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The Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

**RE: SSD Application No 7293
Hanson Construction Materials Pty Ltd Application for Sancrox
Quarry Expansion**

Dear Sir or Madam,

I strongly object to Hanson's SSD 7293 Project application and assert that the Application should be refused. My objection is primarily based on the quarrying extraction business being (demonstrably) wrongly located at Sancrox. The continuing operation of a quarrying extraction operation at the site is in conflict with existing surrounding land use, to the enormous cost to the existing and future residences and workers in the Sancrox area and paralyses the better use of the surrounding land. The conflict is because of the nature of quarrying business that includes the type of traffic and transport (the volume and frequency of truck movements and road safety), noise, blasting and vibration impacts, scarring and further reduction of local native fauna and flora.

I recognise that quarrying extraction industry is critical and fundamental to the social and economic maintenance and growth of a community. My objection to SSD 7293 would be of no consequence if it was not for the fact that alternative equal if not better located deposits exist to source quarry material to satisfy the identified market needs documented in the application.

To justify my objection, I refer to the history of the Sancrox area and the existing Sancrox Quarry, and remind the Department of its involvement in that history. (reference the Departments 1980-1993 records).

Below are 5 arguments that justify the application SSD 7293 being rejected. I assert that the rejection can be justified by reason of each argument and exponentially more so in combination.

(1) RELEVANT SANCROX QUARRY BACKGROUND

- i. The Cassegrain family negotiated the purchase of Lot 353 DP 754434 (Sancrox Quarry lot) in 1975 from Herons Creek Timbers (then a wholly owned subsidiary of CRA) as the first of around 25 contiguous lots the Cassegrain family purchased from CRA pursuant to an option agreement.
- ii. Prior to our purchase of Lot 353 DP 754434, the Hasting Shire Council (pre amalgamation in 1980 with Port Macquarie Municipality) had been quarrying road base material from this quarry for maintenance of Sancrox, Fernbank Creek, and Chain of Pond, gravel Roads.
- iii. Our decision to acquire Herons Creek Timbers land holdings was to augment approximately 1,500ha of land with the contiguous 200ha (500acres) already acquired by us surrounding Expressway Spares Pty Ltd's operation. The objective of amalgamating the large land holding was to enable Port Macquarie to develop into an efficient, sustainable, wealth creating city.
- iv. Sancrox Quarry was established on Portion (now Lot) 353 DP754434 **prior** to regulations requiring Quarries to be licenced. The ability to continue with the extraction activity on Lot 353 DP754434 relied on the "grandfather- clause" (existing use rights) licence exemption that became applicable to new quarries when planning regulations were gazetted in or about the 1970's. If it was not for the "grandfather-clause" the establishment of a quarry at this location was highly problematic.
- v. At the time of acquiring Lot 353 DP 754434, the Cassegrain Family was in partnership with an Earth moving company named CTK. CTK continued the operation of the Sancrox quarry until the Cassegrain Family's interest in CTK was dissolved. An entirely separate new company, CTK Constructions, asked if it could own and continue operating the quarry. The Cassegrain family agreed that CTK Constructions could own and continue the quarry operation conditional upon:- (1) It would not operate in conflict with the Cassegrain land use plan; (2) the operation of the quarry would cease in around 2005; (3) that the quarry pit would be developed in a manner that would facilitate the pit to be used in the future as a water storage dam forming part of the local government water infrastructure to service the Sancrox area; **and** (4) the quarry would not be sold to 3rd parties without the consent of Cassegrain.
- vi. Circa 1982 the Cassegrain family had completed its land amalgamation, and circa 1984 the Council adopted what was called

“Cassegrain’s land use plan”. The Cassegrain Land Use Plan” was subsequently referred to as “Area 13” in Council publications and adopted by the State Department of Planning. Included within the “Area 13” were areas set aside for the establishment of vineyards, industrial, commercial, recreation and residential precincts. The land set aside for vineyards was subsequently developed, between 1985 to 1993, under the unique “Clos Farm system” of land title.

