



Olsen Environmental Consulting

ACN 075 195 792
ABN 94 075 195 792
PO BOX 101 FIGTREE NSW 2525
Phone 02 42727340 Mobile 0417 219293
E-mail davidolsen@ocg.net.au

Environmental Management Advice
Planning Approvals
EPA Licensing Matters
Environmental Impact Statements Managed
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Environmental Training Courses Prepared
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Environmental Management Systems
Prepared and Implemented
Environmental Monitoring

21st September 2012

FS13 P84/0603

The Director-General
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir,

**Re: Proposed Modification of Development Consent
Gunlake Quarries. Hard Rock Quarry Marulan
DA No. 07-0074**

Gunlake Quarries are seeking approval to modify the above application in a relative minor way. This letter describes the amendment, provides justification for it and also describes the likely effects of the proposal.

The proposed modification relates to using a purpose built highway overpass to enable vehicles returning from Sydney to safely access the new bypass road to the Gunlake Quarry. The existing overpass provides a better option than installing the roundabout at the George Street and Brayton Road intersection as originally approved.

I have included a recent photograph of the Highway Overpass.

The roundabout was required to enable trucks returning from the north to obtain safe access to Red Hills Road. Red Hills Road has recently been upgraded to provide access to the Gunlake Quarry for Stage 2 of the Development as approved. The originally proposed roundabout would eliminate the need for trucks to cross lanes of the Hume Highway at the Red Hills Road intersection.

The purpose built highway overpass was not available at the time of the original Project Application. Its use would replace the need for a roundabout at the intersection of George Street and Brayton Road on the northern edge of Marulan.

Gunlake have prepared an "Application to Modify a Development Consent" together with a "Political Donations Disclosure Statement". This letter supports those forms.

The modification would require removal from the Development Approval document dated 24th September 2008 of Condition 34(b) from Schedule 3, removal of Appendix 8, removal of the last dot point of Appendix 1, and removal of the first dot point of Section 1.2 of Appendix 3. It is not clearly apparent that Condition 34(b) needs to be replaced by an alternative approval condition. In the case where the Department requires a replacement Gunlake have included a potential alternative condition for consideration in the Application Form. It states as follows:

Trucks returning from the north will not access the Red Hills Road directly from the south-bound lanes of the Hume Highway. They will proceed to the South Marulan overpass approximately 2.5km south of Marulan and use the overpass to safely access the north-bound lanes of the Highway. They will then proceed to the Red Hills Road intersection and access that road via a left hand turn from the Highway.

The proposed modification is a logical one and would more effectively utilise a purpose built highway overpass. The following points support the proposed modification.

1. When the original Project Application was lodged, the highway overpass was being discussed as a future facility but had not been approved or committed to. Therefore it could not be included as a possible alternative. However, now that it is constructed and operating it is the preferred and logical choice.
2. Construction of a roundabout at the George Street and Brayton Road intersection is not as satisfactory as using the recently constructed overpass because:
 - The overpass is purpose-built for truck traffic accessing and leaving the highway;
 - The overpass has the capacity to accommodate the truck levels proposed by Gunlake at full production (75 per day monthly average);
 - The overpass is located within a highway environment with road design, traffic type and speeds more consistent with heavy vehicles;
 - The overpass is already constructed and its use avoids the disruption and inconvenience associated with building the roundabout; and
 - Using the overpass will concentrate all local quarry traffic at the one point in the road system minimising the number of highway access points;
3. The proposed modification does not alter major components of the project such as production rates, hours of operation etc. It is therefore minor in nature and has the potential to enhance the environmental outcomes of the project while more efficiently utilising existing infrastructure.

Gunlake have not obtained landowners consent as the modification does not require any construction work. The overpass already exists and is open to general traffic.

As no construction activity is required we have assessed that the proposal will have zero cost.

Gunlake have indicated that there will be 10 construction jobs and 45 production jobs created by the proposal. This refers to the overall Gunlake Quarry Project. The proposed amendment will not create any additional jobs.

Yours faithfully,



Dave Olsen
Environmental Manager



South Marulan Overpass. Looking in southerly direction with north-bound access lane in foreground, Hume Highway in mid-ground and south-bound exit lane in background immediately to the left of the semi-trailer.

Request to Modify a Major Project or Concept Plan

Date duly made: ____/____/____

Modification No. _____

This form should be used to request the Minister to modify a Major Project* or Concept Plan under Section 75W of the *Environmental Planning & Assessment Act 1979*.

Before lodging this form you should contact the Department of Planning and Infrastructure to discuss your modification and confirm the supporting information required to assess the modification. The Director General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister.

Persons lodging applications are required to declare reportable political donations (including donations of \$1,000 or more) made in the previous two years. For more details, go to www.planning.nsw.gov.au/donations.

* This form may also be used to modify a Part 4 consent which is subject to clause 8J(8) of the *Environmental Planning & Assessment Regulation 2000*

1. Proponent details

Company/organisation/agency

Gunlake Quarries

ABN

50087309391

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Edward

Family name

O'Neil

Position

Director

STREET ADDRESS

Unit/street no.

