

14 January 2011

Kane Winwood  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Winwood

**OBJECTION TO THE OBERON WHITE GRANITE QUARRY (APPLICATION 07\_0122)**

This is an objection to the Oberon White Granite Quarry, as proposed by the Mudgee Stone Company Pty Ltd, by Lawndock Pty Ltd who is the owner and occupier of land partially adjoining the proposed development site to the south and southeast.

The Lawndock property is identified as Property No. 6 in Figure 4.4 of the Mudgee Stone Company's Environmental Assessment Report (EAR). Lawndock has an approved subdivision which identifies two new residential building envelopes located 1-1.5 km south of the existing (and proposed) extraction area. A plan showing the subdivision is attached to this letter.

The reasons for objection are listed below as a summary.

1. Direct visual amenity impact to Lawndock's property and residence.
2. Direct noise impact to Lawndock's property and residence.
3. Loss of rural amenity caused by direct impacts to Lawndock property and residence.
4. Loss of value of Lawndock property caused by direct impacts to Lawndock property.
5. Inappropriate use of valuable mineral resources which will mostly be sold as hard rock products (for aggregates, gravels and road base etc).
6. Use of the inadequate and unsafe Ferndale Road / Duckmaloi Road intersection to access the site. The Intersection should be upgraded as part of the proposed development to minimise the potential for future traffic conflicts and accidents.

The direct visual amenity and noise impacts to Lawndock's property and residence are described in further detail in the report prepared by JBA Planning, attached. JBA Planning identify that there is a lack of detailed impact assessment regarding noise and visual and that further assessment should be carried out before the application can be approved.

Lawndock consider that the predicted impacts are unacceptable and would warrant refusal of the application. However, if the Department of Planning decides to recommend to the Minister that the quarry be approved then Lawndock request that stringent conditions of approval be applied to ensure that the proponent implements all reasonable mitigation measures to minimise the visual amenity and noise impacts as much as practicable.

