

We are residents of Brayton Road, Brayton. We have owned our 46ha property for over 36 years and fall within a 5km radius of the Gunlake Quarries site. We have previously made written submissions in relation to the Gunlake Quarries Biodiversity Reduction Application and wish to make a submission on the Gunlake Quarries Biodiversity Modification Application. We **object** to the current application based on the following:

On 2 March 2023, the Department of Planning and Environment approved the Gunlake Quarry Continuation Project (SSD-12469087). Gunlake Quarries now proposes to modify biodiversity offset areas of the Continuation Project by addressing two historical matters which they state have been raised but not resolved in previous development applications, i.e.

- 1) *adjusting the Continuation Project Disturbance Area of the Development Consent (SSD-12469087) to include an area in the northern section of the Quarry, Area 1 (Figure 1.2),*  
  
*and*
- 2) *revision of the biodiversity offset areas referenced in Condition B59 of the consent (carried over from the Part 3A consent for the original Quarry Project) and as shown in Appendix 5 of the Development Consent (SSD-12469087) to improve overall biodiversity and conservation outcomes compared to the currently approved offsets.*

The map below titled **Appendix 6: Vegetation Offset Plan** extracted from Part 3A\_MP07-0074\_Conditions of Approval\_ Schedule 1 (page 30), clearly identifies Area 1 as ***EEC isolated from property activities and Speckled Warbler Habitat.***

The applicant proposes the modification will:

- **Area 1:**  
*- regularise the Continuation Project disturbance boundary to include Area 1, which Gunlake Quarries believes was previously an approved disturbance area under the Part 3A approval.*

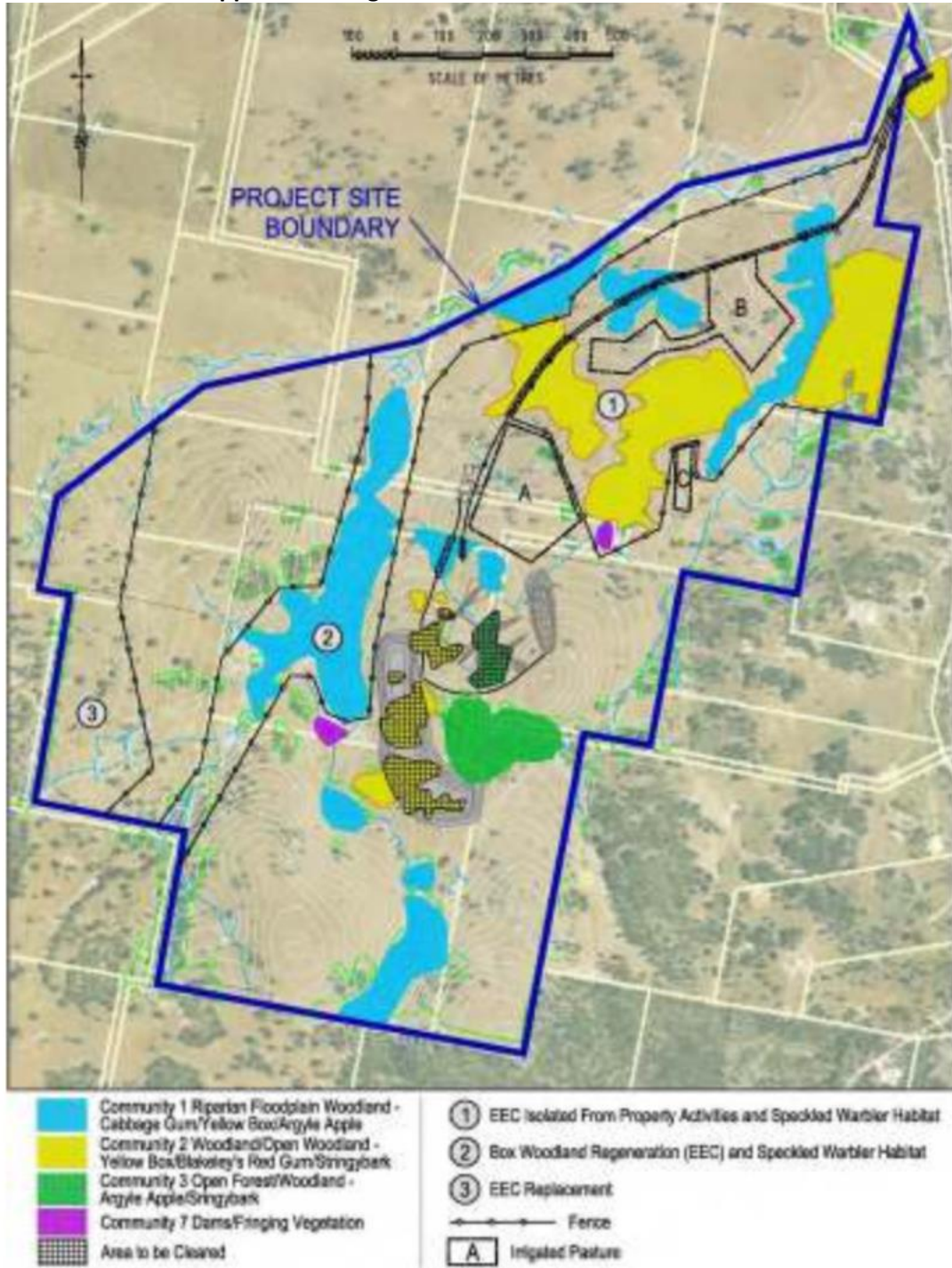
The map below identifies areas to be cleared and at no point in the project consent does it allow clearing of Area 1, hence Area 1 was not a previously approved disturbance area. On the contrary, included in Part 3A\_MP07-0074\_Conditions of Approval\_Appendix 3, Statement of Commitments, **1.8 Flora and Fauna**, one of the commitments outlined within the Appendix states that:

