condition 24 requires intersection upgrades for the site access to Berrima Road and also Berrima Road/ Taylor Avenue.
Swept path analysis of the largest vehicle for all key intersections	See comments on condition 24 – no comments on other intersections
Assessment of heavy vehicle movements on traffic flow	No specific reference made in consent. Some general reference in Condition 30 Drivers Code of Conduct.
Assessment of impact on Bowral Town Centre	Condition 30 includes requirement in Drivers Code of Conduct to exclude truck movements, from Bowral Town Centre.
Road safety at all key intersections along transport route – potential for median treatments of intersections, contribution toward	See comments on condition 24 – no comments on other intersections

Cavendish Street Old Hume Highway roundabout	
Evaluation of truck driver behaviour – code of driver conduct	Condition 26 requires the proponent to ensure vehicles use the approved transport route, Condition 29 requires a traffic management plan and condition 30 requires a driver’s code of conduct to be prepared in consultation with Council.

Following a discussion with Councils Transportation and Planning Engineer Council should pursue the following matters from the original submission:

- Council has previously acknowledged that the nominated road network has sufficient capacity to convey the additional truck movements associated with the proposed quarry. The requests for further analysis will not be pursued on this basis. The intersection treatments at Schedule 3 condition 24 are supported however a request should be made for the traffic flow at the Berrima Road and Taylor Avenue to be reprioritised. The give way should be relocated to Berrima Road (North of Taylor Avenue) to allow traffic on Main Road 372 to have priority. The need to obtain appropriate consents from the RMS and Council as the joint Roads Authorities should be included.
- The road median treatments suggested by Council have not been included. The Roads & Maritime Services also suggested a median would be appropriate at the Taylor Avenue and Berrima Road intersection. Council should again request a median be provided on the Taylor Avenue approach in conjunction with the reprioritisation of this intersection. No other median or other treatments are to be requested at this stage. Council has the ability to assess the transport impacts once the development moves into the operational phase and to consider via the traffic committee appropriate additional road safety treatments. Measures such as medians as suggested are relatively inexpensive in terms of Councils overall road works budget.
- The roundabout proposed for Cavendish and Old Hume Highway in Mittagong is planned for construction in the most recent Section 94 plan. At the time of assessment for this development application the roundabout was not itemised within an adopted plan. Contribution toward this roundabout will not be pursued for this project noting the minor percentage increase of traffic attributable to this development and the timing of the proposed roundabout.
- Council will have the opportunity to have input into the driver code of behaviour. At this time various areas of concern such as driver complacency, can be addressed.

## 2) *Transport route road maintenance levies*

Council was not satisfied with the 4c per tonne per km offered by the proponent in the environmental assessment. The Draft consent has provided the following:

Condition 12 - provides for the proponent to repair any public infrastructure damaged by the project.

Condition 27 – provides for a minimum quarterly contribution of 8c/tonne/km to Council for clay/shale transported on Council maintained roads and 2c/tonne/km on joint Council/RMS maintained roads. Both conditions have a note concerning the requirement to index the contribution. This note should be included as part of the subject condition as with other Major Project and Council development consents.

Attachment Two details the transport route roads and the maintenance responsibilities. These conditions are satisfactory and provide an appropriate level of compensation to Council for the purposes of ongoing maintenance and road rehabilitation. The contributions are the same as Council is seeking for the Berrima Colliery Major Project application and are similar to other Major Projects approved by the Department.

### *3) Environmental Offsets and Protection*

Council's requests for riparian corridor revegetation have not been specified within condition 41 that allows for preparation of a Landscape Management Plan in conjunction with Council. A more targeted approach to riparian corridor rehabilitation does not appear in the conditions. Council should again make representation that this should occur siting the extensive riparian revegetation works already completed in the Berrima Township and along the Bong Bong Common by various Landcare groups.

Quarry rehabilitation has been adequately catered for through conditions 40 & 42 with the request for a bond included in conditions 44 & 45.

Visual amenity issues with the proposal have been an ongoing concern for properties to the North and Council, and these are dealt with in Schedule 3 conditions 31-35. In particular condition 35 is a "backstop" condition that provides for a complaint resolution process where agreement cannot be reached between landowners and the proponent.

### *4) Voluntary Planning Agreement*

As listed in the submission by Council the following responses are provided for in the draft conditions:

- i. Road Maintenance – addressed
- ii. Strategic local Road Infrastructure – see comments in road upgrading section
- iii. Dedication of land along Wingecarribee River – this item has not been included in the draft consent. The site is bordered by Crown land to the West and private land to the East. The area along the river is zoned E2 under WLEP 2010. The request for a dedication of the land has been consistently made in each Council submission. The response by the applicant is that this request is ad hoc and is not part of a holistic plan. The request originated from Councils general commitment to obtaining reserves along the Wingecarribee River for environmental and community benefit objectives. The access corridor is referenced in the Wingecarribee Councils Bicycle Strategy for Mittagong, Bowral and Moss Vale available at [http://www.wsc.nsw.gov.au/uploads/561/wscbikestrategy\\_final.pdf](http://www.wsc.nsw.gov.au/uploads/561/wscbikestrategy_final.pdf). In a strategic context this request should be pursued for the longer term community benefits as outlined in this document. This would also reflect Councils position where it required a reserve and bicycle/footway to be constructed along the Mittagong Rivulet at the then Bowral Bricks

development Consent in Kiama Street Bowral (later 1990's) for an extension of the clay/shale quarry.