Yours faithfully



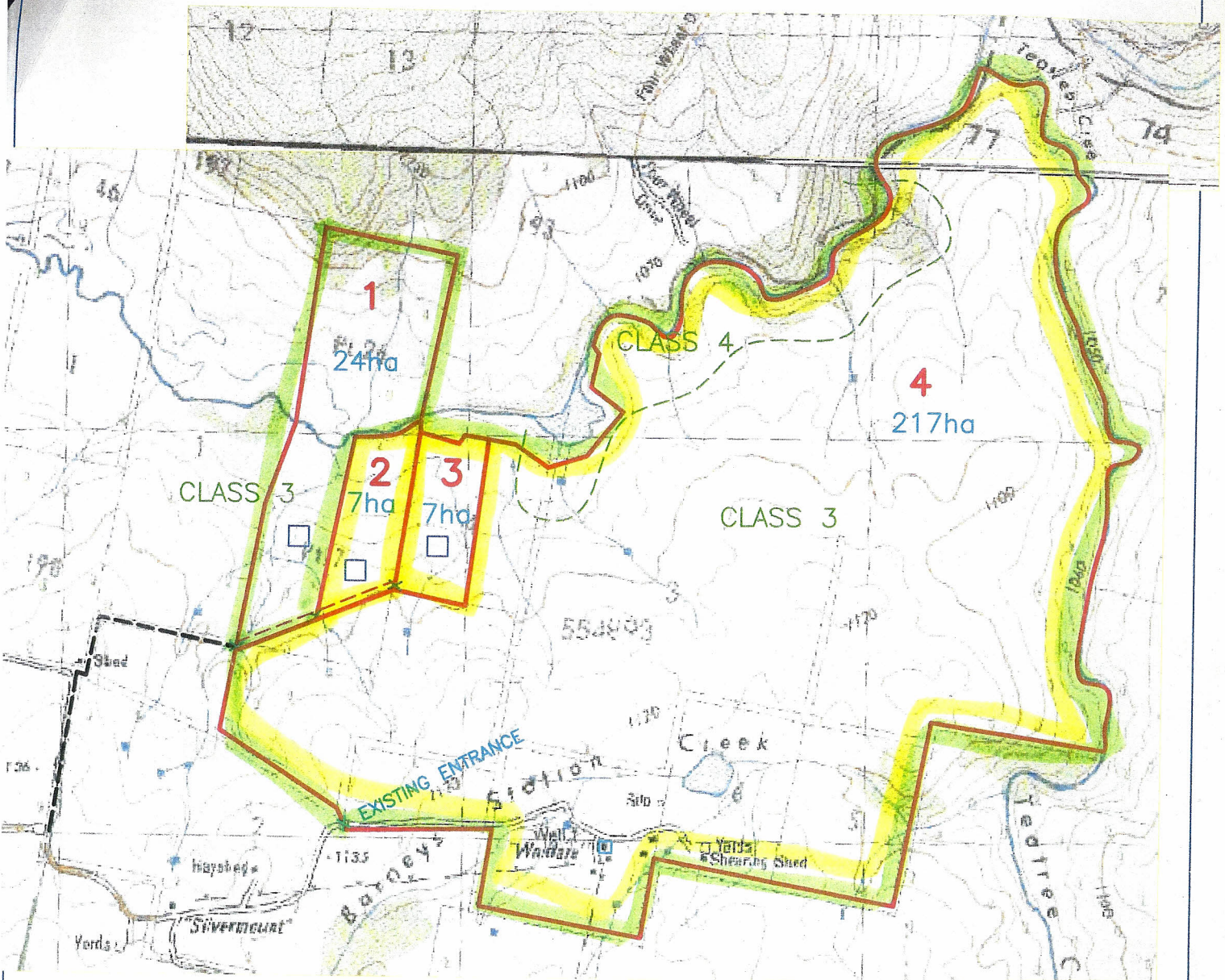
Ron Winestock  
*Lawndock Pty Ltd*

# SKETCH PLAN

SHOWING PROPOSED SUBDIVISION OF LOTS 1 - 3 DP 198871,  
LOT 4 DP 264133 & LOTS 5, 6 DP 757050  
PARISH OF DUCKMALOI & NORWAY COUNTY OF WESTMORELAND  
L.G.A OBERON LOCALITY OF EDITH



1:15000



stage one (1)

stage two (2)

X EXISTING ENTRANCE

X NEW ENTRANCE

☐ EXISTING DWELLING

☐ BUILDING ENVELOPE 50m SQUARE

ALL NOMINAL BUILDING ENVELOPES ARE AT LEAST 50m FROM  
BOUNDARIES AND 200m FROM THE DUCKMALOI RIVER



## DEVELOPMENT APPLICATION

This Plan, Detail, Specification, and/or Documentation

is part of APPROVAL NO: 352/2004/2

DATE DETERMINED 3/6/09

Signed: CONSULTING SURVEYORS

P.O. BOX 1495, BATHURST 2795

DATE: 9.05.2004

REFERENCE: 04/277

# Oberon White Granite Quarry Review of EAR

Oberon White Granite Quarry  
Ferndale Road

Submitted to  
Department of Planning  
On Behalf of Lawndock Pty Ltd

January 2011 ■ 10784



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JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:

Tim Ward

A handwritten signature in blue ink that reads "T. Ward".

Date 14/01/11

This report has been reviewed by:

Gordon Kirkby

A handwritten signature in blue ink that reads "Gordon Kirkby".

Date 14/01/11

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## 1.0 Introduction

JBA Planning has prepared this review of the Oberon White Granite Quarry Environmental Assessment Report (EAR) on behalf of Lawndock Pty Ltd.

Lawndock is the owner and occupier of land partially adjoining the proposed development site to the south and southeast. The Lawndock property is identified as Property No. 6 in Figure 4.4 of the Mudgee Stone Company's EAR. Lawndock has an approved subdivision which identifies two new residential building envelopes located 1-1.5 km south of the existing (and proposed) extraction area.

This report presents the outcomes of JBA Planning's review in relation to the direct visual amenity and noise impacts to Lawndock's property and residence, which are described in further in the following sections.

Our review concludes that there are significant visual amenity and noise impacts that are predicted for the Lawndock property, which need to be further assessed, in the context of its rural setting, before this application can be approved.

