

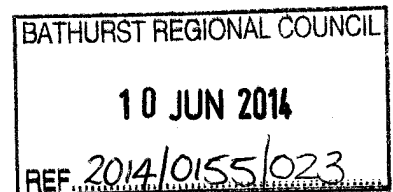
DR JP & Mrs JL Blackwood

Glenroy
24 Stewart St
Evans Plains 2795

PH: 02 63321180

9th June 2014

Mr David Shaw
Director Environmental, Planning and Building Services
Private Mail Bag 17
Bathurst NSW 2795



Dear Mr Shaw,

Re: Dreamland Quarry Extension, Alchemy Pastoral Projects, Mid Western Highway, Evans Plains NSW

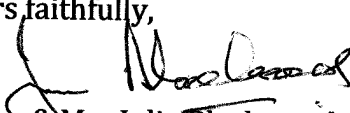
We support in principle the proposed development.

All development conditions must be strictly monitored and enforced.

Rehabilitation and revegetation of the site is vital to minimise the visual impacts of the development. The proposed development in a progressive 'cell' system enables rehabilitation to occur in a progressive way over the life of the project.

It is vital that these conditions are monitored and enforced by Council.

Yours faithfully,


Dr Jim & Mrs Julia Blackwood

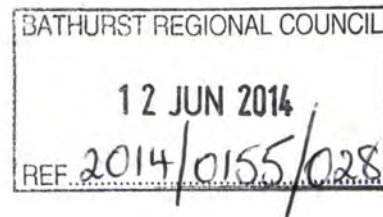
DEPB ✓

MT Byrnes
 "The Willows"
 1041 Mid Western Highway
 Evans Plains NSW 2795



11 June 2014

The General Manager
 Bathurst Regional Council
 Private Mail Bag 17
 Bathurst NSW 2795



Dear Sir

**RE: DA 2014/0155 – PROPOSED EXTRACTIVE INDUSTRY, ASSOCIATED PROCESSING AND STOCKPILING AREA
 1088 MID WESTERN HIGHWAY & 90 STEWART STREET, EVANS PLAINS
 OBJECTION**

Reference is made to Council's letter of the 8 May 2014 with respect to the above development application and the opportunity to inspect the proposal and make any submissions.

The purpose of this submission is to object to the proposed development under DA 2014/0155.

The objection is made on behalf of Collector Pastoral Pty and I, Matt Byrnes (refer to the plan below from the EIS that indicates the location of my properties opposite the proposed extractive industries).

Figure 1: Location of land (Collector Pastoral Pty Ltd & MT Byrnes)



DEPBY

It is understood that Council has already put a stop work notice on the applicant based on non-compliances with the current DA (particularly exceeding tonnage rates). This doesn't give any confidence that the applicant intends to comply with this proposal if it were to be approved.

The reasons for this objection are set out in this submission.

Expansion

This is a significant extension to an existing quarry from 6,500 tpa (DA 97/148) to 100,000 tpa – accordingly it should be considered as a **new quarry** and not merely as a extension (especially going from 1 ha to 17.1ha).

Based on 25T per load, the current approved operations would amount for 260 loads per annum (or 520 movements). The proposed development would have 4000 loads per annum (or 8000 movements). The associated impacts are potentially 15 fold – especially on the intersection with the Highway.

In addition, it would be appreciated if Council could advise as to why the project site boundary extends to Evans Plains Creek (as depicted in yellow below). There does not appear to be any extraction proposed in this location (the cells are depicted within the blue lines) – accordingly why is it included? Is there an ulterior motive that hasn't been provided in the EIS?

It is understood that this area was subject to a recent Development Application that was withdrawn prior to determination by Council.

Figure 2: Area adjacent to the creek



Visual Impact

The visual impact from the existing quarry is already significant to the surrounding location (especially when viewed from my house and land) and would be further negatively impacted upon if the quarry area were to be increased from the approved 1 ha to 17.1 ha.

The visual impact for people driving north towards Bathurst is already compromised and there is no logically solution of how this could possibly be remedied due to the existing workings and the fact that the proposal seeks to go further back into the hills in two directions (west for cells 1a and 1b and north for cells 2-6). Generally, proposals for extractive industries are only considered where the visual impact on neighbouring properties is **nil or negligible** (or can be made negligible with buffers and screening). I have no idea how this expanded quarry proposal could possibly improve my visual outlook from my home (or neighbouring dwellings with visual contact of the site).

There is **no realistic** potential for any buffers or screening from my property to screen this unsightly development (not now and not into the future). Any suggestion that this can be achieved is total fantasy.

Photo 1: Existing Quarry Operations– viewed from opposite side of Mid Western Highway



Photo 2: Existing Quarry Operations– viewed from opposite side of Mid Western Highway



It is understood that the pit located in the above photo was developed **without approval** and no attempt has been made for its rehabilitation. The **track record** of the applicant is not strong in this regard and Council needs to take this into consideration when assessing this development application.

The two above photos indicate just how poor the visual impact has been from a relatively small scale operation (6,500 tonnes per annum) – how could the impact from a 100,000 tonne per annum operation be improved.

The quarry site is hardly a suitable “welcome to Bathurst” when motorists are travelling to Bathurst from Blayney, Cowra and further afield via the Mid Western Highway. Due to the topography of the site, motorists cannot but look directly at the quarry operations (especially cells 2-6). This negative impact will only increase once and if the new development is approved.

The impact on the neighbour immediately to the east of the quarry (on the same side of the Mid Western Highway) will be as dramatic as what I will experience from my house (considering that I am higher and will look directly down on the development).

Gully Stabilisation

The applicant states that there has been significant gully stabilisation undertaken in recent times. This statement is questionable as the location and outcomes of these activities are maybe overstated.

Exceeding Approval Limits

1.5 BACKGROUND TO THE PROPOSAL

As noted in Section 1.3, extraction of gravel or 'coarse sand' from the quarry has been undertaken since DA 97/148 was issued in 1998. In that time, the Applicant has supplied granite gravel products for road building and other construction purposes to local Councils and other developers. In recent years, the number of approved quarries within the Bathurst Regional LGA has reduced with the demand for product from the Dreamland Quarry increasing from approximately 7 200t in 2007 to 10 200t in 2008, 24 200t in 2009 and 25 900t in 2012.

The Applicant expects that demand for road sub-base will remain and potentially increase in the coming years as the number of approved and/or operating quarries further reduces. Given the suitability of the weathered granite present within the existing quarry and surrounding land, the Applicant has identified an opportunity to increase production from the Dreamland Quarry to supply this demand.

It is noted that the applicant has exceeded the maximum permitted annual extraction volumes under the original DA 97/148 by a significant amount as indicated in Section 1.5 of the EIS (see above). What assurances can possibly be given that the applicant would comply with any conditions of consent when they have failed to comply with the relatively modest approval volumes that they were operating under the current DA consent.

Non-compliance with tonnage and area of disturbance is quite a concern and gives me no confidence leading into the future.

What assurances can Council provide that material extracted will be monitored and documented?

Why wasn't figures for 2010 and 2011 provided in the EIS?

Erosion and Sediment Control Plan

Why isn't there a formal Erosion and Sediment Control Plan in place up front? There is significant works undertaken to date that does not appear to have any measures in place to control erosion on the site.

If the application is approved, measures must be in place to ensure that the developer cannot start one cell until the last cell is rehabilitated. Past history does not provide any confidence in this instance.

It would be disastrous if the developer is able to start any cell in an unplanned manner.

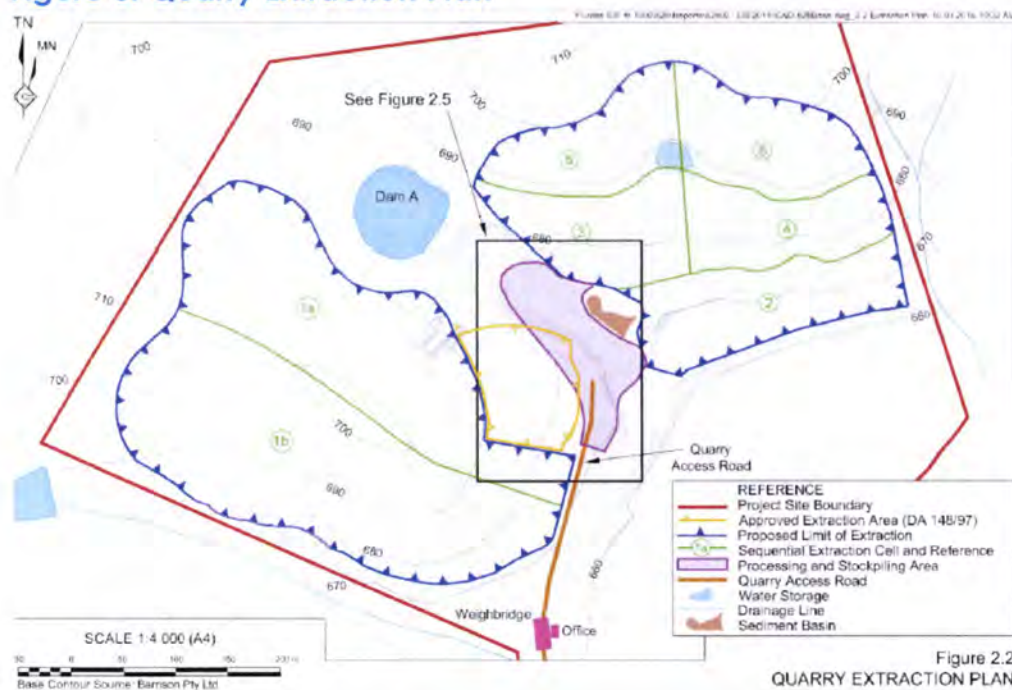
Quarry Extraction Plan

The Quarry Extraction plan in the EIS indicates when the parts of the quarry will be developed. The first stage is to the west (1a and 1b) and then to the north 2 to 6). However under Section 2.4.4 of the EIS indicates that this may total change – so what was the point of including the plan when it is at best highly speculative.

