



Rachael Snape
Planning and Development Manager NSW/ACT
Boral Limited
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03/05/2019

Dear Ms Snape

**Marulan South Limestone Mine Continued Operations Project (SSD-7009)
Response to Submissions**

The public exhibition of the Environmental Impact Statement (EIS) for the Marulan South Limestone Continued Operations Project concluded on Wednesday 1 May 2019.

In response to the exhibition, the Department received 68 submissions from community members, 2 submissions from special interest groups and 6 submissions from government agencies. The Department notes that all 70 community submissions were in the form of objections. Copies of all submissions are available to view on the Department's website <https://www.planningportal.nsw.gov.au/major-projects>.

The Department is also expecting additional submissions from Goulburn Mulwaree Council, the Department of Industry - Water and WaterNSW. The Department will make these submissions available to you as soon as possible once received.

The Secretary now requests that you provide a response to all issues raised in the submissions, in accordance with clause 85A(2) of the *Environment Planning and Assessment Regulation 2000*. The Response to Submissions (RTS) report should give particular consideration to the matters outlined in **Attachment A**, including any requests for clarification and/or further information.

Please note that, under clause 113(7) of the *Environmental Planning and Assessment Regulation 2000*, the days occurring between the date of this letter and the date on which your response to submissions is received by the Secretary are not included in the deemed refusal period.

If you wish to discuss this matter further, please contact Lauren Evans at the details above.

Yours sincerely

Howard Reed
Director Resource Assessments
Coal and Quarries Assessments

as delegate for the Secretary

Attachment A

Water Resources

1. Potential direct impacts on the continued availability of local water resources, particularly the Tallong Dam, are of significant concern to the community. Community submissions have also raised concerns regarding associated indirect impacts on biodiversity, local amenity and recreation, and availability of water supplies for firefighting. The Department requests a detailed response to each of these concerns. This response should include a clear comparison between Boral's existing water usage from Tallong Dam and proposed water usage under SSD-7009, throughout the various stages of proposed mining.
2. WaterNSW has provided initial advice in relation to the project. This advice:
 - raises concerns regarding the predicted reduction in flows in Marulan Creek;
 - raises concerns regarding the long-term geomorphological stability of proposed overburden emplacement areas; and
 - requests further information regarding existing wastewater management systems, noting that these systems may not meet contemporary standards.

Further advice from WaterNSW is expected to be provided by 8 May 2019. The Department requests a detailed response to all issues raised by WaterNSW in the RTS.

3. Section 9.3 of the Surface Water Assessment states that as 'there are no downstream users, licensed extraction of water from Marulan Creek Dam would not have any impact on other users. Please provide further explanation for this conclusion, given that the proposed dam would be located within the wider Barbers Creek Management Zone, which ultimately forms part of the Sydney Drinking Water Catchment.
4. Section 6.2.3 of the Surface Water Assessment indicates that Stage 1 of the project includes the upgrading of the Tallong Dam pipeline to facilitate the connection of the proposed Marulan Creek Dam to Boral's existing on-site reservoir. The Department requests clarification as to whether this upgrade would be wholly contained within the proposed disturbance footprint, as shown in Figure 4.1 of the EIS.
5. The Environment Protection Authority (EPA) has advised that future recommended conditions of consent are likely to require that:
 - a new water pollutant monitoring point be established to replace WP16;
 - additional groundwater monitoring bores be established to offset the loss of MW1 and MW2, preferably prior to removal of the existing bores;
 - further assessment be undertaken with respect to bicarbonate alkalinity, total suspended solids and settling agents in order to determine appropriate discharge limits; and
 - any future surface water monitoring program include analysis of metals, including aluminium and chromium, bicarbonate alkalinity and settling agents.

Please provide a response to the EPA's proposals in the RTS.

