

DA 10.2016.38.1 – Designated Development - Extractive Industry and Waste Management Facility.

Lot 2 in DP: 1112479, 50 Sewells Creek Road, Oberon

SUBMISSIONS REPORT – WITHOUT PREJUDICE

The development application was publicly exhibited from 14 June 2016 to 18 July 2016 and again 23 November 2017 – 22 December 2017. All adjoining and adjacent landowners and occupiers were notified of the proposal, provided copies of the plans and supporting documentation and given the opportunity to make a written submission. Five (5) written submissions were received in the first exhibition period with an additional Six (6) during the second round in which most also submitted the same objection in the first period. Below is a summary of the objections to the proposal.

It is noted, that some twenty one submission (9 in support & 12 objections) were received in July 2010/7 after a 2GB radio show discussed the application, these have not been included within the assessment as they were received outside of any notification period.

SUMMARY OF ISSUES RAISED

Submission Number	Issue
<u>Exhibition period 14 June 2016 to 18 July 2016</u>	
1	<u>Noise</u> : Proximity to development will create additional ongoing noise and blasting will create periodic peaks in noise which will disturb our current ambience.
	<u>Impact from blasting</u> : Our groundwater bore used for stock water is located approximately 50 metres from our Sewells Creek Road boundary and 500-600 metres from the development site. The underground vibration may cause permanent disruption to the water supply which will severely impact on our ongoing farming operation. Vibration from the blasting may also cause disturbance to the foundations of buildings.
	<u>Contamination</u> : with waste material being imported to the project site we remain concerned about potential contaminants contained in the waste material. Dust emissions from the site, including possible contaminated dust emissions are a major health concern. Plans do not detail control measures for dust emissions and ongoing monitoring of the site would be required.
	<u>Traffic</u> : an increase in truck movements to service the facility will impact our access from Sewells Creek Road. We are concerned about trucks turning right from Abercrombie Road onto Sewells Creek Road causing an accident with the current poor configuration of the intersection.
	<u>Visual Aesthetics</u> : the proposed development is not in keeping with the rural outlook and will be a blight on the current landscape.
2	<u>Initial Quarry</u> : The initial quarry was established without fanfare and with out notice or consultation with local residents. In the short operation it has imposed noise, dust and traffic on its neighbours. We submit that the quarry should not operate there, nor have been approved in the first place. It is not capable now of avoiding being a nuisance and it should not be allowed to continue to operate, let alone expand. The quarry activities that are currently operating are at odds with the rural amenity of the area.
	<u>Detail</u> : no reliable discussion is capable of being made about this application owing to the lack of detail therein. One evident limitation is the restriction of the field survey to

