

PCU078733

Department of Planning
Received

22 NOV 2019

Scanning Room

Submission

Re: Hanson Heidelberg Application SSD 9946 for a New Quarry at Sancrox NSW or
<https://www.planningportal.nsw.gov.au/major-projects/project/9946>

My name is Jeremy Ellis and I am the owner of Lot 27 Le Clos Sancrox. My land is located proximate to the proposed new Sancrox quarry. I am aware of the Hanson Environmental Impact Statement (EIS) on exhibition until 26th November 2019 and I am quite concerned that the statement neglects to address some of the critical issues contained in the attached correspondence, which may disqualify the Hanson application from consideration as a State Significant Development, Refer Appendix 1:

To ensure my submission meets criteria my details are:

Name: Jeremy Ellis

Address: 4 Hampden St Mosman

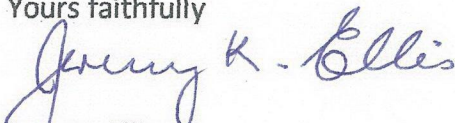
Address of Local Land: Lot 27 Le Clos Sancrox

Email: jerry.ellis@baxterit.com.au

Phone: 0439 645 311

I look forward to your response to my submission

Yours faithfully


Jeremy Ellis

Appendix 1 – Correspondence from Claude Cassegrain

Claude Cassegrain

PO Box 210,

WAUCHOPE, NSW 2446

Email cc@catto.com.au

Date: 12 September 2019

Nicole Gillan

Town Planner

Land Dynamics Australia

77 Lord St,

Port Macquarie, NSW 2444

Dear Madam,

RE: Sancrox Rd, Sancrox & Le Clos, Sancrox — Community Survey.

And

Hanson State Significant Development application (SSD 15 7293) to extend the life of the quarry and expand the approved extraction boundary.

Hanson Heidelberg Cement Group (Hanson) letter to you dated 23 August 2019 (since 2013) has been brought to my attention for comment.

My family, through various corporate entities, has had a strong connection with hundreds of hectares of land in the Sancrox area, including the site of the current Sancrox quarry over many decades.

Recognising the previous classification (by Council) of that land as Clos Farming with each lot having residential entitlement, I object to Hanson opposing the aspirations of the Le Clos Sancrox landowners in seeking to have their land rezoned to enable residential and/or rural residential development.

Conversely, recognising the previous restrictions placed on the land currently occupied by the Sancrox quarry, it is totally unreasonable that the Quarry should be sustained let alone expanded onto neighbouring land.

Judging by the content of the Hanson letter, it appears that Hanson has, either been unaware, overlooked, or ignored the restrictions previously agreed to in relation to the Sancrox quarry.

The land occupied by the Quarry was sold in 1998 to a subsidiary of Hanson by the previous owner, CTK Constructions Pty Ltd (CTK).

Earlier still, CTK purchased that land from one of the entities linked to my family.

Whilst the ownership and management of the Sancrox Quarry has changed, since 1998, it is not the responsibility of the current surrounding landowners to ensure Hanson had completed its own due diligence to ascertain the tenuous position on the life of the quarry due to the prior planning of the land surrounding the quarry.

In order to put matters into perspective.

BACKGROUND.

- 1) I was the person responsible for Cassegrain land planning and who 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 Cassegrain purchased from CRA pursuant to an option agreement.
- 2) Prior to the purchase of Lot 353 DP 754434, the Hasting Shire Council (pre amalgamation in 1980 with PM Municipality) had been quarrying road base material from this quarry for maintenance of Sancrox, Fernbank Creek, and Chain of Pond Roads. RMS (then DMR) also exploited material from the quarry for some of the construction of that section of the Pacific Highway, diverted from Port Macquarie in 1960 to 1961, north from the old Taree turn off to south of Denis Bridge.
- 3) Our family's decision to acquire Herons Creek Timbers land holdings was to augment the contiguous 200ha (500acres) my Father had already acquired surrounding Expressway Spares Pty Ltd operation. The objective of amalgamating the large land holding was to enable Port Macquarie to develop into an efficient sustainable wealth creating city.
- 4) At the time of acquiring Lot 353 DP 754434 our Family was in partnership with CTK. Eventually, our Family's interest in CTK was dissolved, at which time CTK asked if it could own and operate the quarry. It was agreed that the Sancrox quarry be transferred to CTK on the condition that the quarry operation would be conducted in such a way as to:- protect the interest of the Cassegrain surrounding land holdings; the quarry would not be in conflict with Cassegrain's pending development of the adjoining area; that the operation of the quarry would cease in around 2005; the quarry hole would be developed in a manner that would facilitate the hole to be used as a water storage dam forming part of the local government water infrastructure to service the Sancrox area; and the quarry would not be sold to 3rd parties without the consent of Cassegrain.
- 5) 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.
- 6) I understand that Hanson propose to extend the life of the Sancrox Quarry by extending the operation on 353 DP754434 to Lot 2 DP 574308. Although Lot 2 DP 574308 immediately adjoins Lot 353 DP 754434, it is, in my view, a separate operation and the description of the proposed quarry (at Sancrox) as an "EXTENSION" of an existing quarry activity is a misdemeanour. The proposal is in fact a new extractive industry on a separate parcel of land (being Lot 2 DP 574308) and should not be described as an extension of a Quarry, that if not for the "grandfather-clause" very existence was highly problematic.
- 7) By 1984 we had completed our land amalgamation and by 1986 the PMHC adopted what was called "Cassegrain's land use plan". The Cassegrain Land Use Plan" was subsequently referred to as "Area 13" in PMHC publications. Included in the plan was areas, within the new city present, set aside for the growing of grapes.
- 8) Between 1985 to 1987 Cassegrain commenced the master plan development with the introduction of a novel system of subdivision titled "The Clos System". This new and unique land title was approved by no less than 9 different Local, State and Federal