It is therefore requested that the proponent be required to:

- Prepare a detailed, comprehensive and robust visual impact assessment with particular regard to the Lawndock property.
- Further consider all possible noise mitigation measures with particular regard to the mitigation of noise impacts on the Lawndock property and ensuring compliance with the criteria established under the *Industrial Noise Policy*.

## 2.0 Visual Amenity impacts

### 2.1 History and Current Operations

The existing quarry was approved by the Land and Environment Court as No. 741, determined 22 December 2004. As part of the assessment carried out by the Court an expert town planner was engaged.

The proponent gave evidence that:

*“...the statement of environmental effects was correct in stating the quarry would not be seen from the surrounding locality, due to its location in a fold in the hills and, there being no line of sight to any houses, any quarry noise was unlikely to be heard at the houses.”*

*“... the existing height of the trees below the quarry and on either side was such that it was not possible to see the quarry from below or even hills in the distance.”*

These assertions were not contradicted by any other evidence presented to the Court, and so it is on the basis of these assertions that the approval was originally granted.

It is highlighted that the outcomes of the assessment given as evidence to the Court in 2004 were wrong in that there was at the time, and is still, a direct line of sight between the existing residence at the Lawndock property and the existing quarry (this is detailed further below).

### 2.2 EAR Visual Impact Assessment

The Visual Impact Assessment carried out in the EAR considers medium to long distance, low and high elevation views from properties to the south of the Project Site and notes that currently the existing extraction area is visible to varying extents from these properties (contrary to the outcomes of the visual impact assessment and evidence given by the proponent to the Land and Environment Court in 2004). The EAR states that:

*“the extraction area would continue to be visible from several landholdings and residences to the south. The EAR states that as extraction progresses to the north of the proposed extraction area, the elevation of the disturbed area would increase from approximately 1 170m AHD to 1 190m AHD resulting in up to an additional 20m vertical exposure of quarry faces compared with the existing faces. This additional 20m represents an increase in visible angle of only 0.57° over a distance of 2km and 0.29° over a distance of 4km.*

*With the implementation of mitigation measures discussed in Section 4.12.3, the level of visual intrusion would be greatly minimised, particularly following finalisation of each quarry bench.”*

### 2.3 JBA Review of Visual Impact Assessment

JBA highlights the following key shortcomings on the visual impact assessment.

- The visual impact assessment has not carried out any visual impact assessment of the quarry from the Lawndock property, and in particular from the existing residence on the Lawndock property, or from the proposed dwellings sites as part of the approved Lawndock subdivision (in particular dwellings located at Lot 1, Lot 2 and Lot 3). Further visual impact assessment



is considered necessary to clearly determine the level of visual impact to the Lawndock property, its existing residence, and its approved residential dwellings.

- The visual impact assessment has not carried out any visual impact assessment of the site offices, amenities and workshop buildings, access roads and stockpiling areas which will be located at or around the top of the ridge. The buildings will be approximately 8 m high. Extracted material would be stockpiled up to 6 m high.
- The proposed mitigation measures are primarily designed to prevent visual amenity impacts to properties to the north, east and west of the site – not for properties to the south. While beneficial once completed, these mitigation measures proposed to address the final rehabilitated quarry landform are some 30 years away. Further consideration of mitigation measures for properties to the south of the quarry is required.

### 2.3.1 Visual Impact Assessment on Lawndock Property

The quarry is highly visible from a large part of the Lawndock property. We have carried out a preliminary consideration of the particularly sensitive locations on the Lawndock property, including the current level of impact and the possible future visual impact. There are four locations where we have reviewed the potential visual impact. These four locations are shown in Figure 1, and include the existing residence, the proposed dwelling envelope locations for the approved subdivision as well as from a particularly affected part of the property.

Figure 2 (over page) shows the quarry from one of the most significantly affected parts of Lawndock, which is approximately 150m to the north of the existing residential dwelling. This location is along the direct line of sight between the existing residential dwelling and the quarry. While the exposed face of the extraction area is clearly visible it is difficult to estimate how much of the existing quarry is protruding above the line of vegetation.