- iv. Environmental offsets and protection – see comments in section 3 above.

#### 5) Community Consultative Committee (CCC)

The request for a Community Consultative Committee has been included at Schedule 4 condition 9. The detail in Councils submission has not been included in the condition, instead the condition references the " *Guidelines for establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning , 2007)*". A review of this document has confirmed that matters relating to identification of projects that may be of community benefit, review of environmental performance and other items in Councils submission are contained in the guideline. The CCC shall contain one representative from the local council and 3-5 community representatives. The intent of establishing an effective ongoing community liaison process is satisfied with the proposed condition. Public accessibility to information from complaints and the CCC meetings is included at Schedule 4 condition 10.

#### Other comments on the draft conditions of consent

Whilst Council does not have the specialised expertise of the various state agencies in assessing environmental impacts for these types of applications, it is still a party in the ongoing community interaction in the operational phase of the quarry. Council has been included as a reference agency for Noise and Soil and Water Management Plans and this is appropriate to enable Councils input.

Council should be included at Schedule 4 condition 5 as a party for reference of incidents. The condition states "any other relevant agencies" and is open to the discretion of the proponent. Although not the consent authority, Council as the local community representative should be notified of incidents to enable its officers to be prepared for any complaints. This will enable Council to keep abreast of issues such as transportation management where it can utilise the local traffic committee to ensure an integrated approach occurs in the management of the operational impacts of the development.

#### Conclusion

Council should indicate to the Department that it is generally satisfied that some aspects, particularly road maintenance contributions have been adequately provided for in the draft conditions. Other items however have not been included or adequately dealt with to address local impacts. A schedule of items has been included at attachment three for a Council submission to the Department of Planning and Infrastructure.



Peter Mitchell

**Director, Accomplished Development Services**

Attachment One



Civic Centre, Elizabeth Street, Moss Vale, 2577  
P.O. Box 141, Moss Vale, 2577  
Email: wscmail@wsc.nsw.gov.au  
DX 4961, Bowral

Telephone: (02) 4868 0888  
Facsimile: (02) 4869 1203

ABN 49 546 344 354

Our Ref: 7950; 5305/6  
Contact: Scott Lee

11<sup>th</sup> February 2011

Mining and Industry Projects  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Kane Winwood

Dear Sir

**Re: Proposed New Berrima Clay/Shale project**

I refer to the recent notice of development application and public exhibition in relation to the New Berrima clay/shale project being proposed by The Austral Brick Company. The matter has been considered in a report to Council at its meeting of the 9<sup>th</sup> February 2011 where Council resolved as follows:

- THAT Council request the Department of Planning to consider the following matters in determining Development Application reference number 08-0212:***  
  
***local road network infrastructure enhancements and a Voluntary Planning Agreement is entered into for nominated local community and road infrastructure and maintenance initiatives, and environmental offsets and protection (including compliance with all legislation relating to environmental protection).***
- THAT Council forward the submission in attachment 6 to the report to the New South Wales Department of Planning as its response to the public exhibition of the Development Application, reference No 08-0212, for a Major Project, under Part 3A of the Environmental Planning and Assessment Act, for a new clay/shale quarry for Austral Bricks at the property "Mandurama", Lot 1 DP 414246, RN 524 Berrima Road, New Berrima.***
- THAT Council stress its dissatisfaction with the four (4) cent per kilometre per laden vehicle road contribution and would seek to reach agreement on a more appropriate figure as part of the Voluntary Planning Agreement mentioned in 1 (a) above.***
- THAT Council express the importance of an effective tree perimeter that is satisfactory to Council and the community relating to visual amenity and environmental offsets.***

5. ***THAT in addition to attachment 6 to the report, Council request that a Consultative Committee consisting of Councillor, Community and Environment and Sustainability representatives be formed to establish an effective offset policy for any vegetation loss or damage from this proposal.***
6. ***THAT this group also act as a liaison point between Council, the Environment and Sustainability Committee and the Quarry Management to monitor environmental performance, restoration of the site and to advise on restoration works along the Wingecarribee River.***

The following comments are provided for the Departments consideration in the assessment and determination of the development application.

#### 1. Traffic

The "Traffic Assessment" prepared by Traffic Solutions Pty Ltd – August 2010 (Specialist Consultant Studies Compendium: Part 1) provides a narrow, localised consideration on the impact of the proposed development. The assessment does not consider impact along the entire proposed transport route, which has been defined in the report. On this basis alone, the Traffic Assessment is considered deficient.

