

Attention: Director - Coal and Quarry Assessments
Planning and Assessment
Department of Planning, Industry and Environment
GPO Box 39, Sydney NSW 2001

Re: Public Submission for SSD – 7293, Sancrox Quarry Expansion Project.

Dear Sir/Madam,

I submit my strong objection to the above development application on the following grounds:

SUBMISSION 1.

I submit evidence of breaches to the required public exhibition period of SSD 7293, lack of transparent consultation by the Community Consultative Committee, insufficient opportunity for community input, and the need for the Minister to call a Public Hearing.

The requirements of the advertised Public Exhibition period for SSD 7293 were seriously breached. The advertised exhibition of documents in the local region, Port Macquarie, did not occur. The documents (DA/EIS and Annexures) were NOT available from Port Macquarie Hastings Council (PMHC) office for half of the advertised exhibition period. The advertised period was 'Thursday 27 October 2019 to Wednesday 27 November 2019. In fact, no SSD 7293 documents were publicly available from PMHC office until 14.11.19. This can be verified by contact person for SSD 7293 at the NSW Department of Planning, Industry and Environment, Ms Melissa Anderson.

On 13.11.19 local residents made representation to the Minister to extend the exhibition period on these grounds, and on the grounds of local disruption by bushfires and NSW State of Emergency. On 14.11.19. extension to the exhibition period was granted until to 11.12.19 by the NSW Department of Planning, Industry and Environment.

The Community Consultative Committee (CCC) does not appear to have fulfilled its legal role and this should be investigated. The CCC, led by independent chairperson, Lisa Andrews, had one meeting on 6.7.2018. The CCC minutes from that meeting state that the CCC will, "act as a conduit to the community", and, "schedule their next meeting to occur in the exhibition period" (DA p 527).

Affirming these claims, Port Macquarie Hastings Council meeting minutes of 20.11.19 state on record a unanimous vote by local Councillors documenting, "*lack of interaction and consultation with the Project Consultative Committee; lack of transparent consultation with the broader community*". (Attachment 1)

On 28.11.19 local residents of Port Macquarie made representation to their local Member of Parliament, Leslie Williams, requesting she make representation to the Minister to:

- call a halt to further consideration of this development.
- address public concerns in an open, transparent and accountable manner with an independent review.
- call for a Public Hearing on SSD 7293 immediately.

No response from MP Leslie Williams has to date been forthcoming

To mitigate these circumstances the Minister should call a Public Hearing, or reject the proposal outright.

SUBMISSION 2.

I submit that the development is incompatible with existing Zoning.

The 2011 Port Macquarie Hastings Local Environmental Plan zoning prohibits the proposed activities. The area includes an RU1 zone (RU1 - Primary Production) under which the quarry industry should not operate, and Environment Protection Zones E2 (E2 Environmental Conservation zone) and E3 (E3 Environmental Management zone). The 'State Significant Development' status given this application for quantitative extraction of raw materials from the quarry, should not vary the terms of local zoning.

SUBMISSION 3.

I submit that the DA is not a quarry expansion; it is a proposal for two additional new plant operations.

The new operations of concrete batching plant, concrete re-cycling plant, asphalt batching plant and pug mill should not be included in this application. These are new additional operations and should be treated by way of separate development application. The proponent adding additional operations under the guise of a State Significant Development quarry expansion is a blatant attempt to circumvent the local planning authority. They propose approval by the State Government of industrial activities not permitted under local government instruments and zoning for the area.

Commencement of mining on a separate but adjoining parcel of land constitutes a new development. Any new development should be subject to the appropriate approval processes for a new development, including local government consent. The proposal to operate 24 hour a day, 7 day a week industry in this rural residential is incompatible, unacceptable and should be rejected.

SUBMISSION 4.

I submit that the legal operation of the quarry is in opposition to the legal rights of residents and that the development should not occur in this rural residential location.

I refer you to legal history contained within Claude Cassegrain's submission to SSD 7293 pertaining to the application. Mr Cassegrain submits evidence that the existing quarry was established on Lot 353 DP 754434 prior to introduction of licensing regulation, that its' continued operation was by way of a 'grandfather clause' approval until around 2005, at which time the quarry was expected to cease operation, and the pit was to be converted to a water storage dam. Has the quarry operation at this site continued beyond agreed timeframes? Is it exhausted? Should it not now cease operation in accord with past agreements, not expand?

The quarry is located near the Les Clos farm residential precinct. Mr Cassegrain's submission includes documents written by the proponent, Hanson Construction Pty Ltd, who themselves state, "the current and proposed operations is incompatible and conflicts with Clos Farm". The proposal will adversely impact hundreds of rural residential homes. (Ref: Claude Cassegrain's submission to SSD 7293).

The Port Macquarie region is expanding rapidly. The quarry development is approximately 6km west of Port Macquarie, an area currently experiencing significant residential development. The proposed

quarry expansion, plus new asphalt and concrete plants, is not compatible with existing, developing and future surrounding rural and residential lifestyle.

