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12 December 2024

Carl Dumpleton
Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Carl

**Subject: Cleary Bros Marulan Quarry (SSD 77991709)
Request for SEARs**

A review of the Scoping Report prepared by International Environmental Consultants Pty Limited, dated 19 November 2024 has been undertaken in relation to the above proposal and Council's comments are as follows:

Social and Economic Impacts

There are many other infrastructure and renewable energy projects proposed and being delivered in the region, which is having a cumulative impact on housing, labour availability, the economy and socially in relation to the community's exposure to numerous rounds of consultation.

Council is particularly concerned in relation to the availability of housing and exacerbated pressure during construction periods of large-scale projects. The social impact assessment (SIA) is to include the cumulative impacts from multiple State significant developments (SSD) proposals in the Goulburn Mulwaree local government area (LGA) and immediate region beyond this. The SIA needs to address impacts on the private rental market for housing and if there will be a displacement of lower income workers as a result of increased housing demand and what impact this will have on the functions of the township of Marulan and Goulburn.

Construction is a growing sector – there is a need to provide training programs to meet employment demand. Like housing, the impacts on demand for construction workforce noting other SSDs and the existing low unemployment rate needs to be considered. Consider the low unemployment rate and low rental vacancy when sourcing the workforce for the project.

Transportation

The EIS and supporting documentation should include consideration of impacts on local access roads. A dilapidation survey is likely to be required to maintain surface standards along with plans that detail all proposed upgrade works to the Council road network. The route to the site includes a part of the Gunlake Quarry haulage route and consultation should occur with other haulage operators/users or school bus services to ensure minimised conflict during construction and operation.

A Traffic Report is required to clearly explain proposed haulage routes and evaluate the impact of the proposed truck types on the proposed haulage routes and property access with swept paths and diagrams provided where necessary to confirm that existing pavement widths will permit the use of the proposed truck types. The ESA of each proposed truck type shall be specified and commentary provided in regard to any additional impacts the use of these vehicles would have on the existing condition of the proposed haulage route roads. Commentary should be provided on the anticipated modal split of product to the Sydney market and local area.

Alternative haulage options should be discussed and should include transportation by rail, potential conveyor transportation, co-use of existing loading facilities at neighbouring quarry sites and the cumulative impact of haulage along established haul routes.

A road safety audit should be undertaken for the proposed haulage routes.

Biodiversity

The proposed extraction area, as shown in Figure 3 – Conceptual Project Layout (page 20), is largely mapped in the NSW Government SEED SVTM Extant PCT layer as containing PCT 3376 Southern Tableland Grassy Box Woodland.

PCT 3376 is a component of the threatened ecological community *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions*".

Aerial imagery shows that this area comprises an open grassy woodland, with many remnant canopy trees present. The area of discernible woodland in the proposed extraction area with canopy trees present comprises approximately 20 hectares. It is likely that the extent of the community in the form of derived native grassland extends to a much greater area.

The preliminary biodiversity assessments of the area conducted by Niche Environment and Heritage have confirmed the presence of a Yellow Box – Blakely's Red Gum Grassy Woodland community on the site, with a canopy consisting of Yellow Box *Eucalyptus melliodora*, Blakely's Red Gum *Eucalyptus blakelyi*, Red Stringybark *Eucalyptus macrorhyncha* and Coastal Grey Box *Eucalyptus bosistoana*.

The *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland* community is listed as a Critically Endangered Ecological Community under Schedule 2 Part 1 of the *NSW Biodiversity Conservation Act 2016*.

This community is also listed as a SAI Entity (at risk of serious and irreversible impact).

In parts where there is a largely intact native groundcover layer, the community will also meet criteria for identification as the Commonwealth listed Critically Endangered *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community.

Based on aerial imagery, the extent of the *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* community to be removed if the project is approved significantly exceeds 20 hectares.

This is likely to constitute a significant impact on the local occurrence of the community in the local area, and to comprise a significant and irreversible impact on a SAI entity. If the community meets condition criteria for identification as the Commonwealth *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community, it will also constitute a significant impact on a Commonwealth MNES.