Whilst the report states the inclusion, in Appendix A: "Copy of DoP and RTA Letters", only correspondence from the Department of Planning is included in the report. The NSW Roads and Traffic Authority (RTA) are responsible for a significant length of the proposed transport route and need to be requested to provide comment on the impacts of the proposal on their network.

#### *Specific Issues:*

The issues considered in the report do not address all areas of concern which are likely to impact on the road network and the community for the life of the quarry. The report needs to evaluate and address:

1. Intersection capacity of all intersections (only one was considered in the assessment) along the proposed transport route. Consideration should be given to performance of the network over the life of the development, or over a period deemed appropriate. Of particular concern are the intersections of: Taylor Ave/Berrima Rd; Old Hume Highway/Cavendish St; Mittagong Rd/Kirkham Rd, and; Kirkham Rd/Wingecarribee St
2. Existing pavement strength and condition (travel lanes and shoulders) of all roads along the proposed transport route, for the life of the quarry.
3. Suitability of pavement and shoulder width to accommodate the largest design vehicle along the proposed transport route.
4. Swept path analysis of the largest proposed vehicle (i.e. 19m semi-trailer) at all key intersections – discussion with Council and the RTA is recommended.
5. Assessment of impact of heavy vehicles on traffic flow along the transport route, and in particular, on Mittagong Road between the traffic signals at Old Bowral Road and Kirkham Road. It is recommended that Council's Bowral "Paramics" Micro-simulation Friday evening peak model, and traffic survey data, be extended from the Kirkham Road/Mittagong Road, along the transport route to the Freeway Ramps at Welby. The model should reflect the speed of laden and unladen vehicles and factor in the steep grades on Mittagong Road on Mt Gibraltar. Council has a digital terrain model of

- Mittagong Road between Kirkham Road and the railway overbridge (south of the Old Bowral Road/Mittagong Road traffic signals) that could be made available to assist.
6. Assessment of Impact on the Bowral Town Centre, and in particular the intersection of Kirkham Road/Wingecarribee Street intersection and the impact on the bridge. The Bowral "Paramics" model recommended in Point 5 will enable this assessment to be made (it should be noted that this modelling is currently under way and expected to be completed by the end of February 2011).
  7. Road safety at all key intersections along the proposed transport route, including consideration of crash data which can be provided by the RTA. The purpose of this is to ensure that an increase in heavy vehicle movements will not exacerbate issues.
  8. Evaluation of truck driver behaviour which may be adversely affected by prolonged repetitive truck movements (issues such as complacency, increase in speed over time).
  9. Evaluation of environmental impact, including noise and vehicle emissions.

#### *Road Pavement*

Impact on pavement over the life of the project (i.e. 30 years) on all roads needs to be assessed and further considered. Whilst the RTA are directly responsible for the Hume Freeway, impacted by the development between Medway Road and the Old Hume Highway (at Welby), Council shares responsibility for Taylor Avenue, Medway Road, the Old Hume Highway and Mittagong Road, and is fully responsible for all other local roads on the transport route, namely Berrima Road (north of Taylor Avenue, Cavendish Street, Old Bowral Road and Kirkham Avenue (and intersections along these roads).

Pavement strength along the proposed transport route is of variable standard. The Traffic Assessment must quantify the strength and life characteristics of the pavement. A contribution to the maintenance, and reconstruction (where necessary) of the pavement over the life of quarry needs to be developed with Consultation with Council's Infrastructure Services Division and submitted to Council for consideration.

In addition, pavement may need to be widened where deemed required in order to safely convey industrial traffic generated by the quarry.

**Council believes the proponents offer of 4 cents per tonne per kilometer traveled, on roads solely maintained by the Council, appears totally inadequate.**

#### *Impact on Intersections*

It is of concern that evaluation of impact for the sole intersection considered, is limited to evaluation of intersection capacity. Evaluation of intersection capacity, whilst important, is only one issue amongst many that should be evaluated.

The Traffic Assessment notes that Berrima Road (north of Taylor Avenue), for instance, is a local road. Whilst heavy traffic to the quarry may be permissible on this

Mittagong Road between Kirkham Road and the railway overbridge (south of the Old Bowral Road/Mittagong Road traffic signals) that could be made available to assist.

6. Assessment of impact on the Bowral Town Centre, and in particular the intersection of Kirkham Road/Wingecarribee Street intersection and the impact on the bridge. The Bowral "Paramics" model recommended in Point 5 will enable this assessment to be made (it should be noted that this modelling is currently under way and expected to be completed by the end of February 2011).
7. Road safety at all key intersections along the proposed transport route, including consideration of crash data which can be provided by the RTA. The purpose of this is to ensure that an increase in heavy vehicle movements will not exacerbate issues.
8. Evaluation of truck driver behaviour which may be adversely affected by prolonged repetitive truck movements (issues such as complacency, increase in speed over time).
9. Evaluation of environmental impact, including noise and vehicle emissions.

