

7 December 2023

TfNSW reference: STH18/00191/12

Your reference: SSD-65146459

Department of Planning and Environment

By Email: jarrod.blane@planning.nsw.gov.au

Attention: Jarrod Blane

SSD-65146459 – Marulan Quarry – LOT 3 & 4 DP247199 AND LOT 7001 DP1025585 – 16501 Hume Highway MARULAN

Dear Jarrod

Transport for NSW (TfNSW) is responding to the Planning Secretary's Environmental Assessment Requirements (SEARs) referred on 28 November 2023.

TfNSW is providing advice based on the information provided and focusing on the impact to the state road network.

TfNSW considers that the matters outlined in Attachment 1 should be addressed in the Environmental Impact Statement (EIS) prepared for the development. TfNSW is currently liaising with the applicant on access to and from Hume Highway. There are safety and efficiency concerns relating to the proximity of Winfarthing Road and Rampion Hills Road that the access arrangements will need to address. The applicant is yet to demonstrate a safe and complaint access arrangement.

If you have any questions, please contact Steven Yuan, Development Services Case Officer, on 02 9983 2596 or email development.south@transport.nsw.gov.au.

Yours faithfully



Steven Yuan

Development Services Case Officer, Development Services

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**SSD-65146459 – Marulan Quarry – LOT 3 & 4 DP247199 AND LOT 7001 DP1025585 – 16501
Hume Highway MARULAN**

Context

TfNSW notes for this development:

- The key state road is Hume Highway;
- Council is seeking input for the Planning Secretary's Environmental Assessment Requirements (SEARs) for this development;
- The development proposes a quarry to extract up to 500,000 tonnes of hard rock (tuffaceous ignimbrite) per annum over an approximately 18 year period. The extraction area is 7.9 hectares and the total area of disturbance is 33.4 hectares. The project area has an estimate of 7.7 million tonnes of tuffaceous ignimbrite of which 4.4 million tonnes is hard rock to be used as high grade construction feedstock, and 3.3 million tonnes is weathered soft rock that can be used within the quarry for road and pad construction or sold as lower value product; and
- TfNSW is currently corresponding with the proponent on the proposed access arrangements. Section 138 consent will be required for any works required within the Hume Highway road reserve.

Required Information

1. Traffic Impact Study (TIS): A TIS is required to examine any potential transport related implications of the development. As a guide Table 2.1 of the RTA's Guide to Traffic Generating Developments outlines the key issues that should be considered in preparing a TIS. In addition, regard should be had for the Austroads publications, particularly the Austroads Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments and Part 3: Traffic Studies and Analysis Methods. Noting the above, the TIS should:
 - a. Consider the traffic-related issues relevant to the development in 2 distinct phases as follows:
 - i. Construction phase – The transport of materials and equipment/components for the establishment of the facility, ancillary infrastructure and the movement and parking of construction related vehicles including workers vehicles;
 - ii. Operational phase – The ongoing traffic generation due to the operation, maintenance and servicing of the various elements of the project (e.g. how is material transported to and from the site, etc); and
 - b. For each of the above stages the following needs to be addressed:
 - i. A description of the current movements along Hume Highway in the vicinity of the site, including into and out of the site. This should include raw data from

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current traffic surveys conducted during peak hours and peak traffic generation periods, preferably across multiple days, with movements divided into heavy and light vehicles;

- ii. The additional movements (both light and heavy vehicles) which are expected to be generated by the project. This should include details on the types of vehicles and road transport routes that are proposed to be used to provide access to and from the site during the construction and operation.
- iii. Daily inbound and outbound traffic profile by time of day and day of week broken down per vehicle type and the additional movements that the development will generate. This includes a summary of the additional peak hour movements and maximum daily movements for both heavy and light vehicles;
- iv. Road safety assessment including details on crash history and a sight distance assessment at the proposed access to Hume Highway;
- v. A swept path analysis in accordance with Austroads turning templates to demonstrate that the largest vehicle likely to utilise the proposed access with Hume Highway can enter and exit without impacting upon adjacent lanes, etc;
- vi. An assessment of the predicted impacts of this additional traffic and offset measures on road safety and the capacity of the road network using turn warrants assessments. Any modelling undertaken must ensure the base model has been calibrated with current on-site observations. Please note the above relates only to potential impacts on the state road network; and
- vii. Intersection performance impacts for times of peak activity. This includes providing an assessment of the cumulative impact of traffic from this development and nearby developments (including those proposed) that use the same access to and from Hume Highway.

2. Strategic/Concept Design: Strategic designs for any proposed road upgrades or offset measures on the state road network need to be provided. The scope of works must be clarified and it must be demonstrated that the works can be constructed within the road reserve. The strategic designs will also allow the consent authority to consider any environmental impacts of the works as part of their Part 4 assessment, including traffic and road safety impacts as well as other impacts such noise, flora and fauna, heritage and impact to the community. Reference should be made to the appropriate TfNSW standards and Austroads guidelines when preparing the designs.
3. Oversize Overmass Load Carrying Vehicles (OSOM): There will need to be details on the volume of OSOM vehicle traffic that can be expected to use both the local and state roads as the result of this project, and any changes to the road network required to cater for OSOM movement.
4. Consultation: TfNSW endeavours to continue to consult with the applicant during the preparation of the EIS and TIA.
5. State Environmental Planning Policy (Transport and Infrastructure) 2021: The provisions of Section 2.118 need to be addressed as part of any EIS prepared.

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15th December 2023

Record Number: 23/07288#39

[Planning Number: SSD-65146459](#)

Marulan Quarry

The Department of Planning and Environment – Crown Lands (the Department) has reviewed the proposal.

It is noted that the Department has previously reviewed this proposal as SSD-9750 which we acknowledge has expired and has been relodged as SSD-65146459. Previous issues raised by The Department have not been addressed in the scoping report provided for SSD-65146459.

The following matters require further action:

1. **Undetermined Aboriginal Land Claim (ALC) over Lot 7001 DP 1025585** – This Lot is a Crown Reserve gazetted on 9 September 1893 for Trigonometrical Purposes and is currently the subject of an Aboriginal Land Claim (ALC) under the *Aboriginal Land Rights Act 1983*. Claim No. 9317 was lodged by the NSW Aboriginal Land Council on 12 January 2006 and remains undetermined. The proponent must obtain concurrence for this proposal from the NSW ALC and provide this to the Department in support of any future application for Landowners Consent (LOC). Alternatively, the proponent may consult with the NSW ALC regarding potential withdrawal of the claim.

The Department is aware of previous engagement by a legal representative (Glenbrook Legal Services) on behalf of the proponent with the NSW ALC in relation to SSD-9750. The proponent is advised to refer to any previous correspondence they may hold as it relates to this matter.

Further information regarding Aboriginal Land Claims can be found at the following link: <https://www.crownland.nsw.gov.au/protection-and-management/aboriginal-land-rights-and-native-title/aboriginal-land-claims>

2. **Confirmation of *Native Title Act 1993* (Commonwealth) pathway** – The Department must deal with Crown land as though Native Title rights and interests exist, unless there is evidence of previous extinguishment of those rights and interests. The proponent must identify under which NT Act future act pathway the proposal is permissible. If there is no future act pathway, the proponent should seek further advice regarding options to progress the project. The Department cannot grant Landowners Consent (LOC) to this proposal without NT Act requirements being met.

Further information regarding Native Title can be found at the below link:
<https://www.crownland.nsw.gov.au/protection-and-management/aboriginal-land-rights-and-native-title/native-title>

3. **Landowners Consent (LOC)** – The proponent must obtain Landowners Consent (LOC) from the Department as the owner of the land before proceeding with any application for development consent. In order to apply for LOC, the proponent will need to have addressed the undetermined ALC and Native Title matters.

An application form for LOC can be found here:
<https://www.crownland.nsw.gov.au/resources/forms-and-applications#seeking-landowners-consent>

4. **Crown road under Enclosure Permit** - There is a Crown road with an enclosure permit within the proposed development area. Please refer to the attached map, where Crown road with enclosure permit is shown by green hatching. This road provides legal access to Lot 7001 DP 1025585. An application to close and purchase Crown roads internal to the development footprint should be made by the proponent - particularly if the proposal will render the roads inaccessible to the public. The proponent would need to establish alternate legal access (via an easement/Right of Carriageway) from the public road network to Lot 7001 DP 1025585, prior to the closing of any existing Crown Roads. The Department cannot provide any guarantee of outcome in respect to road closings or the sale of any Crown Land.
5. **Impacts to Trigonometrical Infrastructure** – It is noted that previous approval has been granted to the proponent by Spatial Services (Crown Surveyor General's Office) to remove Trigonometrical Station TS4083 (Shelly) located on Crown land in support of this proposal. The proponent must provide confirmation to the Department that the previous approval remains valid, or must obtain a new consent for this purpose as this relates to the new SSD-65146459.

If development consent is able to be granted in the future, the proponent would require a further licence from the Department to undertake the proposed activities on any Crown land/Crown road. A licence would be assessed on merit at the time of application.

If the proponent requires further information, or has any questions, please contact Tia Galvin, Property Services Officer in Crown Lands, on 02 4824 3731 or at tia.galvin@dpie.nsw.gov.au

Yours sincerely



Mandy Franklin
A/Group Leader – Goulburn
T 02 4824 3704 | E mandy.franklin@crownland.nsw.gov.au
14 December 2023

Department of Planning and Environment

Your ref: SSD-65146459
Our ref: DOC23/1078673-2

Jarrold Blaine
Acting Team Leader
DPE Planning
4 Parramatta Square
Parramatta NSW 2150

By email: jarrod.blaine@dpie.nsw.gov.au

**Subject: Request for Environmental Assessment Requirements – Marulan Quarry - SSD-65146459
– Goulburn Mulwaree Council**

Dear Jarrod,

I refer to your request for input into the Secretary's Environmental Assessment Requirements (SEARs) for the proposed Marulan Quarry.

Our advice is in **Attachments A and B**. In preparing the Environmental Impact Statement (EIS), the proponent should refer to the relevant guidance material listed in **Attachment C**.

Biodiversity and offsetting

As noted in the Scoping Report, the clearing required for the proposed development will remove habitat for the several threatened fauna species recorded on site, including the spotted-tailed quoll and koala. Surveys for the koala will need to be undertaken in accordance with the latest koala survey guidelines, which can be found [here](#).

BCD notes that the site occurs within the Southeast and Tablelands Regional Biodiversity Corridor and is zoned as C3 – Environmental Management in accordance with the *Goulburn Mulwaree Local Environmental Plan 2009* (LEP). The objectives of this zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To facilitate the management of water catchment areas, environmentally sensitive land and areas of high conservation value

Given the proposed development adverse impact on the ecological values of the site by clearing 31 hectares of native vegetation, it appears to be inconsistent with the above zoning objectives.

If you have any questions about this advice, please do not hesitate to contact Louis Cameron, Asst. Regional Operations Support Officer, South East, Biodiversity and Conservation Division via rog.southeast@environment.nsw.gov.au.

Yours sincerely,

 11/12/2023

Michael Saxon

**Director – South East Planning
Biodiversity and Conservation Division**

Enclosures:

Attachment A – Standard Environmental Assessment Requirements

Attachment B – Project-specific Environmental Assessment Requirements

Attachment C - Guidance Material

Attachment A – Standard Environmental Assessment Requirements for Marulan Quarry (SSD-65146459)

Native Vegetation Regulatory Map – land categorisation

For State Significant Development (SSD) proposals that affect rural land as defined under Part 5A of the *Local Land Services Act 2013*, a draft Native Vegetation Regulatory Map is available upon request. This map as it relates to the development site must be requested from BCS during preparation of the Biodiversity Development Assessment Report (BDAR) and prior to the BDAR being submitted to the consent authority. Requests should be made via the Data Broker – data.broker@environment.nsw.gov.au.

