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The General Manager
Oberon Council
137-139 Oberon Street
OBERON NSW 2787

Originally sent by email: jaclyn.burns@oberon.nsw.gov.au

Dear Sir

Re: Development Application for the Purpose of a Dwelling within Lot 12 DP 603429

On behalf of Mudgee Stone Company, I wish to object to the Development Application lodged with Council by Mr and Mrs Webb for the purpose of a dwelling within Lot 12 DP 603429. The proposed building envelope adjoins the northeastern boundary of our property (Lot 2 DP 1089826) on which the Oberon White Granite Quarry operates.

As you are aware, Mudgee Stone Company has lodged Project Application 07_0122 with Department of Planning for an increase in production and to extend the approved extraction area at the quarry. The *Environmental Assessment* has been placed on exhibition and our environmental consultants, R.W. Corkery and Co Pty Limited, are currently preparing a response to the submissions received in relation to our Project Application. It is expected that this response will be completed within the coming weeks.

As you would also be aware, both Council and Mr and Mrs Webb have provided submissions to Project Application 07_0122 which incorporate both matters relating to the proposed residence and other broader issues. Council may also find the response we are preparing for Project Application 07_0122 of consequence when determining Mr and Mrs Webb's Development Application.

In the meantime, we have reviewed the Statement of Environmental Effects (SoEE) accompanying the Webb's Development Application. As with the original DA 23/09, we continue to have a number of concerns and consider that a number of the likely constraints and impacts that would occur to our existing and future operations have been incorrectly or inadequately addressed. In particular, we raise the following issues.

1. Distance of Dwelling to Quarry Activities

The SoEE prepared by Umwelt to support the development application states the distance between the proposed dwelling location and the existing approved extraction area being 390m. However, it does not acknowledge that the distance between the proposed dwelling and the proposed extraction area is approximately 270m. We also note that the distance from the proposed dwelling and the proposed stockpiling area is approximately 300m.

2. Background Noise Levels and Noise Criteria

Section 2.4.1 of the SoEE states that the rated daytime background noise level is likely to be between 30dB(A) and 35dB(A) and concludes that that the appropriate intrusive criterion would be 35dB(A) to 40dB(A). It is also stated that the amenity criterion is 50dB(A) and that "*precedence has been set where a sole industrial noise source has been allowed to operate to the full measure of the amenity criteria*".

This implies that the *Environmental Assessment* prepared for the quarry has incorrectly utilised a noise criterion of 35dB(A). However, neither ourselves nor our consultants (both R.W. Corkery & Co Pty Limited and Spectrum Acoustics) are aware of this precedence. We would welcome both Mr and Mrs Webb and Oberon Council to formally confirm in writing with the Department of Planning and Department of Environment, Climate Change and Water that the applicable noise criteria at the proposed dwelling and all surrounding residences is 50dB(A).

In regards to background noise levels, the assertion within the SoEE that background noise levels are likely to be between 30dB(A) and 35dB(A) is not supported by any monitoring or other evidence. Background noise levels measured by Atkins Acoustics on an adjoining landholding in 2003 (as outlined within our *Environmental Assessment*) were between 26dB(A) and 29dB(A). As pointed out within the SoEE, there are no other industrial noise sources within the area. Therefore, it is highly unlikely that background noise levels would have risen above 30dB(A).

3. Noise Modelling and Potentially Received Noise

As outlined within Section 2.4.2 of the SoEE, Umwelt brought to our attention that the 1:25 000 topographic map does not accurately reflect an area of topographic relief within Lot 12 DP 603429, namely a knoll. It was also requested that we consider how this might change the level of noise received at the proposed dwelling location.

Mudgee Stone Company subsequently commissioned and paid for Spectrum Acoustics to assess the effect of the knoll on received noise at the proposed dwelling under a selection of scenarios. It was agreed with Umwelt that the appropriate way to assess this was to add a 10m high barrier the length of the knoll within the noise model.

Despite the additional shielding provided by the knoll, the results of the selected scenarios indicated that noise exceedances would still occur under some scenarios during prevailing and adverse weather conditions. As a result of this and the disagreement that the proposed dwelling location

was the most suitable site within Lot 12 DP 603429, Mudgee Stone Company declined to commission further noise modelling.

Despite this, the SoEE states that *"the predicted worst case noise levels at the proposed dwelling site on Lot 12 will be 1 to 2 dBA above the Intrusiveness Criteria of 35 dBA at Years 1 and 20 respectively with operations in between these time period not expected to exceed 35 dBA"*. This is a highly misleading statement as noise between these periods would also likely exceed 35dB(A) at the proposed dwelling location under certain conditions and during certain activities. In particular, the SoEE fails to include the predicted noise levels for Year 5 quarry operations with the operation of a rock hammer which were 38.4dB(A). This information was provided to Umwelt in the same Spectrum Acoustics email as the other noise levels quoted within the SoEE.

It is important to note that the effect of this knoll only has significance for the proposed dwelling location and not for the other potential dwelling sites located within Lot 12 DP 603429 or received noise at any other surrounding residences. This information was provided to us following the completion of the August 2010 Noise Assessment for the proposed quarry operations. At that time, the proposed dwelling location was neither approved nor formally proposed. Therefore, the proposed dwelling location and knoll were not included within the noise assessment for the quarry.

