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HAWKESBURY CITY COUNCIL

BUSINESS PAPER

SPECIAL MEETING - 18TH JUNE, 1991

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Council's solicitor has suggested that prior to Council making a decision whether or not to commence legal proceedings that each complainant should be written to and asked to advise whether or not they would be prepared to be interviewed by Council's solicitors, make an Affidavit for use in the Supreme Court proceedings and thereafter attend at Court and be cross-examined in respect of their evidence. Depending on the number of people who would be prepared to assist Council, it may then be necessary for Council's solicitor to conduct interviews. Following these interviews Council will be in a better position to decide whether legal proceedings should be taken.

Whilst Council staff have assessed the odour at McGraths Hill and Ebenezer on many occasions since the notices were served, it is the residents due to their potential exposure time, who are in the position to provide the evidence as to compliance with the notices.

IT IS RECOMMENDED THAT each person who has complained to Council in respect of the emission of offensive odour from the premises of Graham Price Pty Ltd and Mushroom Composters Pty Ltd be requested to advise whether they would be prepared to be interviewed by Council's solicitor, make an Affidavit for use in Supreme Court proceedings and thereafter attend the Court and be cross-examined in respect of their evidence. Further that responses be referred to Council's solicitor and that he be requested to conduct the appropriate interviews and to provide further advice to Council.

G M McCully
Town Clerk/General Manager

TOWN CLERK/GENERAL MANAGER'S SUPPLEMENTARY REPORT

SPECIAL MEETING - 18TH JUNE, 1991.

Mayor and Aldermen,

SANDSTONE QUARRY - SCHAFFER CORPORATION LIMITED - EAST KURRAJONG ROAD, EAST KURRAJONG DA 365/90

Since the issue of the business paper for tonight's meeting a number of Aldermen have raised some issues. These are as follows:

The provision of onsite absorption for toilet wastes.

It was suggested that the land after extraction is not suitable for containing wastes as there would be no absorption material remaining. Whilst this is generally agreed to, there would appear to be adequate area remaining on the land that is not to be extracted, whereby toilets could be contained, including a reasonable onsite disposal area. Also portable toilets could be utilised on the extractive area itself should that be considered necessary.

It was suggested that the operation may cause the emissions of silica dust with the consequent possibility of contraction of silicosis.

This aspect was not raised by the State Pollution Control Commission as an area of concern in their comments to the application. In discussions with the Department of Mineral Resources, who are the controlling authority for working conditions for employees at mines, it was indicated that, whilst there are conditions to be met by companies to safeguard their employees, insofar as enclosing of cabins on certain vehicles, etc., the possibility of silica dust causing nuisance or endangering health to others in the locality is too remote to be of concern.

The report indicates in relation to property values that "if the proposal is approved the status quo will not change in that the quarry will continue to operate as it has done for the past twenty years".

The point has been raised that should this application be not approved then the status quo will only remain during the currency of the present consent, i.e., until August 1993, after which property values may increase by virtue of the quarry no longer operating. Whilst it is conceded that property values may increase as a result of inactivity of the quarry, it is considered that such would be very difficult to quantify and would not likely cause a significant change in valuation such as would outweigh all other issues and warrant refusal of the application.

It has been expressed that Condition No.14 concerning the washing of truck wheels to minimise dust and debris may, in fact, cause more debris to be deposited on the road.

This undertaking was included in the Environmental Impact Statement accompanying the application. It may be that the length of the paved access road from the quarry face to East Kurrajong Road may be sufficient in itself to minimise dust and debris being deposited on the local roads and it may be more appropriate to delay the washing component of the condition so that the situation can be monitored for a period of say, three months. This has been included as a recommended rewording of Condition No.14.

It was indicated that there should be a condition requiring no blasting to take place on the premises.

Whilst this is not objected to, it is not legally required as there is a specific indication in the EIS that no blasting would take place.

The exact location of the central median in Singleton Road, as per Condition No.11 has been queried.

The condition should be reworded to remove the "central median" and replace these with the words "traffic device" as, in the absence of formal design, the exact location of an appropriate traffic device cannot be ascertained. The condition however is required to restrict trucks turning right from Singleton Road into East Kurrajong Road, Section 2, cutting the corner and with the subsequent dangers that such would cause.

Clarification was sought in relation to Condition No.2.

It is considered that the wording of the condition requires alteration as, clearly, a total designated development application should not be required, providing Council is satisfied as to the adequacy of a further submission in relation to noise emission from the five blade saw and the water jet cutter. Such would require construction of the apparatus and testing by the State Pollution Control Commission insofar as emissions.

Aims and objectives of the zone.

It has been suggested that the objectives of the Rural 1(b) zone preclude Council consenting to the proposal. This has particularly been indicated in recent objections which suggest that the locality is one of a "rural/residential" nature.

Council's LEP does have rural zones which specifically provide for rural/residential lifestyles. The subject zone, however, is not one of these and is a zone where a range of activities which are either not rural or not residential are permitted. As this zone is one of the main rural zones where extractive industries are allowable, it is not considered that extraction is inconsistent. In fact, the opposite could be said to apply.

The applicant company has also made representations in relation to a number of matters, which are as follows:

The company indicates that Condition No.5 concerning hours of operation would cause trucks to be parked on East Kurrajong Road awaiting for the 7.00 a.m. opening of the gates.

It has been suggested that there could be an additional gate on the property but restricting access to the extraction site and that trucks could be allowed to enter the site generally but not the extraction site which, in turn, would obviate their need to park on the road and therefore cause less nuisance to nearby houses. This has apparently been utilised on other extraction sites with success and the suggestion is agreed to. Conditions No.5 and No.20 are recommended to be altered accordingly.

In respect of Condition No.6, the company indicates that it would be a better controlling mechanism of Council to ensure a minimum noise bund height for all operations and which, if unable to be achieved, would require restriction of operating hours whilst working in those areas where the noise bund cannot be achieved.