- vii. In July 1985 Cassegrain Winery was opened.
- viii. Between 1987 to 1993 approximately 200 x 2ha Clos Farm lots were sold with 128 having residential entitlements.
- ix. In 1988 the ‘Le Clos Sancrox’ development was nominated by the Council for the National bi-centennial Heritage award. The Le Clos Sancrox was awarded 1st prize as the best private development in Australia. The project was also awarded 2nd prize in the Farmer of the year Competition.
- x. Le Clos Sancrox and Le Clos Verdun projects adjacent to Sancrox Quarry with their 128 residential entitlement were approved by no less than 9 different Local, State and Federal Government departments or authorities.
- xi. The Contracts for Sale (of each of the 128 lots) included a “Special Condition, Clause 15” that read “ *The Purchaser acknowledges that the Purchaser is aware of the general land use proposals for the lands of the surrounding general area of the subdivision parcel as shown on the plan annexed hereto marked “B” and the Purchaser shall not make any requisition, objection or claim for compensation on account of any use of land as shown on the said plan.*” Plan “B” is a sketch plan we created and is the same plan adopted by Council as “AREA 13”. (**Attachment 1.** is a copy of the relevant section in the Clos Farm Contract of Sale).
- xii. Between 1987 to 1993 the Cassegrain Land Use plan evolved as a Eco-techno-polis (Ecologically sustainable-technically advanced-for the people) project titled Hastings 2000 (H2000) (**Attachment 2.**). The H2000 committee submitted a comprehensive submission to the NSW Government dated June 1991.
- xiii. The NSW Departments of Planning and State Development, the Port Macquarie Hastings Council, resolved to support the H2000 project. All relevant State and Federal Government departments and instrumentalities participated and contributed to the projects planning.

- xiv. The maps included in the NSW Government submission demonstrate the public expectation that Sancrox Quarry had a limited life as a quarry, before it was to become the water storage dam to service the Sancrox area. (Attached extracts from the Hastings 2000 (**H2000**) Steering Committee's submission to the NSW Government, dated June 1991: (**Attachment 3.**) a contemporaneous aerial photograph over the H2000 zone, that easily identifies the Sancrox Quarry; (**Attachment 4.**) Map 2, being the Concept Plan where the Quarry site is identified by the colour blue as being a water reservoir, and (**Attachment 5.**) The plan showing different precinct uses surrounding the Sancrox Quarry as the Water Storage reservoir.
- xv. The 2 ha Clos farm lots (with residential entitlements) were sold on the understanding that the surrounding area would be developed in accordance with the H2000 Master Plan. Each contract for sale included a copy of the proposed future use plan relating to the surrounding land consistent with H2000. (**Attachment 1.**)

Submission 1

Inter-alia for reasons mentioned above, I submit that unless there is unanimous agreement in support of Hanson's (SSD 7293) application from the Clos Farm owners, the surrounding landowners, the Council and all relevant NSW State Government Departments that supported the H2000 project, there should be no extension to the life of the excising Sancrox quarry having regard to the historical facts set out above.

I further submit the Clos Farm purchasers are justified in having a belief that they could rely on the representation made to them in regard to the life expectation of Sancrox Quarry at the time they made their purchase.

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(2)SANCROX, FERNBANK CREEK and THRUMSTER INDUSTRIAL PRECINCTS

The philosophy behind the master land use plan incorporated in H2000 is as applicable today (if not more so) than it was in 1991. The land on both the Eastern and Western sides of the Pacific Highway, ~1km North of Sancrox Road and Fernbank Creek road to the Oxley highway is indisputably the most valuable light industrial land in the PMHC LGA.

