



25 October 2011

Boral Property Group
Clunies Ross St, Prospect 2148
PO Box 42, Wentworthville 2145

T: +61 (02) 9033 5300
F: +61 (02) 9033 5305

www.boral.com.au

George Mobayed
Planning Officer
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001
Emailed to: george.mobayed@planning.nsw.gov.au

Dear Mr Mobayed,

**Peppertree Quarry Project Approval (PA 06_0074) MOD 2
Response to Armitt submission**

I refer to letters dated 11 July 2011, 5 August 2011, 19 August 2011 and 26 September 2011 received by the Department from Mr Barry Armitt of Marulan in respect to the abovementioned Peppertree Quarry modification application.

This letter seeks to address the four pieces of correspondence, noting that responses were not previously provided in the submitted Response to Submissions document. Responses by Boral were not previously provided as the initial letters were viewed as requests for extension of time to make a formal submission rather than containing specific matters that needed to be addressed.

Given a formal submission has not been received from Mr Armitt, and the modification is nearing determination, Boral has been asked by the Department to respond to submissions received to date.

A summary of the four letters and main themes follows:

- Letter 1 (11 July) requests a three week extension on the submission deadline and states:
 - *“(there are) a number of anomalies in the application, including factual errors and inconsistencies”*; and
 - *“no buffer zone has been required”*
- Letter 2 (5 August) requests a further two week extension of time and states:
 - *“(there are) a number of perceived anomalies”*.
- Letter 3 (19 August) requests yet another extension of time and states:
 - *“(there are) further anomalies in their (Boral’s) latest DA”*;

- *“we (Armitt family) agreed to sell to them (Boral) on the basis that they needed the other two properties (belonging to relatives) as well as ours for their proposed operations”; and*
 - *“Boral do have an approximate 2km boundary with us, they have no buffer between us and their proposed operations and the bulk of property will be significantly impacted upon and has already been financially impacted upon with regards to property value and business”*
- Letter 4 (26 September) makes an objection and states:
 - *“(there is) materially incorrect information to the public and the Planning Department, (with Boral) knowing it to be incorrect”*

The issues we have identified within the four letters that seem to specifically relate to the modification concern a perceived insufficient buffer zone and assertions that the modification contained anomalies, inconsistencies and factual errors. These are set out and addressed below.

Insufficient Buffer Zone

Mr Armitt's subject property is located to the north west of the Peppertree Quarry operations and adjoins much of Boral's buffer land to the north on the western boundary. Boral's private rail line also runs along the joint boundary for approximately two kilometres before heading further north to its juncture with the Main Southern Railway.

The Armitt property boundary is approximately 400 metres from the proposed operations of Peppertree Quarry. The Armitt residence is, considerably further away - approximately 1.48 kilometres from the proposed quarry operations. In accordance with the EPA Guidelines it is the location of the dwelling which has been used as the point to determine environmental impacts for the modification.

The existing noise (see table below) and dust limits within the Project Approval have been set in accordance with relevant EPA Guidelines which aim to protect the amenity of neighbouring residences. Based on the findings of the Environmental Assessment for the modification, and subsequent investigations provided in the Response to Submissions, Boral submits that the Peppertree Quarry can operate within the limits already set by the existing Project Approval.

Receiver	Day	Night	
	<i>L_{Aeq}(15 minute)</i>	<i>L_{Aeq}(15 minute)</i>	<i>L_{A1}(1 minute)</i>
4 (Armitt)	37	35	46

Quarterly attended noise monitoring will also be undertaken in accordance with the Noise & Blasting Monitoring Program with results reported to the Department of Planning & Infrastructure and Office of Environment and Heritage as well as being posted on the quarry website.

Accordingly, it is submitted that adequate buffer exists between the Armitt residence and the proposed operations of Peppertree Quarry.



Anomalies, inconsistencies and factual errors

Each of Mr Armitt's letters raises the prospect of 'anomalies' and 'inconsistencies' within the modification application, 'knowingly' submitted by Boral. However, as the nature of these claims are not further substantiated in any of the letters, Boral is not in a position to respond to these claims.

The Environmental Assessment Report prepared by ERM Australia accompanying the modification was prepared by suitably qualified consultants with considerable experience in the assessment of mining and extractive industry projects. They also have many years experience working on Peppertree Quarry, including the original application in 2006.

In the absence of specific examples of anomalies, inconsistencies and factual errors, Boral submits that the modification has been prepared in accordance with relevant guidelines and processes and adequately addresses the necessary requirements.

Accordingly, Boral is not aware of any anomalies, inconsistencies and factual errors with the modification.

Other Matters

In relation, to the issues concerning property negotiations, Boral has used all reasonable endeavours to reach an agreement with Mr Armitt but to date this has not been reached.

I trust that the above provides sufficient information to allow the Department to determine the modification. If you require any further information, please don't hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rod Wallace". The signature is fluid and cursive, with the first name "Rod" and last name "Wallace" clearly distinguishable.

Rod Wallace
Project Manager – NSW Planning & Development