

From: [Dan Croft](#)
To: [Melissa Anderson](#)
Subject: RE: Sancrox Quarry Expansion Project (SSD-7293) - Advice on Response to Submissions
Date: Tuesday, 15 June 2021 1:52:03 PM

Hi Melissa

Thank you for your e-mail. I apologise for the delay in responding. Council staff have reviewed the Response to Submission report and provide the following feedback for your consideration:

1) **Water Headworks Charges**

Information provided by the applicant is sufficient to determine DSP water headworks charges. Headworks charges for the development generating up to 1 ML/annum will equate to 3.7 ET (270 kL/annum per ET). Water headwork charges and conditions of consent are requested to be included with any Notice of Payment generated and attached with the consent.

Draft wording for the water contribution condition (Condition B011) is provided below. I am of the understanding that a Construction Certificate will be required with the development. Please amend the timing of payment if this is not correct and/or the consent can be acted on prior to Construction Certificate.

Draft Water Contribution Condition

Prior to the issue of Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

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2) **Planning Agreement Requirements for Heavy Haulage Contribution**

The applicant has acknowledged Council's Heavy Haulage Contribution requirements and requested that this be included within the conditions of consent. In order to facilitate

these requirements, a planning agreement is considered to be the appropriate mechanism to achieve this outcome. Such an agreement should be in place prior to the issuing of any consent.

If agreed, draft wording for consideration in the development consent to comply with the planning agreement provided below:

Draft Planning Agreement Condition (Draft Condition)

The Developer is to comply with the <Agreement Name> Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979 between Port Macquarie-Hastings Council and <Planning Agreement Representative>. The planning agreement, as varied or substituted from time to time, is to be performed in connection with the carrying out of the development the subject of this consent.

3) Existing Planning Agreements related to the site

The landowner has multiple planning agreements on the land with terms of these agreements to be considered with any determination. Of note, the Sancrox Employment Land and Quarry Planning Agreement dated 15 July 2011 (160.2011.0053.01) requires dedication of the Access Road Land prior to development consent (Clause 4.1). Although a plan of acquisition has been created, Access Road Land has not been dedicated to Council as public road and is required prior to any consent for development on the land.

4) s94A Levy Plan Cost of Works Charges

Based upon the type of development, the Section 94A Levy Plan (s7.12 charges) is to be considered. The cost of works associated with the development is required to determine development contribution under this plan.

Draft wording for a development consent condition for the payment of Section 7.12 contributions provided below. I am of the understanding that a Construction Certificate will be required with the development. Please amend the timing of payment if this is not correct and/or the consent can be acted on prior to Construction Certificate.

Draft Section 7.12 Contribution Condition

Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- *Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007*

The plan may be viewed on Council's website or during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in

accordance with CPI increases adjusted quarterly and the provisions of the relevant plan. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

5) Biodiversity

A) Response to submission Report - Ethos Urban 20 May 2021 states;

1. There are two different figures for vegetation removal within the document; "clearing of 39.02ha of native vegetation" (page 7), "the removal of 42.6ha of potential koala habitat" (page 29), and "the loss of 39.02ha of native vegetation comprising potential koala habitat" (page 45).
2. "a reduction in total footprint to 57.55 ha which will result in a significant reduction in the environmental impact of the proposed development" (page 5), yet doesn't define the impact it is reducing or explain how the proposed reduction will achieve it.
3. "a revised narrowing of the North-South Corridor from >100m to <100m", yet does not stipulate or illustrate what or where this is. Noting that the narrowing is only accounted for within the biodiversity offset calculation and does not include an evaluation of the North-South corridor or its importance.
4. "clearing of habitats and native vegetation will be offset through *new planting and revegetation* of an offset site of approximately 49ha". However, there is no plan included that illustrates this. Given the area in question is already vegetated, demonstration of how this will be achieved is required.

B) Revised Biodiversity Assessment Report (BAR) - SLR 13 May 2021

1. Illustrates and presents the same survey data previously submitted from 2015 where;
 - a. Vegetation Zone (VZ) 1 Point 1 (P1) is forested wetlands and outside of the proposed development footprint (Figure 8 in BAR, 2021),
 - b. VZ2P3 and VZ3P4 are within the current quarry footprint and therefore already impacted by quarry operations,
 - c. VZ4P1 is already cleared and has been for many years and,
 - d. VZ5P1 is in the middle of the current quarry site which has been impacted by quarry operations over the life of the current quarry (Figure 1).

Resulting in 4 out of nine plots used to determine ecosystem credits being invalid.



