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10 May 2019

Lauren Evans
Senior Planning Officer
Resource Assessments – Planning Services
GPO Box 39
Sydney NSW 2001

Dear Lauren

**Subject: Marulan South Limestone Mine
Continued Operations and Expansion (SSD 7009)**

A review of the Environmental Impact Statement prepared by Boral Limited has been undertaken in relation to the above proposal and a report was considered at the 7 May 2019 Council Meeting. At this meeting, Council resolved:

A submission be made to the Department of Planning & Environment highlighting the following items for consideration in their assessment of the application:

- (a) The need to upgrade Marulan South Road and seek ongoing developer contributions for the maintenance of the asset in accordance with Section 7.11 EP&A Act 1979.*
- (b) The identified social impacts be addressed.*
- (c) Consideration be given to environmental matters including noise and dust emissions, and visual amenity.*
- (d) The significant interest demonstrated by the Tallong and Marulan communities in relation to water security and access to water for a number of purposes including but not limited to firefighting, recreation and environmental purposes.*

In addition to the above, the following information was contained within the staff report presented to Council and has been provided as supplementary information in order to provide the Department and the applicant further insight into Council's resolution.

Marulan South Road

Council is currently in negotiations with Boral in relation to the scope of the required upgrade and ongoing maintenance of Marulan South Road. The road is currently considered inadequate in terms of its construction and safety, and as a result, consistently generates concerns from road users and local residents.

The age of the existing limestone quarry has meant that Council has had limited opportunity in the past to apply maintenance contributions. It is the view of Council that the continued operations and proposed expansion of the mine is significant enough to warrant the imposition of a developer contribution in accordance with Section 7.11 (formerly s94) of the EP&A Act 1979.

Boral have indicated a desire to enter into a deed of agreement with Council as a mechanism to enable the road upgrade. Details are still being sought as to the appropriateness of a deed of agreement compared to either conditions of consent or a Voluntary Planning Agreement.

In light of the above, the following comments are made:

Road Construction

- Section 4.4.6 of the EIS states, “Boral has committed to upgrading Marulan South Road from the site to the Hume Highway”, and “The upgrade will be to Austroads and relevant Council Standards and Specifications”.
- Section 21.3.4 of the EIS states, “Boral will undertake (a pavement condition) survey and include any required pavement works with the upgrading of Marulan South Road”.
- Section 4.4.4 of the EIS states, “Boral proposes to realign a section of Marulan South Road to accommodate the northern portion of (their works)”. This realignment will be to Council standards and will improve the alignment of the road.
- Section 7.2.3 of the DCP requires the following minimum standards for a heavy haulage route:
 - 7m wide sealed carriageway
 - 1m wide shoulders each side, 500mm of which is sealed
 - 80km/h design standard
 - Minimum of 10 years remaining pavement life.

It should be noted however, that the exact details of the upgrade are being negotiated with Council’s Director Operations as some items of the upgrade, including line marking, are beyond the requirements of the DCP.

In this regard, Council are seeking that the road design plans are to include a line marking plan with Wide Centre Line Treatment (WCLT) of the road centreline. This outcome would be consistent with the haul route that has been approved and recently constructed as part of the Gunlake Quarry consent (Brayton and Ambrose Road).

An image depicting a WCLT treatment has been provided below:



Source: NSW Roads and Maritime

Furthermore, the design should also demonstrate the provision of retroreflective pavement markers (as utilised upon Kings Highway, Newell Highway, Brayton & Ambrose Road), edge line marking with retroreflective pavement markers, and guide posts at a spacing as determined from an analysis of heavy fogs along South Marulan Road.

- Council requires that a survey of South Marulan Road is undertaken to identify corridor boundaries, sealed and unsealed pavement extents, line marking, signage, hazards, driveways, intersections, road shoulders, vegetation, drainage structures and power poles. The survey must include sufficient details to indicate horizontal and vertical alignment of the existing pavement, shoulders and clear zone.
- Design plans must comply with Austroads design guidelines. The typical cross section of the design must incorporate 2 x 3.5m sealed travel lanes, 1.5m shoulders (1m sealed), and a 3.0m clear zone. Where this cannot be achieved alternate measures are to be proposed and indicate how non-compliance does not adversely impact road safety. Council will review concept design plans before detail design plans are prepared. The design plans are to be certified by a qualified and experienced civil engineering consultancy and supported by a design report.
- Design plans must identify the extent of trees and native vegetation to be removed and indicate appropriate environmental management measures.
- A geotechnical report is to be carried out to identify the condition of the existing pavement and proposed pavement upgrade to achieve a minimum 10 year pavement life with increased truck volumes. The type and extent of testing is to adequately characterise the existing pavement. The geotechnical report is to include a pavement design that caters for the estimated design traffic and considers the subgrade conditions.
- An assessment of the existing drainage structures is to be carried out to determine the structural integrity and hydraulic capacity of these structures. The drainage system is to operate so there is no detrimental impact on the road pavement, adjoining properties and vegetation during and following wet weather events.

Compliance with Goulburn Mulwaree S94 Development Contributions Plan 2009

- Section 11.3 of the s94 Plan requires the payment of a contribution based on the tonnages transported over a Council road. The current (2018/19) rate is \$0.0488/t/km.
- Section 21.3.4 of the EIS states, “Boral currently pays a contribution to Council for road maintenance and will continue to do so during continued operation of the mine”. However, the contributions paid by Boral only relate to their brown clay and white clay products. These products amount to approximately 150,000t/a, which is only about one third of their total material transported along Marulan South Road.
- Council will be seeking that the current rate be applied to all additional tonnages to be transported over Marulan South Road as well as those existing tonnages not subject to contributions.

