

21 October 2021

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
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Planning Portal submission

Dear Mr. Betts,

PEPPERTREE QUARRY PROJECT APPROVAL 06_0074 SCHEDULE 2, CONDITION B43 – TRANSPORT OPERATING CONDITIONS

Boral Resources (NSW) Pty Ltd (Boral) was issued Project Approval 06_0074 for Peppertree Quarry by the Minister for Planning on 28 February 2007. The quarry is located at Marulan South, 10 kilometres south of Marulan, within the Goulburn Mulwaree local government area (LGA).

In 2019, Modification 5 for the establishment of the South West Overburden Emplacement (SWOE) was approved. The location of the approved SWOE is separated from the main quarry site by Marulan South Road (refer to **Figure 1**, Attachment A) and requires the construction of new haul road and traffic controlled intersection with Marulan South Road. Both elements formed part of Modification 5 and the use of the intersection (and haulage route) is the subject of Condition B43 Transporting Operating Conditions that states the following:

The Proponent may transport overburden to the SWOE using the Option 2 transport route described in EA (MOD 5) until 31 December 2020, or as otherwise agreed by the Secretary.

Option 2 described in the condition relates to an outcome where a portion of Marulan South Road, a two lane local road under the care and control of Goulburn Mulwaree Council, had not been successfully deregistered in time for construction of the SWOE to commence. Refer to Figure 1.

Since the request to modify the development consent was granted in October 2019, the commencement of the project has been delayed. However, Boral has been liaising with the relevant stakeholders to resolve the road closure application. These discussions have been protracted and have not yet resolved. Accordingly, Boral is seeking the Secretary's agreement to extend the time period set out under condition B43 to **30 June 2023**.

Background

Concurrent to the making of Modification 5, Boral had commenced a road closure process with Goulburn Mulwaree Council to close and purchase all roads shown in orange on **Figure 2**.

In 2019, the process was nearing completion when Crown Lands notified Council of their objection due to the impact of the closure on the accessibility of Lot 7010 (shown yellow and outlined red in **Figure 2**) due to the fragmentation of Morrice Street (shown blue and labelled in **Figure 2**) for the broader public road network. At the same time Boral was also advised that Lot 7010 was the subject of an undetermined Aboriginal Land Claim under the NSW *Aboriginal Land Rights Act 1983*.

Boral was advised to permit the closure of the local roads, agreement from the Local Aboriginal Land Council (LALC) identified as the Pejar LALC would be required combined with the need to maintain a legal access point to Lot 7010.

Current status

Boral has identified an alternate access that will be formed via a right of way. The alternate access is located to the north of Boral's existing quarry pit. The LALC have been consulted. The Chair of the LALC has given verbal agreement to the alternate access and is to provide confirmatory advice in writing.

On receiving a final signed agreement from the LALC, Boral will be in a position to:

- re-engage with Crown Lands regarding the closure of Marulan South Road, with the view to lodging a Crown Road Closure Application for Morrice Street and two small isolated portions of Marulan South Road (refer to **Figure 2**);
- complete a survey the alternate access and establish a legal right of way to Lot 7010.

Timeframe to completion

Boral anticipates receiving formal agreement from the LALC and lodging a formal Crown road closure application towards the end of the 2021/early 2022. The general advice from Crown Lands regarding processing times is 10 -11 months indicating closure by the end of 2022.

Modification 5 works have not commenced. However, it is envisaged that the works would commence toward the end of 2021 and the start of 2022. A road opening application has been lodged with Council for the purposes of achieving a suitable intersection design and construction. This application should conclude by early to mid December 2021.

To ensure continued operations at the quarry and an undisrupted supply of product to our customers and plants across the Sydney metropolitan area and regional centres, Boral is requesting to extend the period of approval for the use of "Option 2" to 30 June 2023. While we believe it may be possible to achieve a closure in 12 months, due to the uncertainty of the processing times with Crown Lands we are seeking an additional 18 months to allow sufficient time to complete the closure process.

The road intersection will be designed and constructed to Council's specifications to ensure the appropriate design life achieved and all necessary road safety management devices and measures are in place.

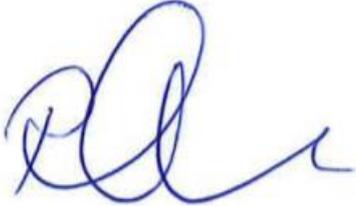
In this regard, the extended time period will not adversely affect the road safety or management.