***“ Offset areas will be set aside for regeneration of riparian corridors and establishment of new and protection of existing Endangered Ecological Communities on the Project Site”.***

Within the Director-General’s Assessment Report for the Part 3A\_MP07-0074 project are the following observations.

*‘The Department is satisfied that the flora and fauna impacts of the proposal can be adequately compensated and managed and that the proposed offset package is adequate. However, the Department believes that the various requirements for managing flora and fauna issues should be set down in detailed plans for managing the offset areas **in perpetuity** and managing flora and fauna within the quarry site during the period of quarry operations’.*

## Appendix 6: Vegetation Offset Plan



The above plan is amended by:

- deletion of irrigation area B in Offset Area 1; and
- additional fencing to be provided on the southern side of Chapmans Creek between Offset Area 2 and Offset Area 3.

In addition to the abovementioned Statement of Commitments for Part 3A\_MP07-0074 are Conditions of Consent set down for MP07-0074 Modification 2. (Schedule 3\_Environmental Performance\_page 12). Under the title 'REHABILITATION AND BIODIVERSITY' is the biodiversity offset strategy that Gunlake Quarries was to implement, **to the satisfaction of the Secretary.**

### Biodiversity Offsets

27. The Proponent shall implement the biodiversity offset strategy as outlined in Table 9 and shown conceptually in Appendix 6, to the satisfaction of the Secretary.

Offset Area	Offset Type	Minimum Size (hectares)
Biodiversity Offset Area - existing vegetation to be enhanced and maintained	Existing vegetation to be enhanced and maintained as well as assisted regeneration of Box Gum Woodland EEC and Speckled Warbler habitat, including a minimum of 30.38 hectares of Box Gum Woodland EEC.	30.38
Biodiversity Offset Area - vegetation regeneration	A minimum of 46.16 hectares of cleared pasture to be regenerated and/or replanted using species representative of pre-clearing vegetation, including Box Gum Woodland EEC.	46.16
Additional Biodiversity Offset Area	Box Gum Woodland EEC to be enhanced and maintained.	2.28
Total		78.82

Table 9: Biodiversity Offset Strategy

27A. By 31 October 2015, unless otherwise agreed by the Secretary, the Proponent shall revise the offset strategy to identify and include the Additional Biodiversity Offset Area required in Table 9 above, in consultation with OEH, and to the satisfaction of the Secretary.