Figure 1: Nearmap image 8 September 2015

2. States there are three vegetation communities present on site (page 22) yet only describes two within the report,
3. Identifies nine Hollow Bearing Trees, but does not provide an assessment of them nor proposes how their removal will be avoided, mitigated or offset.
4. States a reduction in proposal footprint from 60.6ha to 57.55ha based on geological and ecological constraints (page 52) yet previously stated the reduction (of approximately 3ha) was due to flood risk on the NW corner of the pit identified after assessment (page 5). Noting there is no illustration of where this 3 ha reduction is/ has occurred.
5. States targeted searches for three threatened plant species were undertaken in 2015/2016, however only one day (14 person hours) of targeted searches (16 October 2015) are presented.
6. Does not reference the Koala survey or report undertaken by SLR (December 2020) within the document as a source document nor are the results discussed other than the subsequent requirement for koala species credits.
7. There are no mitigation measures outlined in the BAR for koala other than a 'reduced impact on the North-South corridor', nor is the preparation of a Koala Plan of Management mentioned.
8. Note that Niche Environment and Heritage Pty Ltd have been engaged by Council to undertake an environmental values review to inform the draft Fernbank Creek and Sancrox Villages Structure Plan. It is noted that this environmental values review has not been considered within the Sancrox Biodiversity Assessment Report.

9. Section 5.4 and Table 20 - These sections state that speed limits will be reduced to 40km/h. However, the Revised Air Quality Impact Assessment states that speeds would be 30 km/h. Amend as required.

C) Koala Survey and report - SLR December 2020 states;

1. the removal of 42.6ha of native vegetation (page i) will be required for the proposal. The Response to submissions report (Ethos Urban, 2021) states this figure and also 39.02ha - clarification is required
2. there are three Plant Community Types (page viii) across the site containing 13 koala use trees and therefore all vegetation is considered potential koala habitat. This is inconsistent with the BAR (2021) which only offsets two Plant Community Types.
3. Following two consecutive nights of survey, determined that there are two koala activity cells within the proposed quarry extension (Figure 2) and a likelihood of one or more resident koalas within the Sancrox Quarry area, yet does not determine or state if the site contains 'core koala habitat'.



Figure 2: Koala Activity contour (SLR 2020)

6) Revised Air Quality Impact Assessment

1. Executive Summary and Section 8 - Suggest that roads within the project and site access gates are to be managed to ensure sediment removal both daily and on an as needs basis to effectively minimise sediment accumulation and associated potential dust generation.
2. Executive Summary and Section 8 - Reword 'Unsealed haul roads are to apply dust suppressant'. Also, specify at what frequency dust suppressant would be used.
3. Executive Summary and Section 8 - It is suggested that more stringent mitigation measure(s) to minimise particle dispersion from all stockpiles and disturbed areas be developed (e.g. the

- use of progressive stabilisation techniques such as revegetation and use of soil binder on stockpiles and disturbed areas). The use of water sprays on stockpiles alone may not be sufficient.
4. Executive Summary and Section 8 - It is suggested that more stringent mitigation measure(s) to minimise particle dispersion from all stockpiles and disturbed areas be developed (e.g. the use of progressive stabilisation techniques such as revegetation and use of soil binder on stockpiles and disturbed areas). The use of water sprays on stockpiles alone may not be sufficient.
 5. Executive Summary and Section 9 - Please describe the duration and frequency of the recommended air quality monitoring.
 6. Section 2.1.2 - Air quality impacts should be considered and mitigated to comply with relevant legislation, regulations, standards and guidelines for existing and future potential receivers. This may include investigation areas as outlined within Council's Urban Growth Management Strategy and any subsequent areas identified within Council's draft Fernbank Creek and Sancrox Villages Structure Plan and the Le Clos Sancrox Planning Proposal.
 7. Section 3.1.2 - In relation to the last sentence within this section, consider the investigation areas as outlined within Council's Urban Growth Management Strategy and any subsequent areas identified within Council's draft Fernbank Creek and Sancrox Villages Structure Plan and the Le Clos Sancrox Planning Proposal in relation to this comment. Adjust the relevant assessment criterion as required.
 8. Table 9.1 (Item 1) - Modifying of work practices should be undertaken during all periods of adverse weather, not just when dust is seen leaving site. Measures should be implemented on site to minimise the generation and emission of dust within the site, prior to any potential offsite impacts.
 9. Table 9.1 (Item 3) - It is unclear what the statement 'in accordance with contractual requirements' refers to. Consider removing this statement from this item. The 'trigger / timing' should also be revised to 'as soon as practical following land shaping'.
 10. Table 9.1 (Item 5) - Measures (such as water sprays) should be implemented on site to minimise the generation and emission of dust within the site, prior to potential dust generation, not just when visible dust is generated.
 11. Table 9.1 (Item 11) - Consider rewording to state: '...with a maximum speed limit of 30km/hr'.
 12. Table 9.1 (Item 12) - Specify the frequency of sealing of hauls roads with chemical suppressant.
 13. Table 9.1 (Item 14) - Suggest rewording to 'All trucks delivering to or leaving from the site will have their load covered'.

