

Request to Modify a Major Project or Concept Plan



Date duly made: ____/____/____

Modification No. _____

This form should be used to request the Minister to modify a Major Project* or Concept Plan under Section 75W of the *Environmental Planning & Assessment Act 1979*.

Before lodging this form you should contact the Department of Planning and Infrastructure to discuss your modification and confirm the supporting information required to assess the modification. The Director General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister.

Persons lodging applications are required to declare reportable political donations (including donations of \$1,000 or more) made in the previous two years. For more details, go to www.planning.nsw.gov.au/donations.

* This form may also be used to modify a Part 4 consent which is subject to clause 8J(8) of the *Environmental Planning & Assessment Regulation 2000*

1. Proponent details

Company/organisation/agency

Gunlake Quarries Pty Ltd

ABN

55 118 6869 63

xMr Ms Mrs Dr Other

First name

Edward

Family name

O'Neil

Position

Director

STREET ADDRESS

Unit/street no.

715

Street name

Brayton Road

Suburb or town

Marulan

State

NSW

Postcode

2579

POSTAL ADDRESS (or mark 'as above')

PO Box 1665

Suburb or town

Double Bay

State

NSW

Postcode

1360

Daytime telephone

02 4841 1355

Fax

02 4841 1366

Mobile

0411 652 658

Email

ed@gunlake.com.au

2. Identify the land

Fill out the relevant fields or attach a schedule of lands and a detailed map of the land.

Unit/street no.

715

Street or property name

Brayton Road

Suburb, town or locality

Marulan

Postcode

2579

Council area

Goulburn-Mulwaree

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma eg 123/579, 162/2.

Lot 13 DP 1123374

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the Land & Property Management Authority for updated details.

OR: detailed description of land attached:

3. Details of the original major project or concept plan

Briefly describe what the original approval allows

Develop a hard rock quarry with associated processing plant and by-pass road, producing 500,000 tpa saleable product at full capacity

What was the original application no.?

O7-0074

What was the date of the approval?

24-09-2008

What was the original application fee?

\$67,095

4. Describe the modification(s) you propose to make

Describe the modification(s), including details of any conditions of approval to be amended or deleted

Modifications.

1. Increase saleable product from 500KTpa, to 750KTpa.
2. Increased truck movements to an average of 82 laden trucks per day This represents an increase from an average of 2.0 laden trucks per hour to 3.4.
3. Alter Quarrying and Processing hours from the currently approved (7.00am to 6.00pm Monday to Saturday with none on Sundays or Public Holidays) to provide for these on-site activities continuously from 6.00am Monday to 6.00pm Saturday.
4. Extend the pit footprint to the south southeast as shown on the figure included on the next page.
5. Increase the size of the overburden stockpile as shown on the figure included on the next page.

Condition Amendments.

Schedule 2. Item 2. Include "(c) Modification 2" and adjust remaining dot points accordingly.

Schedule 2. Item 2. Item 6 (b). Adjust "100" truck movements per day to an average 82 laden trucks per day.

Schedule 3. Item 1. This will not need to be altered, but a new survey will be required to define the boundaries of the approved limit of extraction and the approved ancillary works.

Schedule 3. The Footnote to Item 1 refers to the layout plan in Appendix 2. This plan will need to be modified to reflect the proposed changes. Any other plans identifying the layout will need to be modified.

Schedule 3. Item 3. Modify the time for the Quarrying and Processing activity in Table 2.

What is the capital investment value of the proposed modification?

\$0

5. Other approvals

Did the original project / concept plan, but for section 75U of the EP&A Act, require any of the following?

- concurrence under Part 3 of the *Coastal Protection Act 1979* of the Minister administering that Part of that Act
- a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*
- an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*
- an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*
- an authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act repealed by that Act) to clear native vegetation or State protected land
- a bush fire safety authority under section 100B of the *Rural Fires Act 1997*
- a water use approval under section 89, a water management work approval under section 90 or an activity approval under section 91 of the *water Management Act 2000*

Did the original project / concept plan require any of the following approvals in order to be carried out?

- an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- a mining lease under the *Mining Act 1992*
- a petroleum production lease under the *Petroleum (Onshore) Act 1991*
- x an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- x a consent under section 138 of the *Roads Act 1993*
- a licence under the *Pipelines Act 1967*

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land	<input type="text"/>
Signature	<input type="text"/>
Name	<input type="text"/>
Date	<input type="text"/>

Land	<input type="text"/>
Signature	<input type="text"/>
Name	<input type="text"/>
Date	<input type="text"/>

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000*, certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Have you attached a disclosure statement to this request?