Compelling reasons in support of the land surrounding the current Sancrox quarry is not “contaminated” by granting approval to the SSD7293 application, include amongst others:

- Geographically the land is located mid-way to the existing Port Macquarie and Wauchope residential and commercial precincts;
- the land is central to residential land currently under development and proposed residential precincts;
- the land is serviced by two State Highways, the Pacific and Oxley Highways;
- workers residing in Port Macquarie and Wauchope employed by business located and to be located in the Sancrox and Fernbank Creek industrial and commercial precincts do not need to use the Pacific Highway to travel to and from work, or to travel through the already peak-hour congested towns of Wauchope and Port Macquarie;
- the current Port Macquarie and Wauchope Industrial precincts are effectively at their capacity limit;
- with the Industrial precincts having direct access to the Pacific Highway it mitigates truck traffic on Council roads. Truck traffic that otherwise is causing traffic congestion competing with local commuters in both Port Macquarie and Wauchope. It also reduces Truck Road time otherwise delivery/pickup to/from Port Macquarie and Wauchope Industrial precincts by ~1hr / movement;
- the Industrial precincts surrounding the Sancrox quarry are the best logistical sites from which goods and services can be distributed to most retailers, consumers and service providers between Port Macquarie and the upper Hastings;
- the Industrial precincts surrounding the Sancrox quarry will mitigate (if not reduce) peak hour traffic bottle neck at both Port Macquarie and Wauchope entrances.
- the economic benefits the Industrial precincts surrounding the Sancrox quarry will incentivize many businesses currently located at either Port Macquarie or Wauchope industrial precincts to relocate and leave room for retailers and other commercial activities to fill the void;
- the consequential efficiencies of the Industrial precincts surrounding the Sancrox quarry go directly to mitigating CO2 produced from Line-Haul and Distribution trucks and workers

vehicles travelling to and from place of employment / unit of goods and services traded;

The Hanson EIS (in its traffic study) refers to an actual "... *traffic impact assessment which included peak hour counts during late 2012.....*" (p193 last paragraph) ; "*Development of the residential area within the Sancrox locality has not significantly increased following the completion of the TTM assessment in 2013. Hence a highly conservative annual increase of **3 vehicles per year** has been applied to the TTM data to provide for potential increase in background traffic volumes.*" (p194 Last Para. Emphasis added).

Over some 18 years, and at great cost, the Riverpark Sancrox Pty Ltd has been working towards converting the adjacent 128 Clos Farms (with residential entitlements) into some 256 Rural Residential allotments. The first stage of their application to increase the number of residential allotments has been approved and road infrastructure work well advanced. There are already some 10 residences built on the Clos Farms and one can anticipate (assuming the Hanson application is rejected) a high probability that most of the new lots will have dwelling houses on them within 5 years. Only one and half extra residences per year can generate the extra "...*3 vehicles per year...*" projected in the EIS.

The traffic study is grossly defective for failing to include allowance for the predictable traffic generated by the Clos Farm, the Freeman Residential development, the development of the Industry precepts and expansion of the existing industrial business (Hand's Engineering; Expressway Spares; Cassegrain Winery) on Sancrox, Frogs, Rawdon Island, Hastings River, Fernbank Creek and ingress/exit to the Pacific Highway, Roads. I submit that by year 5 it is more likely to be >1,000 additional vehicles than the 15 (3/yr x 5 yrs) projected in the EIS.

I consider it to be most revealing and an important consideration supporting the rejection of the application is that the applicants themselves, Hanson Construction Materials Pty Ltd, acknowledge that their current and proposed operation is incompatible and conflicts with the Clos Farms (never mind all the other surrounding land use potential) due to "...*noise (eg blasting, crushing, screening, loading and transport of quarry material), air quality, vibration and safety (fly-rock)...*". Hanson's proposed solution is to sterilise the Clos Farmers land. (Hanson's letter to LandDynamics Australia 23 August 2018 (incorrectly dated 23 August 2013) p3 to p4 2nd para (**Attachment 6**).

Submission 2

On the basis of the incompatible land use (generated by the proposed quarry expansion) and unacceptable risk of sterilisation of the adjacent land use potential, as described above, I submit that the application should be refused. I further submit that the Hanson traffic study is inadequate.

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(3) CHALLENGE TO THE APPLICANT'S CLAIM THAT SANCROX QUARRY FALLS INTO THE "RARE AND VALUABLE RESOURCE" THAT REQUIRES PROTECTION.