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Impact on pavement over the life of the project (i.e. 30 years) on all roads needs to be assessed and further considered. Whilst the RTA are directly responsible for the Hume Freeway, impacted by the development between Medway Road and the Old Hume Highway (at Welby), Council shares responsibility for Taylor Avenue, Medway Road, the Old Hume Highway and Mittagong Road, and is fully responsible for all other local roads on the transport route, namely Berrima Road (north of Taylor Avenue, Cavendish Street, Old Bowral Road and Kirkham Avenue (and intersections along these roads).

Pavement strength along the proposed transport route is of variable standard. The Traffic Assessment must quantify the strength and life characteristics of the pavement. A contribution to the maintenance, and reconstruction (where necessary) of the pavement over the life of quarry needs to be developed with Consultation with Council's Infrastructure Services Division and submitted to Council for consideration.

In addition, pavement may need to be widened where deemed required in order to safely convey industrial traffic generated by the quarry.

Council believes the proponents offer of 4 cents per tonne per kilometer traveled, on roads solely maintained by the Council, appears totally inadequate.

#### *Impact on Intersections*

It is of concern that evaluation of impact for the sole intersection considered, is limited to evaluation of intersection capacity. Evaluation of intersection capacity, whilst important, is only one issue amongst many that should be evaluated.

The Traffic Assessment notes that Berrima Road (north of Taylor Avenue), for instance, is a local road. Whilst heavy traffic to the quarry may be permissible on this road (for access into a development), the turning characteristics of the heavy vehicles (up to 19m Semi-trailer) at all intersections along the route need to be accurately assessed.

A further concern with frequent, repetitive trips, over 30 years, may be a degree of complacency by operators. Whilst education programs of drivers may be beneficial, turning control can be aided by concrete medians at intersections. Of particular concern are the intersections of: Berrima Rd/Taylor Ave; Old Hume Highway/Cavendish St, and; Mittagong Rd/Kirkham St. It should also be noted that a roundabout is the preferred long term treatment at the intersection of the Old Hume Highway and Cavendish St, and a contribution to the implementation of this facility should be considered. Council has prepared a geometric layout for this facility.

It is acknowledged that by considering analysis on its own, there should be sufficient capacity to convey the additional traffic loads as stated in the assessment. However, consideration has not been given to the geometry of the intersection and ongoing operational safety issues. Evaluation of the geometry of the listed intersections, taking into consideration the increased movements generated by the proposal should be undertaken. The installation of median islands (and pavement widening as required) at key intersections should be considered as a minimum treatment.

The Traffic Assessment does not consider crash history along the route and whether the increase in frequency and volume of heavy vehicles may compound adverse situations along the route. The effect of regular, increased volume of heavy vehicles along the transport route is of particular concern and should be evaluated with consultation with behavioural psychologists. As the proposed transport and haul road passes through built up areas and town centres, then the suitability and capability of sustaining this activity over a prolonged period needs to be assessed.

Council as the local roads authority believes there is a strong need for further consultation in accordance with Clause 16 of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 in relation to the issues raised. Council further expects that specific traffic safety enhancements as required by the Roads and Traffic Authority and Wingecarribee Shire Council are provided for in conditions of any development consent to be completed prior to any transport of excavated materials from the site viz:

- a) The installation of median islands (and pavement widening as required) at key intersections as a minimum treatment
- b) Provision for the preparation of a Code of Conduct relating to the transport of materials.

## **2. Environmental offsets and Protection**

Council feels there is a strong opportunity to leverage environmental outcomes as a result of the proposal. Given the proximity of the site to the Wingecarribee River site restoration consistent with the riparian buffer widths identified in the Department of Natural Resources Riparian Corridor Management Study would be an offsetting opportunity.

Furthermore the augmentation and dedication of a vegetated corridor from this riparian area would provide further community benefit. The tree perimeter around the quarry and the proposed riparian plantings are important visual buffers and also contribute to offset the environmental impacts of the quarry

In the rehabilitation of the quarry council would expect the land to be contoured to allow the base of the quarry to be free draining. An appropriately sized bond in the form of cash or a bank guarantee for the rehabilitation of areas disturbed by the quarrying activity should form part of any consent issued.

Director, Environment and Planning

Scott Lee



Yours sincerely

Should you have further enquiries please do not hesitate to contact Mr Peter Mitchell in council's Environmental Assessment Branch on 48 680754 Monday to Friday.

Council requests that a Consultative Committee consisting of a Councillor and representatives from Councils Community, Environment and Sustainability Committee be formed to establish an effective offset policy for any vegetation loss or damage from this proposal. This group will also act as a liaison point between Council, the Environment and Sustainability Committee and the Quarry Management to monitor environmental performance, restoration of the site and to advise on restoration works along the Wingecarribee River.