The first section proposed to be extracted will only increase the negative visual impact on my property as this is exactly where I view when I look down my driveway. It won't be any better once they start extracting cells 2-6.

The processing and stockpile area is directly in my line of site.

Figure 3: Quarry Extraction Plan



Access to Mid Western Highway

It is understood that the access to the subject land was upgraded to the Mid Western upgraded to Jan 2007 to meet RTA requirements at the time (refer to photo below).

Photo 3: Existing access to the subject land viewed from the south



Photo 4: Existing access to the subject land viewed from the north



A review of recent quarries approved in the region has indicated that this configuration may not be sufficient to meet the proposed volumes to be extracted and the associated truck movements. For example, the new Hansen Quarry on the Mitchell Highway between Bathurst and Orange has had significant road works undertaken including slip and turning lanes to ensure that traffic safety is not compromised.

The site is located adjacent to the Evans Plains Creek and bridge and there is a bit of a downhill section (from both directions).

It is noted that currently trucks stop traffic when they are turning into the subject land.

There is definitely the potential for greater impacts during school bus times (this has been a consideration with other quarries in the LGA). Without any upgrade the safety issue remains and will only increase.

Dust

There will be potentially an increase to 20 trucks per day (40 vehicle movements – as stated in the EIS) as a result of the proposed development. Accordingly, there will have to be an increase in the amount of dust generated from additional trucks the haulage road (especially considering the prevailing south westerly winds). If approved, this road should be bitumen sealed to the stockpile area to Council specification.

Due to further exposed areas by increasing the quarry area to 17.1ha – the dust impact will only be increased. Due to moving up the hill in a sequential way (especially for cells 2-6), I don't know how it would be possible to rehabilitate the site progressively which will leave these areas exposed.

Hours of Operation

The following extract is provided in the EIS:

2.9 HOURS OF OPERATION AND PROJECT LIFE

2.9.1 Hours of Operation

The Applicant would **generally** restrict extraction and processing operations to between 7:00am and 7:00pm, Monday – Friday. Product sales may also be undertaken during daylight hours on Saturday between 8:00am and 6:00pm. There may be occasional periods during larger campaigns when these activities **may extend to 10:00pm**, Monday to Friday and 8:00am to 6:00pm on Saturday. Such occurrences are unlikely to occur more than once or twice a year.

Minor earthworks associated with rehabilitation activities **may** also be undertaken on Saturday and Sunday between 8:00am and 6:00pm.

The EIS uses terms like "generally" and "may" to describe hours of operation. Why can't the applicant provide definite times? Otherwise the applicant basically has a free right to do whatever they want as they can state the EIS stated I may do what I want.

Regardless of the above, operations after 5pm are not considered appropriate in this location (especially noise, dust and traffic impacts). Extending to 10pm is considered total inappropriate.

The preferred hours of operation would be 7:30am to 5:00pm Monday to Friday and 8:30am to 2:00pm on Saturday. No operation in Sundays and Public Holidays.

Life of Quarry

Life of quarry "Would exceed" 25 years – by how much? Is the quarry proposed to go on and on forever?

Initial review based on the plans supplied in the EIS indicate that there is approximately 312,000m³ (or 622,000 tonnes) in Cells 1a and 1b and approximately 316,000m³ (or 632,000 tonnes) in Cells 2 to 6. Accordingly, a combined total of approximately 628,000m³ of 1,254,000 tonnes seems possible.

Clause 2.3.3 of the EIS indicates that the extractable resource would be approximately 1,280,000m³ or (2.5Mt). A life exceeding 25 years have been stated in Clause 2.9.2.

Accordingly, the figures provided in the EIS appear to be about double the figures developed on review of the EIS. It is requested that the applicant review their figures in this instance. If the figures in the EIS are correct, where is the additional resource coming from? Will they dig deeper or start extracting material outside of the proposed areas?

Is there any proposal for the quarry to ever be completed and rehabilitated – or is it just proposed to go on forever.

Alternative Site

Is it possible to develop areas that are on the other side of the ridge and outside of the view of surrounding land owners.

Summary

In summary, I object to the proposed development as outlined in the EIS on the following grounds:

- This should be considered a new quarry rather than an expansion due to the massive increase in scale of operations
- Confusion as to why the area adjacent to the creek is located in the quarry area
- Visual impact is currently unacceptable and will only be degraded further
- Poor track records of the applicant with the existing development
- Gully stabilisation works are questionable
- Erosion and sediment control measures are not acceptable

- The access to the site may not be up to standard
- The dust impacts will only be increased to neighbouring properties
- The hours of operation are unacceptable and open to interpretation
- The life of the quarry is unclear.
- Is there other locations on the property that can be developed.

Compromise

Following review of the application, I would not have any objections with the proposal if the following points were met:

- Intersection to be upgraded to be safe
- Compliance with previous and future DA consents
- Quarry operations not visible from my property
- Fix up the existing visible mess from current operations
- Compliance with the hours of operation that I proposed

I can be contacted on 0427 259 529 to discuss this objection to the proposed extractive industry.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Byrnes', followed by a long horizontal flourish line.

Matt Byrnes

D & L McKay

1099 Midwestern Highway

EVANS PLAINS NSW 2795

Ph. 0414 555 470

10/6/14



The Manager

Bathurst Regional Council

Private Mail Bag 17

BATHURST NSW 2795

Dear Sir

RE: Dreamland Quarry Extension

DA 2014 155 Alchemy Pastoral Projects P/L

I am a partner of the property "Royden" 1099 Midwestern Highway Evans Plains. I would like to submit my objection to the extension of the Quarry at Dreamland Farm. These are my reasons.

1. Road safety:

In the past I have witnessed many near misses with trucks not bothering to give way to vehicles on the highway when exiting the quarry they have quite a run off by the time they get to the road entrance and don't like to stop, I've been cut-off myself several times.

A proper turning lane particularly from the Bathurst side as our under pass narrows the road and there is nowhere to go. In the original DA the underpass was supposed to be widened. This has never been done. As it is estimated that 19000 trucks travel our road daily, in the event of a moment of distraction were will the vehicle go if the driver doesn't slow down in time.

SCHOOL BUS HOURS should be observed as I've seen quarry trucks overtaking the school bus going too Bathurst while trucks are coming the other way. That is not acceptable. It is extremely distressing thing to watch.

These events happen a lot when there are a lot of truck movements daily.

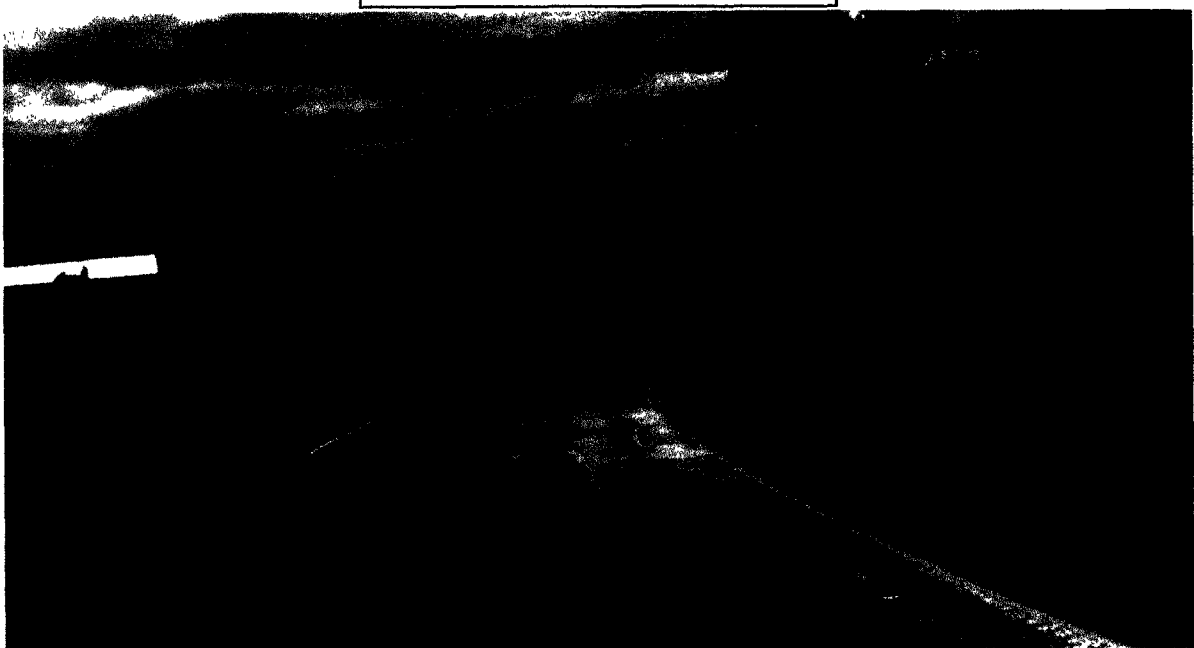
2. **Visual aspects** of our place of residence being further decimated. The quarry never seems to be dug in the place where it should be.

DEPB ✓



3. The area of the proposed development is far too large. The applicant should be restricted to one cell and have it finished in the approved manner until moving to the next cell. As I've lived and worked here nearly every day of my life I could say that 8000 tonnes of soil removed every year is a gross under estimation that's approx 320 truck loads per annum, I've seen that many loads in a couple of days going out the gate.
4. Would the back of the hill be better were no one can see it.
5. The length of proposed application is too long. This is a peaceful rural area we have inhabitants that have lived here for over 100 years as well as many others who have chosen this place to live I don't think it should be decimated and ruined any more than it has been as the remedial work hasn't been done as well as many other DA conditions have not been done.
6. Operation hours have never been adhered too will this continue.
7. Noise of compression brakes continually when trucks are coming from Blayney direction. When the estimated number of trucks is 50,000 upwards this would make it intolerable.

