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NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Re: Submission for the Oberon White Granite Quarry Proposed Extension

Dear Kane

Apropos our telephone conversation on Monday January 17, thank you for providing an extension of time within which to lodge a response to the proposed extension of the Oberon White Granite Quarry. The Environmental Assessment by RW Corkery & Co Pty Ltd on behalf of Mudjee Stone Company Pty Ltd for their proposed extension to its existing quarrying and processing operations within Lot 2, DP 1089826 is very disappointing in its construction, content and conclusions. The conclusions submitted are based on selective statistical evidence with a vast array of subjective value judgements made to produce results most favourable to their client, Mudjee Stone Company Pty Ltd, (herein referred to as the Company).

The quarry is detrimental to the infrastructure of the Oberon area for which the Oberon Councillors have responsibility for stewardship. The Oberon Councillors have endeavoured to meet their responsibilities and the wishes of their local community by rejecting the initial application by the Company (DA 126/3) to establish a small quarry to extract approximately 20,000-25,000 tonnes per annum of white granite suitable for the manufacture of light coloured tiles.

The Company demonstrated their unwillingness to accept the Council's decision, (and therefore the wishes of the Oberon Community) by taking their development application to the Land and Environment Court.

The Oberon Council again acted responsibly and refused the Modification to Development Application 126/3 to change restrictions from using a rock hammer or pop charging because of the likely impacts of the proposed development, including environmental impacts on both the natural and built environments. The proposed expansion would use rock hammering up to 16 hours per month between 9am and 5pm Monday to Friday.

I have been informed that Oberon Council has confirmed its antagonism to the proposed expansion in its submission to the NSW Department of Planning.

**Statistical information** relates to an area within a 2 km radius of the proposed extraction area, whereas the impact from the proposed Project would have an adverse affect on the entire local community, specifically from the increase in traffic and transportation and the noise and blasting.

**Reliability of statistical information provided:** Conclusions are based on selective statistical evidence with an array of subjective value judgements to produce results and permit conclusions to

be drawn which are most favourable to the applicant. The following are a sample of the many examples within the Environmental Assessment:

- (2.4.5) "Following vegetation clearing and soil stripping, weathered and partially weathered granite (generally the upper 6m of material) would be extracted, generally using a combination of free dig and drill and blast methods. The underlying unweathered or fresh hard rock resource would then be extracted using drill and blast methods. On average, each production blast would remove approximately 20 000t of material, resulting in approximately 12 production blasts per year. A number of smaller development blasts would also occur to restructure areas for rehabilitation or prepare areas for production blasts. Drilling would typically be undertaken for approximately 6 days per month and blasts would be undertaken by a licenced blasting contractor."
- (2.7.2) "All Project-related vehicles would exit the Project Site onto Ferndale Road and travel northwards to the intersection with Hampton Road. Approximately 20% of product trucks would turn left and travel westwards along Hampton Road towards Oberon and 80% would turn right and travel eastwards along Hampton Road towards Sydney. The proportions outlined relate to the expected annual distribution whereas the daily or weekly proportion may change reflecting prevailing market destinations."

However it is stated that:

- (4.6.5) "For the purposes of impact assessment, the following peak hourly traffic levels have been assumed." "As a worst case scenario, it has also been assumed that 100% of traffic movements occur to and from the east (towards Sydney)."
- (4.12.30 "In relation to potential land use conflicts, as the Project would be operated so as to minimise adverse impacts upon amenity, it is considered that any land use conflicts relating to amenity could be appropriately managed. Furthermore, it has been demonstrated at similar quarrying and mining operations that activities such as those proposed can occur harmoniously with the existing surrounding agricultural land uses."

Applying the terms "should", "assumed" "approximately", "typically", "generally", "considered" and "could", to such important issues, are so vague that it would be impossible to effectively monitor the operation, nor implement compliance.

**Breaches of conditions:** Consent conditions issued by the Land and Environment Court have been breached. An independent environmental audit of the conditional requirements of Development Consent 126/03 identified six conditions as being non-compliant.

Despite the Proponent stating that these conditions had been addressed, there is no guarantee that there will be no future breaches of conditions.

**Errors, inaccuracies and omissions in report:** The Environmental Assessment states:

(2.1.4) "It is notable that, to the Proponent's knowledge, other than the Oberon White Granite Quarry, the closest commercial quarry to Oberon which produces roadbase meeting RTA standards is located at Capertee approximately 80km by road to the north.

This is an incorrect statement, as Oberon Quarries operates a basalt hard rock quarry 4 km south of Oberon. The quarry produces road base and aggregate that meets RTA Standards. Discussions with management at Oberon Quarries confirmed that approval to the Proposal would have a severe negative impact upon their operation. Moreover the Company is aware that the information in the present proposal is incorrect because the Statement of Environmental Effects prepared for the Company in July 2003 by Waratah Scientific Service (3.1.3) stated the “Oberon Quarry, situated on Racecourse Hill, 4 km south of Oberon, is the principal extractive industry in the district. Having obtained development consent in 1996, the quarry is forecast to produce up to 200,000 tonnes of construction aggregates per year”.