4. Suggested Additional Mitigation Measures at the Quarry

During the preparation of the noise assessment for the quarry, additional mitigation measures were considered including the potential use of temporary bunding or shipping containers around the drill rig whilst operating on upper benches. These measures were investigated and found not to be feasible and unlikely to be effective. The reasons being that the temporary bund or shipping containers would need to be placed on the quarry bench in a direct line of sight to the proposed dwelling (or other surrounding residences). This would not be feasible or safe to do in all cases. Additionally, due to the width restriction on the quarry benches, it would not always be possible to provide a barrier of sufficient length to provide effective shielding. It was also deemed that the construction of temporary bunding would likely result in noise emissions similar to the operation of the drill rig thereby negating any positive effect.

We have also discussed the additional noise mitigation measures suggested within the SoEE with Spectrum Acoustics. A drainage line is present immediately adjacent the western boundary of the extraction area. Therefore, any bunding would need to be placed along the western boundary of the quarry site (Lot 2 DP 1089826) in the order of 40m or more from the edge of extraction. Noise barriers are most effective when placed immediately adjacent the noise source or the receiver. In this instance, the construction of a bund on the western boundary would not provide any significant noise reduction and would result in the unnecessary clearing of additional vegetation.

In relation to restricting trucks from the right of carriageway, trucks would still require access to the stockpiling area. Therefore, this would not result in a

significant increase in the separation distance from truck movements and the proposed dwelling. Considering that trucks are only one component of the received noise, this is also considered unlikely to result in significant reductions in received noise.

5. Compliance with Applicable Noise Criteria

As outlined within Point 3 above, even with the additional attenuation provided by the knoll, noise levels received outside of the approved dwelling would be above the applicable criteria. We support the additional acoustic treatments proposed by Mr and Mrs Webb to the dwelling to reduce the received noise within the dwelling. However, the Department of Environment, Climate Change and Water requires that compliance with noise criteria be achieved outside of a dwelling.

Therefore, despite the noise measures to the house to reduce the noise levels internally, without a formal agreement or similar legal measure, the operations of the quarry would still be legally non-compliant. Such a situation is not supported by Mudgee Stone Company.

6. Failure to Consider Blasting

The SoEE does not consider in any way the potential effects of blasting. Based on the blasting assessment within the *Environmental Assessment* prepared for the quarry, the vibration and overpressure levels would be as follows.

- At 380m - 1.48mm/s and 117.5dB(A).
- At 270m - 2.56mm/s and 121dB(A).

It is noted that the vibration levels would comply with the applicable criteria of 5mm/s, however, the blast overpressure would be non-compliant during blasting within both the approved and proposed extraction areas, the applicable criteria being 115dB(A). It is also noted that the topographic shielding provided by the knoll behind which the proposed dwelling would be located is unlikely to provide any significant reduction to overpressure levels due to the frequencies associated with blast overpressure.

7. Location of Dwelling

We contend the statement that the proposed location of the dwelling is the only "*truly feasible*" location. As Council is aware, Mr Scott Murdoch, Quarry Manager, participated in a walk over of Lot 12 DP 603429 in December 2008 with both Mr and Mrs Webb and Council to review the potential for other suitable building envelopes. Several other suitable sites were identified. In particular, we feel that Site 4 within the southwest part of Lot 12 DP 603429 would provide a more than suitable area for a dwelling.

The concern raised within the SoEE of Site 4 being located within 250m of other residences is not understood when the proposed dwelling location is within 270m of proposed quarry operations. Also, although the appreciation of the views is subjective, it is Mudgee Stone Company's perspective that the views from the proposed location are limited by the surrounding vegetation (refer to Plate 1 within the SoEE) and that better views could be obtained from Site 4.

We also note that the access to Lot 12 DP 603429 as required under DA 110-03 has been constructed within the southwestern corner of Lot 12 off Beattie Road and would provide logical access to Site 4.

8. Potential Future Development of Oberon Alaskite

The SoEE indicates that the proposed dwelling would not result in any constraints to the ongoing development of the Oberon Alaskite. Although Mudgee Stone Company does not have any plans in the foreseeable future to further extend the extraction area, any logical extension would be to extend the extraction area to the north towards the stockpiling area.

It is acknowledged that the knoll provides substantial shielding (in the order of 4dB(A)) to operations within the existing and proposed extraction area (see Figure 2 of the SoEE). However, this shielding effect is substantially reduced for areas north of the currently proposed extension. As noise exceedances are still predicted for the proposed operation, it is considered that the proposed dwelling would present constraints not only to the proposed quarry operations but also to potential future operations.

In Mudgee Stone Company's opinion, the fact that any future extension would likely be northwards further supports the fact that Site 4 is a more appropriate location for a dwelling.

9. Other Inaccuracies

- Section 3.1 states that *"the proposed development can be undertaken without adversely impacting on the future ability to extract known gravel resources"*. This incorrectly implies that the Oberon White Granite Quarry is a gravel quarry and that the Oberon Alaskite can be recovered without blasting. The majority of the Oberon Alaskite is in fact competent hard rock requiring blasting and crushing to obtain a suitable product. This was identified during our previous submission to DA 23/09 together with the need to consider the effects of blasting.
- The size of the proposed extraction area at the Oberon White Granite Quarry is 6ha, not 40ha as mentioned within Section 3.3 of the SoEE.

In summary, Mudgee Stone Company believes that any approval of a dwelling at the location proposed would result in ongoing constraints to the continued operation of the Oberon White Granite Quarry and the development of the Oberon Alaskite resource.

Should you have any questions in relation to the above or wish to discuss any matter, please don't hesitate to contact me.

Yours sincerely

Robert Murdoch
General Manager