### Security of Offsets

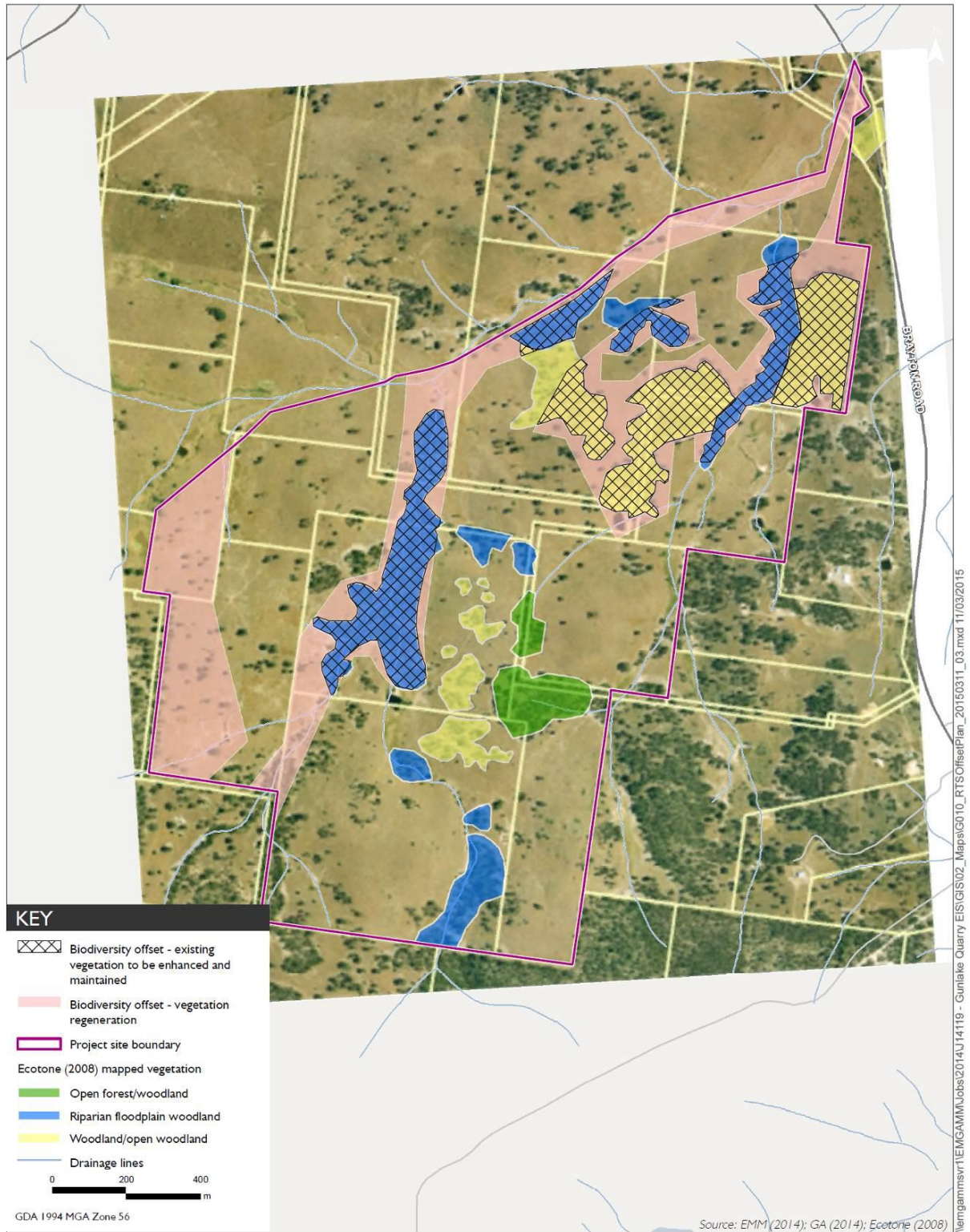
28. By 30 April 2016, unless otherwise agreed with the Secretary, the Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas, to the satisfaction of the Secretary.