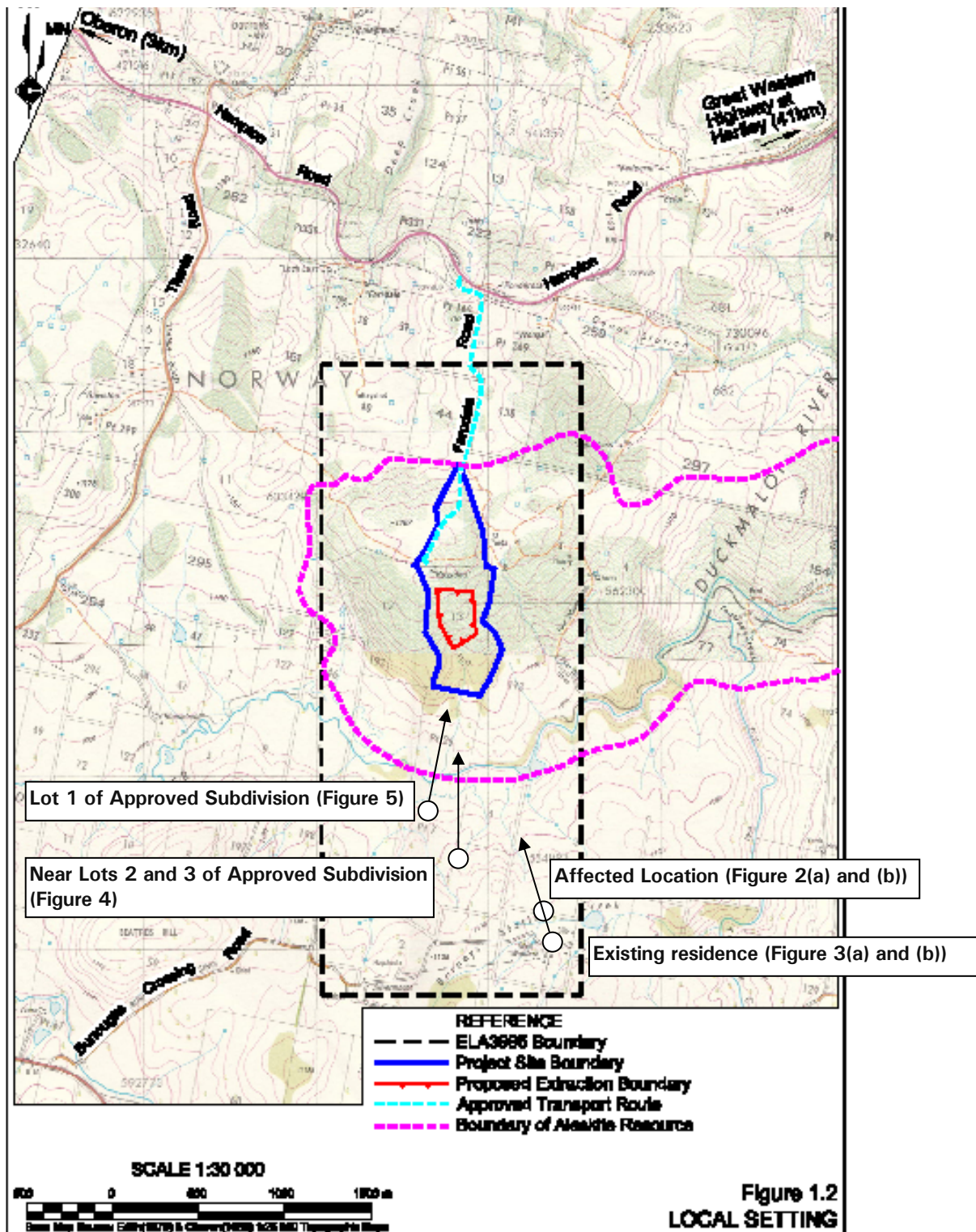
We know that the current extraction area is located between the elevations of approximately 1,140 m and 1,165 m, creating an exposed quarry face of approximately 25 m.