**4. Community Consultative Committee**

- a) An appropriate indexed rate for road maintenance for all roads where Wingecarribee Shire Council is involved in the maintenance of the road.
- b) Contribution toward strategic local road infrastructure improvements and in particular an appropriate proportional contribution toward the construction of a proposed Caverdish Street/Old Hume Highway roundabout and dedication to Wingecarribee Shire Council of land to enhance community accessibility along the Wingecarribee River.
- c) Environmental offsets and protection (including compliance with all legislation relating to environmental protection)

**3. Voluntary Planning Agreement**

To address the above issues a contribution toward local community enhancement projects is sought with the development proposal. Pursuant to the provisions of section 93F of the Environmental Planning and Assessment Act 1979 Council strongly suggests the applicant enter into discussions aimed toward achieving a Voluntary Planning Agreement for:

Table 1 – Road Distance and Responsibility

Road	Road Distance (km)	Travelled Distance From Mandurama Quarry Entrance (km)	Road Classification	Maintenance Responsibility	Maintenance Costs Funded By
Berrima Road	0.3	0.3	Local Road	Council	Council
Taylor Avenue	2.3	2.6	Regional Road	Council	Council/RTA (Funds determined by submission to RTA)
Medway Road	1.2	3.8	Regional Road	Council	Council/RTA (Funds determined by submission to RTA)
Hume Highway	12.3	16.1	State Road	RTA	RTA
Old Hume Highway	2.0	18.1	Regional Road	Council	Council/RTA (Funds determined by submission to RTA)
Cavendish Street	0.8	18.9	Local Road	Council	Council
Old Bowral Road	0.1	19.0	Local Road	Council	Council
Mittagong Road (The Highlands Way/Bowral Road)	2.1	21.1	Regional Road	Council	Council/RTA (Funds determined by submission to RTA)
Lyla Avenue	0.7	21.8	Local Road	Council	Council
Kirkham Road	1.4	23.2	Local Road	Council	Council
Oxley Hills Road	0.3	23.5	Local Road	Council	Council
Kiama Street	0.2	23.7	Local Road	Council	Council

**Schedule for inclusion in Councils submission on draft conditions**

Council is satisfied with the majority of the conditions in the draft consent and is supportive of the increased road maintenance contribution included at Schedule 3 condition 27. There are a number of items however where Council believes the draft conditions overlook important issues that were identified in its submission to the Department of Planning and Infrastructure dated the 11<sup>th</sup> February 2011.

Council believes the following conditions should be amended to reflect the ameliorative measures necessary to address the impacts of the development upon and within the local community:

**Schedule 3**

- i. Condition 24 does not adequately address delineation of traffic movement for safety purposes as outlined in Councils and RMS submissions. Council suggests the Department include at (b) an additional sentence. *Construct a median on the Taylor Avenue access to the intersection. The intersection is to be reprioritised so that Main Road 372 traffic is not required to give way to vehicles travelling exclusively along Berrima Road. Appropriate signage and road line marking is to be provided to give effect to this reprioritisation of traffic flows.* Include an additional sentence at the end of the condition viz *The proponent shall obtain all appropriate road occupancy licenses and section 138 consents under the Roads Act 1993 from the Roads and Maritime Services and Council prior to any works commencing at the intersections.*
- ii. Condition 27 should be amended with the CPI provision included as point (c) as follows: *The road maintenance contributions listed in (a) and (b) above are to be indexed annually in accordance with the Consumer Price Index published by the Australian Bureau of Statistics.*
- iii. Conditions 41 and 42 do not deal with the issues of riparian revegetation raised by Council. There has been extensive works completed to the west and east of the site along the Wingecarribee River corridor and Council rejects the assertion that the original request was ad hoc. The land is zoned E2 Environmental Conservation Zoning under Wingecarribee Local Environmental Plan 2010. These types of riparian corridor conditions have long been included in Council, Sydney Catchment Authority and Office of Water consents and approvals. Council requests condition 41 and 42 have included: *Plans for the revegetation of the full length of the riparian corridor within the site with native endemic species. This plan shall provide for the planting schedule to be completed over the first two years of the project and for the maintenance of these plantings for the life of the project.*
- iv. Council in its submission requested the dedication of a reserve along the riparian corridor. This has been dismissed as unnecessary by the applicant as it is not part of a holistic approach. Council would like to direct the Departments attention to its Wingecarribee Councils Bicycle Strategy for Mittagong, Bowral and Moss Vale available at [http://www.wsc.nsw.gov.au/uploads/561/wscbikestrategy\\_final.pdf](http://www.wsc.nsw.gov.au/uploads/561/wscbikestrategy_final.pdf). The request originated from Councils general commitment to obtaining reserves along the Wingecarribee River for environmental and community benefit objectives. The access corridor is referenced in this document for a pathway from Burradoo to Berrima. This would also reflect Councils position where it conditioned a reserve be created and a bicycle/footway to be constructed along the Mittagong Rivulet for the then Bowral Bricks development Consent in Kiama Street Bowral (later 1990's) for an extension of

the clay/shale quarry. Council requests a new condition be added as this measure is the primary community betterment proposal put forward by Council for this project. If the Department agrees with Council's assertion, a copy of the draft condition should be provided to enable Council's comment on the wording.

- v. At Schedule 4 condition 5, Council requests that it be included in the condition as a relevant contact following the Director General rather than leaving this to the discretion of the proponent. The reasoning for this request is that Council, as the local community representative, needs to be informed so it can better co-ordinate management responses to issues that are arising from the operational aspects of the development. As an example Council would be represented on the Community Consultative Committee and has also formed committees such as an Environment and Traffic Committee that could provide an integrated response to the proponent and the Department.