7) Revised Air Quality Impact Assessment

1. General - Exceedances of criteria are difficult to interpret within this report. Consider colouring and bolding exceedances to allow the reader to better interpret this information.
2. Section 4.3.2.7 - This section refers to notification requirements in accordance with DA 1995/193. It is suggested that notification requirements associated with the proposal should also be discussed.
3. Section 6.2.5 - This section states that 'there are no other construction projects proposed for the area'. However, it may be considered that the industrial subdivision to the immediate east of the proposal and potential future development within the vicinity of the quarry may result in construction activities. Substantiate this comment in relation to the potential future development of land within the vicinity of the proposal.
4. Section 7.4 - It is noted that the 2016 Pacific Highway Upgrade Operational Noise Management report has been used to determine existing road traffic volumes. This information appears to be based on 2014 monitoring and forecasts. Consider the use of more recent information to improve the reliability of the assessment of potential noise impacts associated with operational road traffic.
5. Section 8.1 (first dot point) - All existing and future potential receivers that may be impacted outside of recommended standard hours should be notified in accordance with relevant standards and guidelines.
6. Section 8.1 (~~first~~ second dot point) - Respite periods should be implemented in all instances where this mitigation measure is triggered in accordance with relevant standards and guidelines.
7. Section 8.2 (At Source Mitigation) - A timeframe for the undertaking of attended noise monitoring following the receipt of a complaint should be provided (e.g. within 24 hours of a complaint being received).

8) **General Planning Comments**

1. **Section 1.8.1** - The Greater Sancrox Structure Plan 2014-2034 is a separate planning investigation to the Fernbank Creek and Sancrox Planning Investigation as detailed within Section 1.8.4. In effect, the Greater Sancrox Villages Structure Plan may supersede the Greater Sancrox Structure Plan 2014-2034 if ultimately adopted by Council. It is suggested that '(see Section 1.8.4 below)' be removed from Section 1.8.1.
2. **Section 2.3.2** - It is noted that this section does not accurately reflect all comments provided by Council's CCC Representative as part of the CCC review process.
3. **Section 6** - Note that Council's 2017-2036 Urban Growth Management Strategy (UGMS) was adopted by Council in August 2018 and conditionally approved by the NSW State Government on 2 November 2018. Page 48 of this UGMS identified

Preliminary Investigation (Stage 1) areas within the Fernbank Creek and Sancrox localities, within the immediate vicinity of the Sancrox Quarry Expansion Project. These preliminary investigations resulted in the development of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet. These documents were formally placed on public exhibition for a period of 28 days from 22 January 2020 until 19 February 2020. Submissions that were received by Council were taken into consideration in the development of the draft Fernbank Creek and Sancrox Villages Structure Plan. On 17 March 2021, Council Resolved to exhibit the draft Fernbank Creek and Sancrox Villages Structure Plan for a period of not less than 28 days to seek further feedback from the community and other stakeholders in the finalisation of the draft Plan. Section 6 and other RTS documentation (as relevant) should consider the draft Fernbank Creek and Sancrox Villages Structure Plan information.

Please contact me should you wish to discuss further.

Regards

Dan Croft

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Development and Environment



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From: Melissa Anderson <Melissa.Anderson@planning.nsw.gov.au>

Sent: Tuesday, 25 May 2021 1:14 PM

To: Council <council@pmhc.nsw.gov.au>

Cc: Dan Croft <Dan.Croft@pmhc.nsw.gov.au>

Subject: Sancrox Quarry Expansion Project (SSD-7293) - Advice on Response to Submissions

The Department of Planning, Industry and Environment has received a Response to Submissions for the **Sancrox Quarry Expansion Project (SSD-7293)**.

Please provide any advice on the Response To Submissions, including any recommended conditions of consent by the due date of **Tuesday 8 June 2021**.

You can access the RTS document/s via the Major Projects website for the project
<https://www.planningportal.nsw.gov.au/major-projects/project/9946>

If you have any enquiries, please contact Melissa Anderson on 02 8275 1392 at
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Kind regards

Melissa

Melissa Anderson

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We acknowledge the Birpai people, the traditional owners of the land in which we work and live, and pay our respects to Elders past, present and emerging. We extend our respect to all Aboriginal and Torres Strait Islander people who choose to call Port Macquarie-Hastings home.

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