Continuing from "RELEVANT SANCROX QUARRY BACKGROUND" under (1) above.

- i. CTK Constructions sought to continue quarrying operations in the Hastings Region beyond the agreed (~2005) restriction at Sancrox. Accordingly, CTK Constructions prospected, found and acquired an alternative hard rock deposit on Lot 2 DP 814356 Milligans Road, Herons Creek. On 17 July 1992, in response to the application made by CTK Constructions, Council notified Development Consent for a new quarry on that land in Milligans Road (Refer DA 91/0280).
- ii. Supported by geotechnical reports and the written endorsement of The NSW Roads & Traffic Authority, it was evident that the quality of the Milligans Road quarry resource was superior to the Sancrox quarry resource.
- iii. The Milligans Road quarry development was put on hold due a successful 3rd party (administrative) objection in the Land and Environment Court. CTK Constructions decided to cease its quarrying activities.
- iv. In January 1998, consistent with the prior agreement between us, CTK Constructions approached the Cassegrain family seeking our endorsement of its proposal to sell its quarrying assets to Pioneer Construction Materials Pty Ltd (Pioneer). The proposed sale involved not only the Sancrox quarry but also Lot 2 DP 814356 in Milligans Road. Cassegrain was advised that a understanding had been reached between CTK Constructions and Pioneer that Pioneer would cease operating the quarry at Sancrox within approximately 5 years, would reactivate the Milligans Road Development Consent,

and would simultaneously transfer the quarry operations to Milligans Road.

- v. In support of the projected timing of the proposed relocation of the quarry from Sancrox to Milligans Road, the superiority of the Milligans Road resource, and the planning opportunity to resubmit the quarry application on the Milligans Road site, the Cassegrain family notified its consent to the proposed transfer of CTK Construction's Sancrox quarry to Pioneer.
- vi. As a part of various amalgamations, Pioneer was eventually "absorbed" into the Hanson Heidelberg corporate empire.
- vii. It is well known that Hanson's Sancrox Quarry resource on lot 353 DP754434 is economically exhausted and effectively due for closure and rehabilitation. It is equally known that the Sancrox deposit (compared to other hard rock deposits in the PMHC LGA) has a very large quantity of over-burden material.
- viii. Quarries capable of filling the identified markets include:

	<u>Approved Entitlements (tpa)</u>
Hytec at Bonny Hills	200,000
Hytec at Yarabee Road	800,000
Coastal Quarry Products (Milligans Road)	490,000
Lookout Road Quarry (Milligans Road)	200,000
Male Quarry Dondingalong, South Kempsey	450,000
Boral at Johns River	250,000
Boral at Macksville	250,000 (estimated)
Holcim at Jandra (South of Taree)	500,000
Bay Range Group at Valla	unknown
Bay Range Group at Coffs Harbour	unknown
Holcim at Coffs Harbour	160,000

I understand several of these quarries, within their respective existing land titles, have significant resource capacity to have their current approved annual entitlements increased if the market requires it. Now that the Pacific Highway upgrade has been completed there is currently excess capacity to fill the medium-term projected market needs from the other better located quarries.

Submission 3

I submit that SSD Application 7293 be refused on the grounds of the relatively poor quality of the Sancrox resource and the availability of alternative resources to meet the identified market

(where those alternate resources do not adversely affect the same number of current and future members of the public with noise (eg blasting, crushing, screening, loading and transport of quarry material), air quality, vibration and safety (fly-rock and traffic).

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(4) FROM A LEGAL PERSPECTIVE, APPLICATION SSD 7293 IS FOR A 'NEW QUARRY' AND IS NOT THE "EXTENSION" OF AN EXISTING QUARRY OPERATION.