Looking towards Bathurst showing
how little space there is



View of traffic coming from Bathurst going over
underpass



Yours sincerely

David McKay

David McKay

J S & R H McKay
1022 Mid Western Highway
EVANS PLAINS NSW 2795

10 June 2014

D R Shaw
Director, Environmental Planning & Building Services
Bathurst Regional Council
BATHURST NSW 2795



Dear Mr Shaw

Re: Concerns regarding Quarry Extension at Evans Plains (DA 2014/0155)

We are writing in response to your letter dated 8 May 2014 to express our objects and concerns in relation to the proposed quarry extension at Evans Plains (DA 2014/0155). As our residence is less than 400 metres from the site and 160 metres from the proposed project boundary, we believe this development will have a negative impact not only on our lives but of other close residents and the wider Evans Plains community. A loss of visual amenity, increased exposure to dust and noise over the next 25 years and loss of property values is a huge burden for the community to bear.

It should be noted that we purchased this property in 1996 with building permission prior to the lodgement and subsequent approval of the existing quarry (DA 97/148). The property had a beautiful rural aspect and its proximity to Bathurst and the adjacent family farm made it ideal. After failed attempts to establish lucerne on the sandy creek flats, in November 2005 our development application to rehabilitate the floodplain was approved. Whilst by definition this is an extractive industry, as the Applicant's own floodplain remediation has proved, there is little risk of permanent damage and large positive agricultural benefits to be gained. As we head towards the final stages of our restoration project, extraction is of a decreasing scale with little visual and noise impact.

Although financial constraints meant we were unable to build our house until 2009, at this time the quarry was confined to a relatively small area. We believed that the quarry's lifespan would be about 12 years, as stated in the approved 1997 Statement of Environmental Effects (SOEE), and it would only be another year or so until completion. Unfortunately, as stated in the 2009 Annual Report, the Applicant subsequently commenced working towards an extension of the quarry. Far from winding down the operations, the size and scale of operations has been massively increased, far exceeding those approved in 1998 including significant infrastructure development of the quarry. These actions indicate that the Applicant has seemingly operated under the assumption that an extension approval is a foregone conclusion and that as such there has been no need to comply with existing development constraints as required, despite the 1998 approval stating "*Major variations require the lodgement of a new Development Application.*" In our opinion an increase in surface area from 1 to 17.1 hectares, and an annual tonnage from 6,500 to 100,000 tonnes per annum, with weekly truck movements going from 10 to 280 in addition to 7 day per week operations constitutes a major variation from consent. Such impacts from the proposed development should be assessed as a new DA not merely an extension of the existing quarry. Furthermore, we would argue that the current size of the excavated area and extracted volume to date far exceeds that approved in



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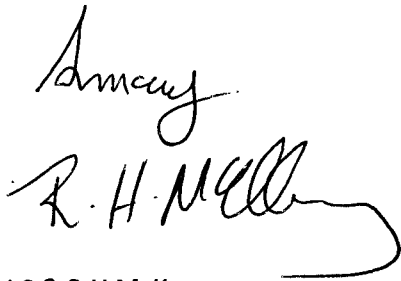
DA 97/148 and that the approved lifetime of the approved quarry has expired, and appropriate rehabilitation should be undertaken as mandated in the original approval conditions.

The Applicant has consistently demonstrated over the last 16 years an unwillingness to comply with any of the 1998 quarry conditions and SOEE commitments. This indicates that the economic goals of the Applicant override any community visual, noise and social impacts that quarry operations impose. These breaches not only establish the Applicant's lack of commitment to achieving the targets stated in the proposed Development EIS but that any assertions to the contrary lack credibility. We attach to this letter, our specific issues with the current proposal and requests for clarification on information provided in the EIS which is largely based on subjective opinions and generalisations rather than objective evidence.

Should the proposed development application be approved then very specific performance and compliance parameters need to be set. Clear guidelines for actioning community complaints, and the management of sustained non compliance needs to be addressed. Regular independent compliance audits should also be compulsory prior to authorisation for work on the next extractive Cell, to protect the community from unfavourable impacts.

Your careful consideration of this letter would be gratefully appreciated. As the potential impacts on our family are serious, and our concerns well founded, we would welcome further discussion on the matter

Yours faithfully

The image shows two handwritten signatures in black ink. The first signature is 'J S' and the second is 'R H McKay'. The signatures are written in a cursive, flowing style.

J S & R H McKay

REPORT OF CONCERNS

1. NOISE IMPACT

We are concerned with the statement *“Noise modelling has confirmed that the proposed quarry extraction could be undertaken without exceedance of noise criteria” (pg S-9).*

It is not very reassuring and phrased in ambiguous terms...**could** be or **will** be? Based on recent experience, noise of the proposed operations is a major concern. The EIS fails to adequately assess the noise issue and does not address some prescribed assessment requirements. The Applicant has also had the opportunity to use real noise monitoring data from the recent 5-6 month campaign to substantiate the EIS claim above.

The Noise Impact Assessment (Pg A6-1) inadequately addresses:

- DRG assessment criteria of *“any potential noise and vibration impact on nearby private receptors due to construction, operation or road haulage” (Pg A2-5)*
- DECCW Requirements that the EIS should *“Include a consideration of “worst case” emission scenarios and impacts at proposed emission limits. (A2-9).*
- Industrial Noise Policy determination of noise impact should identify all possible source, site and receiver parameters as well as project specific noise so that an adequately prediction can be made.

The EIS Section 4.6.2.1 Introduction to Applicable Noise Criteria (Pg 4-35) states *“It is noted that as the Proposal is for an extension of an existing quarry, construction noise criteria are not applicable.”* What ramifications does this have on a full Noise Impact Assessment? We dispute that any existing quarry noise conditions are relevant given the huge increase to operations. A foot note in approval conditions for DA97/14 states *“Major variations require the lodgement of a new Development Application”*.

Inconsistencies and omissions of the “worst case scenario” in the Assessment include:

- Assessment modelled for operating hours to 7.00 pm but 2.9.1 Hours of Operations and foot note states activities may extend to 10.00pm
- Modelled Scenario 1 fails to account for different gravel extractive processes between Cell 1 and Cell 2-6 which have two different extractive faces (ie long slope vs terraces).
- Noise sources not assessed for all extractive machinery per 2.4.6 Extraction Equipment (pg2.16/17). Up to two large bulldozers have operated on the current quarry for many months since October 2013. It is not deemed possible to extract gravel from Cell 1 without a bulldozer. An additional sand screen was also hired during last campaign. It is assumed that despite D7 traxcavator being documented on Figure 6 , noise assessment was excluded as not included in Noise Sources Table 9 (Pg A6-20/21)
- No indication is made whether the noise source sound power levels is based on measurement of existing equipment (would confirm machinery meets manufacturers specifications) or derived from alternative sources

Operational Noise Controls (4.6.3.1 Pg 4-36)

The acoustic barrier currently located on the floor of the processing area was found to be effective at reducing the processing noise when constructed in recent months. Given that this barrier is currently constructed of screened granite, what guarantees do we have that this acoustic barrier is permanent and will not be sold to meet market demand at a future date? The EIS nominated controls do not disclose any permanence to the stock piles in the processing area. Is the Applicant's purpose to provide effective noise control or provide large quantities of product for future sales? It should be highlighted that no barrier is possible to be erected blocking extraction site noise on hills.

If the development is approved, restriction of noise generating activities should be limited to the **approved** hours of operation not the nominated hours of operation. Noise control and operational hours are irretrievably linked, particularly with regards to its impact on our family within close proximity. We take past behaviour as the best indicator of future behaviour, and are doubtful that assurances to keep within approved hours will be honoured. Despite assurances by the Applicant in 1997, the Applicant has repeatedly demonstrated a complete disregard for limiting quarry activities to the approved hours over the last 16 years of operation. We hold little hope that this is likely to change at any point in the future.

Given the extended life of the proposed quarry, and assuming that a current assessment of noise can meet requirements, what assurances can be made that operations and different machinery will meet noise criteria into the future? Should the development be approved, then conditions of consent should include parameters that enable ongoing review of compliance. According to the NSW Industrial Noise Policy *"Monitoring of environmental noise levels from a development to determine compliance with the consent/licence conditions is essential to proper management of the noise."* This document goes on to say that *"To assess the performance of the development adequately, noise monitoring should cover the full cycle of operational activity at each of the identified stages"*.

SEPP33 HAZARDOUS and OFFENSIVE DEVELOPMENT (1.6.1.4 pg 1.13)

This section of the EIS addresses potential hazardous waste but fails to assess potential offensive noise emissions under this planning instrument.

According to the letter from the Department of Environment, Climate Change & Water (dated 11 November 2011 pg A2-8) *"On the basis of the information submitted, the proposal is a scheduled activity (Extractive Activities) under the Protection of the Environment operations Act (POEO) 1997 and will therefore require an Environmental protection Licence (EPL) if approval is granted."* This confirms that the proposed development meets the criteria of a "potentially offensive industry" and assessment under SEPP33 should be addressed. According to the document, Applying SEPP33, Jan 2011, *"If the licence conditions could not be met, the proposed development would be considered offensive and would not normally be permissible."*

The document, Applying SEPP33 Part 5.1 states *"The key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level at which they are not significant. An important factor in making this judgement is the view of the DECCW (for those proposals requiring a pollution control licence under DECCW legislation)."*

Based on this information we request that the Noise Assessment is reviewed by the EPA to ensure that the data is comprehensive and can be validated prior to an approval decision being made.