Where Category 2 – Regulated land mapped as present on a development site, this will be identified on the draft map supplied by BCS and is land where the BAM must be applied.

Where Category 1 – Exempt Land is present on a development site, early engagement with BCS is encouraged. Site-based floristic assessment is required to verify the presence or absence of critically endangered ecological communities (CEECs), critically endangered plants, threatened grasslands and threatened fauna, in order to confirm at the site scale whether the criteria for Category 1 – Exempt Land is met.

Prior to the BDAR being submitted to the consent authority, the accredited assessor should submit a proposed land categorisation method to the BCS South Est Planning team at rog.southeast@environment.nsw.gov.au for review.

For more information, see [Determining native vegetation land categorisation for application in the Biodiversity Offsets Scheme](#)

Biodiversity

1. The EIS must assess biodiversity impacts related to the proposed development in accordance with [Section 7.9 of the Biodiversity Conservation Act 2016](#) using the [Biodiversity Assessment Method \(BAM\) 2020](#) and documented in a Biodiversity Development Assessment Report (BDAR), unless:
 - a) a BDAR waiver is granted, or

b) the site is on biodiversity certified land.

The BDAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), *Biodiversity Conservation Regulation 2017* (s6.8) and the BAM.

2. The BDAR must apply the avoid, minimise and offset hierarchy including assessing all direct, indirect, uncertain and prescribed impacts in accordance with the BAM.

3. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix K of the BAM.

4. The BDAR must include details of the measures proposed to address the offset obligation as follows:

- a) The total number and classes of biodiversity credits required to be retired for the development;
- b) The number and classes of like-for-like biodiversity credits proposed to be retired;
- c) The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
- d) Any proposal to fund a biodiversity conservation action;
- e) Any proposal to conduct ecological rehabilitation (if a mining project);
- f) Any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.

5. The BDAR must be prepared by a person accredited in accordance with the [Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017](#) under s6.10 of the *Biodiversity Conservation Act 2016*.

6. The EIS must contain a summary of the commitments set out in the BDAR to avoid, minimise and mitigate the biodiversity impacts of development that are to be implemented, post approval, by their inclusion in a Biodiversity Management Plan (BMP). The preparation of a BMP to fulfil the avoid and minimise requirements of the BDAR must be included as a condition of consent/approval, unless otherwise agreed with BCS. The BMP must include detailed measures to minimise impacts on biodiversity, monitoring and reporting requirements, proposed adaptive management measures, performance criteria recommended to meet states outcomes, remedial actions to be undertaken if actions fail to achieve stated outcomes, and any additional actions relevant to the management of biodiversity.

7. If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification

NOTE – A BDAR template and guidance document has been created to assist accredited assessors to prepare a BDAR. It has been developed in accordance with best practice, minimum information requirements, and to support BDAR reviewers. The BDAR Template can be found [here](#) and the Guidance for the BDAR Template can be found [here](#). Supporting digital data as per Appendix K of the BAM is also required to be submitted.

Water and soils

8. The EIS must map the following features relevant to water and soils including:
- Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map)
 - Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method)
 - Wetlands as described in s4.2 of the Biodiversity Assessment Method.
 - Groundwater
 - Groundwater dependent ecosystems
 - Proposed intake and discharge locations
9. The EIS must describe background conditions for any water resource likely to be affected by the development, including:
- Existing surface and groundwater
 - Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations
 - Water Quality Objectives (as endorsed by the NSW Government <http://www.environment.nsw.gov.au/ieo/index.htm>) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
 - Where locally derived indicators and guideline values are not available for the relevant Water Quality Objectives, the EIS must refer to the [Australian and New Zealand Guidelines for Fresh and Marine Water Quality](#) (ANZG, 2018).

10. The EIS must assess the impacts of the development on water quality, including:

- a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction, using the [Risk-based framework for considering waterway health outcomes in strategic land use planning decisions](#).
- b. Identification of proposed monitoring of water quality or required changes to existing monitoring programs
- c. How the development meets the objects of the Coastal Management Act 2016 and management objectives of relevant Coastal Management Areas defined under this Act
- d. Consistency with any relevant certified Coastal Management Program (or Coastal Zone Management Plan)

11. EIS must assess the impact of the development on hydrology, including:

- a. Water balance including quantity, quality and source
- b. Effects to downstream rivers, wetlands, estuaries, marine waters (including marine protected areas) and floodplain areas
- c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems
- d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches)
- e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water
- f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options
- g. Identification of proposed monitoring of hydrological attributes

Flooding and coastal hazards

12. The EIS shall include a flood impact and risk assessment (FIRA). As a minimum the FIRA must:

- a. Consider the relevant provisions of the NSW Flood Risk Management Manual (2023) and associated guides, and existing council and government studies, information and requirements
- b. Identify and describe existing flood behaviour on the site and its surrounding areas for the full range of events, including 5% AEP, 1% AEP, PMF and 0.5% AEP or 0.2% AEP and provide an assessment of the compatibility of the development and its users with flood behaviour. This may require flood modelling where existing flood information is not available
- c. Determine and describe changes in post development flood behaviour, impacts of flooding on existing community and on the development and its future community for full range of events, 5% AEP, 1% AEP, PMF and 0.5% AEP or 0.2% AEP. This will typically require flood modelling
- d. Consider impacts of climate change due to both sea level rise and increase in rainfall intensities considering relevant Council and government advice. The 0.5% AEP or 0.2% AEP events can be used to provide an understanding of the scale of change of flood behaviour relative to the 1% AEP event
- e. Propose and assess the effectiveness of management measures required to minimise the impacts and risks of flooding to the development and its users and existing community

Note:

- The scope of a FIRA is intended to be consistent with the Draft EHG FIRA Guide, which is being finalised currently.
- The FIRA will need to be tailored to suit the project being considered, whilst maintaining consistency with the FIRA guide.

Attachment B – Project Specific Environmental Assessment Requirements for Marulan Quarry (SSD-65146459)

Biodiversity

13. The project must address any Serious and Irreversible impacts (SAIL) that may be impacted from the development.

Note: The '[Guidance to assist a decision-maker to determine a serious and irreversible impact](#)' provides criteria and supporting information to assist with the application of the SAIL principles, including potential entities that meet the SAIL principles and criteria.

14. The following prescribed impacts in accordance with Clause 6.1 of the BC Act are to be assessed:

- the impacts of development on the following habitat of threatened species or ecological communities—
 - karst, caves, crevices, cliffs and other geological features of significance,
 - rocks,
 - human made structures,
 - non-native vegetation,
- the impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range,
- the impacts of development on movement of threatened species that maintains their lifecycle,
- the impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including from subsidence or upsidence resulting from underground mining or other development) – refer to Addendum to NSW Biodiversity Offsets Policy for Major Projects: Upland swamps impacted by longwall mining subsidence (OEH, 2016),
- the impacts of wind turbine strikes on protected animals – refer to Wind farms: Turbine Strike Assessment and Adaptive Management Plan: Biodiversity Assessment Method Guide (BCS, 2023)

- the impacts of vehicle strikes on threatened species of animals or on animals that are part of a threatened ecological community.

15. Offsets for prescribed impacts are to be considered if avoidance and mitigation measures are not applicable, or will not result in the complete reduction of prescribed impacts occurring. The assessment and calculation of a predicted offset obligation in accordance with Section 7.14 of the Biodiversity Conservation Act 2016 should be presented in the BDAR.

16. Cumulative impacts should be assessed through application of the Cumulative Impact Assessment for State Significant Projects guidance (DPE, Oct 2022).

Attachment C – Guidance Material

Title	Web address
Relevant Legislation	
Biodiversity Conservation Act 2016	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
Coastal Management Act 2016	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
SEPP (Resilience and Hazards) 2021	https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0730
Commonwealth Environment Protection and Biodiversity Conservation Act 1999	https://www.legislation.gov.au/Series/C2004A00485
Environmental Planning and Assessment Act 1979	https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203
Fisheries Management Act 1994	https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203
Marine Estate Management Act 2014	https://legislation.nsw.gov.au/view/html/inforce/current/act-2014-072
National Parks and Wildlife Act 1974	https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080
Protection of the Environment Operations Act 1997	https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156

Title	Web address
Water Management Act 2000	https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-092
Wilderness Act 1987	https://legislation.nsw.gov.au/view/html/inforce/current/act-1987-196
Biodiversity	
Biodiversity Assessment Method 2020 & assessor resources (including legislation, manuals, BDAR templates, survey guidelines, registers and databases)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020 https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors/assessor-resources
Guidance to assist a decision maker to determine a serious and irreversible impact	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf
Policy and guidelines for fish habitat conservation and management	https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy	https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment

Title	Web address
Guidelines for developments adjacent to national parks and other reserves	https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines
SEED Data Portal (access to online spatial & environmental data)	http://seed.nsw.gov.au/
Conservation lands	
Guidelines for developments adjacent to NPWS managed lands	https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines
National parks and other lands managed by NPWS	List https://www.nationalparks.nsw.gov.au/visit-a-park Spatial data https://datasets.seed.nsw.gov.au/dataset/npws-all-managed-land Recategorisation & adjustments https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment
Water and Soils	
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm

Title	Web address
Australian and New Zealand Guidelines for Fresh and Marine Water Quality	https://www.waterquality.gov.au/anz-guidelines
Water Quality Guidelines Mixing zones	https://www.waterquality.gov.au/anz-guidelines/resources/key-concepts/mixing-zones
Approved methods for the sampling and analysis of water pollutants in NSW (2022)	https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/licensing-under-poeo-act-1997/licensing-to-regulate-water-pollution/approved-methods-for-sampling-and-analysing-water-pollutants
Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions.	https://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning
Soils	
Acid Sulfate Soils Planning Maps via Data.NSW	http://data.nsw.gov.au/data/
Acid Sulfate Soils Manual (Stone et al. 1998)	http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf

Title	Web address
National Acid Sulfate Soils Guidance: National acid sulfate soils identification and laboratory methods manual, Department of Agriculture and Water Resources, Canberra, ACT. (Sullivan, L, Ward, N, Toppler, N and Lancaster, G. 2018a).	https://www.waterquality.gov.au/sites/default/files/documents/dewatering-acid-sulfate-soils.pdf
National Acid Sulfate Soils guidance: National acid sulfate soils sampling and identification methods manual, Department of Agriculture and Water Resources, Canberra ACT. (Sullivan, L, Ward, N, Toppler, N and Lancaster, G. 2018b).	https://www.scu.edu.au/media/scueduau/eal/documents/National-acid-sulfate-soils-sampling-and-indentification-methods-manual.pdf

Title	Web address
National Acid Sulfate soils Guidance: Overview and management of monosulfidic black ooze (MBO) accumulations in waterways and wetlands, Department of Agriculture and Water Resources, Canberra ACT. (Sullivan, LA, Ward, NJ, Bush, RT, Toppler, NR, Choppala, G. 2018c)	https://www.scu.edu.au/media/scueduau/eal/documents/Overview-and-management-of-monosulfidic-black-ooze-MBO-accumulations-in-waterways-and-wetlands.pdf
National Acid sulfate soils guidance: Guidelines for the dredging of acid sulfate soil sediments and associated dredge spoil management, Department of Agriculture and Water Resources, Canberra, ACT (Simpson, SL, Mosley, L, Batley, GE and Shand P. 2018).	https://www.waterquality.gov.au/sites/default/files/documents/dredging-sediments-spoil.pdf

Title	Web address
National Acid Sulfate Soils Guidance: Guidance for the dewatering of acid sulfate soils in shallow groundwater environments, Department of Agriculture and Water Resources, Canberra, ACT. (Shand, P, Appleyard, S, Simpson, SL, Degens, B, Mosley, LM 2018)	https://www.waterquality.gov.au/sites/default/files/documents/dewatering-acid-sulfate-soils.pdf
Flooding and Coastal Hazards	
Coastal management	https://www.environment.nsw.gov.au/topics/water/coasts/coastal-management
Floodplain development manual	https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual
Coastal Management Manual	https://www.environment.nsw.gov.au/topics/water/coasts/coastal-management/manual
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Floodplain Risk Management Guidelines	http://www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines
Australian Rainfall and Runoff: A Guide to Flood Estimation	http://arr.ga.gov.au/

Title	Web address
Marine and Coastal ecology	
Marine Estate Management Strategy	https://www.marine.nsw.gov.au/marine-estate-programs/marine-estate-management-strategy
NSW Marine Estate Threat and Risk Assessment	https://www.marine.nsw.gov.au/marine-estate-programs/threat-and-risk-assessment
National Light Pollution Guidelines for Wildlife including Marine Turtles, Seabirds and Migratory Shorebirds	https://www.dcceew.gov.au/environment/biodiversity/publications/national-light-pollution-guidelines-wildlife
NSW Marine Protected Areas	https://www.marine.nsw.gov.au/your-marine-estate/marine-protected-areas

7 December 2023

Contact: *Jim Caddey*

Our ref: *D2023/163416*

Mr Jarrod Blane
Senior Planning Officer
Department of Planning, and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Sent via email to jarrod.blane@dpie.nsw.gov.au

Dear Mr Blane

Marulan Quarry (SSD 65146459) – Response for Input into SEARs

WaterNSW appreciates the opportunity to review the Scoping Report for the Marulan Quarry and provide its comments.

