

11<sup>th</sup> November 2019

**The Hon. Rob Stokes, MP**

Minister for Planning and Public Spaces  
52 Martin Place  
Sydney, NSW 2000

**Sancrox Quarry Expansion Project SSD 9946**

I have reviewed the Environmental Impact Statement (EIS) prepared by Environmental Resources Management Australia Pty Ltd (ERM) for the above Hanson Heidelberg (Hanson) project at Sancrox, Port Macquarie.

The **purpose** of this letter is to inform you of the deficiencies in the Hanson Sancrox EIS and your actions consequently. I have also sent this letter as an attachment to email to The Hon. John Barilaro, MP, The Hon. Matt Kean, MP, The Hon. Leslie Williams, MP and The Hon. Melinda Pavey, MP.

I will also submit the letter to the website <https://www.planningportal.nsw.gov.au/major-projects/project/9946>.

For the record my connection with Project SSD 9946 is as Chairman of LCS Estates Pty Ltd which is a company formed to represent the owners of the 51 Lots at Le Clos Sancrox in negotiation with Port Macquarie Hastings Council (PMHC). We have a Power of Attorney and are currently are seeking a Rezone, Development Application and Voluntary Planning Agreement in respect of the 110 Ha of Le Clos Sancrox Land. That application before PMHC is currently in pre-lodgement form. Our planning work has been at the invitation of PMHC by resolution 12.10 of 20<sup>th</sup> February 2019, refer [Appendix 1](#). It is to be noted that Sancrox is currently under outline planning investigation for possible rezoning by PMHC under the provisions of its 2017 – 2035 UGMS which I understand has been approved at Regional levels. LCS Estates is also empowered to negotiate with potential buyers of the land, but not to sell, that remaining a decision of the Lot Owner collective. Currently we are in negotiation with a group that has indicated a very strong interest in developing a Secondary / Tertiary facility on part of our land, subject to the land being rezoned of course.

In addition, I am a community representative on the Community Consultative Committee formed by Hanson in respect of their application SSD 15\_7293 and I have attended both meetings held 6<sup>th</sup> July 2018 and 7<sup>th</sup> November 2019. In fact, for the latter I flew from the Pilbara in WA to Sydney and drove to Port Macquarie to attend the meeting.

I am also the Principal of Maurice Driscoll Consulting which has consulted to the Mining Industry for over 30 years and before that I was a Senior Executive within mining organizations. My client list includes all the major mining organizations. As a consultant I have engaged globally in over 250 projects, assisting my clients with problem solving in almost all aspects of Mining. As a Senior Executive in mining organizations, and also as a consultant, I have been involved in the preparation or review of feasibility studies for Mining Operations at Kidston (Qld), Porgera, Misima Island, Lihir Island (Papua New Guinea), Grey River (NZ) , Southern Cross, Mt Keith (WA), Faro (Yukon Territory), Timmins and Sudbury, Ontario and Labrador City in Canada. It is not my intention to undertake an in-depth technical review of the EIS or to

engage in debate about procedural or legislative minutiae and/or peculiarities associated with the Hanson application, others will do that I am sure. Rather I believe I can assist you more by commenting upon / informing you about what is missing or is in error from the EIS and cause you to draw your own conclusion as to the veracity of what is being put forward. I trust that will prove enough to inform your decision making.

I have also attached correspondence from Hanson to Land Dynamics Australia, our planning Consultants, with a cc to PMHC ([Appendix 2](#)) and my response ([Appendix 3](#)) and again you can draw your own conclusions.

As a citizen of NSW what I expect from elected Government and the Bureaucracy who serve them and us, at every level, is consistency. My disposition with respect to the Sancrox Quarry matter is that there be a recognition that community need for good quality quarry material must be in balance with the social and economic costs of its extraction. What makes me uncomfortable is that the group I represent has been seeking to achieve a better use of its land for 20 years, by following exactly the Local and Regional level Government's quite stringent planning processes, requiring we document our justification at the highest possible standard. It has been a very long road and perhaps the end is in sight, and to get there we have worked diligently within our community and the broader PMHC LGA community. But this SSD process, the manner of its use by Hanson and how it is being managed by others suggest a competing interest, Hanson, will trump our application. If Hanson is successful it will mean an applicant who "complies" with the SSD legislation can make application at a State level and support that application with an EIS riddled with errors and omissions, perpetrating myths and avoiding inconvenient truths but face a likelihood of getting their Project approved? A cynical use of Legislative power. For the record I have identified 20 areas for your consideration from EIS as follows:

### **The EIS**

1. The proposed Sancrox quarry is not an expansion project. The existing quarry is located on Lot 353 DP 754434 the "new" quarry on Lot 2 DP 574308. Point blank it is an application for a new quarry on a different Lot.
2. Hanson claims there are no other quarries within 200 km is not correct, commercial intelligence is that quarries in the PMHC LGA are as listed:
  - Pacific Blue Metal, Possum Bush Rd
  - Great Lakes Aggregate, Bullocky Way, Failford
  - Holcim - Jandra Quarry
  - Boral - Johns River
  - Hy-Tec - Jambali Rd, Grants Head Bonny Hills and Yarrabee Rd
  - Coastal Quarry Products, Milligans Rd, Wauchope, for lower quality material

I trust the approving authority will see that Hanson referred to quarries not to resources to avoid having to identify they have control over an alternative strategically located site, Lot 2 DP 814356 Milligan's Road, from which all the objectives and benefits of a quarry, able to be achieved under a State Significant Development application exist.