Such a change to the condition will also make it easier to control by Council officers, in that there would be no need for accurate survey equipment to be utilised.

The company queried Condition No.12 concerning the road levy and expressed concern by the utilisation of the Consumer Price Index, in that there are too many externalities which may have nothing to do with the extractive industry and which could impinge on their pricing structure, and suggesting that the Road Construction Index would be the more appropriate index to be utilised.

It was explained that the 46 cents per tonne was a calculation based on advice from the Roads and Traffic Authority of its suggested levy of 3 cents per tonne per kilometre with calculations taking place as to distance from the quarry site to the City boundary and the percentage of trucks that would leave the City boundary as compared to deposit the material within the City. Such a method is in line with a recent Court case concerning Baulkham Hills Council in the Land and Environment Court.

The company queried Condition No.22 and, whilst not objecting to it as such, suggested that occasionally material is required on East Kurrajong Road, Section 2, to the east of the site, particularly when being utilised by Council for its roadworks on the road.

It is considered that the condition should be reworded so that an allowance is made for trucks to turn left out of the quarry site when the material is being utilised on East Kurrajong Road, Section 2, or properties fronting it.

The company, of its own volition, has indicated that it is prepared to relinquish its current consent, which is not due to expire until August 1993, within three months of the issue of the subject consent, subject to the road levy, as per condition No.12, being deferred until the time when the existing consent would expire.

That is, the company is prepared to relinquish its current consent within three months and then operate on the terms of the new consent which would benefit Council insofar as the new conditions and, arguably, would not cause Council to lose anything for road royalties as, in theory, even if the new consent is issued, it does not have to be actioned until June 1993, with the company being able to rely on its existing consent until that time. This is considered to be a significant negotiation with the company and particularly since they are also prepared to pay an amount of ten cents per tonne royalty until August 1993, in lieu of the current two cents being paid.

The company, after negotiation, is further prepared to provide a cash bond of \$10,000 in respect of the restoration required as part of the EIS for each stage, with the Council being able to redeem part or all of the bond if it is not satisfied that restoration is being carried out in accordance with the EIS and with the bond to be made to be "topped up" by the company should it wish to continue operation.

The suggested rewording of conditions as indicated in the above report have been included in the recommendation.

As this is designated development, consent cannot issue until 28 days have elapsed after notification of the objectors of Council's decision and only then providing that no right of third party appeal to the Land and Environment Court has been given.

Recommendation

That the conditions as reported be altered to the following extent:

2. **Further approval is required from Council prior to installation and operation of any cutting mechanisms as specified in the Environmental Impact Statement. Such approval will only be granted after it has been demonstrated, in the form of a noise impact assessment acceptable to both Council and the State Pollution Control Commission, that the apparatus can be contained on site in a satisfactory manner.**
5. **Operations involving extraction, processing and transportation of raw materials shall not take place on the land except between 7.00 am and 5.15 pm Monday to Friday and between 7.00 am and 12.15 pm Saturday, and at no time on Sundays and Public Holidays. In this respect there shall be erected a gate between the road boundary and the extraction site, which is not to be opened until 7.00 am, and a further gate on the road boundary which is not to be opened until 6.30 am but which, after opening, may permit the passing of unladen trucks to enable them to be contained on site awaiting the opening of the 7.00 am gate.**
6. **Quarrying operations which are carried out above the 80m AHD contour shall only take place between the hours of 9 am - 3 pm unless there is provided a noise attenuation earth or quarry face bund of minimum 7 (seven) metres in height. Such bund is to be positioned so as to minimise noise emissions and shall apply in addition to requirements of the State Pollution Control Commission.**
11. **The applicant shall construct a traffic device at the intersection of Singleton Road and East Kurrajong Road, Section 2, such work shall not commence until plans have been submitted to and approved by the Manager of Engineering Services and the Roads and Traffic Authority, should that be required. The works are to be completed within 6 (six) weeks of approval of the engineering plans.**
12. **From the 1st July, 1993, the applicant shall pay or procure payment to Council of a contribution under Section 94 of the Environmental Planning and Assessment Act, 1979 at the rate of 46 (forty six) cents per tonne of all extracted materials transported from the subject site and in respect of the said contribution the following provisions shall apply:**
 - (i) **The said contribution shall be calculated and paid monthly from the date on which the development consent became effective.**
 - (ii) **The said contribution will be indexed and adjusted annually as from the date the consent became effective in accordance with the Road Construction Index applicable to each year ending 30th June, for the duration of the development consent and the said adjustment to the contribution shall take effect from and including July each year for the duration of the consent.**

- (iii) On or before the 14th day of each month the applicant shall deliver or procure delivery to the Council of the true certified copy weighbridge or other returns or records showing the true quantities of extracted materials transported from the property during the immediately preceding months and the Council will then as soon as it can conveniently do so issue to the applicant or its consenting assignee an invoice for the contribution payment payable for the month, which payment the applicant or its consenting assignee will pay to the Council within 14 (fourteen) days of the date thereof.
- (iv) The Council has the right to inspect and have the original records relating to any of the extracted material, including numbers and types of laden trucks and trailers and load quantities transported from the property, audited by any person nominated by its internal accountant at any time as and when he may by written request so require.
- (v) The Council will pay all of the said contribution payments into a specially identified trust account for payment towards the rehabilitation, restoration, repair and/or maintenance of State and regional roads used by trucks transporting material from the quarry.

From the consent date until 30th June 1993, the contribution rate shall be 10 cents per tonne.

- 14. Council reserves the right to impose a condition to have a mechanism whereby wheels of trucks leaving the site are washed to minimise dust and debris being deposited on roads, however, shall monitor the operation for 3 (three) months without such a facility to ascertain whether such is required.
- 22. No trucks entering or leaving the quarry shall travel along that section of East Kurrajong Road, Section 2, which is located east of the access road to the quarry apart from trucks delivering material for works associated with East Kurrajong Road, Section 2, or with properties fronting that road.
- 23. All maintenance and repair to plant and equipment shall take place only between 7.00 am and 5.15 pm Monday to Friday and 7.00 am to 12.15 pm Saturday and at no time on Sundays and public holidays.
- 27. The applicant shall pay to Council a bond in the amount of \$10,000 (ten thousand dollars) in a form acceptable by Council, such bond to be utilised

by Council in the event of there not being satisfactory restoration for each stage as incorporated within the Environmental Impact Statement. Should the bond be utilised by Council, the amount is to be "topped up" by the applicant within 2 (two) months otherwise further extraction cannot continue.