As the development is located within the Sydney Drinking Water Catchment, Clauses 6.61 (1) and 6.63 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the SEPP) apply including assessment of neutral or beneficial effect (NorBE) on water quality.

WaterNSW has reviewed the Scoping Report prepared by GHD Pty Ltd (dated 23 November 2023) and requests that the SEARs should also include:

- details of the development and existing environment, specifically clarification regarding groundwater and extraction depths and interception of groundwater in Sections 6.2.3.1 and 6.2.3.2, which have the potential to impact on the quality and quantity of surface water and groundwater at and adjacent to the site.
- details in the Water Assessment including:
 - an assessment of the potential impacts of the development (from flooding, excavation, wastewater, chemicals, stormwater, vegetation clearing, erosion) on surface water and groundwater resources, including:
 - impacts on Narrambulla Creek, wetlands, riparian land, and sensitive soils (sodic and saline) and from any discharges
 - impacts on any regional water supply infrastructure
 - impacts on adjacent licensed water users and basic landholder rights
 - whether the development can operate to achieve a neutral or beneficial effect on water quality consistent with the SEPP
 - water requirements and supply arrangements for construction and operation
 - description of the proposed water management systems (including wastewater and stormwater management) and any discharges
 - surface water and groundwater monitoring programs including baseline monitoring of Narrambulla Creek and its tributaries, both upstream and downstream of the site
 - erosion and sediment control measures, management of the stockpiles, virgin natural excavated material and natural excavated material, and their location on maps
 - storage, use and management of chemicals and fuel

- design and operational management of any water quantity and quality management measures and structures, including their location and measures to protect existing watercourses on the site and mitigate surface and groundwater impacts.

Water NSW requests that it be listed as a stakeholder in any further consultation on this project including during the preparation of the Environmental Impact Statement (EIS) and looks forward to reviewing the forthcoming EIS.

If you have any further questions, please contact Jim Caddey on via email at environmental.assessments@waternsw.com.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Camilla Edmunds', with a stylized flourish at the end.

CAMILLA EDMUNDS
Manager Environment and Catchment Protection



Global Quarries Australia Pty Ltd
Locked Bag 5022
Paramatta NSW 2124

Attention: Mr Jarrod Blane

Notice Number 1635214
Date 06-Dec-2023

RE: Marulan Quarry

I refer to your request for the Environment Protection Authority's (EPA) requirements for the environmental assessment (EA) in regard to the above proposal received by EPA on 28 November 2023.

The EPA has considered the details of the proposal as provided by Global Quarries Australia Pty Ltd and has identified the information it requires to issue its general terms of approval in Attachment A. In summary, the EPA's key information requirements for the proposal include an adequate assessment of:

1. Baseline conditions that exist at the site of the expansion project
2. Potential environmental impacts arising from the expansion project and its ongoing activities
3. Possible management and mitigation processes that will be implemented to protect the environment from these impacts

In carrying out the assessment, the proponent should refer to the relevant guidelines as listed in Attachment B and any relevant industry codes of practice and best practice management guidelines.

Please note that this response does not cover biodiversity or Aboriginal cultural heritage issues, which are the responsibility of the Environment and Heritage Group of DPE.

The Proponent should be made aware that any commitments made in the EA may be formalised as approval conditions and may also be placed as formal licence conditions.

The Proponent should be made aware that, consistent with provisions under Part 9.4 of the *Protection of the Environment Operations Act 1997* ("the Act") the EPA may require the provision of a financial assurance and/or assurances. The amount and form of the assurance(s) would be determined by the EPA and required as a condition of an Environment Protection Licence ("EPL").

In addition, as a requirement of an EPL, the EPA will require the Proponent to prepare, test and implement a Pollution Incident Response Management Plan and/or Plans in accordance with Section 153A of the Act.



Yours sincerely

Janine Goodwin

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Janine Goodwin

Unit Head

Environment Protection Authority

(by Delegation)

ATTACHMENT A: EIS REQUIREMENTS FOR Marulan Quarry

How to use these requirements

The EPA requirements have been structured in accordance with the DPE EIS Guidelines, as follows. It is suggested that the EIS follow the same structure:

- A. Executive summary
- B. The proposal
- C. The location
- D. Identification and prioritisation of issues
- E. The environmental issues
- F. List of approvals and licences
- G. Compilation of mitigation measures
- H. Justification for the proposal

A Executive summary

The executive summary should include a brief discussion of the extent to which the proposal achieves identified environmental outcomes.

B The proposal

1. Objectives of the proposal

- The objectives of the proposal should be clearly stated and refer to:
 - a) the size and type of the operation, the nature of the processes and the products, by-products and wastes produced
 - b) a life cycle approach to the production, use or disposal of products
 - c) the anticipated level of performance in meeting required environmental standards and cleaner production principles
 - d) the staging and timing of the proposal and any plans for future expansion
 - e) the proposal's relationship to any other industry or facility.

2. Description of the proposal

General

- Outline the production process including:
 - a) the environmental "mass balance" for the process – quantify in-flow and out-flow of materials, any points of discharge to the environment and their respective destinations (sewer, stormwater, atmosphere, recycling, landfill etc)
 - b) any life-cycle strategies for the products.
- Outline cleaner production actions, including:
 - a) measures to minimise waste (typically through addressing source reduction)
 - b) proposals for use or recycling of by-products
 - c) proposed disposal methods for solid and liquid waste
 - d) air management systems including all potential sources of air emissions, proposals to re-use or treat emissions, emission levels relative to relevant standards in regulations, discharge points
 - e) water management system including all potential sources of water pollution, proposals for re-use, treatment etc, emission levels of any wastewater discharged, discharge points, summary of options explored to avoid a discharge, reduce its frequency or reduce its impacts, and rationale for selection of option to discharge.
 - f) soil contamination treatment and prevention systems.
- Outline construction works including:
 - a) actions to address any existing soil contamination
 - b) any earthworks or site clearing; re-use and disposal of cleared material (including use of spoil on-site)
 - c) construction timetable and staging; hours of construction; proposed construction methods

- d) environment protection measures, including noise mitigation measures, dust control measures and erosion and sediment control measures.
- Include a site diagram showing the site layout and location of environmental controls.

Air

- Identify all sources or potential sources of air emissions from the development.
Note: emissions can be classed as either:
 - *point (e.g. emissions from stack or vent) or*
 - *fugitive (from wind erosion, leakages or spillages, associated with loading or unloading, conveyors, storage facilities, plant and yard operation, vehicle movements (dust from road, exhausts, loss from load), land clearing and construction works).*
- Provide details of the project that are essential for predicting and assessing air impacts including:
 - a) the quantities and physio-chemical parameters (e.g. concentration, moisture content, bulk density, particle sizes etc) of materials to be used, transported, produced or stored
 - b) an outline of procedures for handling, transport, production and storage
 - c) the management of solid, liquid and gaseous waste streams with potential to generate emissions to air.

Noise and vibration

- Identify all noise sources or potential sources from the development (including both construction and operation phases). Detail all potentially noisy activities including ancillary activities such as transport of goods and raw materials.
- Specify the times of operation for all phases of the development and for all noise producing activities.
- For projects with a significant potential traffic noise impact provide details of road alignment (include gradients, road surface, topography, bridges, culverts etc), and land use along the proposed road and measurement locations – diagrams should be to a scale sufficient to delineate individual residential blocks.

Water

- Provide details of the project that are essential for predicting and assessing impacts to waters including:
 - a) the quantity and physio-chemical properties of all potential water pollutants and the risks they pose to the environment and human health, including the risks they pose to Water Quality Objectives in the ambient waters (as defined on <http://www.environment.nsw.gov.au/ieo/index.htm>, using technical criteria derived from *the Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, ANZECC 2000)
 - b) the management of discharges with potential for water impacts
 - c) drainage works and associated infrastructure; land-forming and excavations; working capacity of structures; and water resource requirements of the proposal.



- Outline site layout, demonstrating efforts to avoid proximity to water resources (especially for activities with significant potential impacts e.g. effluent ponds) and showing potential areas of modification of contours, drainage etc.
- Outline how total water cycle considerations are to be addressed showing total water balances for the development (with the objective of minimising demands and impacts on water resources). Include water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.

Waste and chemicals

Provide details of the quantity and type of both liquid waste and non-liquid waste generated, handled, processed or disposed of at the premises. Waste must be classified according to the EPA's *Waste Classification Guidelines 2014 (as amended from time to time)*

- Provide details of liquid waste and non-liquid waste management at the facility, including:
 - a) the transportation, assessment and handling of waste arriving at or generated at the site
 - b) any stockpiling of wastes or recovered materials at the site
 - c) any waste processing related to the facility, including reuse, recycling, reprocessing (including composting) or treatment both on- and off-site
 - d) the method for disposing of all wastes or recovered materials at the facility
 - e) the emissions arising from the handling, storage, processing and reprocessing of waste at the facility
 - f) the proposed controls for managing the environmental impacts of these activities.
- Provide details of spoil disposal with particular attention to:
 - a) the quantity of spoil material likely to be generated
 - b) proposed strategies for the handling, stockpiling, reuse/recycling and disposal of spoil
 - c) the need to maximise reuse of spoil material in the construction industry
 - d) identification of the history of spoil material and whether there is any likelihood of contaminated material, and if so, measures for the management of any contaminated material
 - e) designation of transportation routes for transport of spoil.
- Provide details of procedures for the assessment, handling, storage, transport and disposal of all hazardous and dangerous materials used, stored, processed or disposed of at the site, in addition to the requirements for liquid and non-liquid wastes.
- Provide details of the type and quantity of any chemical substances to be used or stored and describe arrangements for their safe use and storage.
- Reference should be made to the guidelines: EPA's *Waste Classification Guidelines 2014 (as amended from time to time)*

ESD

- Demonstrate that the planning process and any subsequent development incorporates objectives and mechanisms for achieving ESD, including:
 - a) an assessment of a range of options available for use of the resource, including the benefits of each option to future generations

proper valuation and pricing of environmental resources

 - b) identification of who will bear the environmental costs of the proposal.

3. Rehabilitation

- Outline considerations of site maintenance, and proposed plans for the final condition of the site (ensuring its suitability for future uses).

