

## Calga Peats Ridge (CPR) Community Group Inc.

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21<sup>st</sup> February 2013

To the Director General, Planning and Infrastructure

Email [kane.winwood@planning.nsw.gov.au](mailto:kane.winwood@planning.nsw.gov.au)

Re Major Development Rocla Calga Sand Quarry Ref 06\_0278

I refer to my letter of 15<sup>th</sup> February 2013 and report by CPR Inc. which has been submitted to you.

As referenced in my letter of 15<sup>th</sup> February, CPR Inc. was still to submit a response to the Preferred Project Report.

Please find herewith two items:

1. A submission of CPR Inc on Rocla's Recommended Approval Conditions and Revised Statement of Commitments (refer to Sections 11 and 12 at the back of "Rocla's Final Response to Submissions" document).
2. A submission of CPR Inc on Rocla's Preferred Project Report (refer to Rocla's "Preferred Project Report" document).

Yours faithfully

*Sent electronically*

*Paper signature available on request*

Dr T Thomson

President

Calga Peats Ridge Community Group Incorporated

***Item 1: A submission of CPR Inc on Rocla's Recommended Approval Conditions and Revised Statement of Commitments (refer to Sections 11 and 12 at the back of "Rocla's Final Response to Submissions" document).***

**Section 11. of Rocla's "Recommended Approval Conditions"**

1. CPR Inc. has noted this statement.
2. CPR Inc. has also noted Corkery's responses to proposed Conditions. Inter alia, Corkery says that, in effect, Rocla does not accept or agree that its development proposal should be subject to certain measures which have been recommended by public authorities.
3. CPR Inc. submits that
  - a. In any determination of the Rocla proposal and formulation of conditions to be applied thereto, critical regard should be given to the responses which CPR Inc. has provided in this report.
  - b. Further, regard should also be given to historical fact. Rocla proposes an extension of an existing sand quarrying operation for which Conditional Approval was given in 2004. In broad terms the proposed future operations would be similar to those carried out since then.

Rocla's past performance in operating its Calga sand quarry should be considered both relevant and important to any determination of the present proposal.

In particular, in the formulation of Conditions and Compliance Provisions, which might attach to the future operations of the sand quarry, regard should be had to Rocla's performance in meeting the terms and conditions of the 2004 approval.

**Section 12. of Rocla's "Final Statement of Commitments"**

1. CPR Inc. has noted this statement.
2. As presented, the statement can at most be taken as a list of present intentions on Rocla's part for conduct of its planned future operations.
3. The statement appears to add nothing of substance to any serious deliberation on Rocla's Development Proposal. As Corkery points out, virtually all proposals for future action can be indicative only, since profitability is the ultimate and unpredictable factor which determines the Company's actual activities.
4. The statement could, perhaps, be taken as a list of matters which Rocla agrees should be covered in any Conditions of Consent which might be applied in a determination of its proposal. Corkery might properly be asked to provide clarification on this.

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***Item 2: A submission of CPR Inc on Rocla's Preferred Project Report (refer to Rocla's "Preferred Project Report" document).***

CPR Inc. notes that:

1. This report presents an overview of the current plan which Rocla has for a major extension of its Calga sand quarry.
2. The report provides an updated description of the planned design and management of an expanded quarry, including various functions ancillary to the onsite activities.
3. The report also presents a restatement of Rocla's proposed "Biodiversity Offset Strategy".
4. The report draws attention to the fact that the plan is based on Rocla's current knowledge, conclusions and estimates, but that it must be taken as indicative only because Rocla's operations are always subject to unpredictable variables.