	the project site. There is nothing unique about the resource and consequently the quarry does not need to be located at this specific site.
	<u>Not a modification</u> : the proposal vastly expands the current operation including a completely new aspect (waste management) and increasing the land used from 2 to 15 hectares with an operation period of decades. It is incorrect to call the development a “ <i>proposed modification to the currently approved operations</i> ”. It is clearly far more than that and incorporates a completely new unapproved enterprise.
	<u>Scale</u> : the development includes crushing and screening, and extraction and production of up to 150,000 tonnes per annum. There will be raw mulch and imported clay with treated drilling mud for “ <i>stockpiling and sale</i> ” or quarry rehabilitation. The waste materials are to be treated, blended, screened and composted. These activities can be expected to generate further noise, disturbance and traffic both within the site and to the site in trucks.
	<u>Noise</u> : the unusual and disruptive noise will be detrimental in the rural area especially in consideration of the proposed operating hours from 6.30 in the morning and continue throughout the day until early evening for 6 days per week for the next 20 years.
	<u>Odours and air borne particles</u> : there is acknowledged potential odours arising from the site. Our property is within 1 km of the site’s boundary. The winds can be strong. During the dry lead up to Christmas dust generated at the site was noticeable.
	<u>Air quality</u> : the report acknowledges there will be “ <i>dust generation</i> ”. It will be close to several unspecified residences. Air quality is crucial to the amenity of our home. It is fundamental to our quiet enjoyment of our property and absolutely necessary for occupation. Dust generation cannot exceed GPA assessment criteria. The developers say this is “ <i>unlikely</i> ”. This is again unquantified.
	<u>Pollution and water quality</u> : there is an acknowledged but unquantified risk of run off and consistently pollution of land or water “ <i>off the project site</i> ”. Our property is immediately downhill from the site. Water quality is crucial to our breeding operations and our pastures and gardens.
	<u>Aesthetics</u> : the application states that visibility is dominated by the MDF factory facility and the “ <i>dense vegetation of Essington State Forest</i> ”. This statement is misleading the Oberon setting is rural. The Essington State Forest will be harvested. It is located between our property and the proposed expansion area. When the pines are removed the facility will become an eyesore. The effects of the forest harvesting have not been considered by the developer. Noise, air quality, rural amenity, erosion, run off these things that must individually or in combination risk being far worse for those on the other side of the forest when it is removed.
	<u>Traffic</u> : there is to be an increase in traffic, particularly heavy vehicles. The developer states the increase in volume is “small” this is unquantified. No numbers are specified for B doubles and truck trailers. The gradient at Sewells Creek Road will exacerbate the truck noise up and down the turn into Sewells Creek Road from Oberon, the entrance into the quarry and exit will cause challenges for local and tourist drivers.
	<u>Tourism</u> : tourist traffic along Mayfield Gardens or generally engaging in country Oberon can be expected to increase as it has in recent years. Haulage will be 24 hours a day. This is not consistent with rural ambience. The ripping, drilling and exploding is slated to start at 6.30 am and be ongoing for 12 hours a day for 6 days per week.
	<u>Isolation</u> : the application states that the site is in “ <i>relative isolation</i> ”. We disagree. It is not isolated, not even “ <i>relatively</i> ”.
	<u>Threatened Species</u> : there is an abundance of wildlife and a robust and varied bird population in the area.
	<u>Socio – economic balance</u> : the socio-economic balance is unconvincing. No actual job numbers, costings or case is put. The application acknowledges a number of problems presented to neighbours and the community by the proposal. All are

	effectively unquantified and un-researched.
3	<u>Access:</u> the entry road to Sewells Creek Road is in a dangerous position especially when travelling on Sewells Creek Road from a westerly direction. It is on a blind bend with no draw off lane and unbroken centre lines. As it enters Sewells Creek Road on an incline trucks are moving very slowly for a considerable distance.
	<u>Dust:</u> the access road generates considerable dust in the drier months and in the wetter times trucks bring mud onto the bitumen surface of Sewells Creek road. The EIS does not address noise or dust emissions or adequately address run off, especially after summer storms.
	<u>Weigh Bridge:</u> There appears no provision for a weigh bridge or weighing of the materials before they leave the site. The type of material indicated in the EIS will vary considerably in weight depending on weather conditions. A road levy should be considered by Council.
	<u>Visual Impact:</u> the EIS does not address the visual impact of the development when viewing it from the west where our property is situated.
4	<u>Detrimental impact on tourism:</u> Local scenic roads form an introduction to the landscape in the form of quiet country roads that lead to Mayfield Garden. The development proposal has identified several potential impacts on this landscape. These include but are not limited to: • A large increase in heavy truck traffic on the local road network; • Visual impact resulting from the removal of a clearly visible ridge line; • Development of an industrial landscape within a scenic landscape vista; • Risks of noise emissions that may on occasions exceed acceptable criteria established in NSW; • Risks of dust emissions that may on occasions exceed acceptable criteria established in NSW; • Occasional blasting events that would be heard and felt over an extensive area; • Development of a proposal that accepts waste materials from the region with no guarantees that this waste does not include contaminants which may harm surface and groundwater resources in the valley. These issues are in direct completion with a successful tourism strategy for the region. The visual panorama available to tourists on their drive to Mayfield Gardens would be impacted by a potential industrial landscape with dust and noise that may on occasions run on a 24 hour seven day a week basis. The need to widen roads leading to the quarry may involve removal of natural tree lined corridor which would reduce the scenic landscape quality. Tourists would not be attracted to an area which is accessed via roads which have significant heavy traffic on relatively narrow country roads.
	<u>Additional heavy traffic:</u> the development will operate receivals and dispatch of trucks on a 24 hour basis. The number of trucks is not specifically limited and as such the development has the potential to significantly increase heavy truck traffic. Local road users would be exposed to road safety issues that has been identified by the current use of two-way communication between gravel truck operators and the local bus driver. The road safety issue is not presented in detail in the submission. The proposal has predicted a 33 percent increase in heavy traffic on Abercrombie Road. This would involve a predicted increase of 40 trucks per day directly associated to the quarry operations. With the total number of heavy vehicles to be generated from the site to be 100 per day in addition to other service and staff vehicles. Sewells Creek Road is not discussed in detail in the report. An estimate of daily traffic is provided; however, this estimate is limited in its ability to provide an appropriate assessment of the impact of potentially an additional 40 heavy trucks per day more. Sewells Creek Road is a narrower road than Abercrombie Road. The development proposal submission does not include a Traffic Impact Statement