Yes No

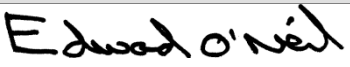
For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



In what capacity are you signing if you are not the proponent

Director

Name, if you are not the proponent

Edward O'Neil

Date

28th May, 2014

9. Supporting documents

What supporting documents are you submitting with this application?

Environmental Assessment

Other, please describe:

Letter to Director-General attached.

GUNLAKE QUARRIES

A B N 5 0 0 8 7 3 0 9 0 9 1

The Director-General
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

16th May, 2014.

Attention: Kane Winwood
By email: Kane.Winwood@planning.nsw.gov.au

Dear Sir,

**Proposed Modification of Project Approval
Gunlake Quarries. Hard Rock Quarry Marulan
DA No. MP 07-0074**

Gunlake Quarries Pty Ltd (Gunlake) are seeking approval to modify the above Project Approval to:

- Increase the truck fleet components varying from original predictions; and,
- Respond to increasing demand.

This letter describes the modification, provides justification for it, outlines the proposed environmental assessment actions and also describes the likely effects of the proposal.

Gunlake representatives met with officers of your Department on 17th April, 2014 and have outlined the modification proposals to them. We have now finalised our proposed modifications and wish to proceed with a Modification Application.

Gunlake seeks:

- Formal notification that the Minister for Planning will process an Application to Modify a Development Consent under Section 75W of the Environmental Planning and Assessment Act 1979; and,
- Confirmation from the Department of its approach to the environmental assessment of the proposed modifications.

Should Gunlake receive this formal notification from the Minister, it will submit a completed form and the necessary attachments to enable the Department to assess the proposals.

Truck Fleet Components

In the original Environmental Assessment of the Gunlake Quarry Project assumptions were made about the truck configurations that would be utilised to transfer saleable product from the site. Operational experience has demonstrated that when compared to original predictions, the actual truck configurations have skewed away from Higher Mass Limit truck and trailers to General Mass Limit truck and trailers as defined by the National Heavy Vehicle Regulator.

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This variation between actual and predicated truck configuration will result in increased truck movements (all be it smaller individual vehicles) when compared to the original predictions. The outcome has been that more truck movements than originally predicted will be required to move the approved annual saleable product tonnages.

Truck movement numbers were estimated on the assumption of a payload of between 39 and 44 tonnes. This payload tonnage assumption arose from the fact that the Gunlake Quarry site is located at a greater distance from Sydney than other existing quarries. The disadvantage of the additional transport distance was expected to be overcome by maximising the payload within the 39 to 44 tonne range.

However, operational experience has seen the actual average payload decrease to 32.5 tonne as there are fewer larger trucks available for product transporting than originally predicted. The decrease in availability of larger trucks has resulted from a number of factors; the key ones being:

- The sharp increase in the cost of fuel and the cost of truck registration/compliance since the 2008 Environmental Assessment;
- The customer base has broadened since the 2008 Environmental Assessment and includes small customers that often, are not serviced efficiently by the major aggregate suppliers. These relatively smaller customers do not have the truck fleets to accommodate the larger payloads and quite often the destinations for their product deliveries are on roads with weight restrictions that prohibit the use of larger trucks.

The proposed modifications to the Project address this matter and assess the likely environmental impacts.

Increasing Demand

Since commencing operations in 2008, Gunlake has observed a steady and strong increase in demand for quarry products. The proposed modifications would see the annual production rate increase from 500 000Tpa to 750 000Tpa. This increase will result in an increase in employment of 18 full time jobs.

This increase of material to the market can be supplied by a small increase in the current production from the Gunlake Quarry that could not be supplied efficiently by a new quarry.

There have been a number of factors responsible for the increased demand. Since the original Gunlake Quarry Environmental Assessment in 2008, significant changes have occurred in the demand drivers. Some of these include:

- The closure timing of Penrith Lakes was uncertain in 2008. Now Holcim and Hanson are no longer producing from that site and Boral have confirmed their closure in 2015.
- Sydney's population predictions continue to escalate.
- The minimum housing target in the current Metropolitan Strategy is up 17% on the previous Strategy;

- The minimum jobs target is also increased by 33% on the previous Metropolitan Strategy; and,
- The Federal Government has recently confirmed Badgery's Creek as the new Second Sydney Airport site.