CPR Inc. submits as follows:

1. CPR Inc does not agree that the information that Rocla has used to develop its plan is adequate for the purpose. As CPR Inc.'s submission comments show, CPR Inc. believes that the database on which the plan is based is not sufficiently complete, accurate or comprehensive. Refer to CPR Inc.'s submission.
2. CPR Inc. disputes Rocla's general claim that its proposed sand quarry will have negligible impact on the natural and social environment. CPR Inc. believes that this conclusion by Rocla would not be justified by impartial evaluation of the full facts of the matter. Again, refer to to CPR Inc.'s submission.
7. The report presents Rocla's proposed "Biodiversity Offset Strategy". Further, it appears to imply that its consultant Cumberland Ecology considers the proposal is in accordance with certain principles enunciated by DECCW.
8. CPR Inc. has not had the opportunity to check the accuracy of figures and ecosystem mapping provided by Cumberland Ecology.
9. CPR Inc. considers that the "Biodiversity Offset Strategy" as proposed by Rocla, does not, on several counts, meet the requirements of the guidelines referred to.
10. Further, it is CPR Inc.'s view that the "Biodiversity Offset Strategy", as proposed, does not adequately satisfy the principles and aims inherent in the relevant legislation. Refer to CPR Inc.'s submission.
11. In Corkery's report Section 2.13.4.3.1 Rocla purports to show how its Calga proposal conforms to some of the stated objectives of the draft Central Coast Regional Strategy (CCRS). On this, CPR Inc. makes the following comments:
  - a. The terms of the draft CCRS as quoted by Corkery are very general and can be interpreted in different ways. Rocla has interpreted them to favour its own case.

- b. Matters in the draft CCRS, as indicated by Corkery, include matters relating to issues of sustainable water supply, protection of native vegetation, Aboriginal culture and local employment. Corkery's comments on these matters are based on information and views which are disputed by CPR Inc. and others, such as the Aboriginal people involved in the Rocla Environmental Assessment exercise. Critical evaluation by an impartial judge of Rocla's proposals would cast considerable doubt on Rocla's claim that this proposal is fully in accordance with the provisions and intentions of this draft Planning Instrument.
12. Rocla proposes to develop a major sand quarry lasting perhaps more than 30 years and employing about 20 people onsite. Notwithstanding Rocla's expressed views, this development would have far from negligible impacts on the local landscape, and not inconsiderable impacts on the social/natural environments of the area and on important resources such as groundwater. It can be expected to have adverse, and possible catastrophic, impacts on at least one important Regional tourist establishment. CPR Inc. defends its view that Rocla's assessment of the proposal as presented does not provide an adequate accounting of the costs/benefits of such a proposal.
13. Rocla attempts to show, briefly and unconvincingly, that its proposal conforms with government policy on the development of sand resources for the greater Sydney market and that restrictive Government policies on other production methods in effect force the industry to resort to wholesale crushing of sandstone in situ. Unfortunately, Rocla does not provide much as evidence to support this proposition.
14. However, accepting the proposition for argument's sake, CPR Inc. would point out that it does not lead to a conclusion that Rocla's specific Calga proposal should be acceptable, nor that its possible consequences for a long term future should be ignored. Rocla proposes to extract sandstone and destroy natural areas to produce sand and, in the long term, create a large area or areas suitable for commercial or semi-industrial uses. In its discussion of the draft CCRS, Rocla's comments might be taken to reflect a view that wherever extractive industry is a legally permissible land use, sandstone extraction, except perhaps in quite outstanding circumstances, should be allowed.
15. Such a view would appear to CPR Inc. to point towards a long term prospect for the Central Coast plateaus of major sand quarrying operations developing in various places without a fully adequate controlling framework or planning policy.
16. The draft CCRS rightly emphasises the long term public values of the Central Coast's varied natural environments for living, for recreation and tourism, and for nature conservation. In any particular case, long term and large scale sand quarrying is basically inimical to these values and should not be allowed without the most searching and stringent testing of the "greater public good" involved.
17. In conclusion, CPR Inc.'s view is that, on a range of policy and land use issues, Rocla's Calga proposal has not as yet been adequately tested. Further, CPR Inc. considers that the proposal would not stand up to adequate testing and should not be approved.