	which assesses these issues and more specific issues in relation to road use, road geometry and traffic conflict. The heavy vehicle use of the local road network by trucks carrying materials to and from the quarry throughout the night is of concern. Mayfield Road is accessed via Sewells Creek Road from the southern end. Mayfield Road is not discussed in the development submission. The use of Mayfield Road as a short cut to the North has the potential to reduce travel distances to and from the quarry site for projects located to the North of the quarry. Mayfield Road is a local, mostly single country lane road. It is not considered suitable for heavy vehicles. Grey nomads form a significant part of rural tourism the generation of significant heavy traffic from the quarry would soon deter these tourists in the region.
	<u>Dust and noise emissions:</u> the potential for significant dust and noise would impact upon the local region's landscape qualities. The quarry and waste management operation "predicts" that low dust levels will be generated; however, there is no guarantee that dust emissions will be controlled. The submission identified 2mm water per day on internal roads to manage dust. Evaporation rates exceed this amount throughout the year and therefore the amount of water will dissipate under regular traffic. There is also potential for windblown dust when the water truck is not in use. Dust emissions from the quarry and waste management operations on internal works are considerable. The crushing process is a dry process light misting of water during this process has a limited ability in dust suppression. The quarry proposal does not incorporate any other proposals to conduct the process of primary and secondary processing of aggregate. This process does not incorporate a dust capture mechanism. The proposal requires modelling to indicate that the dust generated on site will disperse within a reasonable buffer. On this basis, the predictions of limited dust emissions from the site into the surrounding area are considered questionable. It is suggested that if Council wish to approve the proposal, the quarrying and processing phases of the operation should incorporate appropriate dust collection mechanisms or alternatively be incorporated in an enclosed structure. The development submission has used assumptions and not specific data records. To suggest that it is acceptable to change the local regional dust deposition rates from a guideline figure of 2gm/square metre per month to a maximum of up to 4 gm/square metre per month is considered unacceptable when it is possibly the case the case that existing dust deposition rates are well below the acceptable state criteria. Such criteria may be acceptable for a metropolitan landscape but are not considered acceptable for a rural landscape with few other dust sources. The dust would potentially create layers of dirt over the entirety of Mayfield Garden which would significantly impact on the visual quality of the gardens and could impact on the vista. Background noise levels are low as there are no industrial sources in the vicinity. It is noted that noise generated by the quarry is predicted to meet the NSW guideline levels. However the averaging of these noise levels excludes noise peaks that would exceed background levels. The noise assessment should include current equipment used on site in addition to other new equipment to be introduced to the site. The proposal outlines a staging for the quarrying activities which would include heavy equipment. It is unclear if the use of this equipment at the top of the ridge has been considered in the noise impact assessment. Noise disturbance resulting from quarry operations is considered a significant concern for Mayfield Gardens.
	<u>Hours of operation:</u> the impacts associated to the operation of a 24 hour basis are considered significant in the local area. The significance is considered to generate both social and physical impacts. Impacts include traffic and peak or short term noise and intrusions within a landscape environment that has at present little or no activity other than light vehicles on local roads. Visual impacts of 24-hour operations would include industrial type lighting. The quarry is located on the top of a hill and lighting

