

Sancrox Quarry Expansion Project (SSD 7293)

Community Information Session

Monday 10 February 2020

Meeting Notes

Time	6.00 – 8.30 pm
Location	Rydges Bayside Ballroom Port Macquarie
Attendees	<p>Approx 95 attendees – including:</p> <ul style="list-style-type: none"> • 4 Hanson employees (Andrew Driver, Belinda Pignone, Steve Kenworthy - Quarry Manager and David Keys - Area Manager) • Councillors Lisa Intemann and Geoff Hawkins of Port Macquarie Hastings Council (PMHC)
Departmental Representatives	<p>Resource Assessments: Matthew Sprott (MS), Melissa Anderson (MA), Colin Phillips (CP) Note-taker.</p> <p>Communications: Alison Crocker (AC - Facilitator)</p>

Introduction

- Meeting commenced with AC welcoming attendees, acknowledgement of country, safety briefing and presentation of meeting principles based on respect for all and the opportunity for all to speak.

Departmental Presentation

- MS talked to a Powerpoint presentation of the planning process that applies to the Sancrox Quarry Expansion Proposal (the Proposal). He provided information on the progress of the State significant development assessment process and what are the next steps. In summary, the Department has written to Hanson asking it to produce a Submissions Report responding to the issues raised in submissions. Over 250 submissions were received from the public along with expert advice from key government agencies and PMHC.
- MS identified the key issues raised in submissions as:
 - Adequacy of the EIS;
 - Biodiversity impacts from clearing 43 hectares (ha) of native vegetation and impacts to Koalas;
 - Compatibility with surrounding land uses;
 - Blasting impacts;
 - Amenity impacts (Noise, Air Quality and Visual);
 - Social impacts;
 - Bushfire management; and
 - Quarry closure and rehabilitation.
- A whiteboard was used to note topics that attendees wished to have considered during the meeting. (An email had been received from John and Alex Cassegrain, who were unable to attend the meeting and offered their apologies. Their questions were added to the whiteboard).
- MS opened the meeting to questions and comments on the procedural aspects of the planning process with questions on the project's aspects to follow.
- MS stated the main purpose of the meeting was for the Department to listen to, and appreciate, the views of the community about this project. He stated that the Department would listen to all views, but that he would not be debating government policy.

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- MS responded to questions from the floor of the meeting. At times, the session on procedural issues covered merit issues as a component of the responses which sought to provide a more complete understanding of how procedures carried through in the consideration of particular issues.

Procedural Issues & Questions

- Attendees advised they did not see advertisements for the community information session in the local papers, or if they did, that there were only a few business days between the publication and the date of the meeting. MS advised that notices were placed in the same papers as the notices for the exhibition of the EIS and DA.
- Several attendees questioned why the Department's "Notify Me" function was not used to alert obviously interested persons to the meeting. Why would this meeting not qualify as a matter for which registered persons would be notified? MS acknowledged that this made sense and undertook to consult with the designers of the webpage to try and get this change made to the Notify Me function.
- An attendee asked whether minutes from the community information session will be made publicly available. MS advised the direct minutes will not, however issues will be summarised (these Meeting Notes) and placed on the Department's webpage. They will also be addressed in the Department's assessment report for the project.
- Several attendees raised concerns regarding a 2 km radius from the Sancrox Quarry used by the Department for letter notification to residents of this Community Information Session. Such a radius does not include residents of Port Macquarie town, where there is a lot of interest in the Proposal. MS stated that the purpose of the mailout was to contact residents most-likely to be directly affected by the operation of the proposed quarry.
- Some concerns were raised on the timing of the exhibition during the bushfire emergency at Port Macquarie and the availability of documents at Council's offices. MS indicated that the exhibition period was extended from 28 to 43 days in recognition of these factors.
- Several attendees raised concerns that EIS documents were inaccurate and should not have been exhibited. Further, that the DA and EIS should have been rejected and not considered further in the planning process. Alternatively, that the Department should require a supplementary EIS and this should be exhibited.

MS explained that the Department does not have a role in deciding the nature and form of any DA. The Proposal for the Sancrox Quarry Expansion is Hanson's Proposal and the Department does not tell Hanson, or any other quarry company, what it should or should not include in its DA. Nor, whether a DA is to be submitted, or not submitted, for any site or geographic location, provided that such an application is permissible in accordance with land use zonings and the relevant planning legislation.

MS stated that the Department has requested additional information to be provided with Hanson's Submissions Report and has not requested a supplementary EIS.

- Many attendees stated their view that the Proposal does not qualify as a State Significant Development (SSD) Proposal, and that Hanson's Proposal for an operational scale of 750,000 tonnes per annum (tpa) is an ambit claim. The quarry is currently producing less than 185,000 tpa and there is no justification for such a large increase in tonnage. The Proposal should be

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local development and determined by PMHC. It was claimed that Hanson is shopping around for a favourable outcome for this DA and is trying to avoid PMHC as the determining authority for this Proposal.