2. HOURS OF OPERATION

The impact of hours of operation and noise amenity go hand in hand. Having lived through quarry operations for hours such as those proposed (6am to 9pm 7 days), from October 2013 to February 2014 during the last campaign, the impact of the noise was intrusive and completely unreasonable. This also proved that there are no guarantees that a campaign will be of short duration or operations restricted to prescribed operating hours. Despite requesting Council (December 2013) enforce the current quarry conditions of Mon - Friday 7am to 4 pm no relief was granted until the campaign concluded.



Truck arrives almost dark 27 Nov 2013 8.25pm

Section 2.9.1 Hours of Operation (Pg 2-21) of the EIS is again, not clearly defined with words like “generally” and “occasionally” being used in an attempt to allow operations from 7am to 10pm, 7 days per week. No mention of excluding public holidays is made. Section 4.8.2.2 Visual Controls and Safeguards (pg 4-45) of EIS states there would be no night time activities which contradict the requested 10 pm finish time during campaigns.

Should the application be approved, then clearly defined parameters need to be set with clear consequences for breaching hours of operation regardless of whether there is a campaign. The POEO Act 1997 specifies that times of operation for construction and operation must be specified. Different quarry activities have a different impact and so hours for each activity should be itemised. For example, gravel excavation is the most unbearable (We do not believe it can ever meet noise criteria) and has been preferentially undertaken by the Applicant after hours and on weekends to allow truck loading during the day. This activity should be minimised to a restricted number of hours during the day. The EIS indicates that the Applicant is keen to encourage employment so no excuse for after hours extraction should be warranted. Similarly, no rehabilitation is likely to happen during an active campaign and could be undertaken during quiet periods. Given the Applicant’s history of non compliance we believe this would provide an excuse for any operations to take place on weekends.

3. VISUAL IMPACT

Local Setting (3.12.1 Pg 3-42)

"The current quarry operations are visible from the Mid Western Highway and several residential vantage points between Evans Plains and where Evans Plains Creek cross the Mid Western Highway". This statement clearly identifies a failure on the part of the Applicant to adhere to commitments made in approved Statement of Environmental effects DA97/148. *See Compliance.*

No visual reference in 3.12.1 to the closest effected residence (<400 metres from extraction, 160 m from project boundary) has been included in this section.



View of current quarry and visual exposure to proposed Cell 1 – 6 Extraction zone from veranda of the McKay Residence (7)

Constraints (3.12.3 Pg 3-45)

"The Applicant is cognisant of the need to manage the visual impact of the quarry from surrounding vantage points and notably has improved the visual amenity of the site in recent years".

This is a highly subjective statement and from our perspective entirely false. When our house was completed in 2009 the quarry was relatively small and only visible from a very limited area, effectively shielded behind a hill and expected to finish in the next year or so. Since then the expanding operations and the bench type extraction system has resulted in a huge open site. The shielding hill could have been retained to minimise the adverse visual and noise impacts but in the last 2 years has been completely excavated and destroyed. It should also be noted that the Applicant's commitment to establishing screen plantings in 1997 has not eventuated. Had this taken place 16 years ago the visual impact now may have been reduced.



In 2009, the tree in foreground obscured quarry workings behind hill. March 2011 shows beginning of quarry expansion



June 2014 views from same location with current largely expanded quarry with hill blocking quarry excavation removed.

VISUAL IMPACT cont

The assessment of the visual impact in Section 4.8 Visibility (Pg 4-44/45) discusses how Quarry design, remediation and revegetation of the site will eventually minimise visual impact, however, nothing stated in this section will minimise visual exposure to hundreds of metres of excavation in the short term, for at least the next 25 years. The intention to not progressively remediate the Southern side of Cell 2 will also affect visual exposure. Increasing the quarry size from one hectare to 17 hectares is a huge burden to place on the local community in what, to the exclusion of this quarry, is a beautiful rural environment. It should be noted that no other new quarry in the area has this kind of exposure to the highway. The new East Guyong quarry for example has no visual impact from the highway. This highway exposure on the entry to Bathurst will in no way create a positive impact to visitors or commuters, given its proximity to a major entrance to the city.



June 2014. View south of outskirts of Bathurst from Mid Western Highway 5 km from current quarry. Quarry is visible within rural landscape. The proposed increase in quarry size from 1 hectare to 17.1 hectares will increase this destructive visual impact on the wider community.



June 2104. View north on approach to Bathurst from Mid Western Highway.



View east on approach to Bathurst from Mid Western Highway from Welcome to Bathurst sign.



*View west on approach to Bathurst from Mid Western Highway from Welcome to Bathurst sign.
Proposed extraction sites extend full length of hills pictured.*



View south leaving Bathurst from Mid Western Highway from Welcome to Bathurst sign.

4. REHABILITATION

Adequate and effective rehabilitation is critical not only to achieve project objectives 2 - 3 (pg2-3) but to minimise potentially permanent negative visual impacts of the proposed development on the wider community. We concur with EIS statements such as *"...appropriate stripping and stockpiling controls and procedures would be required to maximise the value of the stripped soil for use in rehabilitation to enhance the probability of rehabilitation success"* (Pg4-4) but, as the word probability implies, there is a risk that this may not be achieved. Section 4.4.2 Soil and Land Capability (Pg 3-19) states that the existing quarry area has a Class 8 Land Capability rating (unusable for any agricultural purpose). To extend this area of excavation from 1 hectare to 17 hectares without proof that rehabilitation success is guaranteed and without water tight controls would be environmentally negligent. We request that an independent risk assessment by a qualified professional be undertaken to review the rehabilitation methodology and calculations outlined in the EIS. This should also include input from the Agricultural Department to substantiate the claim that the proposed soil profile will support vegetation and ensure *"a stable final landform that maintains or increases the agricultural suitability of the Project Site (Pg 2-22).*

Evidence of the environmental vulnerability of the local granite soils from a lack of remediation can be seen below where unauthorised excavation was undertaken by the Applicant. The "farm terrace" and gully has never been remediated and is as visually offensive, from the Mid Western Highway and nearby residences, today as it was 10 years ago. This illustrates that any areas of extraction will need to be adequately rehabilitated to mitigate any permanent visual impact.



Excavated gully pictured on right falls outside proposed quarry area with no plan for rehabilitation

Rehabilitation Maintenance (2.10.4.5 Pg 2-27) What guarantee of revegetation surviving if watering not undertaken until vegetation showing significant signs of stress?

Rehabilitation Funding (2.10.5.2 Pg 2-28) How are sufficient funds to be provided for effective rehabilitation into the future per Section 2.27?

SOIL MANAGEMENT ISSUES (4.1.2 Pg 4-4)

"The topsoil....represents a valuable resource for the rehabilitation of the Project Site. (Pg 4-4)

We consider this statement the key to any effective rehabilitation. Conserving topsoil has however, been an applicable condition of the currently approved quarry (DA 97/148 Condition 25) but the Applicant openly confesses in 2008 - 2013 annual reports that this has not been undertaken for the existing quarry site and *"as the site is basically all decomposed granite ...there is minimal topsoil on the site"* (Pg A3-7). These contradictory statements raise concerns that sufficient top soil is available not only for rehabilitation of the existing excavated site but the proposed development site as well.

"An important consideration in the management of soil resources is the potential for exposed or stockpiled soils to result in elevated erosion." (Pg 4-4)

The importance of adequate control measures can be seen below.



June 2014. Erosion at current quarry extraction site and stockpiles after recent rain.

Page 4-6 generalises that *"The area stripped of soil at any one time would be minimised consistent with operation requirements.* How long can a site remain exposed to erosion, if for example, there is a reduced market demand or other unforeseen circumstances?

5. OTHER EIS CONSIDERATIONS AND QUESTIONS

COMMUNITY CONSULTATION (1.8.1 Page 1-19)

Despite being the nearest effected residents, just 400 metres from the quarry, no information was provided to us regarding this development proposal prior to receiving Council notification with no opportunity to nominate issues to be addressed in the preparation of this EIS was sought.

QUARRY PROPOSAL - GRANITE & CONCRETE CRUSHING

Conflicting information is provided in the EIS regarding crushing of granite and concrete products.

2.1.2 Overview of the Proposal Summary (Pg 2-5)) states *"No crushing of the granite is currently undertaken, nor is it proposed."* The next section includes narrative about required licensing for "Crushing, Grinding or Separations Works"

The Noise Impact Assessment (Pg A6-11) states *"The proposed quarry extension also incorporates the continuation or commencement ofThe blending of the screened granite and crushed concrete to produce a road-base grade aggregate would be commenced."*

The Aboriginal Heritage Assessment (A7-5) states *"The proposed quarry extension would include....the importation and crushing of concrete and blending with gravel products."*

It can only be concluded that the Applicant has conveyed to the assessors an intent carry out this activity. Confirmation is sought confirming that crushing activities will not take place at any point in the future, nor form any part of Quarry consent should the application be approved. It is considered that this activity would create additional traffic, noise and dust beyond the scope assessed in this EIS.

THE PROJECT SITE (2.2) is defined (Figure 2.1, Pg 2-6) as a 49.9 ha area *"incorporating the existing extraction area and its proposed extension, the quarry access road, the existing screening and stockpiling areas, office and weighbridge.....the eastern boundary is provided by Evans Plains Creek and the Mid Western Highway."*

Page 4-8 further states *"the Proposal would not impact on any river, or land within 40 m of a river"* however Figure 2.7 b (pg 22-24) appears to show an extraction line which extends to the project site boundary.