I am also aware, and I understand as are they, that there is a "new" quarry project owned by CTK Natural Resources Pty Ltd which has recently been approved by the Joint Regional

Planning Panel and PMHC. This quarry is of high-quality rhyolite daicite. This quarry site is located within NSW Government forestry land on the north side of Milligan's Road at Bago, approximately opposite the Hanson quarry land as part of DP814356. The land on both sides of the road contain rocks from the same geological structure.

3. Hanson claim that transport costs will become prohibitive should the new quarry at Sancrox not be approved is not correct. Bago 20 km from Sancrox.
4. Hanson imply that PMHC LGA is running out of rock faster than it is running out of house blocks. **More accurately** the reverse is the case, **PMHC LGA is running out of house blocks faster than it is running out of rocks**. The PMHC UGMS is predicated upon the assumption that there is a 15 years supply of residential Lots in the LGA. Our research, as part of our process to inform PMHC planning processes in respect of outline planning for Fernbank Creek and Sancrox, is that the supply is 7 years at best, not considering the impacts of 2017 Biodiversity legislation.
5. A core koala habitat at "high use" level exists in the centre of the proposed new quarry.
6. A very large portion of the proposed new pit is a "medium use" koala habitat.
7. An endangered biological community corridor runs right through the centre of the proposed new pit location.
8. Significant swamp oak and mixed eucalypt open forest areas will have to be destroyed.
9. Previous studies revealed 5 hollow bearing trees for koala habitat in the proposed pit area. The EIS prepared by Hanson says there is 1.
10. Twice daily blasting will impact traffic on Sancrox Rd. It may impact the Pacific Highway. There is no detail about how this will be managed, no reference to such as the code of conduct for blast guarding which has been developed by the Australian Explosives Industry and Safety Group.
11. The level of drilling required to justify a 30 years life of quarry has not been undertaken, nor is there marketplace justification for a production rate at 750,000 tonnes per annum. The only mention of size of deposit is 5M tonnes which happens to be the threshold for SSD application. At a 750,000 tonne, 7/24, operation for 30 years the maths is suggesting a 22.5M tonne resource. Perhaps all the 30 years, 750,000 tonnes and 5.0M Tonnes are a fabrication? There is limited commentary in the EIS about other material within the deposit that will need to be managed, that is because they don't know, haven't drilled out the deposit.

12. Hanson says in Appendix 2

*There were no significant environmental impacts identified during the preparation of the EIS that cannot be mitigated by appropriate mitigation measures and management strategies"*

And that

*The environmental assessment process has been used to drive development of the site and ensure operations will be sustainable and create minimal disruption to the local community. Proposed operations have been designed to ensure sustainable water use and management, minimise traffic impact on local roads, ensure acceptable noise and dust emissions, effective management of waste and to minimise visibility of the operations. All of the potential environment impacts of the Project have been*

*considered and mitigation measures developed to minimise any impacts as detailed throughout the EIS”*

Yet in the Appendix 2 letter to PMHC they make the statement quoting NSW Trade and Investment Regional Infrastructure and Services (Mineral Resources Branch)

*Where development is proposed in the vicinity of the Sancrox quarry, NSW Trade and Investment Regional Infrastructure and Services (Mineral Resources Branch), would require that the developer ensure that the proposed development would not adversely affect the current quarry operation and any planned future expansion.*

*Accordingly, it is important to note the future plans for the quarry resource operating beyond its current approval. **Any rezoning would require that potential areas of conflict with the quarry operations be satisfactorily addressed.***

*Depending on the circumstances, consideration may be required to ensure that noise (e.g. blasting, crushing, screening, loading & transporting of quarry material), air quality, vibration and safety (fly-rock) at future sensitive receivers are within acceptable environmental limits.*

**So, what is it to be, they can operate within any imposed mitigation measures and co-exist with associated development, or they demand the land immediately to the west of the quarry (at least 200 Lots currently and potentially 1000 if the land is rezoned) be sterilised?**

But if mitigation Hanson has not been able to comply with the current quarry operating conditions as to the screens of trees, the management of water egressing from site, the impacts of blasts and dust etc. How therefore will they cope with the requirements of significantly higher standard mitigation measures given the dimension of the proposed larger new pit?