Government departments or authorities. Between 1987 and 1990, 128 x 2ha Clos Farm Lots were sold. Each of the lots had a residential building entitlement. All purchases were made aware of the intended future use of the Quarry as a Water reservoir to service the Sancrox area as part of the longer-term plan for the area and relied on this representation.

9) The contracts of Sale included a "Special Condition, Clause 15" that reads "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 I created and is the same plan adopted by PMHC as "AREA 13" same year prior. (Attached is a copy of a standard Clos Farm Contract of Sale).

10) Between 1987 and 1991 significant further work was undertaken on Cassegrain Land Use plan. To demonstrate the fact of the agreement and the public expectation that Sancrox Quarry had a limited life, before it was to become the water storage dam to service the Sancrox area, I have attached extracts from the Hastings 2000 (H2000) Steering Committee's submission to the NSW Government, dated June 1991.

11) The PMHC and the State Government of NSW resolved to support the project. Included in the extracts is:- 1) a contemporaneous aerial photograph over the H2000 zone, that easily identifies the Sancrox Quarry; 2) Map 2, being the Concept Plan where the Quarry site is identified by the colour blue as being a water reservoir, and 3) The plan, showing different precinct use. Surrounding the Sancrox Quarry as the Water Storage reservoir are buildings.

12) CTK Constructions wanted to continue in the quarrying business post the agreed the 2005 restriction and accordingly, CTK Constructions prospected, found and acquired an alternative hard rock deposit on Lot 2 DP 814356 Milligans Road, Herons Creek. On July 17, 1992 Council notified Development Consent to a new quarry on that land in Milligans Road (Refer DA 91/0280).

13) In or about January 1998, CTK Constructions decided to retire from the quarrying business, and requested permission from Cassegrain to transfer ownership of the Sancrox Quarry to Pioneer Construction Materials Pty Ltd (Pioneer) (later to become part of the Hanson Group of Companies). CTK Constructions advised Cassegrain that Pioneer would simultaneously be acquiring (from CTK) Lot 2 DP 814356 Milligans Road and advised Cassegrain they anticipated Pioneer would be moving the quarrying operation from Sancrox to the Milligans Road within an expected lead time of around 5 years. On that understanding, Cassegrain agreed to CTK transferring the Sancrox quarry (on Lot 353 DP 754434) to Pioneer.

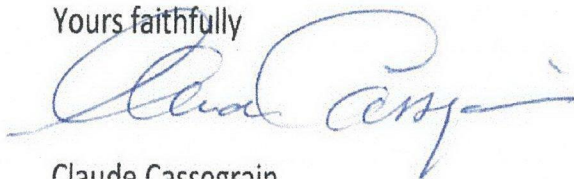
14) Although the overall Cassegrain plan eventually faltered, enough progress and sales were made to classify the development as having been substantively commenced. Around 2000 the viticulture activity on the Clos Farms failed. The Clos Farm owners commenced activities to have the Clos Farmland use, reverted to Rural Residential under the Community Title Act. I have not participated in any Cassegrain land activity since about that time.

Conclusion.

Because of the reasons above it is my view Hanson Construction:

- Have no genuine, moral or just standing to object to the Proposed rezoning of Le Clos Sancrox.
- Have correctly identified any ongoing operation of the Quarrying activity on either or both of lot 353 DP 754434 and Lot 2 DP 574308 is and will be in further conflict with surrounding area.
- Have incorrectly identified Sancrox Quarry site as being away from substantial residential (never mind Industrial) development.
- Have failed to disclose they have control over an alternative strategically located site, Lot 2 DP 814356 Milligans 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.
- Have engaged in a misdemeanour to infer the LCS Estate Pty Ltd application with the PMHC is an application to create new residential allotments from typical RUI zoned land. I understand the PMHC Moratorium is to facilitate a change from Clos Farm residential to Community title or urban title residential.

Yours faithfully



Claude Cassegrain.

Claude Cassegrain

cc: General Manager, Port Macquarie Hastings Council.
CTK Constructions Pty Ltd.

John Cassegrain, Cassegrain Winery

The Board of Directors Expressway Spares Pty Ltd Attached:

- a. Copy, Typical Le Clos Farm lot sale contract.
- b. Extract, Hastings 2000 submission to State Government