*Note: Mechanisms to provide appropriate long-term security to the land within the biodiversity offset strategy include a Biobanking Agreement or an alternative mechanism that provides for a similar conservation outcome. **Any mechanism must remain in force in perpetuity.***

The words '**in perpetuity**' are used repeatedly within approvals of every new application and modification made to the Department since the Gunlake Quarry Project was first approved in 2009. This language is also reinforced in decisions handed down in Land and Environment Court decisions. Our question to the Department is, why does the applicant find it necessary to have multiple decisions, **in their favour**, overruled now by the Department on the pretext that the proposed modifications will '**regularise**' the Continuation Project disturbance area? Although the additional Biobanking Agreement proposed for the quarry site is a step in the right direction, why should it be at the cost of a Box Gum Woodland EEC? Surely, if this offset area was not required for approval of the Continuation Project, why must it be sacrificed now for the sake of extra Biobanking?



## APPENDIX 6 – BIODIVERSITY OFFSET STRATEGY



## SERRATED TUSSOCK

The Applicant has admitted that there is a 'significant cover of Serrated Tussock' within Biodiversity Area 1, as per below:

*The original Biodiversity Area 1 (as currently approved) has a significant cover of Serrated Tussock (Nasella trichotoma). The condition of this area is poor and a significant inhibitor to regeneration of the area.*

In the aforementioned Director-General's Assessment Report for the Part3A-MP07-0074 project, under the title '**Vegetation Offset Areas**', 27, the Proponent shall: a) *establish, conserve and maintain approximately 76.54 hectares of native vegetation on the site, as shown conceptually in Appendix 6.*

Once again, this requirement is reinforced repeatedly in subsequent applications Gunlake Quarries has made to the Department yet there appears that even after **18 years** of being the landowner and some **15 years** of quarrying activities, Serrated Tussock remains '**problematic**'. Although the Applicant advises they have a Weed Management program in place, what evidence have they produced that would support any claim that native vegetation has been either conserved or maintained?

According to the NSW Department of Primary Industries (DPI) website, Serrated Tussock is a *Weed of National Significance*, and  
'The native vegetation communities at risk include:

- *native grasslands*
- *grassy woodlands*
- *dry forests*
- *some coastal vegetation.*

*Serrated tussock can completely take over new areas within 4 years. It is similar in appearance to many native species making it difficult to identify when not in flower. Subsequently, it can go unnoticed for many years. A single plant can produce up to 140,000 seeds each season. Serrated tussock is hard to get rid of, control is costly and herbicides used to control serrated tussock impact other grasses, especially natives.*

Without proper measures in place, potentially for every 100 mature plants, **14 million seeds** could be dispersed throughout the local vicinity, up to 10-20 kms radius. This is disastrous for landowners, particularly graziers, as serrated tussock reduces pastures from being able to carry around 7-15 dry sheep equivalents (DSE) to 0.5 DSE per hectare, if heavily infested. The stress of maintaining low weed or weed-free pastures for graziers cannot be underestimated. The added costs can be substantial as can the loss of income through lower productivity. For the Applicant to simply state that their significant cover of serrated tussock is '**problematic**' diminishes the real problem this highly virulent, noxious weed gives rise to.

As rural landowners, we take the issue of weed infestation extremely seriously and are vigilant with our own weed management plans. We have observed over time that regular weed control measures contribute considerably to rehabilitation of pastures which were cleared and overgrazed by previous landowners. As we currently do not have livestock on the property, the land has been given the opportunity to naturally regenerate without any assistance other than weed control.