28. The existing development consent on the land is to be relinquished within 3 (three) months of this consent date.

G.M.McCully,
Town Clerk/General Manager

Gleno
Michael
Rottenham
Sledge
Sheather
Deme
Mackay.

Hornes
Benson
Bazeley
Stuh

HAWKESBURY CITY COUNCIL

Your Ref:

Our Ref:

June 11, 1991



Council Chambers
George Street
Windsor NSW 2756
Phone (045) 87 7000
Telex 122336
DX 8601 Windsor

Mr.G.F.Falson,
Manager of Town Planning,
Hawkesbury City Council,
Council Chambers,
WINDSOR, N.S.W. 2756

Dear Sir :

A SPECIAL MEETING of Council will be held
in the Council Chambers, Windsor on TUESDAY, 18TH JUNE, 1991
commencing at 7.30 p.m. for the transaction of the following business:

CONSIDERATION OF REPORT ON THE EAST KURRAJONG
QUARRY - SCHAFFER CORPORATION LTD.

Your attendance would be appreciated.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'G.M. McCully', written over a horizontal line.

G.M.McCully,
Town Clerk/General Manager.

**CONTINUATION OF QUARRYING AND THE PROCESSING OF
SANDSTONE, INCLUDING THE INSTALLATION AND USE OF A
SANDSTONE SAWING PLANT.**

Applicant: Schaffer Corporation Limited

Land and Location: Part Portion 106, Parish of Meehan, Lot 4 DP 556534
and Lot 1 DP 437699, Singleton Road, Kurrajong

Area: 55.65 hectares

Zoning: Hawkesbury Local Environmental Plan 1989 Rural 1(b)

Advertising: Adjoining owners notified with 86 objections being
received.

Date Received: 3rd December, 1990

REPORT

Background

On the 14th August 1990 Council considered a similar application to the one now proposed and resolved to refuse the application for the following reasons:

1. Not in keeping with the Rural/Residential character of the area.
2. Increase in the extractive area will cause a substantial impact on the western and northern properties.
3. Time frame of the thirty years for quarrying is far too long.
4. No buffer zone from the northern property.
5. Increased traffic over thirty years will cause road safety problems
6. The proposal will cause an unacceptable noise nuisance.
7. That the application is not in the public interest and should be located in a more remote area.

Subsequently the applicant requested a reconsideration of the matter and Council at its Ordinary Meeting of the 9th October, 1990 resolved that *"the applicant be invited to submit a new application incorporating the following changes from that previously submitted;"*

1. Reduced time to no longer than ten years
2. Reduced area of extraction commensurate with 1 (one) as above, and, in any case being no closer than 100 metres from the adjoining land owned by Egan
3. The application indicating a proposed inland use after extraction and proposal for site restoration after each stage of extraction.
4. The application not propose any works of any kind, including maintenance, outside the operating hours of 7.30am - 5.00pm Monday to Friday.
5. The survey and pegging out of the proposed extractive site to ensure no encroachment.
6. Sealing of the road to the foot of the quarry.

The Proposal

The applicant has provided the following information.

"The existing quarry has been excavated at least 25 metres to 30 metres into the ridge on which it is situated providing substantial acoustic screening of existing and proposed quarrying and processing operations. The expanded quarry will cover an area of approximately sixteen hectares and has a floor area of approximately twelve hectares at the sixty three metre AHD level. Approximately 4.5 million tons of sandstone has been delineated for extraction on the project site over the next ten years, assuming a base quarry level of sixty three metres AHD. The company estimates that approximately 250,000 tons of the sandstone to that level is suited to the manufacture of dimension stone products.

Future quarrying would be undertaken in a manner similar to that of the existing operation with the exception that blocks for sandstone sawing may eventually be cut from the quarry face by a water jet or similar cutting system. In the mean time, all sandstone would be ripped and pushed by bulldozers. Select oversize rocks would be set aside for sawing. No blasting would be undertaken during the remainder of the quarry's life.

The quarry would be developed with final face gradients of 40 degrees with a seventeen metre face and intermediate depressions every six metres to assist in the long term rehabilitation of the quarry. As the quarry is developed, the perimeter would be progressively rehabilitated to ensure maximum possible reduction in visual impact.

Processing of the sandstone would continue to be undertaken by mobile crushers situated on the quarry floor. The sandstone sawing plant would be located in the north eastern corner of the quarry to ensure maximum screening for noise and visual impact.

The quarry and processing plants would operate five and a half days per week; 7am to 5pm weekdays and 7am to noon Saturdays (Public Holidays excluded). Company owned trucks, loaded prior to 5pm on the previous afternoon would be despatched between 6.30am and 7am on the following day. Maintenance work would be carried out in facilities to be established on the quarry floor. To facilitate a reduction in the possible nuisance and noise associated with maintenance, the company will also undertake certain maintenance off the site and will reduce the hours of maintenance at the quarry to conform with the hours of operation.

As a self regulating measure the quarry gates will be opened at 6.30am and closed for all work at 5.15pm Monday to Friday and 12.15pm on Saturdays. No work will be carried out on Sundays or public holidays. Should it become necessary to carry out specific work or maintenance outside the hours of operation, prior approval of the Council will be obtained.

The sandstone products would be transported from the site by company trucks, sub contractors or other individuals. Each would transport about one third of total production. Present truck traffic from the quarry averages 130 movements per day and peaks at approximately 210 per day. When full production of crushed sandstone and sawn sandstone blocks is achieved, truck movements are anticipated to average 208 per day and peak at 344 per day.