It should also be noted that the Boral website ([www.boral.com.au](http://www.boral.com.au)) lists 14 sites supplying aggregates and roadbase in country NSW and 5 sites in the metropolitan area.

Without the advice from an independent geologist, we are unable to assess the accuracy of the geological information upon which much of the Environmental Assessment is based.

#### **Independent Professional Review and Assessment of RW Corkery & Co Pty Ltd’s Report**

Given the importance to the Oberon Community of the proposal by the Company to extend the Oberon White Granite Quarry, we are prepared to engage, at our cost, an independent geological consulting firm to assess the technical accuracy of the report. We have been unable to arrange for this to be done within the time frame provided.

**Clarification required for the area of extraction vs the area of proposed extraction:** The current approved area of extraction is 4.09 ha with the proposed extension it would be 6 ha. It is impossible to relate section 4.5.2 Biodiversity Offsets and Compensatory Planting, which we understand to relate to the area of disturbance on the site.

**Materials quarried and the State significance of materials** (1.4) Following an appeal to the NSW Land and Environment Court, Development Consent DA 126/03 was granted in December 2004. The application was based upon a direction issued in 1994 by the Minister for Planning under (S117.2) identifying the Oberon alaskite resource as a significant mineral resource. “The State significant tile plant at Rutherford, operated by National Ceramic Industries, has been using the crushed alaskite as a raw material in tile manufacture.”

The Environmental Assessment (2.2.2) states that approximately 30% of material from production blasts is not suitable for use by National Ceramic Industries. The original “core” intent was for the extraction of alaskite for tile manufacture. The Proponent now proposes (2.2.3) to produce a range of products within the proposed extraction area including but not limited to the following: roadbase products, concrete aggregate, decorative gravels, anti-slip material and raw material for tile manufacture.

The legitimacy of the Company’s application to the NSW Planning Department is predicated on a justification of the economic significance of the proposed expanded production at the quarry to the economy of the State. It is impossible for such a decision to be taken when the report is unable to state and confirm with any measure of quantitative accuracy the expected breakdown of the output demand and sales of the various components.

**Quantitative estimates of the proportionate value** to the company for all the components of the materials quarried must be provided to the Planning Department, and to the Oberon community prior to any authority being granted for the extension of the production capacity of the quarry’s activities.

**Rehabilitation of site:** There is no mention in the Environmental Assessment of the cost of site rehabilitation. An environmental bond should be in place to ensure rehabilitation of the site when extraction ceases. There should be a legally binding commitment by the company to deliver on its statements to rehabilitate the area. There should be a pre requisite condition, that sufficient funds be set aside in a bond each year by the company to ensure there is adequate money available to complete the satisfactory rehabilitation of the land when the company ceases operation on the site. Given the increase in size, scale and infrastructure of the proposed operation the bond should be related annually to the increase in size of environmental disturbance. If there is not an environmental bond and the company goes into liquidation, or ceases to operate the quarry, the site will remain permanently destroyed.

The conclusion on the report that “ following completion of rehabilitation, it is considered that the Project would result in minimal ongoing visual intrusion and that the visual character of the Project Site would be returned to a state similar to the naturally occurring landscape in the area”, is purely subjective.

**Safety & Transportation:** With the increased volume of heavy traffic, particularly on Duckmaloi Road and Hampton Road there will be an increased risk of traffic accidents. It is misleading to ignore traffic growth from the expansion in tourism, and hobby farms, for example, in the Oberon area. No reference was made in the Assessment Report of the increase in property entrances along the Duckmaloi and Hampton roads.

The interpretation of the report (4.6.1) by Barnson (2010) is purely subjective “assuming” peak hourly traffic levels and “Given the proposed safeguards and procedures, it has been assessed that the Project would not significantly impact upon the safety or performance of the existing road network or the intersection of Ferndale and Hampton Roads”.

**Impact of increased production:**

**operating hours** increasing one hour each day to:

- 7am–6pm Monday to Friday (excluding public holidays)
- 8am-6pm Saturday and Sunday (excluding public holidays)

**blasts per year** increasing from 2 providing 10,000-20,000 tonne of material per year to 12 blasts per year providing up to 250,000 tonnes per year

**Noise:** Spectrum Acoustics (2010) undertook a noise assessment and reported the findings. The Proposal states that: (4.7.8) in conclusion “some exceedances of noise criteria are predicted during the brief periods of vegetation clearing with the implementation of appropriate management measures, it has been assessed that compliance with relevant criteria during all stages of operation can be achieved at all surrounding residences. Some exceedances of noise would be experienced on the adjacent vacant landholding, however, the Proponent would remain proactive in undertaking monitoring. Based on the assessment completed by Spectrum Acoustics (2010) is concluded that, with the implementation of the recommended management measures, the Project meets the principles of the INP”.