The provision of infrastructure to meet this growth will require an increase in the supply of heavy construction materials. Sydney currently uses almost 20MT of quarried aggregates every year. The demand drivers listed above will see this amount increase rapidly and substantially. Historically, most of this aggregate has been extracted relatively close to Sydney. As these reserves are extracted and utilised, future aggregate will have to be sourced further afield from quarries such as the Gunlake Quarry at Marulan.

Quarry and Overburden Footprints

The quarrying footprint is being extended to avoid sterilising future reserves of hard rock which are exceptionally suited for production of aggregate material. The currently predicted growth in demand resulting from the implementation of planning strategies for the Sydney Region will require assured supplies of quarry products. Gunlake Quarry can be a continuing long term source of construction materials for over 100 years with proven resources of in excess of 180MT. The proposed modified quarry footprint will allow for the most economically and logical access to the resource for in excess of the next 100 years without the risk of sterilising this resource. As a quarry is benched down to access the deeper reserves, the working surface becomes smaller. Consequently it is critical to commence the quarry on the surface over an area that is large enough to enable access to the reserves in the lower benches.

Given the topography of the Gunlake Quarry site there is the real risk of creating inaccessible sections of hard rock, resulting in sterilised reserves. Sterilising Gunlake Quarry reserves will reduce the potential life of the quarry and will require an alternative supply to meet demand. Reserve sterilisation at Gunlake Quarry can be avoided by enlarging the quarry footprint as planned in the current modifications.

The increase of the overburden footprint is due to the generation of greater than expected quantities of overburden from the quarry pit and from the proposed increase of the quarrying footprint.

Proposed Modifications

1. Increase saleable product from 500 000Tpa, to 750 000Tpa.
2. Increased truck movements to an average of 82 laden trucks per day. This represents an increase from the current average of 2.0 laden trucks per hour to 3.4 per hour.
3. Alter Quarrying and Processing hours from the currently approved (7.00am to 6.00pm Monday to Saturday with none on Sundays or Public Holidays) to provide for these on-site activities continuously from 6.00am Monday to 6.00pm Saturday.
4. Extend the pit footprint to the south southeast as shown on the figure included on the next page.

5. Increase the size of the overburden stockpile as shown on the figure included on the next page.

Alterations to Consent Documents

The proposed modifications will require minor adjustments to the current Project Approval.

The original Project Approval was issued in September 2008. There has been one previous modification relating to the use of a new road overpass south of Marulan as an alternative to installing a round-about immediately north of Marulan. The Modified Project Approval was issued in March 2013.



Approximate Location of Extended Quarry Pit and Overburden Footprints

(Note: The areas shown are approximate and will be more accurately defined in subsequent documentation).

If the proposals are agreed the March 2013 Modified Project Approval would require a number of amendments including the following:

Schedule 2. Item 2. Include “(c) Modification 2” and adjust remaining dot points accordingly.

Schedule 2. Item 2. Item 6 (b). Adjust “100” truck movements per day to an average 82 laden trucks per day.

Schedule 3. Item 1. This will not need to be altered, but a new survey will be required to define the boundaries of the approved limit of extraction and the approved ancillary works.

Schedule 3. The Footnote to Item 1 refers to the layout plan in Appendix 2. This plan will need to be modified to reflect the proposed changes. Any other plans identifying the layout will need to be modified.

Schedule 3. Item 3. Modify the time for the Quarrying and Processing activity in Table 2.

Proposed Environmental Assessment Actions

Since the initial Environmental Assessment there have been no additional neighbours occupy land adjacent to the quarry site or along the transport route from the Quarry to the Freeway. All residences potentially affected by the proposed modification remain the same as those identified in the 2008 Environmental Assessment.

Gunlake has commissioned Olsen Environmental Consulting Pty Limited (OEC) to oversee the environmental assessment of the proposed modifications. OEC prepared the original Environmental Assessment for the Gunlake Quarry Project. Preliminary discussions have identified the likely environmental impacts of the proposed modifications and these are discussed in the following paragraphs.

A **Traffic** study will assess the likely impacts and determine any required controls on the operation of the increased truck movements. All increased truck movements will be associated with product movement north from Marulan and will utilise the purpose-built Bypass Road to the Hume Highway. No increased vehicle movements will occur through Marulan village. The Transport study will assess the impacts on existing roads, however Gunlake do not anticipate any road infrastructure will require installation or modification to enable the increased truck movements.

Acoustic and **Air Quality** studies will be undertaken to assess the environmental implications of the increased trucking activity, together with increased pit footprint, production and associated increased quarrying and processing operating hours. Subject to the outcome of these studies, it is anticipated that the current acoustic and air quality criteria will not require modification.