The operator currently employs 15 persons on site and a further 12 subcontractors for product delivery. The expanded operation, when at full capacity, would employ 31 persons plus subcontractors for product delivery."

The applicant has also provided a statement in relation to Council's last resolution on the matter dated 9 October 1990. The applicant states as follows:

This Environmental Impact Statement is essentially an amended version of the April 1990 document but incorporates the company's responses to a range of issues raised in the discussions with Aldermen of Hawkesbury City Council and surrounding residents during and after the assessment of the first Environmental Impact Statement. The principal amendments to the first Environmental Impact Statement are as follows;

- * the approval time sought is ten years*
- * a buffer of 100 metres is proposed between the northern quarry limit and the northern property boundary. The quarry boundary has been changed slightly and the quarry limit reduced in area by approximately 2.3 hectares.*
- * All plans have been amended to accurately show the northern property boundary*
- * Alternative plans for maintenance are proposed reflecting the company's proposal not to undertake any maintenance outside approved working hours*
- * The location of the proposed sawing plant has been moved to an area within the quarry which would provide greater acoustic protection.*
- * Updated statistics*

- * *Final quarry slopes have been reduced from 45% to 40%.*
- * *All soil would either be placed in a designated stockpile or placed on a previously quarried area to assist in the rehabilitation of that area.*
- * *The internal haul road would be sealed from the weighbridge to the floor of the quarry.*
- * *Additional rehabilitation is proposed specifically along the northern boundary of the quarry to reduce the potential for siltation of the creek north of the quarry.*
- * *A commitment by the company/the operator to meet regularly with neighbours to ensure all issues of concern are discussed.*
- * *Further details are provided on the procedures for controlling discharging excess water from the project site.*

Statutory Situation

Extractive industries are permissible on the site with Council consent.

The proposal is defined as designated development. The Environmental Planning and Assessment Act 1979 and Regulations specify procedures which Council must observe prior to the determination of an application for designated development. These procedures have been carried out and the matter may be determined by Council.

Response from Government Bodies

Submissions have been received from the Department of Planning, State Pollution Control Commission, Road and Traffic Authority, Water Resources Commission and the Soil Conservation Service of NSW.

The latter three responses raised no objection to the proposal and offer suggestions as to minimise the impact of the continued use of the existing sandstone quarry.

The State Pollution Control Commission wrote to Council on the 21 February, 1991 and advised as follows:

"The Commission finds that the noise data supplied in the EIS is insufficient to fully assess the proposal. A full copy of the Acoustical Assessment Report prepared by Challis and Associates should be supplied to the Commission. As these premises are scheduled under the Noise Control Act the company will be required to make application for approval prior to any alterations in the method of operation or installation of any further plant. The waste water treatment system for the new amenities will also require approval from the Commission prior to installation." Subsequently Council contacted the applicant and arranged for the pertinent information to be supplied to the State Pollution Control Commission.

On the 7 May 1991 the State Pollution Control again wrote to Council and advised as follows:

"The Commission has been unable to fully assist the EIS and accompanying acoustical assessment reports. As these premises are scheduled under the Noise Control Act the company will be required to make application for a Pollution Control Approval prior to any alterations in the method of operation or for installation for further equipment. It is likely that an approval would be given by the Commission subject to certain conditions of which the Commission feels that the company would be able to comply with.

The company also holds a licence with the State Pollution Control Commission. This licence will be revised to take into account changes in operations on the site and further operational conditions may be added."

The Department of Planning also provided correspondence to Council and in their letter dated 9 April 1991 they advised as follows;

"The Department has examined the submissions and considers that this proposal is appropriate for determination by Council, taking into account the various matters that have been raised. Council will be aware that the determination of the proposed development should take into account all those matters specified in Section 90(1) of the Environmental Planning and Assessment Act, 1979.

In this regard it is noted that considerable concern has been expressed in the submissions about the adequacy of the EIS. Council should in the circumstances satisfy itself that it has adequate information to determine the application. Your attention is drawn to the State Pollution Control Commission's letter to Council dated 21 February, 1991.

It is noted that an number of the submissions expressed concerns about the ability of the proponent to manage the Environmental Impact of the development and also the ability of the Council to enforce controls on the development.

Under the circumstances, should Council determine to grant approval, it should satisfy itself as to the good faith and ability of the proponent to comply with and implement controls that protect the environment. Additionally the Council should examine its own position and consider its own willingness and ability to monitor and enforce such controls.

Council is reminded that conditions attached to a consent should be specific enough to allow any member of the public to observe their compliance. The consideration by Council of a condition requiring a bond equivalent to the estimated cost of rehabilitation works to be lodged with a responsible body may be appropriate. Similarly a sunset condition may be appropriate.

If Council proposes to refuse the application, it should still consider the need for rehabilitation measures.

It is noted that considerable concern has been expressed in the submissions about the transport impacts of the subject operation and its proposed expansion on the condition and safety of Putty Road and East Kurrajong Road. In this regard, the requirements of the Roads and Traffic Authority as outlined in their letter dated 1 February, 1991 should be incorporated into any consent granted by Council."