4. Consideration of alternatives and justification for the proposal

- Consider the environmental consequences of adopting alternatives, including alternative:
 - a) sites and site layouts
 - b) access modes and routes
 - c) materials handling and production processes
 - d) waste and water management
 - e) impact mitigation measures
 - f) energy sources
- Selection of the preferred option should be justified in terms of:
 - a) ability to satisfy the objectives of the proposal
 - b) relative environmental and other costs of each alternative
 - c) acceptability of environmental impacts and contribution to identified environmental objectives
 - d) acceptability of any environmental risks or uncertainties
 - e) reliability of proposed environmental impact mitigation measures
 - f) efficient use (including maximising re-use) of land, raw materials, energy and other resources.

C The location

1. General

- Provide an overview of the affected environment to place the proposal in its local and regional environmental context including:
 - a) meteorological data (e.g. rainfall, temperature and evaporation, wind speed and direction)
 - b) topography (landform element, slope type, gradient and length)
 - c) surrounding land uses (potential synergies and conflicts)
 - d) geomorphology (rates of landform change and current erosion and deposition processes)
 - e) soil types and properties (including erodibility; engineering and structural properties; dispersibility; permeability; presence of acid sulfate soils and potential acid sulfate soils)
 - f) ecological information (water system habitat, vegetation, fauna)
 - g) availability of services and the accessibility of the site for passenger and freight transport.

2. Air

- Describe the topography and surrounding land uses. Provide details of the exact locations of dwellings, schools and hospitals. Where appropriate provide a perspective view of the study area such as the terrain file used in dispersion models.
- Describe surrounding buildings that may effect plume dispersion.
- Provide and analyse site representative data on following meteorological parameters:
 - a) temperature and humidity
 - b) rainfall, evaporation and cloud cover
 - c) wind speed and direction
 - d) atmospheric stability class
 - e) Mixing height (the height that emissions will be ultimately mixed in the atmosphere)
 - f) katabatic air drainage
 - g) air re-circulation.

3. Noise and vibration

- Identify any noise sensitive locations likely to be affected by activities at the site, such as residential properties, schools, churches, and hospitals. Typically the location of any noise sensitive locations in relation to the site should be included on a map of the locality.
- Identify the land use zoning of the site and the immediate vicinity and the potentially affected areas.

4. Water

- Describe the catchment including proximity of the development to any waterways and provide an assessment of their sensitivity/significance from a public health, ecological and/or economic perspective. The Water Quality and River Flow Objectives on the website: <http://www.environment.nsw.gov.au/ieo/index.htm> should be used to identify the agreed environmental values and human uses for any affected waterways. This will help with the description of the local and regional area.

5. Soil Contamination Issues

- Provide details of site history – if earthworks are proposed, this needs to be considered with regard to possible soil contamination, for example if the site was previously a landfill site or if irrigation of effluent has occurred.

D Identification and prioritisation of issues / scoping of impact assessment

- Provide an overview of the methodology used to identify and prioritise issues. The methodology should take into account:
 - a) relevant NSW government guidelines
 - b) industry guidelines
 - c) EISs for similar projects
 - d) relevant research and reference material
 - e) relevant preliminary studies or reports for the proposal
 - f) consultation with stakeholders.
- Provide a summary of the outcomes of the process including:
 - a) all issues identified including local, regional and global impacts (e.g. increased/ decreased greenhouse emissions)
 - b) key issues which will require a full analysis (including comprehensive baseline assessment)
 - c) issues not needing full analysis though they may be addressed in the mitigation strategy
 - d) justification for the level of analysis proposed (the capacity of the proposal to give rise to high concentrations of pollution compared with the ambient environment or environmental outcomes is an important factor in setting the level of assessment).

E The environmental issues

1. General

- The potential impacts identified in the scoping study need to be assessed to determine their significance, particularly in terms of achieving environmental outcomes, and minimising environmental pollution.
- Identify gaps in information and data relevant to significant impacts of the proposal and any actions proposed to fill those information gaps so as to enable development of appropriate management and mitigation measures. This is in accordance with ESD requirements.

Note: The level of detail should match the level of importance of the issue in decision making which is dependent on the environmental risk.

Describe baseline conditions

- Provide a description of existing environmental conditions for any potential impacts.

Assess impacts

- For any potential impacts relevant for the assessment of the proposal provide a detailed analysis of the impacts of the proposal on the environment including the cumulative impact of the proposal on the receiving environment especially where there are sensitive receivers.
- Describe the methodology used and assumptions made in undertaking this analysis (including any modelling or monitoring undertaken) and indicate the level of confidence in the predicted outcomes and the resilience of the environment to cope with the predicted impacts.
- The analysis should also make linkages between different areas of assessment where necessary to enable a full assessment of environmental impacts e.g. assessment of impacts on air quality will often need to draw on the analysis of traffic, health, social, soil and/or ecological systems impacts; etc.
- The assessment needs to consider impacts at all phases of the project cycle including: exploration (if relevant or significant), construction, routine operation, start-up operations, upset operations and decommissioning if relevant.
- The level of assessment should be commensurate with the risk to the environment.

Describe management and mitigation measures

- Describe any mitigation measures and management options proposed to prevent, control, abate or mitigate identified environmental impacts associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
- Proponents are expected to implement a 'reasonable level of performance' to minimise environmental impacts. The proponent must indicate how the proposal meets reasonable levels of performance. For example, reference technology based criteria if available, or identify good practice for this type of activity or development. A 'reasonable level of performance' involves adopting and implementing technology and

management practices to achieve certain pollutant emissions levels in economically viable operations. Technology-based criteria evolve gradually over time as technologies and practices change.

- Use environmental impacts as key criteria in selecting between alternative sites, designs and technologies, and to avoid options having the highest environmental impacts.
- Outline any proposed approach (such as an Environmental Management Plan) that will demonstrate how commitments made in the EIS will be implemented. Areas that should be described include:
 - a) operational procedures to manage environmental impacts
 - b) monitoring procedures
 - c) training programs
 - d) community consultation
 - e) complaint mechanisms including site contacts
 - f) strategies to use monitoring information to improve performance
 - g) strategies to achieve acceptable environmental impacts and to respond in event of exceedences.

4. Air

Describe baseline conditions

- Provide a description of existing air quality and meteorology, using existing information and site representative ambient monitoring data. This description should include the following parameters:
 - a) Total Suspended Particulate Matter
 - b) PM10
 - c) PM2.5
 - d) Deposited dust.

Assess impacts

- Identify all pollutants of concern and estimate emissions by quantity (and size for particles), source and discharge point.
- Estimate the resulting ground level concentrations of all pollutants. Where necessary (e.g. potentially significant impacts and complex terrain effects), use an appropriate dispersion model to estimate ambient pollutant concentrations. Discuss choice of model and parameters with the EPA.
- Describe the effects and significance of pollutant concentration on the environment, human health, amenity and regional ambient air quality standards or goals.
- Describe the contribution that the development will make to regional and global pollution, particularly in sensitive locations.

- For potentially odorous emissions provide the emission rates in terms of odour units (determined by techniques compatible with EPA procedures). Use sampling and analysis techniques for individual or complex odours and for point or diffuse sources, as appropriate.

Note: With dust and odour, it may be possible to use data from existing similar activities to generate emission rates.

Reference should be made to *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (DEC, 2016) and *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (DEC, 2007).

Describe management and mitigation measures

Outline specifications of pollution control equipment (including manufacturer's performance guarantees where available) and management protocols for both point and fugitive emissions. Where possible, this should include cleaner production processes.

5. Noise and vibration

Describe baseline conditions

- Determine the existing background (LA90) and ambient (LAeq) noise levels, as relevant, in accordance with the *NSW Noise Policy for Industry*.
- Determine the existing road traffic noise levels in accordance with the *NSW Road Noise Policy*, where road traffic noise impacts may occur.
- The noise impact assessment report should provide details of all monitoring of existing ambient noise levels including:
 - details of equipment used for the measurements
 - a brief description of where the equipment was positioned
 - a statement justifying the choice of monitoring site(s), including the procedure used to choose the site(s), having regards to Fact Sheets A and B of the *NSW Noise Policy for Industry*.
 - details of the exact location of the monitoring site and a description of land uses in surrounding areas
 - a description of the dominant and background noise sources at the site
 - day, evening and night assessment background levels for each day of the monitoring period
 - the final Rating Background Level (RBL) value
 - graphs of the measured noise levels for each day should be provided
 - a record of periods of affected data (due to adverse weather and extraneous noise), methods used to exclude invalid data and a statement indicating the need for any re-monitoring.

Assess impacts

- Determine the project noise trigger levels for the site. For each identified potentially affected receiver, this should include:
 - a) determination of the project intrusive noise level for each identified potentially affected receiver
 - b) selection and justification of the appropriate amenity category for each identified potentially affected receiver
 - c) determination of the project amenity noise level for each receiver
 - d) determination of the appropriate maximum noise level event assessment (sleep disturbance) trigger level.
- Maximum noise levels during night-time period (10pm-7am) should be assessed to analyse possible affects on sleep. Determine expected noise level and noise character likely to be generated from noise sources during:
 - a) site establishment
 - b) construction
 - c) operational phases
 - d) transport including traffic noise generated by the proposal
 - e) other services.

Note: The noise impact assessment report should include noise source data for each source in 1/1 or 1/3 octave band frequencies including methods for references used to determine noise source levels. Noise source levels and characteristics can be sourced from direct measurement of similar activities or from literature (if full references are provided).

- Determine the noise levels likely to be received at the reasonably most affected location(s) (these may vary for different activities at each phase of the development).
- The noise impact assessment report should include:
 - a) a plan showing the assumed location of each noise source for each prediction scenario
 - b) a list of the number and type of noise sources used in each prediction scenario to simulate all potential significant operating conditions on the site
 - c) any assumptions made in the predictions in terms of source heights, directivity effects, shielding from topography, buildings or barriers, etc
 - d) methods used to predict noise impacts including identification of any noise models used.
 - e) the weather conditions considered for the noise predictions
 - f) the predicted noise impacts from each noise source as well as the combined noise level for each prediction scenario
 - g) for developments where a significant level of noise impact is likely to occur, noise contours for the key prediction scenarios should be derived
 - h) an assessment of the need to include modification factors as detailed in Fact Sheet C of the *NSW Noise Policy for Industry*.

- Discuss the findings from the predictive modelling and, where relevant noise criteria have not been met, recommend additional feasible and reasonable mitigation measures.
- The noise impact assessment report should include details of any mitigation proposed including the attenuation that will be achieved and the revised noise impact predictions following mitigation.
 - a) Where relevant noise/vibration levels cannot be met after application of all feasible and reasonable mitigation measures the residual level of noise impact needs to be quantified
- For the assessment of existing and future traffic noise, details of data for the road should be included such as assumed traffic volume; percentage heavy vehicles by time of day; and details of the calculation process. These details should be consistent with any traffic study carried out in the EIS.
- Where blasting is intended an assessment in accordance with the *Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration* (ANZECC, 1990) should be undertaken. The following details of the blast design should be included in the noise assessment:
 - a) bench height, burden spacing, spacing burden ratio
 - b) blast hole diameter, inclination and spacing
 - c) type of explosive, maximum instantaneous charge, initiation, blast block size, blast frequency.

Describe management and mitigation measures

- Determine the most appropriate noise mitigation measures and expected noise reduction including both noise controls and management of impacts for both construction and operational noise. This will include selecting quiet equipment and construction methods, noise barriers or acoustic screens, location of stockpiles, temporary offices, compounds and vehicle routes, scheduling of activities, etc.
- For traffic noise impacts, provide a description of the ameliorative measures considered (if required), reasons for inclusion or exclusion, and procedures for calculation of noise levels including ameliorative measures. Also include, where necessary, a discussion of any potential problems associated with the proposed ameliorative measures, such as overshadowing effects from barriers. Appropriate ameliorative measures may include:
 - a) use of alternative transportation modes, alternative routes, or other methods of avoiding the new road usage
 - b) control of traffic (eg: limiting times of access or speed limitations)
 - c) resurfacing of the road using a quiet surface
 - d) use of (additional) noise barriers or bunds
 - e) treatment of the façade to reduce internal noise levels buildings where the night-time criteria is a major concern
 - f) more stringent limits for noise emission from vehicles (i.e. using specially designed 'quite' trucks and/or trucks to use air bag suspension
 - g) driver education
 - h) appropriate truck routes
 - i) limit usage of exhaust brakes

- j) use of premium muffles on trucks
- k) reducing speed limits for trucks
- l) ongoing community liaison and monitoring of complaints
- m) phasing in the increased road use.