715

Street name

Brayton Road

Suburb or town

Marulan

State

NSW

Postcode

2579

POSTAL ADDRESS (or mark 'as above')

PO Box 1665

Suburb or town

Double Bay

State

NSW

Postcode

1360

Daytime telephone

02 4841 1355

Fax

02 4841 1366

Mobile

0411 652 658

Email

ed@gunlake.com.au

2. Identify the land

Fill out the relevant fields or attach a schedule of lands and a detailed map of the land.

Unit/street no.

715

Street or property name

Brayton Road

Suburb, town or locality

Marulan

Postcode

2579

Council area

Goulburn-Mulwaree

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma eg 123/579, 162/2.

Lot 13 DP 1123374

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the Land & Property Management Authority for updated details.

OR: detailed description of land attached: ☐

3. Details of the original major project or concept plan

Briefly describe what the original approval allows

Develop a hard rock quarry with associated processing plant and by-pass road, producing 500,000 tpa at full capacity. Condition 34(b) required construction of a roundabout at intersection of George Street and Brayton Road to facilitate safe relocation of southbound trucks on Hume Highway into north bound lanes. This would facilitate safe exit from the Highway into upgraded Red Hills Road.

What was the original application no.?

07-0074

What was the date of the approval?

24-09-2008

What was the original application fee?

\$67 095

4. Describe the modification(s) you propose to make

Describe the modification(s), including details of any conditions of approval to be amended or deleted

Remove the requirement to install roundabout. Traffic would be directed to use the South Marulan overpass to facilitate the u- turn as contemplated by the roundabout.

Remove Condition 34(b) Schedule 3 of the Project Approval document dated 24th September 2008, remove Appendix 8, remove last dot point of Appendix 1 and the first dot point of section 1.2 of Appendix 3.

It may not be necessary to provide an alternative condition. If one is required we suggest the following:

Trucks returning from the north will not access the Red Hills Road directly from the south-bound lanes. They will proceed to the South Marulan overpass 2.5km south of Marulan and use the overpass to safely access the north-bound lanes of the Highway. They will then proceed to the Red Hills Road intersection and access that road via a left hand turn from the Highway.

What is the capital investment value of the proposed modification?

\$0

5. Other approvals

Did the original project / concept plan, but for section 75U of the EP&A Act, require any of the following?

- ☐ concurrence under Part 3 of the *Coastal Protection Act 1979* of the Minister administering that Part of that Act
- ☐ a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*
- ☐ an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*
- ☐ an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*
- ☐ an authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act repealed by that Act) to clear native vegetation or State protected land
- ☐ a bush fire safety authority under section 100B of the *Rural Fires Act 1997*
- ☐ a water use approval under section 89, a water management work approval under section 90 or an activity approval under section 91 of the *Water Management Act 2000*

Did the original project / concept plan require any of the following approvals in order to be carried out?

- ☐ an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- ☐ an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- ☐ a mining lease under the *Mining Act 1992*
- ☐ a petroleum production lease under the *Petroleum (Onshore) Act 1991*
- x an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- xa consent under section 138 of the *Roads Act 1993*
- ☐ a licence under the *Pipelines Act 1967*

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

Signature

Name

Date

Land

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000*, certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Have you attached a disclosure statement to this request?

x Yes ☐ No

For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature

Edward O'Neil

In what capacity are you signing if you are not the proponent

Director

Name, if you are not the proponent

Date

19 September 2012

9. Supporting documents

What supporting documents are you submitting with this application?

- ☐ Environmental Assessment
- ☒ Other, please describe:

The attached letter from OEC provides a justification and describes the likely effects of the proposed amendment.

Political donations disclosure statement



NSW GOVERNMENT
Department of Planning

Office use only:

Date received: ____/____/____

Planning application no. _____

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning and Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

Explanatory information

Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.

Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

Glossary of terms (under section 147 of the *Environmental Planning and Assessment Act 1979*)

gift means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

local councillor means a councillor (including the mayor) of the council of a local government area.

relevant planning application means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
 - f) an application for (or for the modification of) a complying development certificate, or
 - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
 - h) any other application or request that is excluded from this definition by the regulations.

relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

reportable political donation means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

86 Meaning of "reportable political donation"

- (1) For the purposes of this Act, a reportable political donation is:
 - (a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
 - (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
 - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - (ii) made to the major political donor.
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

a person has a financial interest in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details Name of person making this disclosure <u>Edwina O'Neil</u>		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) <u>MP 07-0074</u>		
Your interest in the planning application (circle relevant option below) You are the APPLICANT <input checked="" type="radio"/> YES / NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO				
Reportable political donations made by person making this declaration or by other relevant persons <small>* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN). * If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR * If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.</small>				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
50087309391	Liberal Party NSW		10-12-10	3000
Please list all reportable political donations—additional space is provided overleaf if required.				
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.				
Signature(s) and Date <u>Edwina O'Neil</u> 19/07/12				
Name(s) <u>Edwina O'Neil</u>				