13. Evidence is that the culture at the Sancrox Quarry is not capable of managing mitigation measures for existing operational conditions. There is no indication that Hanson proposes significantly different behaviours to support the management of mitigation measures in the proposed new quarry. Therefore, the approving authority will need to be specific and PMHC put on notice to monitor.
14. The new Sancrox quarry project will fragment and alienate land and result in conflict with adjoining land uses.
15. Hanson claim that there are no residences or approved residential development impacted, this is not correct. The quarry is not ideally situated. In every direction over the range of 300m – 1,300m, there is residential development.
  - No mention is made of the currently being constructed 142 Lot Rural Residential sub-division to the west of the site (Le Clos Verdun), the eastern boundary of which is only 600m from the western edge of the new quarry.
  - No mention is made of the existing houses located on Le Clos Sancrox, the nearest of which is less than 1km from the edge of the proposed new quarry and the proposal currently being considered by PMHC to rezone the whole Le Clos Sancrox as residential, the closest parts of which will be approximately 300m from the southern edge of the proposed new quarry.
  - No mention is made of Thrumster 600 m to the east or Fernbank Creek Rd within 1 km.

- No mention is made of any bund to the south of the last stage of the new quarry which is essential to protect anything on Le Clos Sancrox. Furthermore, will any bund be effective anyway and is it correct they intend to build a 20m high bund (that's equivalent to a 6 storied building)?
16. No mention is made of the high-speed rail corridor which goes right through the middle of the deepest part of the quarry. This will require the high-speed corridor to be moved onto the adjoining land owned by an adjoining Lot Owner.
  17. No mention is made of the impact upon the Billabong Koala Sanctuary less than 1 km from the pit.
  18. Hanson has not made appropriate recognition of the biological community corridor nor identified how to manage its removal and create alternatives.
  19. A "new" quarry at Sancrox will deliver Hanson all the upside, and PMHC and existing and future communities all the downside. An approval for a "new" quarry also gives Hanson a significantly enhanced competitive position. If approving authorities sterilize land adjoining the quarry PMHC loses the availability of land identified in the UGMS 2017-2035. If not PMHC will bear the cost of monitoring and policing of Hanson's mitigation measures for the new quarry. That is the whole community must bear a cost if Hanson's application is approved.
  20. Round the clock quarry operation, blasting vibration, showering from rock and dust, noise and truck movements and the cost of dust removal over a long-haul period requires a very substantial and much more detailed / enhanced EIS than has been prepared in respect of the current application.

Given the lack of detail provided by the applicant it is questionable as to whether State Significant Development legislation be applied to consider the application by Hanson for a new Sancrox quarry. But should the application proceed to approval the mitigation measures will need to be substantial, quite specific, detailed, with full costing, clear standards, at least equal to that required of other mines located proximate to existing residential areas, a clear method of policing for adherence, and include a residential committee for monitoring purposes. In the alternative Hanson might best be encouraged to reconsider their involvement at Herons Creek, Bago.

I trust my input is of assistance, I can be available for a meeting in late December early in January if required but in the interim I look forward to your response.

Yours faithfully



Maurice Driscoll

**Chairman**

**LCS Estates Pty Ltd**

204 Davistown Rd

Yattalunga, NSW, 2251

Mob: 0419615465

## **12.10 STRATEGIC LAND USE PLANNING - FERNBANK CREEK AND SANCROX**

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:00pm.

Mr Maurice Driscoll, Maurice Driscoll Consulting, representing the Le Clos Sancrox Landowners, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Graham Burns, Land Dynamics, representing the landowners, addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Turner/Hawkins*

That Council:

1. Note the information in the February 2019 Strategic Land Use Planning Fernbank Creek and Sancrox Report.
2. Note that a Greater Sancrox Area Structure Plan was tabled at the Council Meeting in February 2015 and deferred pending adoption of the UGMS.
3. Note that according to landowner representatives, the Le Clos Sancrox owners have all now committed to acting as a single entity to achieve a co-ordinated planning outcome.
4. Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS.
5. Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process.
6. Allow the General Manager to adequately resource this program.
7. Include regular updates on this matter in the biannual Site Specific LEP Amendments Update Report in March and September of each year.

CARRIED: 6/0 FOR: Alley, Cusato, Dixon, Hawkins, Intemann and Turner

AGAINST: Nil

## Appendix 2

23 August 2013

Nicole Gillan  
Town Planner  
Land Dynamics Australia

77 Lord St,

Port Macquarie, NSW 2444

**RE: Sancrox Rd, Sancrox & Le Clos, Sancrox - Community Survey**

Hanson Construction Materials Pty Ltd  
ABN 90 009 679 734  
Level 18 2 - 12 Macquarie Street  
Parramatta NSW 2150  
Tel +612 9354 2600  
Fax +612 9325 2695  
www.hanson.com.au

Dear Ms. Gillan,

Hanson is a leader in building and construction materials with an extensive production and logistics network across Australia. We use world-class technologies and service platforms to supply a comprehensive range of high-quality concrete, aggregates and sand. We also produce road base, asphalt and sustainable and recycled construction materials for civil construction and infrastructure projects. Hanson is part of the Heidelberg Cement Group, which employs over 59,000 people across five continents. Heidelberg Cement is a global leader in aggregates and has leading positions in cement, concrete and heavy building products.