Additionally, according to the NSW DPI website, Serrated Tussock prefers to grow on the tablelands of NSW, as per below:

*Serrated tussock prefers to grow on the tablelands of NSW, although it can be found on the coast and slopes. The optimum temperature range is 10 - 15 °C. It tolerates:*

- *acid and alkaline soil*
- *dry conditions*
- *rocky areas*
- *shallow soil if it is not in competition with other plants*
- *soils derived from basalt, granite, shale, slate and sandstone.*

*It does not grow well in:*

- *hot weather*
- *wet areas*
- *heavy shade e.g. under a thick tree canopy*
- *saline soils or salty areas*
- *competition from other plants.*

Gunlake Quarries is a hard rock quarry located in the Southern Tablelands of NSW, which produces and supplies basalt aggregates, manufactured sands, overburden and crusher dust, amongst others. These products are transported via road in heavy vehicles to customers in the wider Sydney basin, the local government area and beyond. It is not unreasonable to suspect that seeds from Serrated Tussock plants can at times be present in some, if not all, of these products and spread through both commercial and residential saleable items. Unfortunately, this has been the case with asbestos contamination in garden mulch and supplied to locations in Sydney and elsewhere in NSW and the ACT.

We are of the opinion that Gunlake Quarries' weed management program could be inadequate and perhaps requires intervention by an appropriate authority.

## STEWARDSHIP AGREEMENT

The Applicant states that (the) ‘*proposed modification will remove a small area of vegetation in the northern extent of the Quarry, for which biodiversity offsets will be provided, and will provide improved biodiversity outcomes by revising the original Quarry’s offset areas. The proposed modification will not result in any other environmental impacts to the site or surrounds*’.

Further, the Applicant states the proposal will:

- provide a vastly improved conservation outcome than that currently approved, including connectivity between the Biobank areas provided to compensate for the impacts of the Extension Project and the biodiversity areas (as revised) provided to compensate for the impacts of the original Quarry Project
- provide more secure offsets through the implementation of a Stewardship agreement for the revised offset areas.

We do not accept that the so-called small area of vegetation in Biodiversity Area 1 as it currently stands needs to be removed in order for revised offsets to be provided. We also do not accept that the removal of this vegetation is simply to 'regularise' the project. We believe that the Applicant has

not fully divulged the intended use of Area 1 as part of quarrying activities and that once approval is given to expand the disturbance area, that a further modification will be submitted for an expansion of the quarry pit. Therefore, we do not accept that the development would remain substantially the same as the approved Continuation Project., ie SSD-12469087.

In our opinion, Gunlake Quarries has not proven that they are currently good Stewards of the land they are responsible for as it stands now, and therefore doubt if they would be any more compliant in implementation of a Stewardship agreement for the revised offset areas.

## COMMUNITY ENGAGEMENT

Section 5 of the Biodiversity Modification Application Main Text document title 'Engagement' states that:

*‘On 25 August 2023, the proposed modification was discussed at the Gunlake Quarry Community Consultative Committee meeting. The meeting was attended by the Chair, five community members, a Goulbourn (sic) Mulwaree Council (GMC) Councillor, the GMC Director of Planning and four Gunlake representatives. No significant concerns were raised regarding the proposed modification. A further progress update was provided at the CCC meeting held on 24 November 2023.’*

On Tuesday 13/02/2024, an email was sent by us to the Gunlake Quarries' Managing Director, Ed O'Neil, asking why the residents within a 5kms radius of the quarry site had not been notified of the Biodiversity Modification application currently before the Department of Planning. To date, we have received no response from Ed O'Neil in relation to our query. This is just one example of many over the past 18 years where the Gunlake Quarries executives have been reluctant to engage with members of the community. Gunlake may believe that this modification is 'minor' however can be 'major' in its implications to members of the community, who are entitled to be informed on any changes to the quarries' conditions and/or operations.

We therefore believe that the Department should re-advertise this application and place it on exhibition again after the Applicant has carried out engagement with the wider community.

## CONCLUSION

We are seriously concerned about the loss of habitat for native fauna and destruction of native flora as a result of previous approvals for Gunlake Quarries, as well as the impact this modification application will have, if approved. As development within the Marulan locality expands, the impact on Biodiversity increases. Although not native, the destruction of several hundred metres of Radiata Pine trees in the Betley Estate means that the corridor of food sources for endangered native birds, such as the Glossy Black Cockatoo, is diminishing rapidly. We are concerned that the removal of EEC on the Gunlake Quarries site, no matter how small in area, will have a cumulative and permanent effect on our native wildlife, and that the Gunlake Quarries Biodiversity Modification application should be refused.