Noise

6. The EPA has raised a number of concerns regarding the Noise and Blasting Assessment (NBA), particularly with respect to background noise levels, inconsistencies between the noise modelling and source location maps, and the omission of rail-loading related noise sources from the assessment. The EPA has also requested:
 - clarification regarding the assessment of meteorological conditions;
 - further explanation regarding predicted noise levels, and whether these predictions represent worst-case noise impacts for Receivers R9 and R12;
 - that the relocation of the stockpile reclaim area and construction of the road sales stockpile area be included in the operational noise assessment, rather than the construction noise assessment; and
 - demonstrated validation of the noise model.

The Department requests that the RTS include a revised NBA which addresses all EPA concerns.

Traffic and Transport

7. Roads and Maritime Services (RMS) has requested that the intersection modelling provided in the Traffic Assessment be updated to include a 10-year post-development scenario, with supporting justification for the anticipated traffic volumes. RMS has also requested that the updated modelling data be provided directly to RMS for review.
8. The project description includes the upgrading of Marulan South Road between the project site and the Hume Highway intersection. As the Department has previously noted, the impacts of proposed road widening, particularly with respect to biodiversity and Aboriginal heritage values, have not been assessed in the EIS. The Department understands that Boral is negotiating an agreement with Council which may allow a separate assessment of the proposed road works under Part 5 of the *Environmental Planning and Assessment Act 1979*. However, this is not reflected in the EIS, and the status of Boral's negotiations with Council remains unclear. The Department requests clarification in this regard.
9. The community submissions raised concerns regarding additional truck movements and associated impacts on rural amenity. The RTS should give detailed consideration to:
 - the feasibility of additional rail transport, as an alternative to road haulage; and
 - potential mitigation measures, including restrictions on heavy vehicle movements during the night and morning shoulder periods.

Biodiversity

10. The Office of Environment and Heritage (OEH) has raised concerns regarding potential biodiversity impacts associated with the drawing of water from Tallong Dam. The Department notes that the Biodiversity Development Assessment Report (BDAR) may require revision, after item (1) above has been clarified.
11. OEH has requested further clarification regarding Boral's proposed approach to the separation of offset requirements for SSD-7009 and Peppertree Quarry Modification 5 (MOD 5). Given that MOD 5 is nearing determination, the Department's preference would be for Boral to provide a revised BDAR in the RTS which includes updated credit calculations, excluding the disturbance area proposed under MOD 5.

Visual Impacts

12. The community submissions raised concerns regarding the visual impacts of the project, including impacts from public vantage points (ie the Lookdown). The submissions also question whether the proposed rehabilitation strategy could be amended in order to reduce the duration of those impacts. The RTS should provide a detailed response in this regard.
13. The RTS should provide further information regarding the finished height of overburden emplacement areas. This should include cross sections and allow a simple comparison between proposed finished height and existing ground levels.

Heritage

14. The Heritage Council of NSW has recommended conditions with respect to future archaeological investigations. The Department may accept a commitment from Boral in its RTS to implement these recommendations, in lieu of specific conditions in this regard.

Impacts on 'Glenrock' Property

15. A detailed submission has been made on behalf of the owner of the 'Glenrock' property. The RTS should include a careful response to all matters raised in this submission, including noise, air quality

and visual impacts and security of water supply (both surface and ground water) in respect of the Glenrock property and its associated cattle operations.

The Department also requests that Boral consult further with Gormen Pty Ltd directly to resolve any issues which are subject to private agreements between the two parties, including previous agreements regarding water supply and the planting of screen trees.

Compatibility with Zone Objectives

16. The submission on behalf of the owner of 'Glenrock' also raised concerns that the proposal is inconsistent with zoning objectives under the *Goulburn Mulwaree Local Environmental Plan 2009*. The RTS should provide a considered response in this regard.

Community Consultation

17. Many community submissions express concerns regarding the lack of community consultation regarding the project more broadly. Therefore, the Department strongly recommends that Boral undertake additional community consultation in the Tallong area, including consultation with the Marulan Residents Action Group (MRAG). This consultation process should be documented in the RTS.