Hanson Construction Materials Pty Ltd (Hanson) currently operates a hard rock quarry, known as Sancrox Quarry, on Sancrox Road, Sancrox, located approximately 8 km west of Port Macquarie. The Sancrox Quarry is within the Port Macquarie Hastings Council (PMHC) local government area on the Mid-North Coast of NSW.

### State Significant Development- SSD 15\_7293

Hanson has a State Significant Development application (SSD 15\_7293) currently with the NSW Department of Planning, Industry and Environment to extend the life of the quarry (the "Project") by expanding the approved extraction boundary and increase the annual extraction limit. In addition to the quarry expansion, Hanson also proposes to establish a concrete batching plant, an asphalt production plant and a concrete recycling facility. The development meets the criteria listed by clause 7 (1) (a) and (b), Schedule 1, State Environmental Planning Policy (State and Regional Development) 2011 for assessment as a 'state significant development' (SSD), under section 89C (2) of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

### The Importance of Construction Materials

Cement, Concrete and Aggregates Australia (CCAA) estimates that a typical house requires 110 tonnes of crushed rock and 53 m<sup>3</sup> of concrete, which in the case of the Sancrox Quarry, would amount to 90 tonnes of concrete aggregates, totalling 200 tonnes of hard rock quarry products per dwelling built (CCAA, 2015). With an estimated 59,600 new

homes predicted by the Mid North Coast Regional Strategy 2009, an estimated 12 million tonnes of hard rock quarry products will be required.

The continued and additional supply of valuable resources in the form of aggregate, concrete and asphalt to the local construction industry as well as a facility for recycling of a waste concrete will meet the strategic goals of boosting the local economy and providing the materials to allow for infrastructure and housing developments. The quarry is ideally located away from substantial residential development, and located directly adjacent to the recently upgraded Sancrox Interchange and Pacific Highway, allowing for safe distribution of materials to the surrounding region to facilitate strategic urban growth

Regional roads are predominately sealed with high quality aggregate which is produced at Sancrox Quarry. As a building product, concrete is still the cheapest and most widely used building material available. Due to the low embodied energy of concrete, it is a more sustainable product than many other building materials.

### Consideration of Project with Regional and Local Planning Provisions

The proposed increase in production at the quarry is consistent with the objectives of the Port Macquarie-Hastings Local Environmental Plan RU1 zone. Extractive industries are permitted within the zone with development consent. It is therefore considered that the Project would not fragment or alienate any land or result in conflict with adjoining land uses. The Project would result in the continued employment of existing staff numbers with an increase over time up to 25 which would result in positive local economic benefits.

### Environmental Impacts of the Project

An Environmental Impact Statement (EIS) prepared by Environmental Resource Management Pty Ltd has assessed the potential environmental impacts associated with the proposed expansion and increase in annual extraction rates at Sancrox Quarry alongside the proposed establishment of the concrete batching plant, asphalt production plant, and concrete recycling facility. The EIS was prepared having regard to biophysical, economic and social considerations and the principles of Environmental Sustainable Development. There were no significant environmental impacts identified during the preparation of the EIS that cannot be mitigated by appropriate mitigation measures and management strategies.

The environmental assessment process has been used to drive the development of the site and ensure operations will be sustainable and create minimal disruption to the local community. Proposed operations have been designed to ensure sustainable water use and management, minimise traffic impact on local roads, ensure acceptable noise and dust emissions, effective management of waste and to minimise visibility of the operations. All of the potential environmental impacts of the Project have been considered and mitigation measures developed to minimise any impacts as detailed throughout the EIS.

The Project will provide a viable supply of construction materials to the surrounding region. The Project can be implemented with minimal adverse environmental impacts as demonstrated throughout the EIS and is justified in terms of the overall economic benefits to the local, state and national economies. The construction materials, such as those produced at



Sancrox Quarry, will be used to meet a fundamental community need for the construction of roads, other infrastructure and major development projects in the region. The Project will allow for the sourcing of construction materials to be produced at a site that is already highly disturbed. The construction materials produced will be used throughout the region and will have positive flow on effects throughout the local economy through the creation of jobs in associated industries.