4. Water

Describe baseline conditions

- Describe existing surface and groundwater quality – an assessment needs to be undertaken for any water resource likely to be affected by the proposal and for all conditions (e.g. a wet weather sampling program is needed if runoff events may cause impacts).
Note: Methods of sampling and analysis need to conform with an accepted standard (e.g. Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC 2004) or be approved and analyses undertaken by accredited laboratories).
- Provide site drainage details and surface runoff yield.
- State the ambient Water Quality and River Flow Objectives for the receiving waters. These refer to the community's agreed environmental values and human uses endorsed by the Government as goals for the ambient waters. These environmental values are published on the website: <http://www.environment.nsw.gov.au/ieo/index.htm>. The EIS should state the environmental values listed for the catchment and waterway type relevant to your proposal. NB: A consolidated and approved list of environmental values are not available for groundwater resources. Where groundwater may be affected the EIS should identify appropriate groundwater environmental values and justify the choice.
- State the indicators and associated trigger values or criteria for the identified environmental values. This information should be sourced from the ANZECC 2000 *Guidelines for Fresh and Marine Water Quality* (<http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html>) (Note that, as at 2004, the NSW Water Quality Objectives booklets and website contain technical criteria derived from the 1992 version of the ANZECC Guidelines. The Water Quality Objectives remain as Government Policy, reflecting the community's environmental values and long-term goals, but the technical criteria are replaced by the more recent ANZECC 2000 Guidelines). NB: While specific guidelines for groundwater are not available, the ANZECC 2000 Guidelines endorse the application of the trigger values and decision trees as a tool to assess risk to environmental values in groundwater.
- State any locally specific objectives, criteria or targets, which have been endorsed by the government e.g. the Healthy Rivers Commission Inquiries or the NSW Salinity Strategy (DLWC, 2000) (<http://www.environment.nsw.gov.au/salinity/government/nswstrategy.htm>).
- Where site specific studies are proposed to revise the trigger values supporting the ambient Water Quality and River Flow Objectives, and the results are to be used for regulatory purposes (e.g. to assess whether a licensed discharge impacts on water quality objectives), then prior agreement from the EPA on the approach and study design must be obtained.
- Describe the state of the receiving waters and relate this to the relevant Water Quality and River Flow Objectives (i.e. are Water Quality and River Flow Objectives being achieved?). Proponents are generally only expected to source available data and information. However, proponents of large or high risk developments may be required to collect some ambient water quality / river flow / groundwater data to

enable a suitable level of impact assessment. Issues to include in the description of the receiving waters could include:

- a) lake or estuary flushing characteristics
- b) specific human uses (e.g. exact location of drinking water offtake)
- c) sensitive ecosystems or species conservation values
- d) a description of the condition of the local catchment e.g. erosion levels, soils, vegetation cover, etc
- e) an outline of baseline groundwater information, including, but not restricted to, depth to watertable, flow direction and gradient, groundwater quality, reliance on groundwater by surrounding users and by the environment
- f) historic river flow data where available for the catchment.

Assess impacts

- No proposal should breach clause 120 of the *Protection of the Environment Operations Act 1997* (i.e. pollution of waters is prohibited unless undertaken in accordance with relevant regulations).
- Identify and estimate the quantity of all pollutants that may be introduced into the water cycle by source and discharge point including residual discharges after mitigation measures are implemented.
- Include a rationale, along with relevant calculations, supporting the prediction of the discharges.
- Describe the effects and significance of any pollutant loads on the receiving environment. This should include impacts of residual discharges through modelling, monitoring or both, depending on the scale of the proposal. Determine changes to hydrology (including drainage patterns, surface runoff yield, flow regimes, wetland hydrologic regimes and groundwater).
- Describe water quality impacts resulting from changes to hydrologic flow regimes (such as nutrient enrichment or turbidity resulting from changes in frequency and magnitude of stream flow).
- Identify any potential impacts on quality or quantity of groundwater describing their source.
- Identify potential impacts associated with geomorphological activities with potential to increase surface water and sediment runoff or to reduce surface runoff and sediment transport. Also consider possible impacts such as bed lowering, bank lowering, instream siltation, floodplain erosion and floodplain siltation.
- Identify impacts associated with the disturbance of acid sulfate soils and potential acid sulfate soils.
- Containment of spills and leaks shall be in accordance with EPA's guidelines section 'Bundling and Spill Management' at <http://www.epa.nsw.gov.au/mao/bundingspill.htm> and the most recent versions of the Australian Standards referred to in the Guidelines. Containment should be designed for no-discharge.
- The significance of the impacts listed above should be predicted. When doing this it is important to predict the ambient water quality and river flow outcomes associated with the proposal and to demonstrate whether these are acceptable in terms of achieving protection of the Water Quality and River Flow Objectives. In particular the following questions should be answered:
 - a) will the proposal protect Water Quality and River Flow Objectives where they are currently achieved in the ambient waters; and
 - b) will the proposal contribute towards the achievement of Water Quality and River Flow Objectives over time, where they are not currently achieved in the ambient waters.

- Consult with the EPA as soon as possible if a mixing zone is proposed (a mixing zone could exist where effluent is discharged into a receiving water body, where the quality of the water being discharged does not immediately meet water quality objectives. The mixing zone could result in dilution, assimilation and decay of the effluent to allow water quality objectives to be met further downstream, at the edge of the mixing zone). The EPA will advise the proponent under what conditions a mixing zone will and will not be acceptable, as well as the information and modelling requirements for assessment.

Note: The assessment of water quality impacts needs to be undertaken in a total catchment management context to provide a wide perspective on development impacts, in particular cumulative impacts.

- Where a licensed discharge is proposed, provide the rationale as to why it cannot be avoided through application of a reasonable level of performance, using available technology, management practice and industry guidelines.
- Where a licensed discharge is proposed, provide the rationale as to why it represents the best environmental outcome and what measures can be taken to reduce its environmental impact.

Reference should be made to *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (DEC 2004).

Describe management and mitigation measures

- Outline stormwater management to control pollutants at the source and contain them within the site. Also describe measures for maintaining and monitoring any stormwater controls.
- Outline erosion and sediment control measures directed at minimising disturbance of land, minimising water flow through the site and filtering, trapping or detaining sediment. Also include measures to maintain and monitor controls as well as rehabilitation strategies.
- Describe waste water treatment measures that are appropriate to the type and volume of waste water and are based on a hierarchy of avoiding generation of waste water; capturing all contaminated water (including stormwater) on the site; reusing/recycling waste water; and treating any unavoidable discharge from the site to meet specified water quality requirements.
- Outline pollution control measures relating to storage of materials, possibility of accidental spills (e.g. preparation of contingency plans), appropriate disposal methods, and generation of leachate.
- Describe hydrological impact mitigation measures including:
 - a) site selection (avoiding sites prone to flooding and waterlogging, actively eroding or affected by deposition)
 - b) minimising runoff
 - c) minimising reductions or modifications to flow regimes
 - d) avoiding modifications to groundwater.
- Describe groundwater impact mitigation measures including:
 - a) site selection
 - b) retention of native vegetation and revegetation
 - c) artificial recharge
 - d) providing surface storages with impervious linings

- e) monitoring program.
- Describe geomorphological impact mitigation measures including:
 - a) site selection
 - b) erosion and sediment controls
 - c) minimising instream works
 - d) treating existing accelerated erosion and deposition
 - e) monitoring program.
- Any proposed monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (DEC 2004).

5. Soils and contamination

Describe baseline conditions

- Provide any details (in addition to those provided in the location description - Section C) that are needed to describe the existing situation in terms of soil types and properties and soil contamination.

Assess impacts

- Identify any likely impacts resulting from the construction or operation of the proposal, including the likelihood of:
 - a) disturbing any existing contaminated soil
 - b) contamination of soil by operation of the activity
 - c) subsidence or instability
 - d) soil erosion
 - e) disturbing acid sulfate or potential acid sulfate soils.

Reference should be made to proposals for site remediation – see *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land* (Department of Urban Affairs and Planning and Environment Protection Authority, 1998).

Proposals for the management of these soils see *Acid Sulfate Soil Manual* (Acid Sulfate Soil Advisory Committee 1998) and *Acid Sulfate Soils Assessment Guidelines* (Acid Sulfate Soil Advisory Committee 1998).

Describe management and mitigation measures

- Describe and assess the effectiveness or adequacy of any soil management and mitigation measures during construction and operation of the proposal including:
 - a) erosion and sediment control measures

- b) proposals for site remediation – see *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land* (Department of Urban Affairs and Planning and Environment Protection Authority, 1998)
- c) proposals for the management of these soils – see *Acid Sulfate Soil Manual* (Acid Sulfate Soil Advisory Committee 1998) and *Acid Sulfate Soils Assessment Guidelines* (Acid Sulfate Soil Advisory Committee 1998).

6. Waste and chemicals

Describe baseline conditions

- Describe any existing waste or chemicals operations related to the proposal.

Assess impacts

Assess the adequacy of proposed measures to minimise natural resource consumption and minimise impacts from the handling, transporting, storage, processing and reprocessing of waste and/or chemicals.

- Reference should be made to: the EPA's *Waste Classification Guidelines 2014 (as in force from time to time)*
- If the proposal is an energy from waste facility it must:
 - demonstrate that the proposed operation will comply with the NSW EPA's Energy from Waste Policy Statement;
 - describe of the classes and quantities of waste that would be thermally treated at the facility;
 - demonstrate that waste used as a feedstock in the waste to energy plant would be the residual from a resource recovery process that maximises the recovery of material;
 - detail procedures that would be implemented to control the inputs to the waste to energy plant, including contingency measures that would be implemented if inappropriate materials are identified;
 - detail the location and size of stockpiles of unprocessed and processed recycled waste at the site;
 - demonstrate any waste material (e.g. biochar, ash) produced from the waste to energy facility for land application is fit-for-purpose and poses minimal risk of harm to the environment in order to meet the requirements for consideration of a resource recovery order and /or exemption by the EPA;
 - detail procedures for the management of other solid, liquid and gaseous waste streams;
 - describe how waste would be treated, stored, used, disposed and handled on site, and transported to and from the site, and the potential impacts associated with these issues, including current and future offsite waste disposal methods; and
 - identify the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-21*.

Describe management and mitigation measures

- Outline measures to minimise the consumption of natural resources.
- Outline measures to avoid the generation of waste and promote the re-use and recycling and reprocessing of any waste.
- Outline measures to support any approved regional or industry waste plans.

7. Cumulative impacts

- Identify the extent that the receiving environment is already stressed by existing development and background levels of emissions to which this proposal will contribute.
- Assess the impact of the proposal against the long term air, noise and water quality objectives for the area or region.
- Identify infrastructure requirements flowing from the proposal (e.g. water and sewerage services, transport infrastructure upgrades).
- Assess likely impacts from such additional infrastructure and measures reasonably available to the proponent to contain such requirements or mitigate their impacts (e.g. travel demand management strategies).

F. List of approvals and licences

- Identify all approvals and licences required under environment protection legislation including details of all scheduled activities, types of ancillary activities and types of discharges (to air, land, water).