The EIS offers no explanation why the eastern boundary extends beyond the quarry access road to the creek. Our concern is that this boundary is 160m from our residence and should insufficient overburden be available to provide for the final landform construction requirements, then additional soil from outside the extraction cell perimeter (see description Extraction Cell 2 Page 2-14) would be sourced from the flood plain. It should be noted that DA 1998/0029 for creek bank stabilisation has now lapsed. The project boundary should be amended to exclude the land east of the access road.

EXTRACTION

Quarry Design (2.4.1 Pg 2-8)

It is proposed that Cell 2-6 would be excavated as a series of terraces (Pg 2-8).

Given that it was impractical and dangerous for the existing quarry to be worked as a series of shelves (Pg A3-4) how is this any different to what is now proposed?

What happens if history repeats and extraction method changed after approval, resulting in unexplored impacts?

The Applicant's commitment to only operating within one extraction cell at any one time (regardless of market demand) and progressively rehabilitating (pg 2-10) is imperative to minimising visual impacts of the proposal. However, should approval be given, since the Applicant has not complied with existing DA conditions or commitments, and recent annual reports rely on self assessment, we believe independent compliance assessment of all consent conditions be sought prior to approval to proceed to the next cell.

Quarry Survey and Mark Out (2.4.2 Pg 2-10)

Bathurst Regional Council has indicated assessment of the existing quarry extraction size is difficult to undertake as no boundary survey was undertaken. Should approval be granted, and given this failing in the existing quarry consent, the proposed 100m steel peg boundary should be accurately surveyed with GPS coordinates for future measurement and compliance assessment.

Gravel Extraction (2.4.3.4 Pg 2-12)

"Once exposed, an excavator would be used to recover the gravel.

The granite extraction would...be undertaken on a campaign basis, ie 2-3 week periods to provide sufficient raw materials...for the ensuing 1-2 months" (Pg 2-12)

Given the size and scope of the proposed DA this statement is completely lacking in detail and, based on the current quarry extraction, accuracy. Two separate quarry designs have been proposed but one sentence covers this? Recent extraction methods indicate that it would not be possible for an excavator to recover the gravel from the top of the hill to bottom as proposed in the Cell 1. The last campaign lasted for 5-6 months duration with up to two large bulldozers, being used simultaneously with the excavator, to extract granite over a large area by scraping backwards and forward over hard granite surfaces the length of the entire worked face (the noise of this extraction process was unbelievably loud and intrusive) over many months. This extraction process was performed concurrently with screening (additional screen hired). A photo of the 48 tonne bulldozer in action has been illustrated in the 2013 Annual report.

Extraction Sequence (2.4.4 Pg 2-12)

“Over the life of the proposed quarry extension, there may be reason to modify the sequence (or even the cell size or shape) of extraction” (Pg 2-12)

It is difficult to understand how this statement fits with 2.4.2 cell boundary survey and the commitment to only work one cell at a time. Generalisations like this statement have facilitated the lack of compliance parameters which have been a failing of the existing quarry conditions. It is imperative that only one cell be worked at a time and a proven ability to comply with approval conditions.

Extraction Plan (2.4.4 Pg 2-12)

Again very little detail on the mechanics of the proposed extraction and screening is given and is confusing. As the risk of dust and erosion will proportionately increase with greater surface area exposure, is there any limitation to total exposed area?

It is of concern how the northern face of Cell 1 can be rehabilitated when no topsoil has been conserved for the last 16 years. Top soil was recently imported to top dress the dam bank above the processing area.

*“The southern face of the cell, **which would not be visible from the Mid Western Highway or other public and residential vantage points, would not be progressively rehabilitated.**” (Pg 2-14)*

This statement is extremely concerning. It is our opinion that this statement is false:



View of Southern side of Cell 1 from Mid Western Hwy at Dreamland quarry driveway



View of Southern side of Cell 1 from the McKay residence (R7)

Extraction Cell (2 -6 Pg 2-14/16)

1.12 *"The proposed final terraced landform would allow for a return to agricultural production."*

It seems difficult to believe that the proposed extraction as described could possibly result in a visually rehabilitated hill let alone result in a more agriculturally viable site as stated above. Simple geometry dictates that terracing would result in a larger exposed surface area than the existing slope prior to excavation. How can there be sufficient topsoil to achieve the final viable landform predicted?

Extraction Rate(2.4.7 Pg 2-17)

The **anticipated** extraction rate of is again very non specific and no quarry limit is specified in this section. Reliance on average extraction rates and no specific DA limit has been a failing in DA97/148 conditions and subsequent compliance.

Extraction Equipment (2.4.6 Pg 2-16)

Insufficient and incomplete detail is given on all equipment and machinery required during peak of campaigns.

“Other mobile equipment such as a D8 or D9 bulldozer may be used on site from time to time to complete specific tasks.” Specific tasks not specified, nor included in 2.4.3.4 Gravel Extraction.

No assessment of the impact of this large machinery and operation has been undertaken anywhere in the EIS.



Two bulldozers and excavator extract gravel 17 Dec 2013 5.25pm

DEVELOPMENT ALTERNATIVES (2.2 Pg 2-29)

“Based on the similarity of the landscape beyond the proposed extraction, there is scope to increase or modify the area of the proposed extraction.” This indicates that a similar granite product exists beyond the proposed development site. Given the large size of the Applicants land holding and the fact that most of this land cannot be visualised from the Mid Western Highway or residential properties, modification to an alternative location would be beneficial to all parties.

PRODUCT TRANSPORTATION

Site Access (2.6.1 Pg 2-19)

The intersection of the Mid Western Highway and quarry access road was upgraded in 2007, 10 years after DA approval (was meant to be upgraded prior to commencement) after repeated community objections regarding dust. It should be noted that the RTA approved this access for an average of 10 trucks per week not the proposed maximum of 280 truck movements. The EIS does not mention that the Applicant also has approximately 10 - 12 Council bio-solid trucks using the quarry access road each day adding to the overall impact.

It should also be noted that extension of the cattle underpass to enable safe turning (DA 97/148 Condition 7) was never undertaken.

Has the RTA reassessed the access requirements in relation to the new DA? As the RTA has been the largest quarry customer, could a conflict of interest arise in assessment?

Internal Road Network (2.6.2 Pg 2-19)

Despite the current proposed DA not being approved, the proposed realignment of the quarry access west of the quarry office was completed in December 2013. This implies an assumption on behalf of the Applicant that approval would be granted and supports the basis that the Applicant has been operating on this assurance for some time outside the operating parameters of the current quarry.



New quarry access road under construction 11 Dec 2013 6.40 pm

Transportation (2.6.3 Pg 2-19)

This section describes truck movements but is unclear whether Maximum Daily truck movements mean 60 trucks in & out, or 30 trucks in and 30 trucks out? If the latter is the case then during the recent campaign the number of trucks each day easily exceeded 30/day so indicates EIS is not accurate.

"All truck movements would be undertaken between 7.00 am and 6.00pm"

Over recent months the Applicant has regularly operated outside these hours often starting prior to 6.30 am 6 days per week and occasionally finishing loading after 8.30 pm. Should approval be granted, clear operating hours for loading of trucks needs to be set and enforceable.



13 Dec 2013. Three trucks of many which cycled throughout quarry hourly from 6.30 am to 4pm

PROJECT LIFE

Life of the Quarry (2.9.2 Pg 2.21)

With a predicted life of over 25 years any reprieve from operations is a long way off from the predicted EIS claimed benefits. The current quarry was proposed to be concluded after 12 years but 4 years later is still operating. A definitive end date and goal for rehabilitation completion should be established.

6. OPERATIONAL COMPLIANCE – DA 1997/148

“The Applicant has operated the quarry on a campaign basis without major impact on the local environment. Audits of quarry operations and environmental performance against the relevant conditions of DA 97/148 and commitments made in the State of Environmental Effects (SOEE).....confirm general compliance with these conditions and commitments”. (1.7.1 Pg 1-16)

It is interesting to note that the EIS failed to include the most recent 2013 Annual Report but attached Annual Reports from 5 years ago.

The most recent quarry campaign lasted for approximately 5 months over summer with breaches of DA 97/148 consent approximating those requested in the current development application proposal. For this reason, potential negative impacts discussed in the EIS are not just a hypothetical, but have been experienced firsthand. Audits of quarry operations have been self assessed in recent years and rely on the Applicant’s integrity regarding output. From the perspective of a closely effected resident the above statement is entirely false as outlined below.

EXTRACTION OPERATIONS

DA 97/148 Approval Condition 1: *That the quarry would be carried out in accordance with statement of environmental effects (SOEE).*

As quarry operations have not occurred as stated in SOEE, the aims and claims of the SOEE, on which the DA was approved, have resulted in significant negative impacts to noise and visual Amenity.

SOEE 1.3 EXTRACTION OPERATIONS:

1.3.2 Quarry Plan. *Quarry would be worked as a series of shelves... Surface area of less than one hectare..... At its highest point the face of the quarry would cut down 12 metres below current ground levels....the rationale being that this approach would result in processing equipment operating within the quarry, below surrounding ground levels, and shielded by the quarry walls. Through operating in this manner, the potential for noise, dust and visual impacts would be minimised.*

As per 2008 annual report (page A3-4) the quarrying plan was modified to a bench type system to meet mine safety requirements. Whilst the change to this system and the anticipated final sloping landform is not objected to, since the introduction of this extraction methodology the scale of operations has accelerated and exceeded those approved in 1998. We believe the current surface disturbed would exceed an area greater than the prescribed 1 hectare however inadequate site survey and lack of specific area compliance controls in the approval make this difficult to prove. The huge increase in activity has adversely impacted the local community in relation to visual amenity, dust and noise, negating the quarry objective of minimal impact on the bio-physical and social environment.