(4.7) The report stated that “Exposure to noise levels corresponding to a noise affectation zone (ie. >5dB(A) exceedances) may be considered unacceptable by some landowners. However, discussions with relevant landowners to assess concerns and define responses and implementation of acoustical mitigation at residences may be acceptable together with negotiated agreements. Alternatively, it may be appropriate and acceptable for the Proponent to acquire the affected residence/landholding.”

This indicates that despite noise assessment research and statistics, the interpretation is subjective. Not only “may” the noise be considered unacceptable by some landowners, it will be considered unacceptable to many of Oberon’s residents and visitors.

No mention was made of a study of the adverse impact of noise on wildlife in the area surrounding the project. We are particularly concerned that noise will have a serious adverse affect on the platypus in the Duckmaloi River, and will also deter koalas from moving into riparian corridor.

The Company has advised that there will be noise monitoring on-site and will make a prompt response to any community issues of concern with refinement of on-site noise mitigation measures and operating procedures “where practicable”.

However, breaches of compliance have been made in the past, and with the proposed increase in production, there will be an increase in complaints. Those adversely impacted by noise can only complain **after** a breach. Moreover, if noise mitigation measures and operating procedures are not practicable, will the offending noise continue?

**Blasting:** with an increase of blasts from 2 per year providing 10,000-20,000 tonnes per year to 12 per year providing 20,000 tonnes of material per blast.

The statement (4.7.4.2) “blast designs for the Project would continue to build upon the experiences gained through the existing operation to reduce airblast (noise) and vibration impacts associated with blasts”, and outlines the parameters to continue to be assessed and modified as appropriate. There can be no credibility to such a statement.

Again there can be no credibility placed on the statement (4.7.5.1) that despite the Proponent being committed to undertake regular ongoing monitoring of quarry operations to verify the predicted exceedances, (see Section 4.6.7) “in the event that any recorded exceedances cannot be avoided through the implementation of additional practicable management measures, the Proponent would seek an agreement with the landowner involving compensation for the verified exceedances or acquisition of the landholding or part thereof”.

**Groundwater:** the affect of the proposed extension on natural springs and groundwater bores for stock and domestic use has not been adequately addressed. Our property of 249 hectares relies on natural spring water for stock and domestic use. There is nothing in the report that provides any evidence to us that this supply of water will not be affected. Again, we request time to engage an independent geological consultant to assess the Environmental Assessment geological report.

Our concern remains for the platypus in the Duckmaloi River. An independent geological report is requested to ensure that the groundwater from the project will not adversely affect the Duckmaloi River platypus habitat.

**Flora and Fauna:** There has been no study made of the riparian corridor which will be impacted by the proposed development.

It was stated in (4.5.4) that the Project Site was found to contain “Potential Koala Habitat” as defined by *State Environment Planning Policy 44* within the Project Site, but no evidence of the presence of koalas was found. However, the National Parks and Wildlife, Oberon verified sightings of koala by at Binda Cabins near Jenolan Caves in December 2010, in Hazelgrove in 2010 and “a few” sightings at Mt Bindo “in recent years”.

There has been much encouragement by the Central West Catchment Authority to enhance the riparian corridor along the Duckmaloi River. We have been diligent in our effort to remove willows from the river bank, using best environmental practices, and have planted hundreds of native trees, predominantly eucalyptus viminalis, eucalyptus radiata and eucalyptus dalrympleana, to enhance the riparian corridor. As previously mentioned, we are particularly concerned that noise will deter koalas from moving into riparian corridor.

**Tourism** has a huge potential for growth in the Oberon area. This is an area of the state, effectively part of the Blue Mountains greater national resource.

The Oberon Visitors' Centre has stated that there has been an increase of 6.8% in tourists visiting the Centre from 15,099 in 2009 to 16,131 during 2010. Apart from the associated increase in traffic in the Oberon district, these visitors will be unfamiliar with the roads and traffic. With a speed limit of 100 km on the Hampton Road and an increase in road use by heavy vehicles due to the proposed quarry expansion, the risk of accidents must increase. This would be particularly so in winter months when there is the possibility of black ice on the roads. Any adverse publicity regarding road accidents in the Oberon district will also impact the tourist industry.

There are many websites which depict Oberon as a beautiful rural area to visit, e.g oberonaustralia.com which states: "with four distinct, idyllic seasons and the most beautiful scenery in rural NSW, a visit to the region will reward and delight".

Quarrying activities are detrimental to the Oberon tourist industry.

**General amenity or lifestyle impacts:** The Land and Environment Court approved the initial Development Application by the Company against the wishes of the Oberon Council and the local community. The local community, (not just the residents in a 2k radius) are already being exploited by the Company, due to its present quarrying activity. It would be a disgrace, and totally unacceptable to allow the company to increase its production.

It is our responsibility to preserve the natural beauty of the Oberon district, not only for the present inhabitants, but for future generations, and it is for this reason that we express our opposition to the proposal to increase the production at the quarry.

Yours sincerely,

*(signed)*

Marilyn J McLeland                      and                      Warren J McLeland