The commencement of modification 5, is critical to maintaining operations at the site. The approved SWOE will support continued and uninterrupted operations by facilitating access to new resources

through the removal and storage of overburden material. In this regard, we ask that you consider the request favourably.

In the event that further information or clarification is required, please do not hesitate to contact me on phone 0401 894 110 or email rachael.snape@boral.com.au

Kind regards,

A handwritten signature in blue ink, appearing to read "Rachael", written in a cursive style.

Rachael Snape
Senior Property Planning and Approvals (NSW/ACT)
Boral Property Group



Attachment A: Figures

Figure 1: Project site layout (modification 5) showing haulage route options 1 and 2

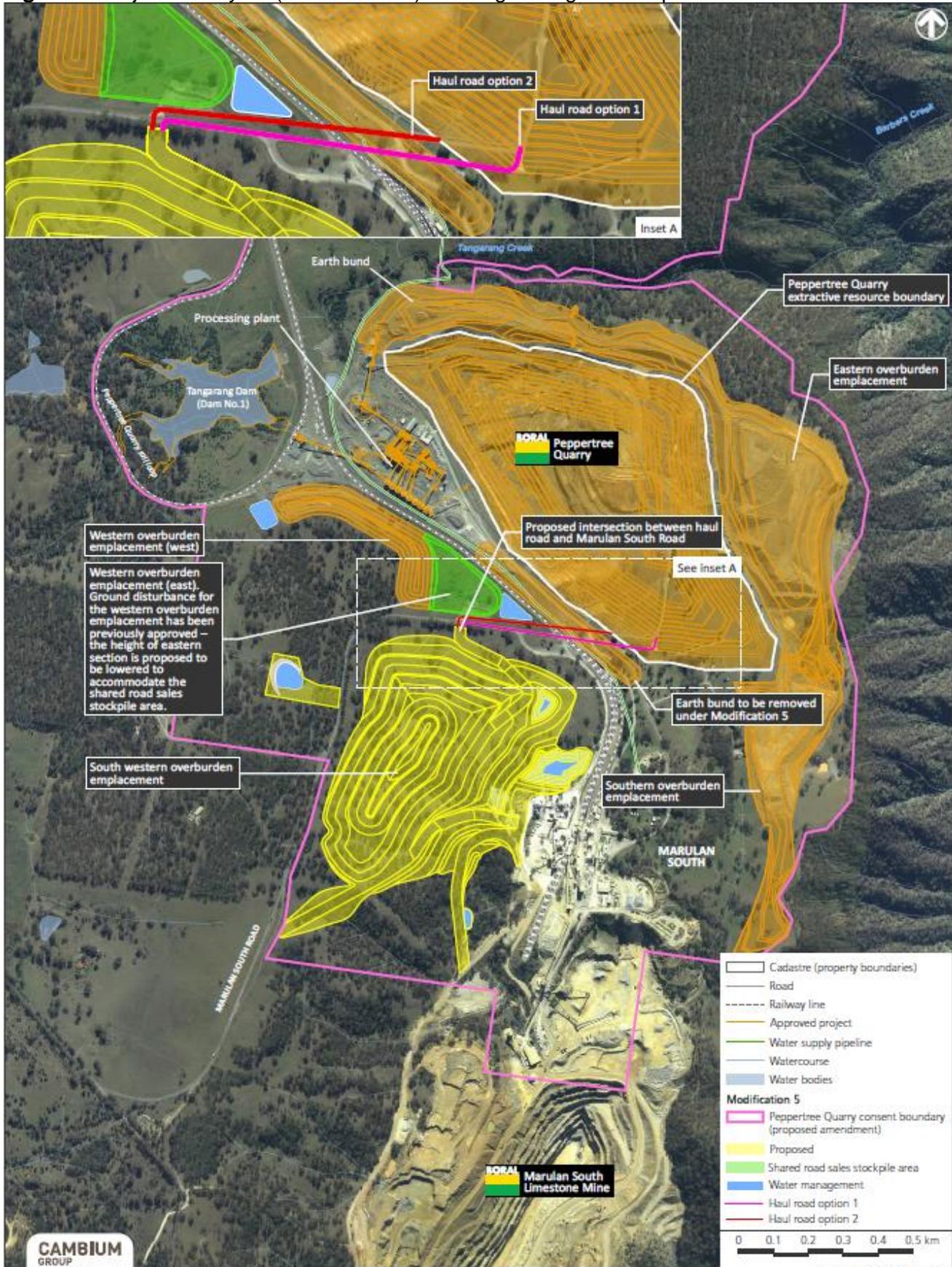


Figure 2: Road ownership and access to Lot 7010