A **Surface and Groundwater** study will assess impacts on water resulting from the modification. It will also address surface water controls around the extended pit footprint and determine water consumption and supply to accommodate the increased site activity. Gunlake anticipate water supply will be adequate and that the modifications will be constructed and operated without adverse water impacts. Current water monitoring points may only require minor adjustments (if at all).

New **Archaeology** and **Flora and Fauna** studies are not proposed. Gunlake will draw on previous studies associated with the original Environmental Assessment of the Gunlake Quarry Project to address impacts in these fields. The increased areas of disturbance will occur adjacent to the current overburden emplacement and the extension of the quarry pit to the south east. Both of these areas are located entirely on cleared pasture land. The original Archaeological Study (Preliminary Archaeological Assessment, David Johnston AASC Pty Ltd, October 2007) does not identify any

archaeological deposits in either of these areas. The original Flora and Fauna study (Flora and Fauna Survey and Ecological Impacts Assessment Report, Ecotone Ecological Consultants Pty Ltd, February 2008) does not identify any threatened species, communities or habitats in either area. Gunlake would establish the location of any habitat trees (if any) within these areas and if these habitat trees require removal, we will implement the approved methodology for managing their removal. The approved methodology is included in the Project Approval at Appendix 3, Section 1.8.

The original proposal was supported by an assessment of **Amenity Impact**. (Amenity Assessment. Gunlake Quarry Brayton Road Marulan Proposed Hard Rock Quarry Part 3A Application. May 2008. Mersonn Pty Ltd). The Amenity Report was very positive about the implications of Gunlake's proposed traffic management especially construction of the Bypass Road. The report concluded:

- The traffic character as it contributes to amenity impacts is not considered to significantly change or produce a level of impact within the Stage 1 to warrant the failure of this portion of the application;
- More significantly, the benefits which accrue from the Stage 2 by-pass are considerable;
- The proposal does not significantly impact upon the social role of the town of Marulan and that it provides a significant improvement during Stage 2 with the introduction of the bypass;
- The provision of Bypass Road route as a public road necessarily means that it is quite likely to be used by other rural and industrial traffic accessing the Hume Highway. This is seen as a positive contribution and it is considered that the proposed by-pass route is easily able to accommodate this traffic with no significant amenity effects on the surrounding lands and residents.

Gunlake will have the Amenity Assessment modified to consider the potential impacts of the proposed modifications.

Gunlake will commission specialist environmental consultants to undertake assessment of the environmental impact of the proposed modifications. All consultants will be specialists in their field and the assessments will be undertaken in accordance with legislative requirements and in a professional manner.

Justification of Proposals as Modification

Gunlake understand the proposed improvements to the Gunlake Quarry Project can be processed as a modification under Section 75W, based on the following.

An application under Section 75W is assessed on an analysis of the foreseeable environmental impacts of the proposed development compared to those contemplated at the time of the original consent being granted. The analysis enables the Minister to determine whether the proposed modification will result in **“limited environmental consequences”** beyond a project's original environmental assessment. If so determined, the Minister can approve the modification application.

The proposed modifications will not have any types of environmental impacts not envisaged and addressed in the original Environmental Assessment. Gunlake anticipate that all environmental monitoring criteria included in the Project Approval will remain.

The major alteration will be an increase in truck traffic. However this will occur predominantly on a purpose-built road (connecting Red Hills Road and Brayton Road). The section of Brayton Road that will be subject to the increased traffic should have the ability to accommodate the proposed traffic increase. There will be no increase in traffic levels in Marulan.

Noise and air quality impacts are expected to be minimal, and Archaeology, Flora and Fauna impacts are not likely.

Gunlake is proposing a number of environmental assessment studies (see above) that will determine likely impacts.

Case law has established that the changes proposed must be a **“modification”** and not a **“radical transformation”**. In relation to Gunlake Quarry, the likely relevant factors to be considered in determining whether the changes proposed constitute a modification or a radical transformation would include the following:

- Change in the disturbance footprint;
- Change in land subject to the development consent;
- Change in the annual and total production, and,
- Change in quarry life.

Following are our comments on these factors:

- The extended disturbance footprint is continuous with the approved footprint.
- There is no change to the land subject to the development consent.
- Annual production increase from 500 000Tpa to 750 000Tpa.
- Quarry life is approved at 30 years and this will not change in the Project Approval. Future Project Approvals (beyond 30 years) will address quarry life.

Consequently, Gunlake believe the proposals represent a modification and not a radical transformation.

We look forward to your response and are available to discuss this matter should you require further information or clarification.

Yours faithfully,



Edward O'Neil
Director