	would be visible for an extensive distance. This would also be exacerbated by truck traffic lights. The 24 hour operation plan appears to include assumptions that truck drivers can work a 24 hour period and therefore no stoppages occur. On this basis it is indicated that 24 hour operations would not involve any truck traffic peaks for morning or evening periods where shift changeover would occur.
	<u>Impact of waste processing:</u> Materials of concern that are referred to in the development proposal include “drillers mud”. The lack of detail in the information presented in the report is of concern. The proposal provides some indication that the source may be construction project sites. But the documentation does not specifically state that this will be the only source. Therefore the drillers mud may come from other sources such as coal seam gas and a wide range of other materials from investigative sites. The proposal suggests that a process of quality control would be introduced. The proposal does not refer to specific testing of each and every load on the basis of the type of drilling undertaken, the type of chemicals for example, prior to accepting the material. The proposal would also allow a wide range of spoil material from construction projects. The proposal does not exclude materials from construction sites where demolition materials are being generated. The proposal has an allowance of 30,000 tonnes per annum for construction waste which appears to be an excessive amount from the local area. On this basis, the project presents a potential high risk involving acceptance of storage waste soil and other material from a wide range of sites. The process of waste classification does not appear to be a vigorous component of the proposed development. No certainty is provided that the development would not accept delivery of contaminated waste including asbestos which may result in hazardous dust and fibre emissions during delivery and passive exposure of surrounding residents and visitors from these fibres. No specific details have been provided regarding the rock base of the site and if this rock base is fractured and if it is a recharge area for the local aquifer system. Neighbouring landholders rely on groundwater for stock enterprises as well as for Mayfield Gardens. Significant concerns are raised around the proponents intention to utilise the site for waste storage. The objection refers to the statement made regarding the applicants intention to make application (separate to the DA) to the EPA for a specific Resource Recovery Order Exemption for the gravel/fill product. On this basis the submission identifies that the long term plan for remediation or ongoing development on this site would involve a waste recycling component. The current proposal does not present a clear indication of the total tonnage limits of materials to be brought to site. The submission raises concerns regarding the scale of storage and handling of waste in addition to transportation and processing of material. It is unclear if these impacts have been incorporated in the assessment of the site in relation to noise, dust, odour, surface water, ground water pollution and transportation impacts. The proposal incorporates the construction of a HDPE lined pond for surface water runoff, however the proposal does not address groundwater. There is no liner under the waste storage area and therefore this would leave a direct exposure pathway to the ground water table below the site. This is considered as unsatisfactory when the applicant has clearly identified that the runoff from this material needs to be captured in a lined pond to prevent seepage.
	<u>Cumulative disturbance:</u> the submission identifies various major changes to the local environment that would result from the development including traffic impacts, traffic safety, road safety and general wear and tear on the road surfaces. The mitigation measures to resolve these impacts would result in road widening and improvements. It is unclear if the proponent will undertake these upgrades or will council cover the cost of works over the lifetime of the development. These road works may result in the loss