### Planning Considerations for Le Clos Planning Proposal

Hanson understands that there is an application proposed by LCS Estate Pty Ltd to Port Macquarie Hastings Council for a site-specific rezoning of Le Clos Sancrox (the "Site") and Development Application. The Site is currently zoned RU1 *Primary Production*, for which the objectives are:

- **To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.**
- **To encourage diversity in primary industry enterprises and systems appropriate for the area.**
- **To minimise the fragmentation and alienation of resource lands.**
- **To minimise conflict between land uses within this zone and land uses within adjoining zones.**

We also understand that Le Clos Sancrox has been subject of a Moratorium imposed by Council 12 years ago which restricted issuing of approvals for dwellings on the lots.

The quarry resource being extracted at the Hanson Sancrox Quarry extends westward onto adjoining land. The NSW Department of Industry and Investment (I&I NSW) has identified this resource as regionally significant and seeks to ensure that there is uninhibited access to mineral and extractive resources in the future.

The Planning Minister for NSW, through Ministerial 117(2) Direction 1.3 – Mining, Petroleum Production and Extractive Industries, requires that Councils consult with I&I NSW when preparing any proposals to rezone land that may restrict or prohibit the development potential of extractive resources. I&I NSW recommend that NSW Councils adopt the following strategies regarding mineral resources in its planning:

1. Operating mines and quarries should be protected from sterilisation or hindrance by encroachment of incompatible adjacent development.
2. Known resources and areas of identified high mineral potential should not be necessarily sterilised by inappropriate zoning or development.
3. Access to land for mineral exploration and possible development should be maintained over as much of the planning area as possible.

### Greater Sancrox Structure Plan 2014-2034 (PMHC)

Council has prepared a Structure Plan to guide future development of land in the Greater Sancrox Area (GSA) to the west of Port Macquarie.

Under Section 5.6 *Mineral resources*, the planning objective of the Structure Plan is to ensure land use does not restrict or prohibit the development potential of extractive resources. The Structure Plan specifically states:

*The quarry resource being extracted at Hanson's quarry north of the GSA extends westward onto adjoining bushland. The quarry is listed as being of regional significance in the MNCRS. Those parts of the GSA affected by the minerals transition area, which triggers the requirement to consult with State government, are mapped in red hatch on figure 18.*

*Where development is proposed in the vicinity of the Sancrox quarry, NSW Trade and Investment Regional Infrastructure and Services (Mineral Resources Branch), would require that the developer ensure that the proposed development would not adversely affect the current quarry operation and any planned future expansion. Accordingly, it is important to note the future plans for the quarry resource operating beyond its current approval.*

***Any rezoning would require that potential areas of conflict with the quarry operations be satisfactorily addressed. Depending on the circumstances, consideration may be required to ensure that noise (e.g. blasting, crushing, screening, loading & transporting of quarry material), air quality, vibration and safety (fly-rock) at future sensitive receivers are within acceptable environmental limits.***

The current zoning is therefore considered the utmost importance in preserving the valuable natural resource based known as the Hanson Sancrox Quarry and achieving the Ministerial Direction.

On the basis of the above information Hanson supports the current zoning of the Site and strongly objects any proposed rezoning of the Site.

Finally, thank you for consulting Hanson on this matter. Should you wish to discuss further, please do not hesitate to contact me on 0417 234 774 or 02 9354 2644.

Yours faithfully,

**HANSON CONSTRUCTION MATERIALS PTY LTD**



**ANDREW DRIVER**  
**Development Manager**  
**Eastern Region**

Cc: General Manager, Port Macquarie Hasting Council.