Public Notification

Council wrote to 25 adjoining residents advising them of the current proposal. 89 submissions have been received in response to the public notification carried out by Council. The names and addresses of people who made submissions is shown in Appendix 1 to this report. The grounds of objections contained in the written submissions are summarised below:

SCHAFFER CORPORATION LIMITED DEVELOPMENT APPLICATION -

SANDSTONE QUARRY EAST KURRAJONG - GROUNDS OF OBJECTION

Grounds of Objection	Number of times raised.
Increased truck traffic leading to traffic hazard	61
Truck Noise	48
Dust pollution from trucks and quarrying (Silica dust)	46
Quarry trucks break up roads	36
Local roads, especially East Kurrajong Road, are not designed for truck traffic	22
Spillage from trucks causes a hazard on roads	22
Inadequate timing of sealing internal haul road	7
Back loading of trucks with soil will further degrade roads	7
Early morning disturbance from truck noise and/or quarry operations	5
Diesel fumes	4
Quarry trucks cause a hazard to schoolchildren at East Kurrajong Primary School	4

Quarry trucks cause hazard on ferries	3
Inaccurate data for truck movements East along East Kurrajong Road	1
Dangerous intersection of corner of East Kurrajong Road and Putty Road	1
Overloading of trucks	1
Quarry noise	32
Noise from sandstone sawing plant/lack of noise data	12
Blasting should be prohibited and allegations of blasting	7
Inappropriate noise level readings (wet on damp mornings)	2
Increased ground vibration	1
Applicant has not complied with previous conditions of consent	27
Quarry is incompatible with rural/residential uses	23
Quarrying will cause scarring of the landscape	17
Increased siltation of local watercourses	17
Quarry devalues nearby properties	15
Proposal has not been justified	10
Scale of operation is too large	8
Disruption to amenity of area due to "out of hours" work	7
"Protected Lands" should not be mined	6
Incompatible with zoning objectives	5
Cumulative affect of nearby Readymix Quarry must be considered	5
Threat to the environment	5
Loss of amenity	4
Incompatible with scenic attributes of area	4
Not in the public interest	4

No financial or employment benefit to local residents	2
Hours of operation are too long	2
Socially and economically detrimental	2
Decreased quality of life for local residents	2
Delays in rezoning of the locality	1
Ten year quarrying period is too long	1
Quarry boundary should be pegged prior to determination of DA	1
Circumstances of the case	1
Provisions of the Environmental Planning and Assessment Act, 1979, have not been complied with.	

Total Number of Objections - 89

Planning Assessment

Noise

The proposal has the potential to generate noise from the following activities:

1. Trucks travelling from the quarry and travelling towards the weighbridge and site entrance
2. Empty trucks entering the quarry site
3. Trucks leaving the quarry site
4. Earthmoving machinery within the site
5. The crushing plant on the quarry floor
6. The proposed sandstone sawing plant

One objector to the proposal has engaged another noise consultant to assess the Sections in the Environmental Impact Statement dealing with noise. The noise consultant has listed a number of deficiencies in the Environmental Impact Statement and his report has been valuable as an assessment tool.

The prediction of noise levels at some future time at adjoining properties is a complicated exercise. Whether these predicted levels are then considered acceptable involve further calculations and assumptions. In a nut shell, there are two criteria which are used in assessing whether the noise impact of a proposal are acceptable. These are;

1. That noise from any single source does not intrude greatly above the prevailing background noise level, and
2. that the background noise level does not exceed the level appropriate for the particular locality and land use.

It is apparent from the data supplied by the EIS that the first criteria will be breached in those situations where quarrying is occurring above the eighty metre AHD contour as there is limited noise attenuation available apart from existing vegetation. Once quarrying goes below the eighty metre level then the quarry rim will significantly reduce noise levels. The applicant has volunteered to limit the hours from 9.00am to 3.00pm in these circumstances and this is considered acceptable.

In relation to the second criteria the acceptable background levels set by the SPCC for a Rural/Residential should not exceed 45 dBA. The subject site adjoins a major thoroughfare and therefore the acceptable levels should be raised slightly to say 47 dBA. There is little doubt from both the EIS and especially the objectors noise consultant's report that some adjoining residences will be detrimentally affected by noise during the quarry operations. However, using the State Pollution Control

Commission's Guidelines the proposal conforms with the upper limits of the acceptable noise limits criteria.

The EIS mentions that a water jet cutter would be used at some future time in the quarrying operation. The objector's noise consultant indicates that such a cutter would have unacceptable noise characteristics. It is recommended that the introduction of a water jet cutter to the operations should be the subject of a separate development application.

Similarly insufficient noise data is available for the sandstone saw as it is to be custom built for this operation. The same approach should be adopted as in the previous application where the applicant would be required to build the saw and test it on site. If the saw were to meet SPCC Guidelines then the applicant would submit a noise consultant's report and details of operating procedures for future approval by Council. The applicant has agreed to this procedure.

The sealing of the internal haul road will significantly decrease noise associated with trucks.

The noise impacts due to increased truck traffic do have potential to decrease the amenity of residents in the East Kurrajong Road. This will be addressed in the following section.

In conclusion the State Pollution Control Commission were requested to comment on both the sections dealing with noise in the EIS as well as the objectors noise consultant's report. As stated previously the SPCC has replied by stating;

"It is likely that an approval would be given by the commission subject to certain conditions which the Commission feels that the company would be able to comply with."

Traffic

The proposal will substantially increase truck movements to and from the site. The applicant has indicated in the EIS that;

"Virtually all the products are currently delivered by trucks turning right from the project site onto East Kurrajong Road (Section 2) and then left into Putty Road. Trucks only turn left into East Kurrajong Road (Section 2) or right into Putty Road when delivering local orders."

The majority of complaints regarding traffic safety and noise are by the residents on or users of East Kurrajong Road (Section 2). This road is of a local rural road standard and does not have the optimum design (vertical/horizontal alignment) or width to sustain an increase in truck traffic. Council now has the opportunity to prohibit usage of East Kurrajong Road (Section 2) by trucks operating out of the Schaffer Quarry. This can be achieved as a condition of consent. This action will overcome the majority of concerns regarding traffic hazard and traffic noise in the locality. If quarry products are required for destination via the Sackville Ferry then trucks will be required to travel along main roads to reach this destination (ie Singleton Road and Sackville Road).

A condition will also be imposed requiring that all loads be covered prior to trucks leaving the site. This was not stipulated on the original consent issued in 1973.

It is acknowledged that the intersection of East Kurrajong Road with Singleton Road needs improvement given the increase in projected total traffic from the quarry increasing from 240 vehicles per day to 398 vehicles per day.