For State Significant Developments the decision maker can approve a proposal that is likely to have serious and irreversible impacts but must consider those impacts and determine whether any additional and appropriate measures will minimise those impacts if approval is to be granted.

If any parts of the box gum grassy woodland on the site are determined to meet condition criteria for identification as the Commonwealth listed Critically Endangered White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, a referral will be required to the Commonwealth for impacts on an EPBC Act MNES.

The project has not demonstrated the application of the biodiversity hierarchy of Avoid – Minimise – Mitigate as required by the NSW BC Act. The proposed quarry extraction area is located in the areas of the land that have the highest biodiversity values. Justification provided in the scoping document includes the statement that this site was chosen in preference to others as it would result in “reduced level of impact to biodiversity compared to other sites containing the target resource” (page 13). However, no details of these other sites are provided.

As the current proposal will result in complete destruction of more than 20 hectares of a Critically Endangered Ecological Community, further information must be provided to support the contention the choice of this site will result in a reduced level of impact on biodiversity.

Based on the available information, there has been no genuine attempt to avoid or minimise impacts on a CEEC and SAI entity in the local area.

Justification for selecting the site instead is mostly focussed on presence of the target rock, ease of access, ease of transport/freight and the lack of nearby residential housing as the area is largely used for extensive agriculture.

Prior to any approvals being issued, a full BDAR will need to be prepared by a BAM accredited assessor, as identified by Niche on page 39 of the scoping document.

It is essential that biodiversity surveys for this are conducted in spring.

In the southern tablelands many local grassland species have an annual cycle where they actively grow, flower and set seed in spring and early summer, and then die back to a dormant underground structure such as a rhizome, corm, bulb or tuber with the onset of hot, dry conditions in summer.

Identification and recording of these species must be done at an appropriate time of year as they are generally not detectable or identifiable during late summer and early winter. For most of these species, the required survey time is in the spring months.

Examples include plants in the genera *Arthropodium*, *Dichopogon*, *Diuris*, *Calochilus*, *Caladenia*, *Glossodia*, *Microseris*, *Thysanotus*, *Wurmbea*, *Hypoxis*, *Burchardia*, *Tricoryne*, *Thelymitra* and *Swainsona*.

Timing of survey work is also important for accurate identification of many grass species, as this requires the presence of flowering structures. Conducting survey work when grasses are not in flower is likely to lead to significant underestimates of grass species richness.

If biodiversity surveys are not conducted at an appropriate time of year, species richness will be significantly underestimated and this will result in reduced VIS (Vegetation Integrity Scores) when data are entered into the BAM Calculator, and this in turn will result in errors in calculating required Ecosystem Biodiversity Offset Credits.

Also note:

DEPARTMENT OF PLANNING, INDUSTRY & ENVIRONMENT Biodiversity Assessment Method 2020 Operational Manual – Stage 1 (Page 20).

“The assessment of ground cover should be conducted at a time when indigenous vegetation is most abundant and is easiest to identify.”

Amenity Impacts

The amenity impacts (noise, vibration from blasting, dust, visual impact, and increased activity levels) of an additional quarry alongside the existing Gunlake quarry and in the vicinity of the Holcim Quarry are to be considered (cumulative impacts). The impacts are not to be limited to the immediate and surrounding property owners but along the entire haulage routes back the highway.

European and Cultural Heritage

Council supports the preparation of a full ACHAR in consultation with the local Aboriginal community.

The site is in proximity to “Lockyersleigh” (I035) which is of local heritage significance under Goulburn Mulwaree Local Environmental Plan 2009. A further local heritage item “The Ruins of Kyle” I034) should also be considered in any assessment.

Water Usage

Council would support the consideration of off-site options for sourcing water for dust suppression etc. It is recommended that consultation with Council’s Utilities Directorate be undertaken to identify if there are any options for use of recycled water from Council’s facilities.

If you require any further information, please contact me on (02) 4823 4480.

Yours sincerely



Stephanie Mowle
Acting Director Planning & Environment