G. Compilation of mitigation measures

- Outline how the proposal and its environmental protection measures would be implemented and managed in an integrated manner so as to demonstrate that the proposal is capable of complying with statutory obligations under EPA licences or approvals (e.g. outline of an environmental management plan).
- The mitigation strategy should include the environmental management and cleaner production principles which would be followed when planning, designing, establishing and operating the proposal. It should include two sections, one setting out the program for managing the proposal and the other outlining the monitoring program with a feedback loop to the management program.

H. Justification for the Proposal

- Reasons should be included which justify undertaking the proposal in the manner proposed, having regard to the potential environmental impacts.

ATTACHMENT B: GUIDANCE MATERIAL

Title	Web address
Relevant Legislation	
<i>Contaminated Land Management Act 1997</i>	http://www.legislation.nsw.gov.au/#/view/act/1997/140
<i>Environmentally Hazardous Chemicals Act 1985</i>	http://www.legislation.nsw.gov.au/#/view/act/1985/14
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/#/view/act/1979/203
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/#/view/act/1997/156
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/#/view/act/2000/92
Licensing	
Guide to Licensing	www.epa.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
Air Quality	
Approved methods for modelling and assessment of air pollutants in NSW (2022)	https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/approved-methods-for-the-modelling-and-assessment-of-air-pollutants
Approved methods for sampling and analysis of air pollutants in NSW (2022)	https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/sampling-analysing-air-emissions
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/#/view/regulation/2010/428
Noise and Vibration	
NSW Noise Policy for Industry	http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)
Interim Construction Noise Guideline (DECC, 2009)	http://www.epa.nsw.gov.au/noise/constructnoise.htm
Assessing Vibration: a technical guideline (DEC, 2006)	http://www.epa.nsw.gov.au/noise/vibrationguide.htm
NSW Road Noise Policy (DECCW, 2011)	http://www.epa.nsw.gov.au/your-environment/noise/transport-noise
NSW Rail Infrastructure Noise Guideline (EPA, 2013)	http://www.epa.nsw.gov.au/your-environment/noise/transport-noise

Human Health Risk Assessment	
Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards (enHealth, 2012)	http://www.eh.org.au/documents/item/916
Waste, Chemicals and Hazardous Materials and Radiation	
Waste	http://www.epa.nsw.gov.au/wastestrategy/warr.htm
Environmental Guidelines: Solid Waste Landfills (EPA, 2016)	http://www.epa.nsw.gov.au/waste/landfill-sites.htm
Draft Environmental Guidelines - Industrial Waste Landfilling (April 1998)	http://www.epa.nsw.gov.au/resources/waste/envguidlms/industrialfill.pdf
EPA's Waste Classification Guidelines 2014	http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm
Resource recovery orders and exemptions	http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm
European Unions Waste Incineration Directive 2000	http://ec.europa.eu/environment/archives/air/stationary/wid/legislation.htm
EPA's Energy from Waste Policy Statement	http://www.epa.nsw.gov.au/wastestrategy/energy-from-waste.htm
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	http://www.epa.nsw.gov.au/wastestrategy/warr.htm
Chemicals subject to Chemical Control Orders	
Chemical Control Orders (regulated through the EHC Act)	http://www.epa.nsw.gov.au/pesticides/CCOs.htm
National Protocol - Approval/Licensing of Trials of Technologies for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
National Protocol for Approval/Licensing of Commercial Scale Facilities for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
Water and Soils	
Acid sulphate soils	
Coastal acid sulfate soils guidance material	http://www.environment.nsw.gov.au/acidsulfatesoil/ and http://www.epa.nsw.gov.au/mao/acidsulfatesoils.htm
Acid Sulfate Soils Planning Maps	http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm
Contaminated Sites Assessment and Remediation	
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	http://www.epa.nsw.gov.au/clm/planning.htm

Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	http://www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf
Guidelines for the NSW Site Auditor Scheme - 2nd edition (DEC, 2006)	http://www.epa.nsw.gov.au/resources/clm/auditorguidelines06121.pdf
Sampling Design Guidelines (EPA, 1995)	http://www.epa.nsw.gov.au/resources/clm/95059sampingdline.pdf
National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	http://www.scew.gov.au/nepms/assessment-site-contamination
Soils – general	
Managing land and soil	http://www.environment.nsw.gov.au/soils/landandsoil.htm
Managing urban stormwater for the protection of soils	http://www.environment.nsw.gov.au/stormwater/publications.htm
Landslide risk management guidelines	http://australiangeomechanics.org/admin/wp-content/uploads/2010/11/LRM2000-Concepts.pdf http://www.australiangeomechanics.org/resources/downloads/
Site Investigations for Urban Salinity (DLWC, 2002)	http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf
Local Government Salinity Initiative Booklets	http://www.environment.nsw.gov.au/salinity/solutions/urban.htm
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html
Applying Goals for Ambient Water Quality Guidance for Operations Officers - Mixing Zones	Contact the EPA on 131555
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf



Goulburn Mulwaree Council
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11 December 2023

Jarrold Blane
Resource Assessments – Planning Services
GPO Box 39
Sydney NSW 2001

Dear Jarrod

**Subject: Marulan Quarry, Winfarthing Road, Marulan (SSD 65146459)
Request for SEARs**

A review of the Scoping Report prepared by GHD, dated November 2023 has been undertaken in relation to the above proposal and Council's comments are as follows:

Location

The Scoping Report describes the project site as Lots 3 and 4 DP247199 and Crown Land Lot 7001 DP1025585 and part of the Hume Highway Road reserve having a total area of 93ha.

Proposal

Council understands that the proposal is for a hard rock quarry proposing extraction of up to 500,000 tonnes per year.

Previous SSD application

The SEARs for Global Quarries previous application for this site expired earlier this year. The experience associated with the previous applications demonstrated the importance of providing accurate and consistent information in relation to the proposal to inform the local residents and the community. Council requests that the EIS and supporting documents are reviewed for accuracy and consistency prior to lodgement including confirmation of the boundaries of the project site and provision of owners' consent.

Crown Land

The project site comprises crown land and a crown road reserve and owners' consent is to be obtained for the lodgement of the application. The Scoping Report advises Global Quarries are in negotiations with Crown Lands Department to purchase land. Council understands the crown land is the subject of Aboriginal Land Claim and finalisation of this purchase is not impending.

Road and Traffic Impacts

The Scoping Report proposes for heavy vehicles associated with the proposal to access the site via a new left in / left out intersection on the Hume Highway with a new 235m deceleration lane and 1310m acceleration lane. Additionally, a new deceleration lane is proposed for Winfarthing Road.

The project is assumed to generate approximately 14,706 trucks per year equating to 100 truck movements per day or 10 truck movements per hour. This volume of heavy vehicles will have a significant impact on the capacity, condition, safety and efficiency of the State and local road network.

Additionally, the Scoping Report proposes all vehicles leaving the Site are to initially travel west bound and utilise the Goulburn South interchange prior to returning eastbound along the Hume Highway to access Sydney market. Council raises significant issues associated with this component of the proposal specifically site suitability, environmental impacts and the impact on the road network. It is estimated this component of the proposal increases the haul route of the trucks in excess of 50km per movement.

Council raises concerns regarding the proposal and the impacts on the capacity, functioning and safety of the Winfarthing Road Hume Highway intersections. The length of the proposed acceleration land and the conflict at this intersection is of concern to Council.

It is noted that Transport for NSW are the roads authority for the Hume Highway and traffic safety is of particular importance to Council and the community. The EIS shall outline the proposed amount of traffic likely to be generated including types and sizes of vehicles and the likely destination route/s of product material and transportation methods. A detailed assessment of the capacity, condition, safety and efficiency of the State and local road network is to be undertaken including a road safety audit. Council requests the cumulative impact in relation to the traffic impacts be assessed and considered.

Council does not support the transport and access components of the proposal.

Aboriginal Heritage

Assumptions in the Scoping Report that the terrain is heavily disturbed and undergone significant alteration due to industrial activities is not supported as accurate relating to the project site. A full Aboriginal Cultural heritage Assessment (ACHA) is required to assess the potential impacts on Aboriginal heritage.

Council have recently found more scar trees and round trees in the area, amongst other things. Most of the ACHA's provided with planning proposals are picking up PADs on sites with no AHIMS identified sites in the vicinity. Consultation is specified in the Scoping Report with the registered organisation (Pejar LALC) however this should be broader to include all relevant groups identified in the *Goulburn Mulwaree Aboriginal Heritage Study 2012*.

Heritage and Archaeological Assessment

The land is located within Council's DCP as having potential to contain Aboriginal Archaeological Sites (Figure 3.1 to section 3.1 of the DCP), hence there is potential for unrecorded sites (Aboriginal and Non-Aboriginal).

The land is adjacent to Heritage Item 312 '*Wandi*' *Robert Plumbs Inn* at Shelleys Flats. The land may also contain remnants of the Great South Road which was raised in a previous development application to the east for Tiyces Lane/Jasminco Quarry. A Heritage Assessment (Aboriginal Cultural Heritage and Non-Aboriginal) should be prepared to assess the significance of the area and any potential impacts on the site.

Biodiversity

The Scoping Report describes the area to comprise intact native vegetation in medium condition and outlines further biodiversity assessment, including detailed vegetation mapping and preparation of a BDAR. The clearing of both within the project site and the Hume Highway Road/Winfarthing road reserves are to be considered in the BDAR.

The land is wholly located within the Terrestrial Biodiversity layer (Clause 7.2 GMLEP) and mapped as High Conservation Value under the DCP 2009. The high conservation value is attributed to the presence of the White Box, Yellow Box, Blakeley's Red Gum Woodland and Derived Native Grassland. Additionally, the land is mapped as part of a significant corridor extending from the Abercrombie River to Morton National Park. A detailed assessment of the likely biodiversity impacts of the development shall be undertaken in accordance with the Biodiversity Conservation Act 2016.

Community Consultation

Council requests meaningful community consultation with local residents and community groups during project pre-lodgement planning, development assessment, and operation if approved. The EIS should examine the potential impact the development will have on the local residents in the context of retaining existing landscapes and amenity of the area.

The EIS should also identify people and properties affected by the proposal including properties affected by traffic, noise and air quality and measures to mitigate any social, economic or environmental impacts.

Workforce Accommodation

The Scoping Report mentions that the anticipated peak workforce during construction is approximately 30 employees.

Council requests that the EIS include a preliminary accommodation plan, which identifies the source of the anticipated workforce, accommodation requirements of the project, existing accommodation and how the project is proposing to provide accommodation for employees.

Noise and Vibration

Assessment and modelling of the expected noise during construction including details of likely duration and operation of the proposal should be required, particularly in relation to sensitive landuses, i.e. existing dwellings and likely future character in the vicinity of the development. This should include noise emanating from the site operations, as well as traffic related noise along the transport routes. Potential impacts should also be assessed for the proposal as well as the cumulative impacts. Specific details of proposed blasting including outlining hours, frequency and methods and an assessment of likely blasting impacts on people, animals, traffic on the Hume Highway and Winfarthing Road, buildings, infrastructure and significant natural features.

Air Quality

Council requests an assessment of air quality impacts including dust emissions and potential odour and or any mitigating measures associated with both construction and operations. The impact of air pollutants/dust on the health of nearby residents and the vehicles travelling on the Hume Highway and Winfarthing Road must be assessed and addressed.

Building Code of Australia (BCA) Requirements

Compliance with the BCA for proposed building works with particular attention to provisions of fire services and access and facilities for persons with a disability.

Water Cycle Management Plan

The land is located in the Sydney Drinking Water Catchment and an assessment under *SEPP Biodiversity and Conservation* demonstrating the development achieves a Neutral or Beneficial Effect on Water Quality is required.