The matter was referred to the Regional Traffic Committee which resolved as follows;

1. The levee of 2 cents per ton towards roadworks levied in 1972 be reviewed to a more realistic levy. The committee considers 3 cents per ton per kilometre a more appropriate levy.
2. All trucks leaving the site should have their wheels washed to minimise dust and debris being deposited on Putty Road. All loads leaving the site should also be covered.
3. A medium strip should be constructed on East Kurrajong Road (Section 2) and Putty Road to improve traffic conditions. Costs to be born by the developer.

In regard to point one, it is recommended that the applicant pay a levy to Council of 46 cents per pay load ton. This levy will be allocated to the repair and maintenance of State and regional roads which are traversed by trucks associated with the proposal. The amount has been calculated in accordance with RTA requirements and as provided in recent land and environment court decisions.

The capacity of the road system is adequate to carry peak volumes of traffic when the quarry is fully operational.

Amenity

The setting of the quarry is such that visual impact on adjoining properties is well shielded by rock outcrops and natural bushlands. The quarrying techniques as outlined in the EIS ensured that bushland is maintained on the quarry rim.

The revised EIS provides for a 100 metre wide buffer from the northern quarry limit to the northern property boundary. The quarry workings are slightly visible from potential housing sites on the adjoining property to the north. The immediate objector to the north has provided photographs which showed extensive quarry workings that are visible from their property. The photos are taken from a sandstone ridge, the location of which would not be suited to the erection of a dwelling house.

The design of the quarry is such that the vast majority of the quarry would not be able to be viewed from adjoining properties. The quarry design also shields adjoining owners from excessive noise.

The quarrying will scar the landscape however the final landform will with time have the appearance of a sandstone escarpment and would not be out of keeping with the locality.

The quarry proposal does run contrary to one of the objectives of the 1(b) Zone which states that development should maintain the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads. This zoning objective should also be considered with the overall objective of the Hawkesbury Local Environmental Plan 1989 which seeks to provide for the orderly and economic development and conservation of land within the City of Hawkesbury. The site has operated for twenty years as a quarry, is close to a main road and has topographical benefits in terms of noise shielding. The orderly development of the quarry and its economic benefit to the area must be considered as well as the previously mentioned zoning objective.

Residents concerns in relation to the disruption to the amenity of the area due to out of hours work is acknowledged. The applicant's proposed starting time of 6.30am for trucks loaded the previous day would be difficult to police. That is it would be difficult for Council to ascertain whether trucks leaving the site at 6.30am were loaded in the morning or were loaded the previous evening. A more effective means of controlling out of hours work would be to stipulate a single opening and closing time for the quarry. It is recommended that the hours of the quarry be restricted from between 7am to 5.15pm Mondays to Fridays and from 7am to 12.15pm on Saturdays. No work to be carried out on Sundays or public holidays. Similarly the applicant has indicated that no out of hours maintenance work will occur on the site. This again is supported and can be enforced as condition of consent.

Siltation of Water Courses

The applicant proposes to clear approximately 2 hectares of trees on protected lands as defined by the Soil Conservation Service in NSW. The service has no objection in principle to the clearing of this land, however, they have provided conditions to the applicant on how this is to be carried out.

The proposal has the potential to cause sand, silt and clay fractions to be washed from the site onto adjoining properties and eventually into Halls Erwins Creeks. Both the Soil Conservation Service and the Water Resources Commission have provided guidelines on how to minimise the potential of soil erosion from the site. These guidelines can be converted into conditions of consent in such a way that discharges from the site can be relatively easily monitored.

The applicant will also be required to install grease and oil separators especially in the vicinity of the workshop to minimise pollution on downstream properties.

The sedimentation dam on the site has a storage capacity in excess of 8,000 cubic metres which would provide a storage capacity of at least 500 cubic metres per hectare for the final area covered by the quarry. The size and location of the sedimentation dam is satisfactory and will be required that it be maintained to the abovementioned capacity as a condition of consent.

Rehabilitation

The quarry operations are proposed to be staged with the emphasis to be on progressive rehabilitation. The EIS provides satisfactory guidelines for the rehabilitation for the various stages. To ensure that the proposal conforms with the rehabilitation specifications in the EIS it is recommended that the applicants submit a yearly account of rehabilitation works in the form of a yearly "works as executed" drawing showing both the stage of quarrying as well as the stages of progressive rehabilitation.

The EIS concludes the section on rehabilitation by stating;

"The company's products are often despatched to sites where excess soil is present. It is the company's intention wherever possible, to back load with imported soils for use in the long term rehabilitation. These soils will be placed either directly onto areas requiring rehabilitation or onto the designated top soil stockpiles. No materials other than topsoil are to be back loaded to the quarry. It is proposed that the use of the imported soil be confined mainly for the revegetation of the quarry floor."

The importation of soil onto the site is not supported because from experience it is difficult to control the quality and quantity of soil being imported to the site. In fact some fill may be contaminated and thus effect downstream wetlands. Furthermore imported fill can also contain a variety of weeds which may be detrimental to the surrounding natural bushland. Enough overburden and tipsoil exists on site to rehabilitate the land.

The applicant has indicated that when finally rehabilitated the quarry floor would have an area of approximately 12 hectares and would be suitable for suitable into rural residential lots. The quarry haul road could be incorporated into the subdivision.

This may be a feasible option however, the drainage of the site would need to be carefully designed.

Property Devaluation

A number of objectors have raised concern that extension of the operating life of the quarry will devalue property values in the area. Research has shown that the majority of houses in the locality have been erected since the start of quarry operations. Quite a number of the residences being constructed in the 1980's. These properties were often purchased with the knowledge that the quarry was operating at the time, consequently the purchase price reflected the existence of the quarry. If the proposal is approved the status quo will not change in that the quarry will continue to operate as it has done for the past twenty years.

majority of properties built after commencement of quarrying

Justification of the Proposal

The applicant has justified the proposal by stating the following;

"The consequences of not proceeding with quarry extensions beyond August 1993 are as follows;

1. *A resource of approximately 4.5 million tons of sandstone would not be extracted, resulting in greater costs for construction companies, home builders and local councils.*
2. *The owners and staff of Halpin Quarries Pty Ltd would be forced to look elsewhere for future employment. The local community would lose a substantial prospective economic benefit.*
3. *Some of the demand for replacement products would be met by the Ready Mix Quarry, located two kilometres beyond the company's quarry on East Kurrajong Road (Section 2). This would result in increased traffic levels on this section of the road.*
4. *The opportunity to produce a range of sandstone pavers and blocks within the Hawkesbury City Council area would be lost.*

The applicant's remarks in this regard are supported.