MS responded by stating that the Proposal put forward by Hanson clearly meets the requirements to be assessed as an SSD Proposal. These requirements are that the Proposal be for at least 500,000 tpa and/or involves a total resource of at least 5 million tonnes. Additionally, that it is not the Department's role to instruct Hanson as to the nature/size of its Proposal. However, Hanson will be required to assess the environmental impacts of its proposal of the worst-case of maximum production. For instance, traffic, noise and air quality impacts of producing 750,000 tpa of quarry products.

- MS provided details of the SSD planning assessment and approvals pathway and the current status of this Proposal along that pathway (waiting for Hanson to respond to submission by a "Submissions Report").
- This information led to a number of requests from attendees to be able to provide further submissions to the Department, especially after consideration of Hanson's Submissions Report. MS advised that the community can provide supplementary comments to the Department at any time, but that these comments are not part of a formal submission.
- Several attendees sought confirmation that the project is a new DA, not a modification of the existing development consent. MS confirmed that this is the case and that Hanson's use of the word "Expansion" in the project's title does not alter the fact that it is a completely new DA.
- One attendee asked when would the Submissions Report be available? MS replied that the timing depended on how long it would take Hanson to gather the information requested. Some of the issues will require the input of subject experts. The best way to be informed of when the Submissions Report is available is to register on the Department's website for notification.
- There were several questions about the structure of the Independent Planning Commission (IPC) and its role as the determining authority for this DA as well as the difference between a public meeting and a public inquiry.

MS stressed the independence of the IPC from the Department and that the IPC is made up of independent experts appointed to the Commission by the Minister. The Chair of the IPC will select 3 Commissioners, with relevant expertise, to form a Panel for the determination of the Sancrox Quarry DA.

The Minister for Planning and Public Spaces, Rob Stokes, has not directed that the IPC hold a public inquiry, so the expectation is that a public meeting will be held at Port Macquarie after the Department has submitted its assessment report to the IPC. The IPC would invite public submissions and also ask the public and special interest groups to register to speak at the public meeting (5 min for individuals, 15 min for groups). MS advised that the best way to stay informed of the IPC processes and actions was to visit its website, with its website address provided at the end of the meeting.

- Do the number of submissions have weight in the assessment process? Is it a numbers game? MS replied No – the issues raised are more important than the number of submissions.
- Do all form letters count as only submission? MS – Each person who provides a form letter is considered an individual submitter. In terms of issues to consider, as form letters are near identical, it would mean that the issues once raised, do not need to be repeated.

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- Can Hanson commence work on the project before it is determined? MS – No.
- One attendee asked if all the correspondence between the Department and other parties, agencies and Hanson placed on its website? MS advised that everything except to most minor of requests for information/clarification are placed on the Department's website. The questioner advised the Department to change its ways and make everything public or be prepared to receive a blanket GIPA (Freedom of information request).
- Several attendees asked about how another potential quarry site at Bago (about 20kms to the southwest, near Wauchope) would be considered as an alternative to the proposed long-life for the Sancrox Expansion Project? MS advised that the Department was legally obliged to consider the Proposal before it and has no powers to direct Hanson to quarry another site instead of the Sancrox site.
- What is the role of the EPA? And can it prevent this application going forward? MS stated that the role of the EPA includes the licensing of the existing site in respect of potential pollution matters such as water quality. The EPA's role in this process is important as it provides expert advice to the Department in its areas of expertise such as water and air quality. The EPA's submission is available on the Department's website and forms the basis of several of the Department's requests for further information from Hanson in its Submissions Report.
- A resident of Sancrox Road raised an issue of compatibility of the Proposal with surrounding land uses and traffic impacts on Sancrox Road.
- Claude Cassegrain read out and provided a list of statements/questions to the Department for consideration with a theme of the incompatibility of the quarry with surrounding land uses and the availability of an alternative site for the quarry.
- Two attendees raised the issue of the short-term benefits of the quarry against the long-term impact to the tourism industry of Port Macquarie. How transparent is the Department's assessment of this apparent conflict? MS replied that the assessment of this issue will be included in the Department's Assessment Report, which, when completed, will be available for its website.
- Many attendees raised concerns about the trust and integrity of Hanson and its parent company, with a suggestion that the Department should reject the DA on this basis. MS noted these concerns. He stated the Department has sought improved information about the Proposal and that Hanson had a right to lodge its application and the Department is obliged to carefully assessed that application in accordance with the relevant planning legislation.
- On several occasions during the Procedural Matters section of the meeting the quarry's past performance in terms of blasting impacts was raised, particularly in respect of flyrock leaving the quarry site.

Each time this issue was raised, MS stated that the Department's approach to flyrock is to set a default exclusion area of 500 metres (m) for any operation that uses blasting, such as quarries or large-scale open cut coal mines. This is firstly to address public safety, but also for agriculture involving cattle, horses or other animals. If the company is unable to provide this exclusion zone on its own land, then it must either scale back the size of its blasts or reach agreement with the relevant landowner/s within the 500 m zone.