Suitability of the site

The site is evidently affected by numerous constraints which are likely to impact upon the suitability of the location for the proposed project. Detailed assessments on the following matters must therefore be carried out:

- The potential for land use conflict, impact on neighbouring land uses including residential development in the vicinity.
- Alternate locations and potential impact of noise, vibration, dust, visual impact, traffic and biodiversity.
- The cumulative impact of the proposal on the local setting, the wider Marulan area and the Goulburn Mulwaree LGA.
- Site analysis/locality plan including existing buildings, trees to be removed and retained, and contours on site and adjoining.
- Site Slope appears to be identified on Council's GIS Mapping as part >20%.

Assessment against relevant Regional and Local Plans and Strategies

- *South East and Tablelands Regional Plan 2036 and Draft South East and Tablelands Regional Plan 2041.*
- *Draft South East and Tablelands Regional Transport Plan.*
- *Goulburn Mulwaree Council Local Strategic Planning Statement.*
- *Goulburn Mulwaree Strategy 2020.*

Assessment against the Goulburn Infrastructure Contribution Plan.

The development should address the requirements of the Goulburn Mulwaree Local Infrastructure Contributions Plan 2021, including any subsequent amendments.

Council requests a Quantity Cost Surveyor's assessment be provided with the application with a breakdown of the key elements and stages of construction.

Assessment against Goulburn Mulwaree DCP 2009

The development should address the requirements of the DCP. The DCP requires a 1000m buffer distance between an extractive industry and a residence not associated with it. There are a number of dwellings within the 1km radius of the development site.

Hazards and Contamination

An assessment of the likely risks to public safety including the handling and use of any hazardous or dangerous goods including addressing *State Environmental Planning Policy (Resilience and Hazards) 2021* and the relevant *Hazardous Planning Guidelines* particularly with regards to blasting.

Assessment for the potential for contamination in accordance with *Managing Land Contamination Planning Guidelines* including previous uses and the assessment of any imported fill.

The site is mapped as Bushfire Prone Land and a Bushfire Hazard Assessment under the NSW Rural Fire Service *Planning for Bushfire Protection 2019* is therefore recommended. The Bushfire Hazard Assessment shall consider that Winfarthing Road has approximately 32 dwellings and is a no through road.

Full details of materials to be received and expected quantities shall be provided in order to gain a complete and thorough understanding of how the proposed development will manage air quality issues including dust, odour and noise.

Importation of VENM and ENM

The Scoping report outlines how the project intends to import VENM and ENM from construction projects throughout NSW for the rehabilitation of the disturbed areas of the site. Council suggests this component is considered as an additional land use, and therefore the EIS must include an assessment of the associated environmental impacts.

Rehabilitation

Council requests that a rehabilitation strategy for the site is prepared including full details of progressive rehabilitation. The strategy must include proposed final contours and revegetation plans.

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

Yours sincerely

A handwritten signature in dark ink, appearing to read 'SA M', is positioned above the printed name of the signatory.

Scott Martin
Director Planning & Environment

DPE Water standard SEARs for SSD projects

Water Take and Licensing

No.	Assessment Requirement	Relevant Policy/Guideline/Legislation
1	A detailed and consolidated site water balance.	
2	Description of all works/activities that may intercept, extract, use, divert or receive surface water and/or groundwater. This includes the description of any development, activities or structures that will intercept, interfere with or remove groundwater, both temporary and permanent.	NSW Aquifer Interference Policy, section 3 & 5 of the <i>Water Management Act 2000</i>, Water Sharing Plans Clause 24 of the <i>Water Management (General) Regulation 2018</i> Groundwater Guidelines- https://www.industry.nsw.gov.au/water/licensing-trade/major-projects
3	Details of all water take for the life of the project and post closure where applicable. This is to include water taken directly and indirectly, and the relevant water source where water entitlements are required to account for the water take. If the water is to be taken from an alternative source confirmation should be provided by the supplier that the appropriate volumes can be obtained.	Section 3 & 5 of the <i>Water Management Act 2000</i>, Water Sharing Plans Section 2 of the NSW Aquifer Interference Policy provides explanation of water take for aquifer interference activities
4	Details of Water Access Licences (WALs) held to account for any take of water where required, or demonstration that WALs can be obtained prior to take of water occurring. This should include an assessment of the current market depth where water entitlement is required to be purchased. Any exemptions or exclusions to requiring approvals or licenses under the <i>Water Management Act 2000</i> should be detailed by the proponent.	Water Sharing Plans Sections 3, 5, 60A & 60I of the <i>Water Management Act 2000</i> WAL must nominate a work to satisfy s60D of the <i>Water Management Act 2000</i> and this is completed by a dealing application under s71W of the <i>Water Management Act 2000</i> Exemptions or exclusions information: ○ Clause 21-23, 34-50, sch.1 and 4 <i>Water Management Regulation 2018</i> ○ Sections 4.41 and 5.23 of the <i>EP&A Act 1979</i> ○ Water licensing and works approvals exemptions - https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/water-licensing-and-works-approvals-exemptions

Water Impacts

No.	Assessment Requirement	Relevant Policy/Guideline/Legislation
5	A description of groundwater conditions that provides an understanding of groundwater level across the site under a range of wet and dry conditions.	NSW Aquifer Interference Policy Groundwater Guidelines
6	Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, groundwater dependent ecosystems, and ground water levels; including measures proposed to reduce and mitigate these impacts.	<i>Water Management Act 2000</i> Part 1, Division 1, Section 5(2d; 4c) & Part 3 Div 2 Sect 97 <i>Water Management Act 2000</i> Part 1, Division 1, Section 5(4a;5a; 6a; 7a; 8a)) NSW Aquifer Interference Policy Groundwater Guidelines
7	Proposed surface and groundwater monitoring activities and methodologies.	Groundwater Guidelines NSW Water Quality and River Flow Objectives Australian and New Zealand fresh and marine water quality guidelines (ANZG 2018)

Assessment against Policy and Guidelines

No.	Assessment Requirement	Relevant Policy/Guideline/Legislation
8	Identification and impact assessment of all works/activities located on waterfront land including an assessment against Guidelines for Controlled Activities on Waterfront Land (DPE 2022).	Guidelines for Controlled Activities on Waterfront Land (DPE 2022)
9	Assessment of project against relevant policies and guidelines	Water Sharing Plans, Floodplain Management Plans, NSW Aquifer Interference Policy, Guidelines for Controlled Activities on Waterfront Land (DPE 2022), Groundwater Guidelines

Department of Planning and Environment

Our ref: HMS ID 5098

Jarrold Blane
Department of Planning and Environment
PO BOX 404, PARRAMATTA NSW 2124
By email: jarrod.blane@dpie.nsw.gov.au

Request for Secretary's Environmental Assessment Requirements (SEARS) (SSD-65146459) Marulan Quarry

Dear Mr Blane,

Thank you for your referral received 28 November 2023 inviting comments from the Heritage Council of NSW on the above State Significant Development (SSD) proposal.

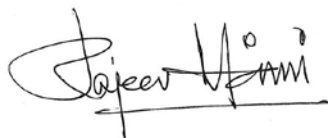
The proposed SSD is in the vicinity of State Heritage Register item Ben Hall Sites Wandri (Plumbs Inn) (SHR no. [01827]).

It is recommended that the following comments are included in the SEARS:

The state listed item, Ben Hall Sites/ Wandri, is noted to be approx. 400m from the project area's eastern boundary. It is recommended that any potential risk of cracking or subsidence to the state listed building due to quarrying or related activities is examined. If needed, a suitably qualified engineer's advice may be sought. If such a risk is identified, a Due Diligence report that records the building condition prior during and on completion of works shall be prepared so that any long-term indirect impacts such as cracking or subsidence can be monitored over time and remedial action taken as required.

If you have any questions about this correspondence, please contact Rajat Chaudhary, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely



Rajeev Maini
Manager, Assessments
Heritage NSW
Department of Planning and Environment

As Delegate of the Heritage Council of NSW

11 December 2023

From: [Nicole Davis](#)
To: [Jarrod Blane](#)
Subject: Heritage NSW - Aboriginal Cultural Heritage - Advice on SEARs - Marulan Quarry (SSD-65146459) (Goulburn Mulwaree)
Date: Friday, 1 December 2023 1:05:00 PM
Attachments: [..datacontent\img\email\images\logo1644468813661.png](#)
[image001.png](#)

Dear Jarrod,

Heritage NSW recommends that the following SEAR's be included with respect to Aboriginal cultural heritage (ACH) in relation to the proposed Marulan Quarry (SSD-65146459) (Goulburn Mulwaree).

Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared in accordance with relevant policy and guidelines, identifying, describing and assessing any impacts to Aboriginal cultural heritage sites or values associated with the project.

- The ACHAR must be prepared in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010), including results of thorough archaeological survey and test excavations (where required);
- Include evidence of adequate and continuous consultation with Aboriginal stakeholders in determining and assessing impacts, developing and selecting options for avoidance of Aboriginal cultural heritage and mitigation measures (including the final proposed measures), having regard to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010).

If you require any further information please contact me directly.

Kind Regards

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment
E nicole.davis@environment.nsw.gov.au
Locked Bag 5020 Parramatta 2124



From: no-reply@majorprojects.planning.nsw.gov.au <no-reply@majorprojects.planning.nsw.gov.au>
Sent: Monday, 27 November 2023 8:48 PM
To: Erin McWhirter <Erin.McWhirter@environment.nsw.gov.au>; Tanya Pelz <tanya.pelz@environment.nsw.gov.au>; OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Cc: Jarrod Blane <jarrod.blane@dpie.nsw.gov.au>
Subject: Major Projects – New Request for Advice - Marulan Quarry (SSD-65146459) (Goulburn Mulwaree)

The Department has sent you a request for advice in relation to the Marulan Quarry. The due date for this request is 11/12/23.

Please sign in to your account to view the details of this request and to upload your advice.

If you have any enquiries, please contact Jarrod Blane on 0282751831 /at jarrod.blane@dpie.nsw.gov.au.

To sign in to your account click [here](#) or visit the [Major Projects Website](#).

Please do not reply to this email.

Kind regards

The Department of Planning and Environment



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NSW RURAL FIRE SERVICE

Department of Planning and Environment (Parramatta)
Locked Bag 5022,
PARRAMATTA NSW 2124
Australia

Your reference: SSD-65146459
Our reference: DA20231128005413-SEARS-1

ATTENTION: Jarrod Blane

Date: Thursday 14 December 2023

Dear Sir/Madam,

State Significant Development – Extractive Industry
Request for Secretary's Environmental Assessment Requirements
Marulan Quarry - 16501 HUME HWY MARULAN NSW 2579, 3//DP247199, 4//DP247199, 7001//DP1025585

Reference is made to correspondence dated 28/11/2023 seeking input regarding the preparation of Secretary's Environmental Assessment Requirements for the above State Significant Development in accordance with the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises that a bush fire assessment report shall be prepared which identifies the extent to which the proposed development conforms with or deviates from the relevant provisions of *Planning for Bush Fire Protection 2019*.

In recognition that the proposed development may increase the level of bush fire risk within the landscape and be impacted upon during a bush fire event, the following matters should be addressed in the Environmental Impact Statement:

- the aim and objectives of *Planning for Bush Fire Protection 2019* and specific measures within section 8.3.6 - *Mining (underground and open cut) and petroleum production*;
- identification of potential ignition sources during construction and operation of the development;
- storage of fuels and other hazardous materials;
- proposed bush fire protection measures for the development, including vegetation management and fire suppression capabilities;
- operational access for fire fighting appliance to the site; and
- emergency and evacuation planning.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
Manager Planning & Environment Services
Built & Natural Environment

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Jarrold Blane
Senior Environmental Assessment Officer
Department of Planning and Environment
C/o Major Projects Portal

Re: Marulan Quarry – SSD-65146459 – Scoping Report – DPI Agriculture Advice

Dear Mr Blane

Thank you for the opportunity to provide comments on the Scoping Report for the proposed hard rock quarry at Marulan (SSD-65146459).