Compliance with Council's Resolution

The applicant has complied with Council's resolution of the 9 October, 1990 in all respects apart from Council's resolution relating to hours of operation. This resolution stated as follows;

The application not propose any works of any kind, including maintenance, outside the operating hours of 7.30am to 5.00pm Monday to Friday.

The applicants arguments relating to the nature of the industry are noted. That is construction materials are required early in the day so that works can be carried out in an orderly manner.

It is considered reasonable that works commence on the site at 7.00am as this is a common starting time for similar activities throughout the metropolitan area. The applicant's statement requiring the gates to be open at 6.30am to allow trucks which have been loaded on the previous night is not supported as this condition would be difficult to enforce. That is there may be some confusion as to which trucks are entering or leaving the site in the morning. The closing time of 5.15pm is supported in that it often takes workers 15 minutes to clean up and leave the site after finishing at 5.00pm or 12pm on Saturdays.

Previous Conditions of Consent (Circumstances of the Case)

Numerous objectors have stated that the operators of the quarry in the past have not complied with Council requirements nor the conditions of consent.

Council records show that Council officers have investigated the site on many occasions after allegations of out of hours work and noise problems.

Sometimes these allegations were found to be incorrect and at other times the applicant was advised to adhere to the conditions of consent or face legal proceedings.

The loose wording of the original 1973 consent also made it difficult to enforce problems with the quarry such as traffic hazard and spillage of loads.

Council has also over the last ten years become more aware of its responsibilities as an environmental policeman and accordingly new consents are more strictly conditioned and enforced. Although, it should be realised that this is an ever increasing user of staff resources.

Conclusion

The steep nature of the topography in the vicinity enables the proposal to be visually as well as acoustically shielded. The close proximity to a main road (approximately 200 metres minimises conflicts with residential traffic).

The sandstone won from the quarry is extensively used in the district and economically there are flow on effects to the local community. The quarry proposal has been designed in such a way as to minimise environmental pollution.

There will be noise impact experienced by adjoining residents however, the quarry operators will be required to take all practical measures to minimise these noise effects.

On balance the proposal has been well designed and is located in an area that enables a minimum of people to be affected by an activity that is needed by the community.

Recommendation

That the application be approved subject to the following conditions;

1. The extraction operation, including rehabilitation works is to be carried out in accordance with the details contained in the Environmental Impact Statement, prepared by Robert Corkery dated November, 1990.
2. Separate development consent shall be obtained for the installation of the five blade saw and the water jet cutter as specified in the EIS. *or any.*