Georgia Dragicvic - FW: New Berrima Clay/Shale quarry - email 2

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**From:** David Matthews <David.Matthews@wsc.nsw.gov.au>  
**To:** David.Mooney@planning.nsw.gov.au  
**Date:** 18/06/2012 2:09 PM  
**Subject:** FW: New Berrima Clay/Shale quarry - email 2

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David,  
 Second email with traffic comments. I will now try and call you.

Regards,

**DAVID MATTHEWS** | Coordinator Strategic Planning | Wingecarribee Shire Council  
 P: 02 4868 0773 | F: 02 4869 1203 | david.matthews@wsc.nsw.gov.au | [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)  
 Civic Centre Elizabeth Street Moss Vale NSW 2577 | PO Box 141 Moss Vale NSW 2577 | DX 4961 Bowral

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**From:** Frank Iacono  
**Sent:** Friday, 15 June 2012 4:55 PM  
**To:** Les Pawlak; David Matthews  
**Cc:** Frank Perger  
**Subject:** RE: New Berrima Clay/Shale quarry

Hi Les,

The reprioritization of the intersection would need to be in accordance with relevant RMS and Austroads Standards. I will send a proposal to RMS for approval, as they will need to sign off on it.

However will recommend:

*The intersection be re-prioritised to require Berrima Rd (local road – northern leg of intersection) to give way to the main road movement of Berrima Rd (MR372) and Taylor Ave (MR372). The intersection will need to be designed in accordance with Austroads BAR/BAL requirements and all turning movements will need to provide for the swept path as defined by Austroads 2006 for a 25m B-double vehicle.*

Will confirm with RMS

Regards,

**FRANK IACONO** | Transportation Planning Engineer | Wingecarribee Shire Council  
 P: 02 4868 0817 | F: 02 4869 1203 | [Frank.Iacono@wsc.nsw.gov.au](mailto:Frank.Iacono@wsc.nsw.gov.au) | [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)  
 Civic Centre Elizabeth Street Moss Vale NSW 2577 | PO Box 141 Moss Vale NSW 2577 | DX 4961 Bowral

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**From:** Les Pawlak  
**Sent:** Friday, 15 June 2012 3:08 PM  
**To:** David Matthews  
**Cc:** Frank Iacono  
**Subject:** RE: New Berrima Clay/Shale quarry

David,

Peter Mitchell has provided the attached review of the draft conditions.

I have been thru it, and given Peter's previous involvement with this matter I'm happy for it to be Council's response to DoP.

I haven't received anything from Frank, and he may wish to comment on the following traffic matter which Peter identified.

Frank may want to review the comments I have made particularly the Taylor Avenue/Berrima Road intersection. One point that would need to be clarified with the reprioritisation is how a vehicle travelling North along Berrima Road then safely navigates the intersection – he may need to add some details about this in the submission.

Subject to Frank's comments on this and any changes he thinks necessary it can be sent to DoP.

In response to OSSM, I think it appropriate that the SCA determine what is appropriate.

Regards.....Les

---

**From:** David Matthews  
**Sent:** Wednesday, 13 June 2012 10:49 AM  
**To:** Les Pawlak  
**Subject:** RE: New Berrima Clay/Shale quarry

Les,

Did Frank follow up with any comments? Have we commented on the OSSM?

Regards,

**DAVID MATTHEWS** | Coordinator Strategic Planning | Wingecarribee Shire Council  
 P: 02 4868 0773 | F: 02 4869 1203 | david.matthews@wsc.nsw.gov.au | [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)  
 Civic Centre Elizabeth Street Moss Vale NSW 2577 | PO Box 141 Moss Vale NSW 2577 | DX 4961 Bowral

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**From:** Les Pawlak  
**Sent:** Monday, 4 June 2012 1:08 PM  
**To:** David Matthews  
**Subject:** FW: New Berrima Clay/Shale quarry

David,

FYI only at this stage as the other David would like something by 8 June.

I have asked Frank for comments.

Regards.....Les

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**From:** Peter Mitchell [mailto:peter@accds.com.au]  
**Sent:** Monday, 4 June 2012 12:13 PM  
**To:** Les Pawlak  
**Cc:** frank.lacano@wsc.nsw.gov.au  
**Subject:** New Berrima Clay/Shale quarry

Hello Les – I have completed the review of the draft consent and this is attached, I will drop a signed copy in for you this week. I have also included a schedule of suggested amendments for a submission to the Department. Frank may want to review the comments I have made particularly the Taylor Avenue/Berrima Road Intersection. One point that would need to be clarified with the replorltsation is how a vehicle travelling North along Berrima Road then safely navigates the Intersection – he may need to add some details about this in the submission.

David Mooney also emailed something about OSSM and maybe this could also be added in.

Give me a call if you need to clarify any aspect of the review.