The proposed extraction area would be located between the elevations of 1130m to 1190m, forming a 60 m high quarry face at its ultimate extent (30 years). Between the 5 year and 20 year intervals the quarry face is expected to extend from elevation of 1140m to 1175-1185m making a quarry face of approximately 35-45 m high. That is, for the majority of the next 30 years the top of the exposed face of the extraction area will be between 10 m and 25 m higher than it currently is. The proposed extraction area will also be significantly wider than existing extraction area.

If we conservatively assume that about 10 m of this is protruding above the vegetation line, then we would need to double or triple the amount of the exposed face of the extraction area that would be highly visible from the Lawndock property. We have estimated the impact by superimposing a scaled image of the proposed extractive area of the quarry over the known location of the existing extractive area. This is shown in Figure 2(a) and (b) as the irregular shape shown in red.

It is clear that the proposed expansion to the quarry would remove a very large amount of the ridgeline directly in front of Lawndock effectively to the top of the ridge – thus potentially significantly affecting the skyline to the north of the property.

Figure 1 – Map Showing View Analysis Locations (map extracted from Figure 1.2 of EAR)



We have carried out a preliminary view analysis to estimate the level of impact. It is considered that a more detailed and robust visual impact assessment should be carried out by the proponent to properly determine the likely level of visual impact to Lawndock.

In addition to the extraction area itself, the stockpile area, roadways and buildings will be located close to the top of the ridgeline. Due to the nature of the topography and the location of the facilities it is possible that they will also be visible from the Lawndock property and the approved/existing Lawndock residences. This is, however, dependent on the height of the intervening vegetation which could shield the stockpiled area and buildings from view, and the proper application of dust control measures to prevent observable dust being emitted from these parts of the site.

Figure 3 (over page) shows the view from the front of the existing residence at the Lawndock property. The photo clearly shows that there is a line of trees which effectively mitigate the view from the existing residence. It is highlighted that these trees are deciduous, and for the winter months are devoid of leaves and effectively transparent, thereby providing no visual amenity mitigation.

Similar to Figure 2, Figure 3 estimates the visual impact by superimposing a scaled image of the proposed extractive area of the quarry over the known location of the existing extractive area. This is shown in Figure 3 as the irregular shape shown in red.

Figure 4 shows the view from near the proposed dwelling envelope for Lot 2 and Lot 3 of the approved subdivision. The quarry is currently highly visible from this location, and will be more so once expanded.

Figure 5 shows the view from near the proposed dwelling envelope for Lot 1 of the approved subdivision. The quarry is currently not visible from this particular location; however, the exposed face of the extraction area is located just below the tree line (shown by the red line) which shows the gap in the vegetation because of the quarry. It is considered likely that the expansion of the quarry would result in the exposed face of the extraction area being able to be observed above this line of existing vegetation.



**Figure 2(a) – View from Affected Land on Lawndock property (wide focus)**



**Figure 2(b) – View from Affected Land on Lawndock property (narrow focus)**



**Figure 3(a) – View from Existing Residence on Lawndock property (wide focus)**



**Figure 3(b) – View from Existing Residence on Lawndock property (narrow focus)**





**Figure 4 – View from Near Dwellings Located on Lots 2 and 3 of Approved Subdivision**



**Figure 5 – View from Approximate Dwelling Location on Lot 1 of Approved Subdivision**





### 2.3.2 EAR Mitigation Measures

The EAR concludes its visual assessment with the statement that the level of visual intrusion would be greatly minimised with the implementation of proposed mitigation measures.

The mitigation measures proposed by the proponent in the EAR which would be likely to reduce the visibility of the quarry and its facilities from the Lawndock property would be the commitment to minimise visible dust from the quarry site and to minimise lights being directed offsite. The rest of the proposed mitigation measures would be unlikely to significantly benefit Lawndock.

While beneficial once completed, the mitigation measures proposed to address the final rehabilitated quarry landform are some 30 years away.

### 2.3.3 Assessment of Residual Visual Impact

Given the currently highly visible nature of the quarry and the lack of meaningful mitigation measures proposed, Lawndock requests that the Department of Planning require a more robust assessment of visual impacts to be undertaken by the proponent, with a view to determining the actual visual amenity impacts of the expanded quarry.