	of road side vegetation and a scenic loss to the landscape. Cumulative impacts of dust and noise emissions would result from the development proposal and potentially reduce the ambience of the local area. Cumulative pollution impacts have a direct socio economic impact on adjoining land owners. The proponent has not identified the cumulative impacts associated to the operation of both industries on site and if these cumulative impacts have been considered. The development will result in a 5,000,000 tonne hole in the ground off Sewells Creek Road. This is considered to be a significant visual blight on the current scenic landscape and significantly contrasts with the values of the land and surrounding farming community.
5	<u>Heavy Vehicle Traffic:</u> the development will bring significant heavy vehicle traffic to Sewells Creek Road and the greater Oberon area. This will introduce deterioration in road quality, increasing the need for regular repairs, therefore increasing expense to Oberon Council. This increase in traffic will also escalate the possibilities of serious high speed road accidents and potential fatalities and native animal road kill numbers.
	<u>Pollution:</u> this development would increase in pollution in the general, greater Oberon area. This has significant impact on the flora and fauna of the area and potentially Jenolan Caves and Mayfield which bring significant tourism to the area. This also impacts on the health and wellbeing of the residents of Oberon. The international Agency for Research on Cancer identified diesel engine exhaust as 'carcinogenic to humans, based on sufficient evidence that exposure is associated with an increased risk for lung cancer'. There would be significant noise pollution impacting on residential areas. This will also affect farming animals causing high levels of stress and anxiety. This could result in a deterioration of quality produce. The drilling and blasting will have momentous negative impact on both air and noise pollution as well as the extremely high possibility of affecting the bore water quality and supply to the surrounding, adjoining and adjacent land.
<u>Exhibition period 23 November 2017 – 22 December 2017</u>	
6	<u>Closure:</u> the quarry will result in the closure of Mayfield Garden.
7	<u>Consultation:</u> concerns that the public consultation for the DA, has been inadequate. <u>Impacts:</u> significant detrimental impacts on the owner due to increased traffic, noise and dust to name a few. <u>Compliance:</u> the existing operation is breaching the current rules. <u>Closure:</u> the quarry will result in the closure of Mayfield Garden.
8	<u>Closure:</u> the quarry will result in the closure of Mayfield Garden.
9	Refer to comment in submission 2 of Exhibition period 14 June 2016 to 18 July 2016.
10	<u>Compliance:</u> the existing operation is breaching the current conditions by increasing operations, without penalty. <u>Dust:</u> It is our understanding that the Project's dust generation has the potential to cause material adverse impacts on farmgate production given: (i) the proximity to the Project and the prevailing wind conditions that will carry dust in the direction of Ceres' farming country for a majority of the year; (ii) the material increase in the dust generating sources at the site and the expectation of significant dust plumes; and (iii) inadequate monitoring or mitigation measures that will not reduce dust generation to an acceptable level. <u>Contamination:</u> Project's waste receive and composting activities has the potential to cause material adverse impacts on neighbouring properties given: (i) the site is located on a rock base; (ii) no specific information is provided whether this rock base consists

	of fractured rock and whether this fractured rock would act as a recharge area for the local aquifer system; (iii) this aquifer is relied upon by most of the neighbouring landholders; (iv) the potential of pollution of this groundwater table from material or chemicals contained in the imported fill material has not been investigated in any detail; (vi) insufficient detail has been provided regarding the composting activities; (vii) a suitable groundwater impact assessment has not been completed and (viii) appropriate policing, preventative and mitigation measures cannot be discerned without further investigation in the form of a groundwater impact assessment. <u>Inconsistency</u>: The Project is inconsistent with the aim of the RU1 Primary Production Zone under Oberon Local Environmental Plan 2013 to minimise conflict between land uses within this Zone and land uses within adjoining Zones. <u>Public interest</u>: The Expansion Project is contrary to the public interest given the likely loss of resources, facilities and connections to the local community with the likely closure of our neighbouring Mayfield Garden arising from the Expansion Project.
11	Refer to comment in submission 4 of Exhibition period 14 June 2016 to 18 July 2016.