Regards  
Peter

*Peter Mitchell*  
**Director, Accomplished Development Services**  
Full Member PIA 48701  
0413 709 609  
[peter@accds.com.au](mailto:peter@accds.com.au)  
[www.accds.com.au](http://www.accds.com.au)  
PO Box 2268 Bowral NSW 2576

EMAIL DISCLAIMER: This message is intended for the addressee named and may contain confidential information. If you are not the intended

**Kane Winwood - Reference 08\_0212**

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**From:** Robert McLean <rob@gowanbrae.com>  
**To:** "plan\_comment@planning.nsw.gov.au"  
<plan\_comment@planning.nsw.gov.au>  
**Date:** 7/02/2011 1:34 PM  
**Subject:** Reference 08\_0212

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## New Berrima Clay/Shale Quarry

Submission by Robert and Paula McLean, Lot 5 Bakers Lane, Berrima  
Property referred to as R12 in the name of Pingama Pty Ltd

We have owned the property referred to as R12 for almost 7 years and prior to that we owned the property referred to as R13 for 11 years. We run the property as a nature reserve. According to the EA we are 1.2 km from the extraction site.

We oppose the quarry project as set out on the grounds of excessive noise, health risks from PM10 concentrations and an inadequate plan to address water quality threats to the Wingecarribee river and wildlife habitat. Our concerns are set out below.

**1. Noise**

The setting is one we chose for its peace and quiet along the river. Having a mining operation 1 kilometre away will change that dramatically. The noise levels given in the EA are theoretical numbers. At no time were monitors installed on our property to develop actual noise levels. We are most concerned about the 26 week period constructing the environment bunds where it is admitted in the EA that noise levels could well exceed limits. We would have liked to see a proposal with the following requirements/agreements:

- a. Noise site monitors be installed at properties like ours which is among those most affected
- b. Agree that if noise levels are exceeded for more than 2 weeks then rest weeks are interspersed.
- c. Agree that no mining operations are allowed on Saturday
- d. Limit the campaigns to no more than 3 per annum, of a month intensity, to lessen the noise impact, compared to the proposed 2-3 campaigns of 4-6 week duration, with ability to make up for wet weather time loss which could see the quarry operating half the year.

**2. Air quality**

The assessment of air quality is a major concern as stated by the EA conclusion 'the potential for cumulative exceedance of the 24 hour average PM10 assessment does exist during proposed operations'. Our property is given an estimate of 49.2 with a maximum 50. There is of course a standard deviation around this estimate. We anticipate that with actual data from Blue Circle the maximum will be exceeded. While this is discounted by a table showing that over 90% of the time the level of fine particles would be less than the maximum, the report is alarming rather than convincing. We wish to see the following analysis undertaken and commitments made:

- a. Assess cumulative impacts together with data from Blue Circle over a 3 month period with differing wind conditions
- b. Assess cumulative impacts with Blue Circle data linked to the frequency of southerlies which affect properties such as R11,12,13
- c. Air quality monitor to be installed at R12
- c. Agree to cease operations on days where PM10 exceeds regulatory levels as recorded at nominated sites such as R12

**3. Water quality, wildlife habitat and native flora**

The Wingecarribee river below the proposed quarry is a bird breeding ground for pelicans and a haven for swans and other water birds. We see platypus frequently in the section of the river in front of Mandurama. The EA concluded 'no wildlife habitat corridors occur adjacent to the site in which it could

be inferred that noise and traffic may affect the functioning of such a corridor'. We believe this to be incorrect. There is potential for noise to be a factor in bird breeding. Of even greater concern is the risk of suspended solids ending up in the river in flooding and runoff following the proposed high fertiliser use for land rehabilitation. The report says that there are no endangered flora on Mandurama. There are areas on both sides of the river that have the vulnerable Cambage's kunzea, and closer study may well identify other endangered native flora on adjacent properties as well as pockets of the highly endangered Southern Highlands Shale Woodlands. We believe these issues are best addressed as follows:

- a. Plant reed beds to allow the river to act like a wetland, especially around the bottom dam
- b. Fence off the river from cattle grazing now that quarrying is proposed as the major land use
- c. Commit to a substantial revegetation of the property with native species to reduce noise levels
- d. Commit to an independent endangered and vulnerable native plant study on adjacent properties as well as the site property

Respectfully Submitted

Robert and Paula McLean

**Kane Winwood - Supplement to Submission-Proposed new Berrima Clay/ShaleQuarry-Robert and Paula McLean R12 site**

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**From:** Robert McLean <rob@gowanbrae.com>  
**To:** "kane.winwood@planning.nsw.gov.au" <kane.winwood@planning.nsw.gov.au>  
**Date:** 17/02/2011 12:22 PM  
**Subject:** Supplement to Submission-Proposed new Berrima Clay/ShaleQuarry-Robert and Paula McLean R12 site

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I received additional input from an air quality expert who I asked to read the Heggies report on air quality. The key points are:

1. The assessment of PM10 impacts from the quarry and Blue Circle should be modeled together
2. The modeling of PM10 impacts from the cement works has been done as a volume source. It should be done with stacks since PM10 would also be emitted from stacks at the cement works , causing different dispersion behavior than treating it all as a volume source.
3. The modeling involved only one scenario at the most southerly point. We wish to see modeling of another scenario with operations at the most northerly/northwest location to show maximum impacts for R11 and R12. In my submission I requested a 3 month monitoring period with southerly winds included.
4. The on site monitor I requested to monitor and stop work in the event of regulatory breach needs to be a TEOM system. Other monitors such as HVAS air sampler.