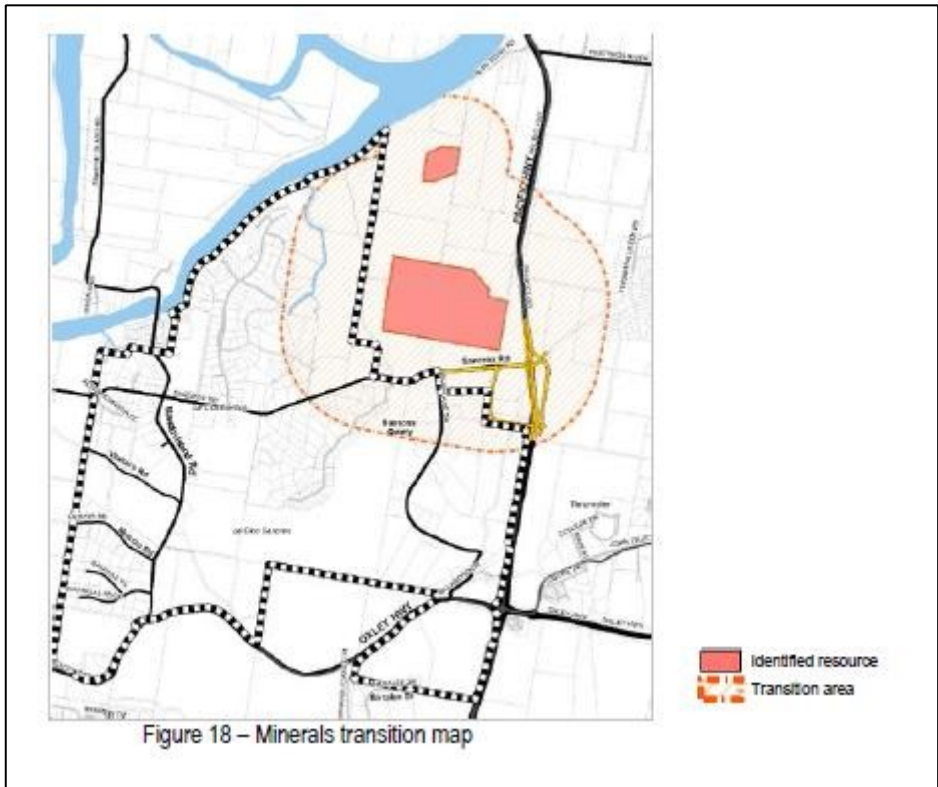


Figure 18 from the Greater Sancrox Structure Plan 2014-2034.

## Appendix 3

6<sup>th</sup> November 2019

Mr Craig Swift-McNair  
General Manager  
Port Macquarie Hastings Council  
Corner Lord and Burrawan Street  
**PORT MACQUARIE NSW 2444**

Craig

### **Re: Sancrox Rd, Sancrox and Le Clos Sancrox, Sancrox Community Survey**

There is context to this correspondence. It is that in respect of an application for the rezoning of Le Clos Sancrox land from rural to residential and integral to planning processes, Land Dynamic Australia (LDA) was required to conduct a community survey on behalf of LCS Estates Pty Limited, representing Le Clos Sancrox Lot Owners (LCSLO). In response to this survey two letters have been received by LDA, with copies to the General Manager Port Macquarie Hastings Council (PMHC), one from Hanson Heidelberg Cement Group (Hanson) and the other from Claude Cassegrain (Cassegrain). Both correspondents make different assertions in respect of the Sancrox Quarry and its impact upon the planning processes being conducted by LDA for LCSLO. The letter from Hanson was received on 23<sup>rd</sup> August 2019. The letter from Cassegrain was received on 12<sup>th</sup> September 2019. I can advise also that I am a Representative on the Community Consultative Committee that has been established to consider matters that might be raised regarding the Sancrox Quarry and State Significant Development application (SSD 15\_7293) impacting the Sancrox community.

The purpose of this correspondence is to ensure, as best I am able, that I set the record straight in respect of assertions made by both correspondents. My commentary is as follows:

1. At the outset it is important that I acknowledge the contribution that Hanson has made to the community and development within the Port Macquarie Hastings region and beyond, over a long period of time.
2. The original quarry at Sancrox was approved for Lot 353 DP 754434 and, as Cassegrain asserts, at a time when regulation requiring quarries to be licenced did not exist. Hanson subsequently acquired the adjacent land at Lot 2 DP 574308 and, I understand, is now seeking to extend its operations at Sancrox, on Lot 353 DP 754434, to a "new" quarry which is to be located on Lot 2 DP 574308. My research indicates there have been a number of amendments to the original approval for the existing quarry imposing obligations upon Hanson, e.g. Hanson is supposed to have created boundary vegetation screening around its existing operation to a standard that meets PMHC approval and is to meet multiple specific conditions as to dust, noise, hours of operation, notifications to neighbours about the occurrence of certain operational conditions, the manner of its use of adjoining roads etc.
3. Investigation has revealed evidence to suggest that Hanson has not been diligent in meeting its Operations conditions obligations. Some of these complaints / issues were raised at the first meeting of the Community Consultative Committee, e.g. the

committee was advised that dust and rocks regularly rain down upon properties adjacent to the quarry. It is clearly observable the boundary vegetation condition has not been met.

4. The Hanson letter claims that the State Significant Development application (SSD 15\_7293) is to “extend” the life of an existing quarry. But is this claim entirely correct? Perhaps, as Cassegrain asserts, a more correct statement is that SSD 15\_7293 is an application to open a “new” quarry on adjacent land at Lot 2 DP 574308 and then to “extend” the existing operation located on Lot 353 DP 754434 into this “new” quarry. The Lot 353 DP 754434 quarry is fast approaching an end to its operating life. Hanson does not say, but it can be assumed, that appropriate applications have been made under existing legislation to have the “new” quarry approved and a licence granted for both the “new” quarry and the links to infrastructure on Lot 353 DP 754434 and the, about to become redundant, old workings.
5. While it might be correct for Hanson to say the existing quarry is ideally located (for Hanson purposes) proximate to a developing Port Macquarie, it is not correct to say it is away from substantial residential development. Very proximate and well advanced are:
  - a) The Thrumster residential development (including Sovereign Hill),
  - b) The Le Clos Verdun rural-residential development,
  - c) The Fernbank Creek Rd and Sancrox areas, currently under Outline Planning investigation consistent with the PMHC Urban Growth Management Strategy (2017 – 2037) and Resolution 12.10 of 20<sup>th</sup> February 2019, and
  - d) Le Clos Sancrox where Lot Owners, represented by LCS Estates Pty Ltd, have responded to the invitation by PMHC, to submit a planning proposal as per Resolution 12.10 of 20<sup>th</sup> February 2019, Item 5.
6. Revealed in the minutes of the Community Consultative Committee meeting of 6<sup>th</sup> July 2018, at Item 6, as one of the findings of the EIS study conducted on behalf of Hanson for the “new” quarry on Lot 2 DP 574308, is that **there will be no impact on adjoining land from quarry operation**. At that meeting Maurice Driscoll, was recorded in the minutes as making the statement:

*“Based on experience, he is aware that when a mine is established, there are potential land acquisition rights”.*

And, he asked (of Hanson) the question:

*“If there was a need to initiate this process?”*

The minutes record the response from Andrew Driver, Hanson’s Development Manager Eastern Region, who advised:

*“There are policies in place that trigger when land acquisition is required. Hanson are engineering the project according, to avoid this trigger”.*

7. Also, in the Hanson letter is the statement quoted from the EIS study following:

*“There were no significant environmental impacts identified during the preparation of the EIS that cannot be mitigated by appropriate mitigation measures and management strategies”*

8. As well as the statement in 7 above there is the further statement quoted following:

*“The environmental assessment process has been used to drive development of the site and ensure operations will be sustainable and create minimal disruption to the local community. Proposed operations have been designed to ensure sustainable water use and management, minimise traffic impact on local roads, ensure acceptable noise and dust emissions, effective management of waste and to minimise visibility of the operations. All of the potential environment impacts of the Project have been considered and mitigation measures developed to minimise any impacts as detailed throughout the EIS”*

- 9. But given there is evidence that Hanson has not adhered to agreed approved Operational conditions in respect of its existing Sancrox quarry what value can be placed upon the statements of intent made in respect of the potential “new” quarry both to the Community Consultative Committee and now to Council as per Andrew Drivers’ correspondence of 23<sup>rd</sup> August.**
10. After stating that the “new” quarry will have minimal impact upon the surrounding area and only to a level that can be controlled with “*mitigation measures and management strategies*” the Hanson letter then draws upon statements attributable to NSW Department of Industry and Investment (I&I NSW) to imply that:
- a) The existing and “new” Sancrox quarry is **unique**, is a response to a very **scarce resource** and is **vital** for the development of region.
  - b) Its current operation, the “new” quarry operation on Lot 2 DP 574308, and “further” quarries to be developed on the land west of Lot 353 DP 754434 and Lot 2 DP 574308 must be protected from **sterilization or hindrance** by encroachment of incompatible adjacent development.
  - c) *“The quarry resources being extracted at the Hanson Sancrox Quarry extends westward onto adjoining land”*

It is to be noted that due west of the Sancrox quarry (that is west of Lot 353 DP 754434 or proposed “new” quarry on Lot 2 DP 574308), is land not owned by Hanson, and as well there is Le Clos Verdun which is zoned Rural Residential and is being developed. I am not aware if the information about Hanson’s proposed future use of Sancrox land has been brought to the attention of the Le Clos Verdun community or to the attention of the Community generally, as there have been no further Community Consultative Committee meetings held since the initial meeting of 6<sup>th</sup> July 2018.

11. In addition, in the quote attributed by Hanson to NSW Department of Industry and Investment (I&I NSW) is the Department referring specifically to the Sancrox quarry at *Lot 353 DP 754434*, the proposed “new” quarry at *Lot 2 DP 574308* or to quarries in the Region or quarries in NSW generally?

*“The NSW Department of Industry and Investment (I&I NSW) has identified this resource as regionally significant and seeks to ensure that there is uninhibited access to mineral and extractive resources in the future”*

- 12. In the context of points 6 to 11 above the statements made in the Hanson letter do appear to be somewhat disingenuous, as Cassegrain asserts.**

13. Indeed, the gravitas of the assertions made by Hanson must cause one to ask the question **are there no other quarries within the region that might fill the void once**

**the existing Sancrox quarry achieves it use by date?** In response what Hanson does not say, but Claude Cassegrain advises, is that Hanson has:

*“Control over an alternative strategically located site, Lot 2 DP 814356 Milligan’s Road, from which all the listed objectives and benefits of a Quarry, contained in the Hanson Letter, are able to be achieved under a State Significant Development application”*

Our commercial intelligence also reveals current operating quarries in the area comprise the following, at least:

- a) Pacific Blue Metal, Possum Bush Rd
- b) Great Lakes Aggregate, Bullocky Way, Failford
- c) Holcim - Jandra Quarry
- d) Boral - Johns River
- e) Hy-Tec - Jambali Rd, Grants Head Bonny Hills and Yarrabee Rd
- f) Coastal Quarry Products, Milligans Rd, Wauchope, for lower quality material