EXTRACTION RATES

DA Approval Condition 2: *The annual extraction rate shall not exceed on average 6,500 tonnes.*

SOEE 1.3.2 Quarrying Plan *It is estimated that the quarry would provide approximately 42,000 cubic metres (89,000 tonnes) of coarse sand over the life of the quarry.*

SOEE 1.3.3 Extraction Rates. *It is anticipated that the quarry would extract and process, on average, approximately 125 tonne of product a week (6,500 t pa). This amount of material could be extracted and processed by a single operator over an eight hour day. Transport of product off-site would involve five trucks a week. At these extraction rates the quarry would provide for approximately 12 years of operations.*

Letters in Appendix 3 (Page A3-30/32) confirm that the amount of extracted material breaches this condition with the 89,000 tonne approved limitation amount being exceeded during 2012. The total extracted material of 128,059 tonnes in 2013 exceeding the amount by 39,000 tonnes or 44%. Since changing the method of granite extraction, the large extraction surface area has facilitated a huge increase to operations and extraction rates as evidenced by the average annual tonnage:

1998 - 2007 = 21,415 tonnes (10 yr annual average 2,142)

2008 - 2010 = 42,561 tonnes (3yr annual average 14,187)

2011 – 2013 = 64,083 tonnes (3yr average 21,361)

As a consequence of the increased extraction rate truck movements over the last 15 years have far exceeded those estimated. During December and January there would regularly be days with more than 40 trucks on week days and Saturday truck arrivals a regular occurrence.

In 2004 extensive extraction activities were undertaken outside the area approved for the existing quarry (DA148/97). This extraction finally resulted in the “farm” terrace after many thousands of tonnes of granite were removed off site by trucks. Any claims by the Applicant stating that the extraction was undertaken for agricultural purposes need to be weighed against the motive of economic gain.



April 2004 prior to extraction of “farm terrace” and gully.

VISUAL AMENITY

Terra Science letter written in response to Community Concerns raised in meeting 15 December 1997 (Council Meeting 23 Jan 98 Attachment 2A) with regard to the quarry being potentially visually unsightly stated that concerns were addressed in Section 4.8 of the SOEE.

CW and MR Townsend letter to Mr David Gorrington (Dated 18 January 1998) point 5 states *It is our intention that the quarry site will be aesthetically improved by the addition of trees and the encouragement of wildlife. Also it is intended that a portion of the income generated from the quarry site be put towards funding for tree corridors....*

SOEE 4.8 VISUAL AMENITY:

The quarry site offers a very limited viewing catchment; essentially being restricted to a 700 metre section of the Mid Western Hwy.

The quarry would not be visually obtrusive or invasive, nor reduce the level of privacy of any land owners or obstruct views. Accordingly, the development would not have a significant adverse impact on either the scenic or landscape quality of the locality.

The proponent also plans to undertake screen plantings to minimise potential impacts on the visual amenity of the area. Specifically a belt of native shrubs and trees would be planted on the eastern side of the quarry and along the internal access road. These plantings would effectively screen plant and truck movements associated with the quarry. Similarly, plantings on the completed benches of the quarry, undertaken as part of the rehabilitation program would minimise the exposure of the upper sections of the quarry face.

As extraction operations have not been carried out per SOEE 1.3 it is impossible that 4.8 proposals could be achieved. Quarry operations to date have made this section of the SOEE a complete fabrication and community concerns expressed at a Council meeting on 15 December 1997 prior to DA approval have been fully realised. Screen plantings may have been effective but in the last 16 years, have not eventuated as promised which has compounded the visual impact of current and proposed operations. No progressive rehabilitation has occurred.

HOURS OF OPERATIONS

DA Approval Condition 3: *The hours of operation shall be:*

Excavation, stockpiling & screening - 7am to 4pm Monday to Friday

Transportation - 9am to 3.30 pm Monday to Friday

SOEE 4.6.2 The quarry would operate intermittently, with extraction occurring typically one day a week and would be restricted to daylight hours. Similarly, noise associated with transport of product off-site would be intermittent: limited on average to five truck loads a week.

Current quarry operations do not reflect the size and scope proposed in SOEE or the proposed hours of operations. Quarrying operations and truck movements during recent campaigns take place 7 days / week anytime from 6.00 am to 9pm. In recent summer months, 7pm would be the average finishing time. These excessive operating hours compound the noise problem being experienced during a campaign. In the October to December period, for example, there was only one Sunday when there were not any quarry operations. These excessive hours have a huge negative impact on our lifestyle and after hour's leisure time. Summer evenings are especially a time we would love to be able to enjoy outside activities and entertaining without external intrusions beyond our control. These recent intrusions highlight the full impact the proposed operating hour's extension would have.



Excavations in progress Sunday afternoon, 1 December 2013. Noise from this gravel extraction process is the loudest and most intrusive.

NOISE

DA Approval condition 20: *Noise emissions from the quarrying operations on site are not to exceed the LIO of 50dB(A)*

DA Approval Condition 21: *All vehicles and other appropriate plant are to be fitted with effective noise mufflers*

Supported by EPA letter (Council Meeting 23 Jan 98 Attachment 2A)

The levels set out in the SOEE are excessive and do not meet the required levels set by the EPA. The operation of the premises should not exceed an absolute maximum of 50dB(A).

SOEE 4.6 NOISE:

During extraction, plant in use would be restricted to an excavator. During processing plant in use would include a front end loader and either a tractor for operating the screen) or the washing unit. Sound Power Level calculation Table 4.3 based on dump truck, Excavator (133kW), Front-end Loader (111kW), Tractor (37kW), Electric/hydraulic power unit for washer (11kW).

Machinery is now bigger in size and number, current scale of operations exceeds those proposed in SOEE. Multiple operators and machines operating concurrently compounds noise issues. Current quarry operations do not reflect those proposed in Quarrying plan SOEE 1.3.2. (see Extraction Operations). Excavation of hill barrier has achieved the exact opposite of that proposed in SOEE with a perfect amphitheatre reflecting sound directly at residence. Extraction of granite from hill slope by 48 tonne bulldozer is loud, to the point we are unable to tolerate being outside residence. This contradicts SOEE 4.9 Socio-economic issues claim that quarry would not adversely affect peoples' way of life, how they live, work & play on a day to day basis.



View of quarry site Jan 2003.

7. CONCLUSION

An overall assessment of the development application information provided in the EIS fails to provide sufficient credible evidence that the following subjective statement can be substantiated:

For those with direct views of the Project Site, impacts on the local amenity have been mitigated to the extent reasonable and feasible in the context of the proposed operations. On balance, it is assessed that the Proposal would not noticeably change the overall amenity of the local setting".
(Pg4-55)

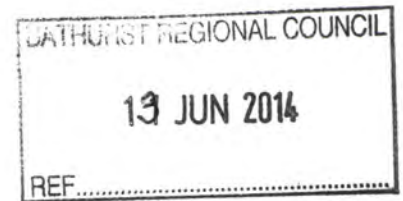
Evidence of the applicant's non compliance to date in all regards needs to be carefully considered in the assessment of the development application and formulation of conditions. If doubt exists that compliance can be guaranteed then bio-physical and social risks may significantly outweigh the benefits of approving the development application.

The scale and intensity of the proposed extension is such that it could result in permanent environmental damage and detrimental effects to those living in the community. In the absence of objective, evidence based data assessing that the true impact on the community will be minimal or adequately manageable, then the appropriateness of approving the quarry extension is seriously cast into doubt.

Should the decision be made to approve this development application then we would encourage the Regional Panel to consider, in the promulgation of appropriate operating conditions and compliance parameters, conditions recently applied to local quarries, such as the Oberon and the East Guyong Quarries.



To: epb secretary/BathurstCC,
Cc:
Bcc:
Subject: Fw: Submission DA2014/0155 - QUARRY (MAIL)
FILE NUMBER 2014/0155



----- Forwarded by Narelle Heness/BathurstCC on 12/06/2014 03:12 PM -----

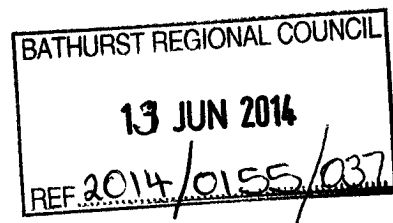
From: Rosemary McKay <rhmkay@outlook.com>
To: "council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>,
Date: 12/06/2014 02:06 PM
Subject: Submission DA2014/0155

Dear Mr Shaw

Please find the attached electronic submission in relation to DA 2014/0155 for Quarry Extension at Evans Plains. The original of this document has been handed in at reception earlier today.

Yours faithfully

Rosemary McKay  - DA2014_0155 Submission_010614.pdf



37



To: epb secretary/BathurstCC,

Cc:

Bcc:

Subject: Fw: Development application No 2014/0155 QUARRY EXTENSION (MAIL)
FILE NUMBER 2014/0155

----- Forwarded by Narelle Heness/BathurstCC on 13/06/2014 08:12 AM -----

From: Paul McKay <pmckay6060892@gmail.com>
To: "council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>,
Date: 12/06/2014 05:21 PM
Subject: Development application No 2014/0155

Attention Loretta McLean

Mr D Shaw

Director Environmental Planning and Building Services

Bathurst Regional Council

Private Main Bag 17

Bathurst NSW 2795

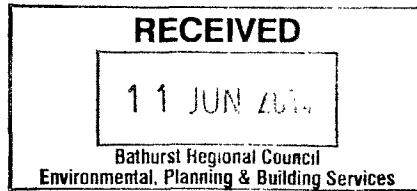
Dear Mr Shaw.