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Surface and Ground Water

- An adjoining landowner to the north of the Sancrox Quarry asked why the bore on his property had not been referenced in the groundwater studies included in the EIS? He stated that water was a big issue and asked whether Hanson had to guarantee water supply on affected properties? A bore to the south of the quarry was also stated as being overlooked. MS stated that impacts of groundwater drawdown caused by quarrying operations must be considered and in accordance with the minimal impact criterion of the *NSW Aquifer Interference Policy* (AIP). The AIP provides for compensation and a make good policy for impacts to groundwater supplies. MS undertook to seek advice from the Department's Water Group on impacts.
- One attendee raised the issue of impacts of the quarry operations capturing some of the catchment of Fernbank Creek. Noted.

Legalities

- A claim that Hanson's objection to the Le Clos Sancrox subdivision plans on the basis that it would be incompatible with quarrying in the area is proof that the quarry itself is an incompatible land use for the area. MS stated that Hanson had the right to make a submission on the subdivision proposal, just as all members of the public had to right to object to the Sancrox Quarry Expansion Project, if they so wished. MS assured the meeting that land use compatibility would be a key issue for consideration in the Department's assessment.
- A claim that the inclusion of an asphalt plant and a concrete batching plant in the DA for the Quarry Expansion was illegal. MS confirmed that these activities are considered ancillary to the application for an expansion of the quarry and can legally be assessed as a single application.

Biodiversity

- Concerns were expressed by attendees about vegetation clearing (43 ha proposed), and loss of connectivity to be caused by the westward expansion of the quarry. Several speakers were critical of Hanson's proposed biodiversity offset and claimed that it would not be effective as the north-south biodiversity corridor shown in PMHC's documents such as its Structure Plan and *Urban Growth Management Strategy* (UGMS) would be severed. One speaker was highly critical of Hanson's plans to maintain the corridor by tree-planting to the west of the proposed quarry as two-year old trees do not provide the habitat of 75 year-old vegetation (Spotted Gum community) with its habitat features such as hollows. They also stated that the government's "no net loss of biodiversity values" was stupid. This statement received substantial applause.

The attendee questioned whether the new version of the State Environmental Planning Policy for Koalas (the Koala SEPP) would apply to the Proposal. MS answered that, as the DA was lodged before the effective date of the new Koala SEPP (01 March 2020), the Proposal would be assessed under the existing Koala SEPP that lists 10 main Koala feed trees, rather than 123 species. MS also indicated that the Biodiversity Conservation Division (BCD) is seeking more information from Hanson to assess biodiversity impacts, especially issues of fauna corridors and habitat connectivity. MS stated that the Department was consulting with BCD over whether the application was in accordance with the applicable biodiversity legislation and the *Framework for Biodiversity Offsets*. He assured the meeting that biodiversity impacts would be considered in accordance with the relevant governmental policies.

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Noise and Related Matters

- The two main noise issues raised by attendees concerned the proposed 24-hour, 7-day a week operation of the quarry and the impact of constructing two proposed noise attenuation bunds, which one attendee claimed would have to be 60 feet high (about 20 m). MS responded by stating that quarry operations would need to meet the noise criteria that apply to all operation across the State in accordance with the EPA's *Noise Policy for Industry*. He also undertook to look very carefully at the proposed noise bunds and the impacts these would have on visual impacts and destruction of vegetation.

Economic Effects

- One attendee questioned whether the economic benefits and impacts of the Proposal would be tested in the Department's assessment. MS – Yes, economic, environmental and social aspects of the Proposal will be assessed.
- MS stated that interaction with existing and proposed subdivisions will be considered.
- In response to questions about the impact of the proposal about surrounding private land values and who is responsible for compensation? MS replied that the proposal would be assessed in accordance with government policies that more directly relate to amenity impacts such as the *Voluntary Land Acquisition and Mitigation Policy*. This policy provides for mitigation or acquisition of properties if noise and/or air quality impacts exceed certain thresholds.

Climate Change and Greenhouse Gas Emissions

- Issues raised by attendees included the effect of climate change on the length of the bushfire season and the impact of vegetation/habitat loss and impacts to Koalas. Several speakers were extremely concerned about the additional loss of 43 ha of vegetation from the quarry site and considered that this loss could be ill-afforded in the district. Another speaker commented on the greenhouse emissions stated in the EIS and believed that these were trivialised.

MS noted these issues and indicated that all these issues would be considered in the Department's assessment report.

Residual Issues

- “*When do you throw this (proposal) in the garbage bin?*” MS stated that there is a process for the Department to follow (as set out in this meeting). If the company does not sufficiently address the issues raised by the Department, the Department can proceed to finalise its assessment without the requested information. It is open to the Department to recommend refusal, based on the information before it. A reminder that the IPC is the determining authority for this DA.
- About three speakers made concluding and summary remarks, with one speaker alerting the attendees to an upcoming community meeting in opposition the Proposal.
- The meeting concluded with both MS and AC thanking the attendees for the respectful manner in which the meeting had been conducted. MS provided contact details for both the Department and IPC and invited anyone who wanted to talk with Departmental officers to do so after the conclusion of the meeting.