NSW Department of Primary Industries (DPI) Agriculture collaborates with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment. We have undertaken assessment of the provided Scoping Report to determine the potential for impacts to agricultural operations and resources, and provide comment on information that should be included in the Secretary's Environmental Assessment Requirements (SEARs) for the next stage.

Based on the assessment outlined in this report, the proposed quarry is generally appropriate for the site, being in an area strategically identified for that purpose, and on land where agriculture is permissible but not the primary use (i.e. C3 zoned land). The quality of the land with regards to agriculture is relatively low, being mapped predominantly as Class 6 LSC, and the cleared area that would be impacted appears small.

Nonetheless there is a need to quantify impacts further and define intentions and procedures for rehabilitation of the site at decommission, as well as to limit potential impacts to surrounding agricultural uses and resources. Consequently the following matters should be addressed by the SEARs:

- An assessment of agriculture and the land and soil capability (LSC) on the site and in the locality, and the changes likely to result from the proposal on agricultural enterprises and potential production values during construction and operation, as well as following decommission/rehabilitation. As the land has previously been used for livestock production, production statistics in relation to that enterprise as well as general agricultural land capability should be covered and used to inform rehabilitation outcomes.

- A Rehabilitation and Decommissioning/Closure Management Plan, which should include, but is not limited to, describing the potential design criteria of the final land use and landform, indicators which may be used to guide the return of the land back to agricultural production, along with the expected timeline for the rehabilitation program.
- A Land Use Conflict Risk Assessment (LUCRA) should be undertaken in relation to land management issues during and post construction. Information about groundcover management should be detailed in relation to the final construction phase and operational provisions to limit dust, noise, traffic, biosecurity and other land use conflict issues. The LUCRA should be informed where possible by direct consultation with neighbouring land owners or occupiers in order to determine their operational requirements.
- Outline of how land and soil resources will be managed during construction, operation and decommission, including:
 - Weed and pest management
 - Groundcover management
 - Soil resource management
- Assessment of impacts to agricultural water resources, including:
 - Detail on the estimated water demand and water availability and the source of water.
 - Outline of any impacts to water use for agriculture in downstream properties and measures to mitigate against these impacts.

Refer to Attachment A for a list of guidelines and resources relevant to the above assessment requirements.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



Milo Kelly
Agricultural Land Use Planning Officer
Ag Strategic Initiatives
South East and Tablelands Region
11 December 2023

Encl: Attachment A: Industry guidelines and resource information

Attachment A: Industry guidelines and resource information

Solar Farms

Title	Website link
Land Use Conflict Risk Assessment Guide	https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra
Infrastructure Proposals on Rural Land	https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/infrastructure-proposals
The land and soil capability assessment scheme: second approximation 2012 (OEH)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/land-and-soil-capability-assessment-scheme
Australian Soil and Land Survey Handbook (CSIRO)	https://ebooks.publish.csiro.au/content/australian-soil-and-land-survey-field-handbook
Guidelines for Surveying Soil and Land Resources (CSIRO)	https://ebooks.publish.csiro.au/content/guidelines-surveying-soil-and-land-resources

11th December 2023

Jarrold Blane
NSW Department of Planning and Environment
Jarrod.blane@dpie.nsw.gov.au

Dear Jarrod,

Marulan Quarry (SSD-65146459) – Request for Advice on SEARS

Thank you for the opportunity to provide input to the Secretary's Environmental Assessment Requirements (SEARs) for the Environmental Impact Assessment of the Marulan Quarry (SSD-65146459), Hume Highway, Marulan.

The Murrumbidgee and Southern NSW LHD Public Health Unit has reviewed the Scoping Report and recommends that the following requirements be added to the draft SEARs. The following information would assist the Public Health Unit when reviewing the Environmental Impact Statement with a focus on assessment of the health impacts from the proposed development:

Human Health Risk Assessment

- Conduct in accordance with Environmental Health Risk Assessment Guidelines for Assessing Health Risks from Environmental Hazards and Australian Exposure Factor Guidelines (enHealth).
- Include appropriate justified and realistic modelled scenarios on sensitive receivers including local residential areas, school and childcare centres and any other identified sensitive receivers.
- Impacts on Narambulla Creek, ground water, other water sources, drinking water catchments and rainwater tanks located at residential properties (where there is no connection available to a reticulated water supply system).
- Cumulative impacts from other industry or facilities around, including Lynwood Quarry, Gunlake Quarry, Boral Peppertree Quarry, Boral Marulan South Limestone Mine, and Ardmore Park Quarry.
- Include a detailed description of how drinking water supplied to the onsite employee facilities will comply with the Australian Drinking Water Guidelines.

Air Quality

The proponent should assess the human health risks associated with the project's impact on local and regional air quality during construction and operation.

Consideration should be given to a range of pollutants including: PM2.5, PM10, TSP, CO, NO2 and other nitrogen oxides, volatile organic compounds, and ozone. Relevant short- and long-term

exposure periods should be considered depending on the pollutant. Consideration should also be given to the impact of odours.

When assessing the potential health impacts, both incremental changes in exposure from existing background pollutant levels and the cumulative impacts of project-specific and existing pollutant levels should be addressed at the location of receptors.

Exposure should be assessed at the location of the most affected receptors and for other sensitive receptors such as childcare centres, schools, hospitals, and aged care facilities.

Consideration should also be given to the size of the population exposed to increased concentrations of air pollutants.

Noise and vibration

The proponent should assess the human health risks associated with the project's noise and vibration impacts during construction and operation.

Consideration should be given to impacts to sensitive receptors including residential receptors, childcare centres, schools, aged care facilities and medical facilities. The duration of exposure and the characteristics of noise and vibration should be assessed. Impacts to sleep disturbance should be considered.

Consideration should be given to whether noise levels exceed the health-based limits specified in the enHealth (2017) report The Health Effects of Environmental Noise.

Should you wish to discuss this matter further, please contact the undersigned on 0407 060 237 or email Tabitha.Holliday@health.nsw.gov.au.

Yours sincerely,

Tabitha Holliday
Environmental Health Officer



File Ref. No: FRN23/3843 BFS23/7012 8000032342
TRIM Doc. No: D23/122505
Contact: Senior Firefighter Gavin Scott

04 December 2023

JARROD BLANE
NSW Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Jarrod,

Re: Advice on Secretary's Environmental Assessment Requirements (SEARs) – MARULAN QUARRY – 10 KILOMETRES SOUTH-WEST OF MARULAN (SSD-65146459)

Fire and Rescue NSW (FRNSW) acknowledge correspondence received on 28/11/2023, requesting input into the preparation of the SEARs for the MARULAN QUARRY – 10 KILOMETRES SOUTH-WEST OF MARULAN (SSD-65146459). FRNSW have reviewed the SEARs along with the Scoping Report with particular focus to Appednix C DPE Scoping Worksheet.

There is currently insufficient information available regarding the fire safety and emergency response management aspects of the project. FRNSW requests to be consulted and given the opportunity to review and provide comment regarding the proposed fire and life safety systems at the preliminary and final design phases of the project.

For further information please contact the Operational Liaison and Special Hazards Unit, referencing FRNSW file number BFS23/7012. Please ensure that all correspondence in relation to this matter is submitted electronically to firesafety@fire.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "James O'Carroll".

Superintendent James O'Carroll
Manager
Operational and Liaison and Special Hazards Unit

Cc: jarrod.blane@dpie.nsw.gov.au

Jarrold Blane
Department of Planning and Environment
jarrod.blane@dpie.nsw.gov.au
Via: Major Project Portal

ADVICE RESPONSE Re: Marulan Quarry Advice on SEARs

Dear Jarrod,

Project: Marulan Quarry Advice on SEARs

Stage: Advice on Secretary's Environmental Assessment Requirements

Development Application: SSD-65146459

I refer to your correspondence dated 27 November 2023 inviting the Department of Regional NSW – Mining, Exploration & Geoscience (MEG) (including the Resources Regulator) to provide comments on the Marulan Quarry Advice on SEARs (the Project) submitted by Global Quarries Australia Pty Ltd (the Proponent).

MEG has reviewed the information supplied and notes that the Project does not involve the recovery of Scheduled Minerals identified under Schedule 1 of the Mining Regulation 2016. Accordingly, MEG has no further comment to make on this Project.

The Resources Regulator advice is provided as Attachment 1.

For further assistance on this matter, please contact Scott Anson, Manager Industry Advisory and Mining Concierge Unit - Industry Development unit on 02 4063 6860 or mining.concierge@regional.nsw.gov.au.

Sincerely,



Scott Anson

Manager Industry Advisory & Mining Concierge
Industry Development
Department of Regional NSW – Mining, Exploration & Geoscience

For

Tony Linnane

Executive Director Strategy, Performance & Industry Development
Department of Regional NSW – Mining, Exploration & Geoscience

Encl Attachment 1 Resources Regulator advice Marulan Quarry SEARs (RDC023/277069)

Friday 8 December 2023

Jarrold Blane
Department of Planning and Environment
jarrod.blane@dpie.nsw.gov.au

Via: Major Projects Portal

Dear Jarrod,

I refer to the Marulan Quarry submitted to the Resources Regulator on 27 November 2023 (SSD-65146459).

Based on the review of the scoping report, the Resources Regulator advises that it has no specific comments regarding mine safety or mine rehabilitation matters in relation to the proposals.

LIMITATIONS

It should be noted that the Resources Regulator does not provide any endorsement of the proposed rehabilitation methodologies presented in the plans provided. Under the conditions of a mining authorisation granted under the *Mining Act 1992*, the Resources Regulator requires the holder to adopt a risk-based approach to achieving the required rehabilitation outcomes.

The applicability of the controls to achieve effective and sustainable rehabilitation is to be determined based on site-specific risk assessments conducted by the authorisation holder. An authorisation holder may also be directed by the Resources Regulator to implement further risk control measures required to achieve effective rehabilitation outcomes during the life of the mine.

REGULATORY REQUIREMENTS IF APPROVED

The proponent will be required to comply with rehabilitation requirements under the mining authorisations prior to the commencement of the works associated with the proposal.

The Resources Regulator may undertake assessments of the mine operators' proposed mining activities under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and Regulation as well as other WHS regulatory obligations.

BACKGROUND

The Mining Act Inspectorate within the Resources Regulator undertake risk-based compliance and enforcement activities in relation to obligations under the *Mining Act 1992*. This includes undertaking assessment and compliance activities in relation to mine rehabilitation activities and determination of security deposits. To ensure consistency, the Regulator requests the opportunity to review a copy of the draft development consent prior to any approval of the project.

The Mine Safety Inspectorate within the Resources Regulator is responsible for ensuring the mine operators' compliance with the Work Health and Safety (WHS) legislation, in particular the effective management of risks associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

CONTACT

Should you require any further information or clarification, please contact the Regulator on 1300 814 609 (Press Option 2 Press Option 5) or email nswresourcesregulator@service-now.com.

Yours sincerely,



Anthony Margetts

Chief Inspector of Mines

Resources Regulator

DPE Planning
Via Major Projects Planning Portal
Attn: Jarrod Blane

Re: SSD-65146459 – SEARs Request – Marulan Quarry

Dear Mr Blane,

Thank you for referring the above matter to DPI Fisheries on 27 November 2023.

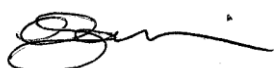
DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the FM Act (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*.

DPI Fisheries has noted that there is no key fish habitat of FM Act threatened species within the boundary of these works, and that there is an appropriate riparian vegetated buffer proposed for nearby key fish habitat. For this reason, DPI Fisheries has environmental assessment requirements for this proposal.

Can DPE Planning make note of this and not refer any further stages of this SSD development proposal to DPI Fisheries for review.

If you require any further information, please contact me on 4222 8342 or carla.ganassin@dpi.nsw.gov.au.

Sincerely



Carla Ganassin

Senior Fisheries Manager, Coastal Systems

DPI Fisheries