Road Capacity, Efficiency and Safety

- The proposal is for an average of an additional 68 trips (34 laden, 34 unladen) along Marulan South Road per day.

- Section 6 of the Traffic Impact Assessment states, "... traffic impacts of the additional product truck movements ...has found the impacts would be relatively minor and there will be minimal changes to the Level of Service and vehicle delays on the road network.."
- Section 21.3.2 of the EIS states the road upgrade "will take into consideration the need for and location of school bus stopping and turning", and "will consider improving certain significant dips in the vertical alignment of the road to improve visibility and road safety".
- Section 21.3.3 of the EIS states with regard the truck driver behaviour, "Boral proposes to further develop and continue to implement driver safety awareness training...".
- Marulan South Road is currently a B-double route, however has a time restriction. With the upgrade of the road, including bus stops, it is considered the route would be appropriate as an unrestricted B-double route.

Council will require that a Traffic Management Plan be developed by the applicant in consultation with RMS and GMC. The plan is to consider measures to avoid dispatching or receiving large convoys of laden trucks onto public roads, a drivers code of conduct (including means of compliance), and methods used to minimise the transmission of dust and tracking of soil onto public roads.

De-registration of Public Roads

- Section 4.4.5 of the EIS states, "Boral proposes the de-registration of all public roads in the former village of Marulan South as well as the section of Marulan South Road between Boral's operations and the entrance to the agricultural lime manufacturing facility".
- This proposed de-registration is supported since it is considered beneficial to Council to decrease the maintenance burden of these heavily used roads.
- Road Closure Applications for Hume Street, Barber Street, Cooper Crescent in the former village of Marulan South and also two sections of Marulan South Road are off public exhibition and no objections were received. However Essential Energy requested a Right of Carriageway to access their substation on Lot 1 in DP 1186554 (i.e. off one section of Marulan South Road that is subject to the Road Closure Application) and OEH requested a Right of Carriageway or Easement for Access to provide them with continued legal access to the Bungonia National Park. Boral has instructed their surveyor to make provision for these requirements in the Plan of Road Closure (yet to be finalised).
- The Plan of Road Closure will be made available to Council for review before being forwarding to NSW LRS for registration purposes in order for new titles to be created in Council's name and then transferred to Boral, subject to them paying Council compensation consistent with updated Market Valuations.
- At a meeting with Boral representatives on 3 April 2019, Council staff were informed that whilst Boral wish to acquire a section of Marulan South Road representing a combined area of 5.437 hectares, they now wish to defer the Road Closure Application relating to a second section of Marulan South Road, representing an area of 6.613 hectares. The deferral would be for 7 years and Boral have stated a desire to enter into a Deed of Agreement or legally binding instrument to reflect this arrangement.

In light of this request from Boral and the magnitude of the proposal, it may be preferable for Council to insist on both parties entering into a Voluntary Planning Agreement (VPA).

Social Impact

The EIS indicates that a number of moderate social risk ratings have been predicted via the preparation of a Social Impact Assessment. These include:

- Dust fallout
- Noise from airbrakes
- Increased traffic volume
- Headlight spill from the realignment of Marulan South Rd
- Impact to the condition of the pavement on Marulan South Rd
- Existing concerns as to the overall safety of Marulan South Road including but not limited to narrow pavement and shoulder and road undulation.

Council believes that it is necessary for the issue of headlight spill to be addressed by a condition of consent that stipulates either design adjustments or the provision of a vegetated earth mound to minimise the risk of headlight spill. The proposed method should be nominated by the applicant and endorsed by the Department of Planning & Environment.

The EIS indicates that Boral intend to reduce the social risk rating associated with Marulan South Road by adopting the road upgrade as a mitigation measure. Reference is made to the above comments in relation to Marulan South Road in this regard.

It is noted that a supplementary report was provided to Council following receipt of 64 public submissions, copies of which have been attached.

The key issues being raised within these submissions appear to be outside of Council's jurisdiction, principally water storage and the relocation of the water license from the existing Tallong Railway Dam to a new dam proposed to be constructed closer to the quarry.

As a result the following comments are made:

1. The Tallong Railway Dam is owned by the railway – it is therefore not publicly accessible infrastructure.
2. The majority of water contained within the Tallong Railway Dam is licensed to Boral, and again is not a publicly accessible asset.
3. The dam supplies water to a small reservoir within the Tallong Village. The reservoir is also owned by the railway and leased to Boral as part of the previously mentioned dam lease. The water is untreated and therefore unsuitable for drinking purposes. It is believed that a number of premises throughout the village have informal connections to the reservoir for the purposes of irrigation.
4. Council do not own, operate or manage any of the abovementioned infrastructure.

Notwithstanding the above, due to the significant interest demonstrated by the community, Council wishes to ensure that the matters raised within the submissions, particularly water security and access to water, are appropriately considered by the Department.

Noise and Dust

Potential noise and dust impacts from construction and operation of the proposal on nearby sensitive residential, commercial and industrial receivers were addressed within the EIS. Council notes that it is not the appropriate regulatory authority for either matter.

Council understands that the proposal will be subject to adherence with the NSW Noise Policy for Industry and subject to an Environmental Protection Licence which will be overseen by the EPA.

Visual Amenity

Council notes that the Rehabilitation Strategy provide within the EIS demonstrates a progressive approach to rehabilitation of the overburden emplacements to be undertaken over a period of 30 years. In the context of the surrounding extractive industries developments, the visual impact is considered acceptable, noting that the final stage 4 landform will provide for an improved outlook from the Bungonia Lookdown.

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.

Scott Martin
Director Planning & Environment