I would like to comment on the above proposal. Point 1 concerns being that of road safety surrounding quarry access to highway, this stretch of road is hemmed in by a cattle underpass which is about 2 meters deep both sides of the road and does not have sufficient shoulder width in the event of a vehicle being pushed over by trucks turning into the quarry entrance and does not give adequate escape in the event of emergency. Road widening should be a priority to be considered. A stop sign would help as traffic leaving the site tends to pull out in to the traffic flow as they are carrying too much speed to stop if a vehicle arrives around the corner during this period. On the opposite side to the entry is gravel storage space for RMS where cars and trucks pull off road for a rest break, as there is a garbage bin there in use. This would also hinder any chance of safe escape route in that event a vehicle is parked in this area. Point 2 it is visually unsightly detract from rural landscape which to date has not been remediated in any satisfactory way. To increase by 17 times seems excessive in this location as granite is not a scarce product. There would be opportunity elsewhere without continual degradation on the environment in this location. Thank you for this opportunity to raise my concerns.

Paul McKay

1216 Midwestern Highway

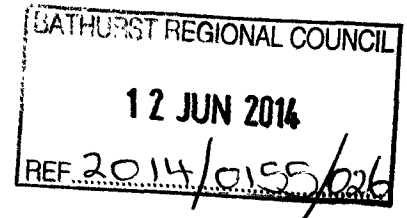
DEPB✓



Mr AR McMahon
Mr SL McMahon
Mr RH McMahon
Mrs LE McMahon
927 Mid Western Hwy
BATHURST NSW 2795

11th June 2014

Mr D R Shaw
Director,
Environment, Planning & Building Services
Private Mail Bag 17
BATHURST NSW 2795



Dear Mr Shaw

We are writing in response to your letter dated 8th May 2014 regarding the Development Application No. 2014/0155 lodged by Alchemy Pastoral Projects Pty Ltd. This Development Application states that Alchemy Pastoral Projects Pty Ltd are seeking an "Extension to Existing Quarry". However, on assessing the EIS, the proposal is to actually increase the quarry size and production by at least 14 times of the existing quarry. This is a massive expansion, not an "extension to the existing Quarry".

We wish to strongly object to any extension to the existing quarry site on the following grounds:

Unsuitable Location

- The position of the proposed development site is totally unsuitable because of its unsightly appearance situated alongside the Mid Western Highway on the entrance to Bathurst. The quarry area is actually the backdrop to the "Welcome to Bathurst" sign which is totally inappropriate for welcoming visitors to our beautiful city. In my experience most quarry sites are in areas that are out of sight from roads and neighbouring properties by companies screening off the mine site with embankments and tree lines to minimise the impact. This site however has maximum exposure to the passing traffic, neighbouring properties and tourists visiting Bathurst.

The area of Evans Plains has extensive historic significance and we feel this development would destroy the historical value of the area considering the quarry will only be approximately 1 km away from, and in full view of, the settlement of Evans Plains.

DEPB/J

Visual, Noise and Dust Issues

- There are at least 12 families that will be directly exposed to the eyesore of this proposal due to their family homes and farms being in close proximity to the quarry site, however there are several more homes in the Evans Plains district which will also feel the impact of such a development.

Noise and dust pollution arising from this proposal will extensively affect neighbouring properties, although the applicant describes the impact as “minimal”. It is impossible and naive to think that materials can be extracted from a quarry site without extensive noise and dust generated from heavy machinery, including bulldozers, excavators, dump trucks, operating in close proximity to residential homes, without having substantial impact on their daily lives.

Previous Non-Compliance by the Applicant

- We understand that the previous D.A. on this site allowed for a limit of 6500 tonne per annum to be extracted. It is stated in the E.I.S that these limits have been grossly exceeded in the years 2007, 2008, 2009 and 2012. It is also worth noting that other years of high extraction that have been excluded from the E.I.S, such as 2010 and 2011 and the current period of 2014, which we believe at least 30,000 tonne was sold to the Road and Traffic Authority for the upgrade of the Mid Western Highway at Kings Plains. This highlights the disregard Alchemy Pastoral Projects Pty Ltd has of guidelines and regulations regarding this operation. Furthermore, there has been no attempt to rehabilitate the current site stated in the previous SOEE (dated 27/01/1998), which we believed to be now expired. It also stated how there would be no impact on any trees or fauna, the applicant has not complied with this condition and a large area of trees have been removed to extract the material.

EIS Inaccuracies

- With regard to the EIS prepared by R.W. Corkery & Co Pty Ltd (April 2014), we find this document to be very “loosely” written with several statements stating very open terms that could lead to conditions and restrictions not being adhered to such as “generally restrict extraction times” and “may need to extend activities to 10pm”. Throughout the EIS most issues are described as having “minimal” or “little” or “no” impact on people, roadways, neighbours and the environment which is totally false and shows the arrogance of Alchemy Pastoral Projects Pty Ltd to properly address these issues.

This EIS also states that the technique of “terraces” is to be adopted. Being a rural contractor with earthmoving experience we believe this would not work as insufficient topsoil for rehabilitation is created when this practice is used and it would be totally unviable to buy topsoil in. It also states that chemical fertilizer would be used (Nitrogen, Phosphorous) in rehabilitation which we find contravening as Alchemy Pastoral Projects is run as an organic operation which does not allow for these fertilisers to be used .

Proposed Entrance from Mid Western Highway

- The EIS also makes note of the large increase in Truck and Vehicle movements at the site. This will have a big impact to all road users especially at the entrance to the quarry on the Mid Western Highway. This intersection is located in a 100km per hour zone and only approximately 100m from a bridge and would be totally inadequate to handle such movements in our opinion, with similar entrances around the district having had turning lanes constructed in both directions to allow heavy vehicles to give way to other traffic while entering such sites. Without turning lanes constructed at the proposed entrance it would only be a short time before a major accident occurred. Does this intersection meet Roads and Maritime Services regulations for the proposed truck movements?

The EIS also fails to mention the impact that the truck movements would have on the intersections in Bathurst and surrounding districts, with a large percentage of these trucks having to go through town to transport the materials. We would like to raise the issue of how the additional trucks coming and going from this site will affect the residents of Bathurst particularly those living on the major roads into town mainly where the Mid Western Highway meets the Mitchell Hwy at the top of Stewart Street and additional congestion along Durham Street heading towards Sydney.

When we purchased our property in 2010 adjoining the proposed site, we were aware of and accepted the current 6500 tonne per annum licence. Clearly these tonnages have not been policed or adhered to. Any increase to the size of this site would have enormous negative impact to the value of properties in the area and this may leave landholders no option but to seek legal advice regarding compensation for the devaluation of their properties as a result of this proposal.

The above points severally question the creditability of Alchemy Pastoral Projects Pty Ltd and demonstrate their inability of running the proposed operation to meet requirements and regulations of this proposed development.

Yours sincerely

The image shows two handwritten signatures in black ink. The first signature on the left is 'AR' followed by a stylized flourish. The second signature on the right is 'Sharon McMahon' written in a cursive script.

On behalf of:

Mr AR McMahon, Mr SL McMahon, Mr RH McMahon and Mrs LE McMahon

BATHURST REGIONAL COUNCIL
12 JUN 2014
REF. 2014/0155/025

 To: epb secretary/BathurstCC,
Cc:
Bcc:
Subject: Fw: Development Application 2014/0155 - QUARRY (MAIL)
FILE NUMBER 2014/0155

----- Forwarded by Narelle Heness/BathurstCC on 11/06/2014 02:18 PM -----

From: "Anthony Powell" <awpowell1953@gmail.com>
To: <council@bathurst.nsw.gov.au>,
Date: 11/06/2014 01:53 PM
Subject: Re: Development Application 2014/0155

11th June 2014

Attention : Mr D.R. Shaw
Environmental, Planning & Building Services
Bathurst Shire Council
Private Mail Bag 17
Bathurst N.S.W 2795

Re: Development Application No. 2014/0155 "Extension to existing Quarry"

Dear Sir,

I am the owner of a property neighbouring the above proposed quarry expansion. I would like to register my vehement disapproval of the proposed development.

My brother & I purchased this property about six years ago. We are in the process of undertaking various forms of improvement, with the long term view of making the property sustainable and enhancing the natural beauty of the area. I can only see that to allow such a large development would jeopardise our attempts.

To allow this expansion the rural atmosphere, of this district, would be compromised, not only in the eyesore that would be created by this mine scarring the hillside, but also in the proposed vehicle movements that would be involved in extracting such large volumes of

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material.

It seems ludicrous that this would be allowed, especially on one of the main roads leading into such a beautiful historic city like Bathurst.

I would like to extend an invitation to you, or any of your officers, to visit our property and see what improvement we are undertaking, and let us share our vision.

Yours Faithfully

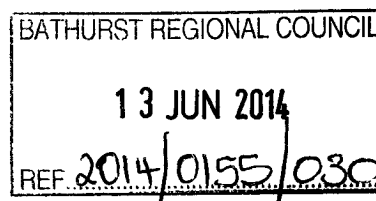
Anthony Powell

226 Evans Plains Road

Bathurst 2795

Mobile 0413 443349

Mr. D R. Shaw
Director Environmental, Planning & Building Services
Bathurst Regional Council,
Russell Street
Bathurst NSW 2795



9th June, 2014

RE: 'DREAMLAND' QUARRY EXTENSIONS DEVELOPMENT APPLICATION NO 2014/0155

Dear Sir

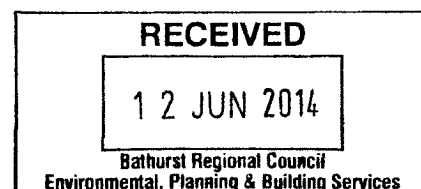
I wish to firmly oppose the BRC allowing a project of this size to be approved on the basis of the effect it would have on the lives of the immediate community and the devaluation of the properties in the Evans Plains area.