Anthony Meehan

*Amendment
only
1, 2, 3, 4, 5
to EIS*

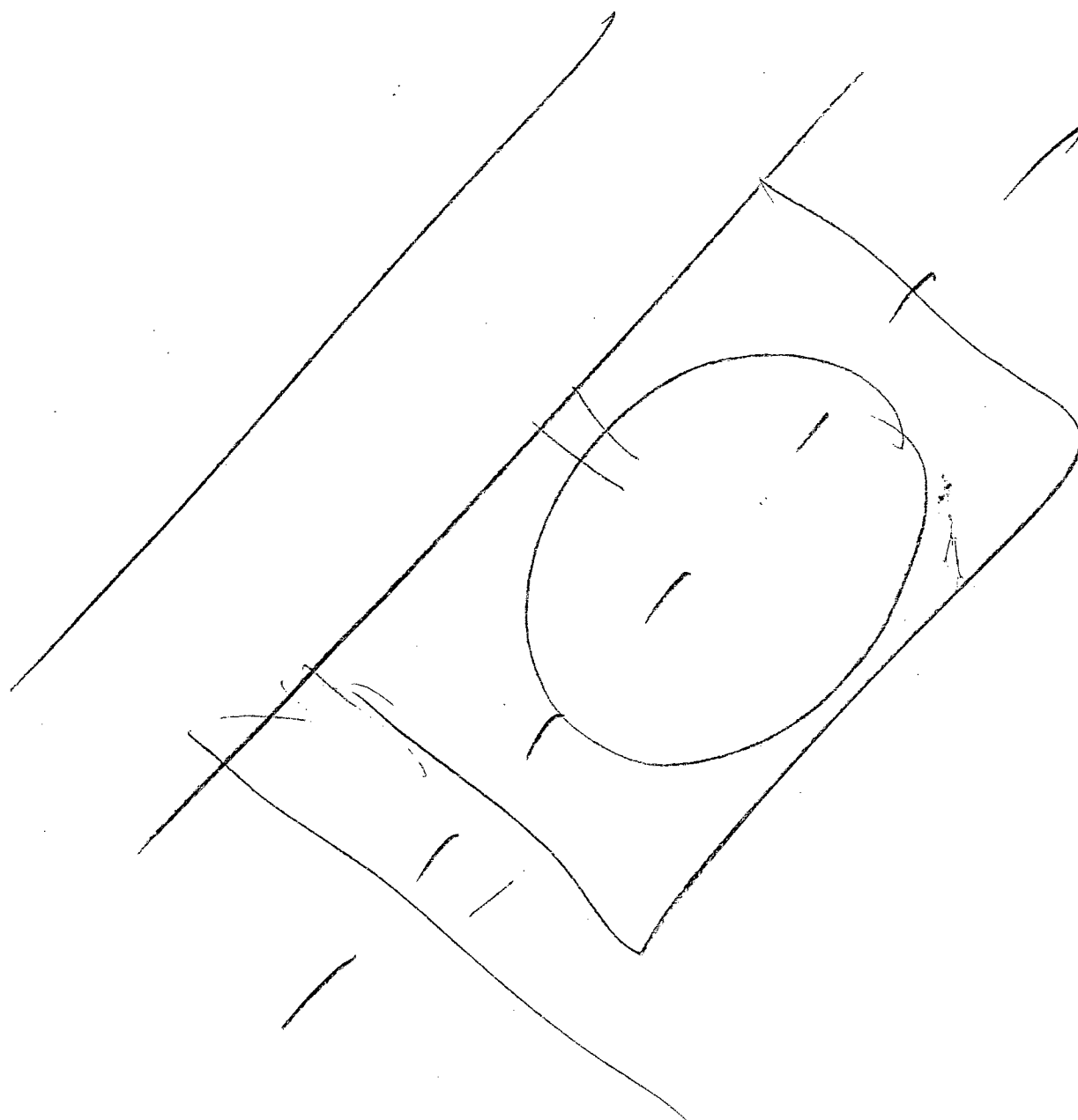
3. Compliance with any requirements of the State Pollution Control Commission.
4. Compliance with any requirements of the Soil Conservation Service of NSW.
5. Operations involving extraction, processing and transportation of raw materials shall not take place on the land except between 7.00am and 5.15pm Monday to Friday and between 7.00am and 12.15pm Saturday, and at no time on Sundays and Public Holidays.
6. Any quarrying operations which are to be carried out above 80m AHD shall only be carried out between the hours of 9.00am to 3.00pm.
7. No trees are to be cleared or lopped outside the limits of the proposed excavation without prior approval of Council.
8. The access road to the quarry floor shall be sealed prior to the completion of Stage 1.
9. Parking shall be provided for 23 (twenty-three) vehicles in accordance with Council's regulations and parking policy. Parking spaces, access ways and aisle widths to conform to Council's specifications and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application.
10. Submission of a building application, plans and specifications complying with Ordinance 70. *Pump out for toilets*
11. Subject to concurrence from the Road and Traffic Authority, the applicant shall construct a ~~central median~~ ^{traffic device} in Singleton Road at its intersection with East Kurrajong Road, Section 2. Work shall not commence until plans have been submitted to and approved by the Manager of Engineering Services. *within 6 weeks of approval by RTA*
12. The applicant shall pay or procure payment to Council of a contribution under Section 94 of the Environmental Planning and Assessment Act, 1979 at the rate of 46 (forty six) cents per tonne of all extracted materials transported from the subject site and in respect of the said contribution the following provisions shall apply:
 - (i) The said contribution shall be calculated and paid monthly from the date on which within the development consent became effective.
 - (ii) The said contribution will be indexed and adjusted annually as from the date of the consent became effective in accordance with the Consumer Price Index applicable to each year ending 30 June, commencing 30 June, 1990 for the duration of the development consent and the said adjustment to the contribution shall take effect from and including July each year commencing 30 June 1990 for the duration of the consent.

*no houses
to be constructed
out of quarry*

Justification

Road Construction Index?

- (iii) On or before the 14th day of each month the applicant shall deliver or procure delivery to the Council of the true certified copy weighbridge or other returns or records showing the true quantities of extracted materials transported from the property during the immediately preceding month and the Council will then as soon as it can conveniently do so issue to the applicant or its consenting assignee an invoice for the contribution payment payable for the month, which payment the applicant or its consenting assignee will pay to the Council within 14 (fourteen) days of the date thereof.
 - (iv) The Council has the right to inspect and have the original records relating to any of the extracted material, including numbers and types of laden trucks and trailers and load quantities, transport from the property audited by any person nominated by its internal accountant at any time as and when he may be written request so require.
 - (v) The Council will pay all of the said contribution payments into a specially identified trust account for payment towards the rehabilitation restoration, repair and/or maintenance of State and regional roads used by trucks transporting material from the quarry.
13. Prior to leaving the site, all loaded trucks shall have their payloads fully covered by a suitable material to prevent spillage from the truck onto the road.
 14. All trucks leaving the site shall have their wheels washed to minimise dust and debris being deposited on roads. *Sealed road tried 3 meters then something else.*
 15. The sedimentation dam on the floor of the quarry shall be constructed to a capacity of 500 (five hundred) cubic metres per hectare of disturbed area.
 16. The sedimentation dam shall be cleared out if it does not meet the specifications in Condition 15.
 17. Water emanating from the sedimentation pond shall not have a suspended solid concentration exceeding 50mg (fifty) per litre.
 18. Stormwater run-off from the workshops shall be directed through oil and grease separators.
 19. Works as executed drawings shall be submitted for Council's information every 12 (twelve) months from the date of the issue of consent. The works as executed drawings shall show quarrying as well as rehabilitation works.
 20. No fill shall be imported to the site.
 21. The consent is limited to a period of 10 (ten) year. Any further extensions will require separate application and consideration by Council at that time.



22. No trucks entering or leaving the quarry shall travel along that section of East Kurrajong Road (Sec 2) which is located east of the access road to the quarry. *apart from deliveries on the road.*
23. All maintenance and repair to plant and equipment shall take place only in hours of operations specified in condition 5 above. *i.e. 7am.*
24. Grass shall be established on the banks of the sedimentation dam to the satisfaction of Council and the Department of Water Resources within 6 (six) months from the date of this consent.
25. Water discharging from the sedimentation dam shall be discharged onto a filter strip. The filter strip shall be located so that the discharge does not cause erosion.
26. Sediment traps shall be installed downstream from the discharge point of the sedimentation dam. Details of construction and location to be submitted to Council the Department of Water Resources for approval.

2) Bond

- All trucks across weighbridge

- relinquish previous consent.

- Bond for performance and/or restoration - not appropriate
- staging works as excursions

= Bond for inspections - forker
applicant pay for inspections.

- \$/tonne or up front

- no blasting

- Reduce dust

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