Respectfully submitted

Robert McLean



**Kane Winwood - Online Submission from Adrian MacKenzie of Flocolo1 Pty Ltd ATF Flocolo Family Trust (object)**

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**From:** Adrian MacKenzie <mackenziehk@yahoo.com>  
**To:** Kane Winwood <kane.winwood@planning.nsw.gov.au>  
**Date:** 6/02/2011 9:46 PM  
**Subject:** Online Submission from Adrian MacKenzie of Flocolo1 Pty Ltd ATF Flocolo Family Trust (object)  
**CC:** <assessments@planning.nsw.gov.au>

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The Flocolo Family Trust owns the property known as Pelican Farm located at Lot 8, Oxleys Hill Road, Berrima, NSW 2577. It is one of the properties referenced in the Environmental Assessment as "elevated residences on the northern side of the Wingecarribee River".

Firstly, I am disappointed with the lack of notice relating to this project. It is significant in nature and affects a number of different parties in the region of the project. Although the project has apparently been on display since 15th December, the letter of notification was only sent to me on 19 January 2011. Given that this is the major holiday period when many Australians take leave for large parts of January (myself included), it suggests that approval is being sought and notices are being sent at a time designed to ensure the least attention, thereby smoothing the passage of the application. I do not believe that this is appropriate.

I have a number of objections:

**Noise** - I have significant concerns about the level of noise that will be generated. Not just from the operating activity itself but from the significantly higher levels of traffic that will access the site. It is difficult to believe that this will not be the case. An independent third party report would appear to be appropriate. Furthermore, the proposed management recommendations including the restriction of some activities during adverse weather conditions will be extremely difficult to police and it is unclear how this will be managed. It should be by an external party with the ability to prevent activities and the imposition of fines and penalties in the event of breaches. There should not be any operation whatsoever on Saturdays or Sundays under any circumstances - the operator would simply have to manage the site within these restrictions.

**Visual Amenity** - I have significant concern about the impact on views. An inspection of my property would quickly undermine the suggestion that there is little impact given the "backdrop of the cement plant and stockfeed plant". The implication is that both of these are readily visible and that the visual amenity is compromised already, therefore what difference will the project make? This is not the case and it appears that little consideration has been given to the impact on my property and those adjoining it. Both the cement plant and the stockfeed plant are at a considerable distance and the topography and vegetation of the land provide significant camouflage against their visual impact. I would recommend that a more thorough assessment of this impact is undertaken.

The proposed amenity bunds and planting appear to be wholly insufficient to offset any impact on noise, air quality, and visual amenity. Neither the height, the landscaping nor the extent of planting is adequate. It does not appear "designed to address all of the issues raised by the local community". It appears that the absolute minimum has been proposed by suggesting that risks are moderate or low and therefore acceptable. This is not the case.

**Traffic** - whilst not a primary concern as the owner of a property on Oxleys Hill Road, I do believe that the impact of the sustained high level of additional traffic would be detrimental. There is a risk of a significant negative impact on economic activity as a result of problems created by traffic jams and roadblocks. This would have an adverse impact on small local business and would be a tremendous negative for tourism - an important contributor to the area. Mittagong and Bowral will bear the brunt and it will be difficult for residents, businesses and importantly tourists to navigate the area. To propose operations at the weekends is very selfish and does not attempt to address the impact on residents and visitors leisure time. It appears that Austral would be the only beneficiary. To suggest that the project is beneficial for the local community is incorrect. The investment is only \$1m - a figure commensurate with extremely minor capital projects. It seems that the claims of its positive impact are grossly exaggerated. It would only employ 5 part time staff. The impact on tourism alone could see more jobs than this lost.

The conclusion in the Environmental Assessment that "This would provide significant social and economic benefits to the local and wider community" is simply incorrect. There is a significant chance of many adverse impacts on the community.

I believe that this project should not go ahead. I would like to be kept fully informed on the debate.

Adrian MacKenzie

Name: Adrian MacKenzie

Organisation: Flocolo1 Pty Ltd ATF Flocolo Family Trust

Address:

5 Trahlee Road, Bellevue Hill, Sydney NSW 2023 (former address was 77 Bulkara Road, Bellevue Hill)

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Submission for Job: #2713 New Berrima Quarry Project

[https://majorprojects.onhiive.com/index.pl?action=view\\_job&id=2713](https://majorprojects.onhiive.com/index.pl?action=view_job&id=2713)

Site: #1720 New Berrima Quarry

[https://majorprojects.onhiive.com/index.pl?action=view\\_site&id=1720](https://majorprojects.onhiive.com/index.pl?action=view_site&id=1720)

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