14. Therefore, perhaps the quarry at Sancrox is not **unique** and quarry material in the region not as **scarce a resource** as is implied in the Hanson letter. In addition, I am aware there is a “new” quarry project owned by CTK Natural Resources Pty Ltd which has recently been approved by the Joint Regional Planning Panel and PMHC. This quarry is of high-quality rhyolite daicite. This quarry site is located within NSW Government forestry land on the north side of Milligan’s Road at Bago, approximately opposite the Hanson quarry land as part of DP814356. The land on both sides of the road contain rocks from the same geological structure.

15. Is there not an issue of gross bureaucratic inconsistency by government instrumentalities beyond the local Level? During the period in which Hanson has operated the existing quarry toward its end of life and planned their next resource the following has occurred:

- a) LCSLO have lived under the shadow of a Moratorium which they are well on the way to resolving with PMHC.
- b) Le Clos Verdun has gone through all the hoops to get their residential development up and running with PMHC and Regional and State authorities’ approvals.
- c) The North Coast and particularly the Port Macquarie and Hasting LGA, is considered among Australia's fastest growing regions. Within this region there is a growth corridor to the West paralleling the Oxley Highway commencing at the new Thrumster estate. Since June 2018 the PMHC and Regional Authorities have identified as next areas for residential investigation the adjoining Sancrox and Fernbank Rd areas heading to Wauchope. PMHC, Regional and State authorities are involved with the change to UGMS and now PMHC is outline planning for Sancrox/Fernbank and has invited one precinct to submit a planning proposal that will inform their own outline planning.
- d) The Pacific Highway, one of the busiest highways in Australia, has been significantly upgraded by RMS and National Road Authorities but to date no protection has been provided to motorists from the same fallout of stones and rocks as land on the premises of the Winery opposite – surely a matter for safety concern. Indeed, a very likely to happen catastrophic event surely must

require that Pacific Hwy be shut down for every blast at the Sancrox Quarry.  
Where are the bureaucratic decision makers in this regard?

Each event has and is being influenced by some level of Government and / or bureaucratic decision making. But in spite of current and future happenings within the broader community, and its need to interact with Governments at every level for approval to ensure maintenance of right economic and social balance, Hanson has been able to pursue their own priorities, identify a much deeper resource to mine, factor in the movement and storage of massive amounts of overburden on site, set up to operate a new quarry 24/7 apparently for 30 more years. They now seek State Significant Development support from different bureaucrats for their new operation to be protected from **sterilization or hindrance** by encroachment of incompatible adjacent development. That means they seek to shut down a potential 4000 residential Lot development.

The above 15 points of commentary suggests that at least 9 conclusions might be drawn from both letters and from the information available via the Community Consultative Committee minutes as follows:

1. The community need for good quality quarry material must be in balance with the social and economic costs of its extraction.
2. Either Hanson is unaware of growth and development factors within the Port Macquarie Hastings Region, which caused PMHC to alter its UGMS in June 2018 to include Fernbank Creek and Sancrox as areas for investigation and Outline planning, particularly the emerging development corridor to the west paralleling the Oxley Highway to Wauchope, and / or Hanson has chosen to ignore these factors.
3. Quarry operation within the PMHC area appear to be quite competitive.
4. Hanson's failure to adhere to approval conditions for its operations at the existing Sancrox quarry bears investigation by PMHC
5. An approval for a "new" quarry at Sancrox will deliver Hanson all the upside, PMHC and existing and future communities will bear all the downside. An approval for a "new" quarry gives Hanson a significant and competitive position. Existing and future communities bear the impacts of round the clock quarry operation, blasting vibration, showering from rock and dust, noise and truck movements and the cost of dust removal for 30 years. PMHC potentially loses the availability of land identified in the UGMS 2017-2035 and no doubt will bear the cost of monitoring and policing of Hanson's mitigation measures for the new quarry.
6. In the application of State Significant Development legislation, the local communities must be given a voice in these matters unless there are quite extraordinary circumstances otherwise.
7. There may well be better local resources available to Hanson at DP814356 Milligans Rd to meet the Regional need other than the proposed "new" quarry at Sancrox. There are other quarries in the area
8. There appears little justification for the statement that existing quarry operations at Sancrox or any proposed "new" quarry to be protected from **sterilization or hindrance** by encroachment of incompatible adjacent development by other local landowners, and in fact adjacent development is already occurring.



9. Some of the statements made in the Hanson letter do appear to be somewhat disingenuous.

Yours faithfully

A handwritten signature in black ink that reads "m j Driscoll". The signature is written in a cursive style with a large, looped 'D'.

Maurice Driscoll  
**Chairman**  
**LCS Estates Pty Ltd**