Yours faithfully,

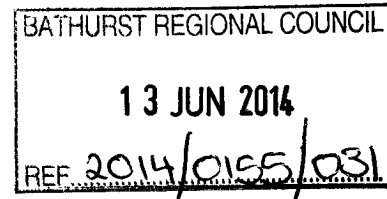
A handwritten signature in black ink, appearing to read "J. Schoenmaker".

JACOB SCHOENMAKER
c/- "Lagnicourt"
1073 Mid Western Highway
EVANS PLAINS 2795

DEPB ✓



Mr. D R Shaw
 Director Environmental, Planning & Building Services,
 Bathurst Regional Council
 Russell Street
 Bathurst NSW 2795



9th June, 2014

RE: "DREAMLAND "SAND QUARRY EXTENSIONS DEVELOPMENT APPLICATION No 2014/0155
Letter of Support Page A3-12 of the Environmental Impact Statement

Dear Sir,

It is with dismay and astonishment that I read a letter supposedly written by me in the above mentioned EIS. This letter states that I fully support The Townsends in their quarry operations.

I wish to categorically state that at no time did I ever write this letter and I did not support their quarry operations and I still do not support this recent application to BRC. I have no knowledge of the author of this letter which has not been signed by me.

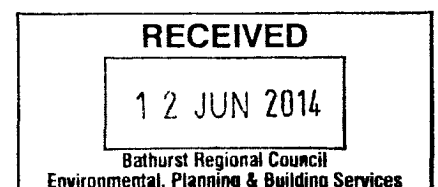
I have contacted the authors of the EIS and requested this letter be withdrawn from this document.

Yours faithfully,

A handwritten signature in black ink, appearing to read "J Schoenmaker".

JACOB SCHOENMAKER
 c/- "Lagnicourt"
 1073 Mid Western Highway
 EVANS PLAINS 2795

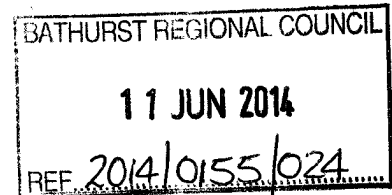
DEPB ✓



M40

F. E. Simpson
36a Tunstall Avenue
KENSINGTON NSW 2033
P O Box 340
KENSINGTON NSW 1465
Tel: 9663 4601
ABN 11 749 945 049

The Manager
Bathurst City Council
Private Mail Bag 17
BATHURST NSW 2795



Dear Sirs,

**RE: "DREAMLAND" QUARRY EXTENSION
DA 2014 155 Alchemy Pastoral Projects P/L**

I am the owner of "The Springs" 831 Mid Western Highway, Evans Plains. I wish to object to the quarry extension at "Dreamland" on the Mid Western Highway on the following basis:

1. The extension is too big in all the circumstances.
2. The licence being sought is for a period that is too long in time.
3. The extension, if granted would adversely impact on visual aspects, traffic and the local amenities.

I request that consideration be given to imposing the following conditions on any licence granted:

- a) A five year licence. Bathurst is growing and it could well be that a licence for any longer than five years could adversely affect the future development of the town. As the application is for extension of the licence it would appear that little capital is to be expended by the applicant and therefore the reduced period would not adversely affect the applicant.
- b) The condition that one cell shall be worked at a time to minimise the impact and a requirement that the rehabilitation of this cell be completed before any other cell is worked.

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- c) The restriction that the hours worked be from 7.00am to 4.00pm from Monday to Friday for reasons of noise and safety.
- d) Provision of turning lanes on the highway.
- e) Provisions for Council to monitor the financial records of the quarry to ensure that any limit on extraction is adhered to.
- f) Verified financial records to be supplied to the Council every six months.

Yours Truly,


F. E. Simpson

David.G.Smith

Royden Cottage

1099 mid-western hwy

Evans plains NSW 2795

D R Shaw

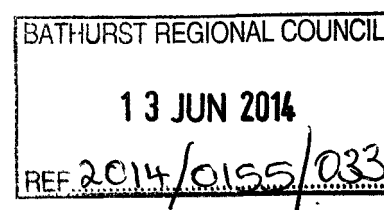
Director,

Environmental, Planning & Building services

Bathurst city council

Private Mail bag 17

Bathurst NSW 2795



Dear Sir

I am writing to you in regards to the proposed "Dreamland" Quarry extension DA 2014 155.

I would like to make comment on the **Dreamland Quarry** access road. In peak periods truck movements and noise levels are in excess, i.e. noise of trucks leaving with a full load and truck entering the site with their exhaust brakes on. There can be lot of traffic congestion in both directions, adding to the mix school buses, in the past there has been serious accidents on this stretch of road . I live less than 100 meters from the entry to the quarry.

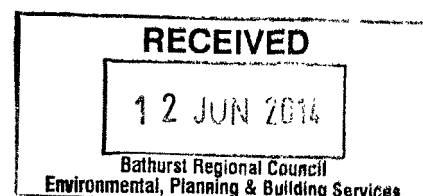
My concern for an increase in size of the quarry is not only the increased number of trucks but the way the trucks enter and leave causing near misses to other road users , myself included. The truck drivers and plant operators build up speed exiting the site and just pull out onto the mid-western highway forcing the other road users to give way to them. A stop sign would be minimal requirement needed but turning lanes should be considered as a necessity to avoid fatal accidents.

I have lived in the Evans plains area since I was 4 and have admired the sights and landscape of this beautiful area. An increase in size of the quarry will greatly reduce the sense of community and the beauty of this region. In my opinion the material been quarried is not rare as most of Bathurst region is granite. The location of the quarry dose not suite this location . it is offensive to local residents and visitors to the Bathurst community. I do not support this project.

Yours Sincerely

David G Smith

DEPBV

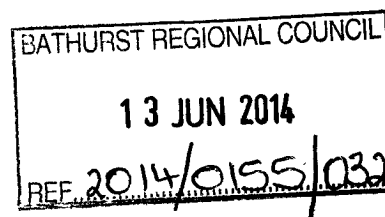


Mr JM Windsor & Mrs G M Windsor
P.O. Box 417
985 Mid Western Highway
BATHURST NSW 2795

11th June, 2014

ATTENTION: LORETTA MCLEAN,
Bathurst Regional Council,
Private Mail Bag 17
BATHURST NSW 2795

Dear Madam



RE: Development Application No 2014/4015
'DREAMLAND' QUARRY EXTENSION

The proposed development and related activities of the above Development Application, if approved, would have a devastating effect on the immediate neighbours and farming community along with the residents of Evans Plains Village and more so the reputation and integrity of Bathurst Regional Council.

The Author of the E.I.S. declares that the "information contained in this statement is neither false or misleading." Page 1-3 states the existing quarry currently operates under Development Consent DA 97/148 when Bathurst Regional Council advises that this Development Application has been cancelled due to non-compliance, exceeding limits of volume and area permitted and has placed a stop work order on the operation.

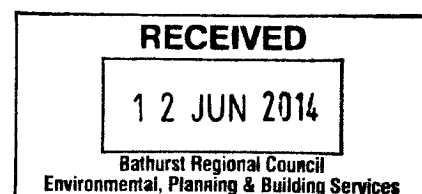
The E.I.S. consistently uses 'selective' information and has unspecific non binding terms such as "it is anticipated/expected, the applicant proposes to, possibly, approximately, expects not to exceed, except in times of extra demand".

Your files/records dating back to Evans Shire Council would indicate consistent non-compliance, non-observance, exceeding limits, unfinished projects and failure of rehabilitation of the relevant projects. The applicant acknowledges some of the above in section 1.7.1 Operation Compliance P1.16.

Of Major Concern to us:-

1. The scope of the increased working areas and stock piles from 1ha to 17.1ha plus road systems, processing operations and associated infrastructure and services.
2. The hours of operation would effectively allow quarrying operations, related maintenance and rehabilitation including truck movements from 7a.m. to 10p.m. seven days per week with no limits on weekends and public holidays.
3. The noise and dust generated from the increased activity cannot be described as minimal especially when related industries are introduced, eg. concrete blending.

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4. The vast increase in truck movements would greatly exceed the limits of an already over stressed intersection off the Mid Western Highway. The residents of ten separate households/families enter the highway within 500 metres of this intersection with limited line of vision.
5. The visual impact will increase in relation to the increase in scope and scale of work areas. The existing quarry can be seen not only from the Mid Western Highway and immediate neighbours but from approx 4 kilometers away as you travel south from Bathurst on the elevated sections of the highway.
6. The adverse affects on the Evans Plains Creek and aquatic habitat down stream ,where the creek ceases to flow at the times when the applicant uses a commercial pump for up to 10 hours overnight to provide water to the operations.
7. The proximity to the village of Evans Plains which is one of the most historically significant locations in the Bathurst District with prominent buildings dating back to pre 1840. The Windsor Family first settled and occupied a diary farm at "Lagnicourt" Evans Plains and the 4th generation of this family is operating the farm to this day.
8. The lack of an "appropriate" performance bond to ensure completion and rehabilitation is securely funded . This is imperative in light of the applicant's long history of non-compliance.
9. The need for a quarry of this type and dimensions when all products could be sourced from more appropriate locations elsewhere in the district.

In light of the above statement and items of major concern I trust you will agree with our intention to oppose the granting of this Development Application.

We present not only our own feelings and sentiments but also that of our aged parents who live in a separate more elevated dwelling on our block with a totally un-obstructed view of the unsightly operations of the quarry.

We look forward to presenting our case at the meeting of The Western Region Joint Regional Planning Panel.

Yours faithfully,



J.M. & G.M. Windsor

Also for & on behalf of

W.J. & N. Smith