The robust visual impact assessment should provide more detailed analysis of the possible mitigation measures that could be applied by the proponent to minimise the predicted visual impact on the Lawndock property, its existing residential dwellings and approved dwellings. In particular JBA planning highlight that the following mitigation measures should be considered:

- Further consideration should be given to the possibility of providing an amenity bund higher than 6m to assist in visual screening of the exposed face of the extraction area.
- Further consideration should be given by the proponent to onsite shielding of the quarry, by supplementing screening vegetation on the southern side of the quarry, especially the potential for planting screening vegetation on top of the amenity bund at the southern extent of the quarry.
- Vegetation located between the quarry and the stockpiled area should be retained and supplemented where appropriate to minimise views to the stockpile and buildings from the south, and to reduce the likelihood of visible dust emissions from haulage vehicles.
- The proponent should be required to provide mitigating screening vegetation on the Lawndock land if so requested by Lawndock in the future.

If the Department of Planning decides to recommend to the Minister that the quarry be approved then Lawndock request that stringent conditions of approval be applied to ensure that the proponent implements all reasonable mitigation measures to minimise the visual amenity impacts as much as practicable. It is considered that these measures would necessarily be informed by the carrying out of further detailed and robust visual impact assessment by the proponent.

## 3.0 Noise

### 3.1 General Comment on noise Assessment

Noise impacts from the quarry during land clearing operations are understated in the EAR because a construction noise criterion under the *Interim Construction Noise Guideline* (ICNG) is used for assessment. This is considered inappropriate since the ICNG specifically excludes quarrying as an activity covered by the guideline. The NSW *Industrial Noise Policy* (INP) is the appropriate guideline.

### 3.2 Predicted Noise Impacts

Noise from the existing quarry is currently audible at the Lawndock property, including occasionally (under certain meteorological conditions) noise from relatively quiet sources such as human voices.

Site establishment activities are predicted to result in noise as the existing Lawndock residence of 37 dBA. This constitutes an exceedance of the INP criteria which is 35 dBA.

The approved dwelling on Lot 1 would suffer noise as high as 42 dBA (estimated) during vegetation clearance activities and 37 dBA (estimated) during quarrying in year 20. This level of noise constitutes exceedances of the INP criteria of 35 dBA, and would make this dwelling location within the "noise affectation zone".

At the dwelling locations for Lots 2 and 3 of the approved subdivision, the predicted noise levels are approximately 38 dBA (estimated) for vegetation clearing and 37 dBA for quarrying in year 20. Vegetation clearing and quarrying therefore are estimated to cause exceedances of the INP criteria.

### 3.3 Recommended Noise Mitigation Measures and Further Assessment

Noise mitigation measures are proposed in the EAR that would reduce noise levels at relevant existing residences, as well as at the proposed subdivision residences. However, these would be difficult to implement and in some cases their exact impact in decibel terms is not clear. In particular:

- The proposed mitigation measure to avoid vegetation clearing campaigns while winds blow from the NNE to ESE would bring the noise level at Lot 1 within the criterion for the Noise Affectation Zone, the implementation of the recommendation would be difficult and would require strict monitoring.
- It is considered that the proposed 6m noise bund at the southern end of the extraction area may assist in lowering predicted noise if it were higher. Further consideration should be given by the proponent to the possibility of providing an amenity bund higher than 6m to assist in mitigating noise impacts to Lawndock.
- Given this is an existing quarry that currently carries out blasting activities, it is considered appropriate that the proponent be required to validate the vibration and overpressure predictions as part of this environmental impact assessment.

## 4.0 Conclusions

The EAR has not provided a robust visual impact assessment in relation to the significant predicted visual amenity impacts on the Lawndock property. It is requested that the proponent be required to prepare such a detailed, comprehensive and robust visual impact assessment.

The EAR has not fully considered all possible measures to mitigate noise at the existing and approved Lawndock residential dwellings so that they are within the *Industrial Noise Policy* criteria. It is requested that the proponent be required to further consider all possible noise mitigation measures.

These significant visual amenity and noise impacts that are predicted for Lawndock property need to be considered in the context of its rural setting.

In the absence of the above, it is considered that the Minister is not in a position to approve the development.