- i. Hanson's EIS using the title "Sancrox Quarry Expansion Project" (which clearly relates to land in excess of Lot 353) is in my view an apparent attempt to "piggy back" on the approval of the Sancrox Quarry (which is limited to Lot 353 DP754434). I submit that starting a new Quarry on Lot 2 DP 574308, albeit immediately adjoining Lot 353 DP 754434, is a separate application and the legal description of the proposed quarry (at Sancrox) as an "EXTENSION" of an existing quarry activity is inconsistent with the law, as I understand it to be. The proposal is in fact a new extractive industry on a separate parcel of land (being Lot 2 DP 574308) and should not be structured as an extension of an existing Quarry, that if not for the "grandfather-clause", its very existence is highly problematic.
- ii. The current Quarry Life approval of 20 years (Table 1), is I submit is another misdemeanour. I submit (for reasons stated above) that the actual current economic life of the Sancrox Quarry is at a practical end. The EIS Project staging maps demonstrates this very point.
- iii. I submit that the demand identified under section 14.3.1 can be satisfied from other approved quarries with, superior natural resource and more strategically located, with significantly less: (1) regional environmental damage; (2) traffic congestion and safety; (3) noise; (4) dust; (5) blasting damage; (6) adverse impact on Sancrox and Fernbank Creek land value; and (7) damage to the overall potential of the efficiency of Port Macquarie, Wauchope and districts in between.
- iv. I submit that the economic benefits of sourcing quarry material from the proposed quarry in the development of the immediately adjacent precincts is minimal, for the reason that most of the area has 'Cut and Fill' material of equal quality to that of Sancrox Quarry, thus eliminating the need for transporting in fill material from a licenced Quarry.

Submission 4

I submit that the Application be refused on the bases that: firstly, the (SSD 7293) Application, from a statutory planning perspective is not lawfully an Extension to an existing Quarry, but is in fact a New Quarry (on a new parcel of land); secondly that it is highly problematic the resource on Lot 2 DP 574308 would be considered as a potential Quarry if not for the fact that it is adjacent to Hanson's existing quarry operation on Lot 353.

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(5) TWO DISTINCT ECONOMIC ACTIVITIES BEING INCORRECTLY "BUNDLED" AS ONE IN AN ATTEMPT TO GAIN BENEFIT FROM JOB CREATION ARGUMENT.

- i. I submit that the Quarry extraction job creation and economic activity identified by the proponents (Section 2.7 p42), represents Job **"Shifting"** to the proposed "NEW QUARRY" from existing approved alternative Quarries. These alternative quarries source is environmentally and socially better placed to have genuine job creating extension approvals as required, to more than adequately service the identified markets and beyond.
- ii. I submit that the proposed ancillary infrastructure listed (Table 1):
 - (1) Concrete batching plant;
 - (2) Concrete recycling facility; and
 - (3) Asphalt plant;are 'Industrial Activities':

I submit those are activities that are compatible with the Sancrox environment and are well located on Lot 353 DP 754434, upon completion of the re-habitation of the existing extraction activity. They are not State Significant activities and should be processed under the PMHC normal approval process.

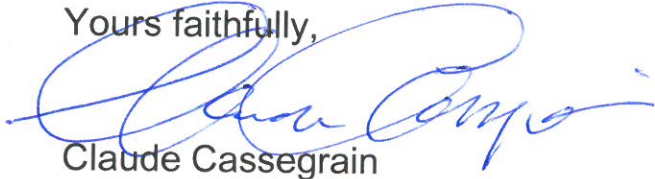
- iii. I submit the applicant's proposed 'Industrial Activities' are environmentally and economically best located as close as possible to their adjacent markets. However, such proposed activities are not dependent on or a justification for a quarrying extraction operation producing far in excess of the raw material required by those industrial activities. For example, the applicants currently have their concrete batching plant located in the Port Macquarie industrial estate. The importation of raw material to service such industrial activity is limited to that required by the local market of finished product.

Submission 5

I submit that, the job creation and economic arguments seeking to support the application to extend the life of the existing Sancrox Quarry be ignored and on that basis the SSD 7293 application should be rejected.

E.O.E

Yours faithfully,



Claude Cassegrain

Cc

The Hon. John Barilaro, MP
The Hon. Matt Kean, MP
The Hon. Melinda Pavey, MP
Dr Adrian Smith
Mark Bully
Gary Campbell
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