It appears that legal agreements made at the mines' inception are testament to the fact that the surrounding land was forecast and approved to expand into rural residential development. Therefore, current and future residents' legal rights should be upheld. There will be loss of amenity to surrounding residential areas due to noise, vibration, dust and increased traffic from the development. The right of quiet enjoyment of local properties will be destroyed.

The Sancrox area has already experienced a substantial increase in noise (24/7), due to the upgrading of the highway to a motorway. Despite noise mitigation measures, the rural ambience is already reduced and any extra noise generation, especially at night, will only make it worse.

SSD 7293 implies increased noise, dust, vibration, truck movements from the proposed 24/7 with two new operations, concrete batching and an asphalt plant. Given the extent of the proposed activities, this development is totally inappropriate in this location due to impact on rural residential quietude.

SUBMISSION 5.

I submit that the development will have serious and irreversible impact on the natural environment, and that the proponents EIS is flawed and should be rejected.

The consent authority must follow the requirements of the legislation that the application is being assessed under and assess the Biodiversity Assessment Report (BAR) against the legal and technical requirements of the *Biodiversity Conservation Act 2016*, Biodiversity Conservation Regulation 2017 and the Biodiversity Assessment Methods. The application should be refused as the EIS is inadequate, flawed and 'pro-development'.

Was the EIS funded by the proponent? If so, a thorough and independent environmental impact report with currency, and more substantial field work on which to base claims, needs to be commissioned by the Minister.

Annex C and the BAR are flawed, formulated on inadequate field surveys and limited data which is now four years old. The EIS and BAR lack currency, objectivity and rigor. Below are some of many examples to support this statement, taken directly from the EIS:

"The SEARs identify the following threatened plant species as requiring 'further consideration':

- Biconvex Paperbark *Melaleuca biconvexa*;
- Spider Orchid *Dendrobium melaleucaphilum*; and
- Southern Swamp Orchid *Phaius australis*."

(EIS, Annex C p37),

The EIS recommendation that the proponent purchase "Ecosystem credits" to offset clearing identified, 'Threatened Ecological Community *Subtropical coastal floodplain forest*'. (DA, EIS, Annex C). Clearing this threatened ecology will have serious and irreversible impact.

The BAR identified 27 threatened species 'so far', including 17 birds and 9 mammals, including 7 vulnerable bats. The BAR identifies the proposed land clearing will destroy a critical north/south

vegetation corridor that allows animals traverse through the Sancrox area (DA, EIS, Annex C). Land clearing resulting in bush fragmentation negatively impacts native animal movements, with consequences to gene pool and genetic diversity.

The BAR fails to acknowledge historical records of koalas on the subject land. This land is regionally significant koala habitat according to the NSW Government, the Port Macquarie Koala Hospital and is core koala habitat according to Port Macquarie Hastings Council. The Greater Sancrox Structure Plan (Port Macquarie Hastings Council, 2014), identifies a portion of the land to be cleared as medium to high activity koala habitat. The Urban Growth Management Strategy 2017-2036 (PMHC 2017) classifies the area as a 'medium biodiversity asset/constraint' and identifies that the site could provide a 'major conceptual habitat link'. The Draft Coastal Koala Plan of Management 2018 (CKPOM) produced by PMHC identifies the area as core koala habitat. (Ref: 2018 Draft Coastal Koala Plan of Management).

The NSW State of Emergency and fire-ravaged mid north coast district invokes further reason to reject the proposal. Current data on koalas, including in local areas such as the Lake Innes Nature Reserve, sees fire killed hundreds of koalas, reduced habitat and threat to the continuation of the koala species. Local koala habitat and areas of future potential koala habitat including the land proposed for clearing should be protected.

To be scrutinised is the Biodiversity Assessment Report (BAR) Credit Calculator. (DA, Annex C). The BA Credit Calculator did not predict the Koala to occur in the area, despite the presence of PCT 1265 (Tallowood -Small-fruited Grey Gum dry grassy open forest) – a trigger for the generation of koala 'ecosystem credits. Why? In 2011 - two small areas of high koala activity were located within the development site. In 2013 - Koala scats and scratches on tree bark were recorded in the development site. As koala scats decompose over a short period of time, the presence of scats is indicative of recent Koala activity and has been incorrectly described as 'not recent' within the Biodiversity Assessment Report (DA, Annex C).

Given significant public awareness and concern at local, state, federal and international levels to the destruction of Koala habitat, the clearing of this proposed 43 hectares of significant and habitat should be avoided, given there are other existing quarrying choices available.

Biodiversity Offsets Scheme results in net loss of biodiversity and further advances Australia's extinction crisis. The proposed purchase of "Ecosystem credits" by the proponent does not offset the serious and irreversible impact on the natural environment. The EIS states, *"there is the potential for impacts, including indirect impacts, on matters of national environmental significance"* (DA, EIS, Annex c, p85). The paying into a fund will not compensate the loss of biodiversity currently supporting local flora and fauna. This development application should be rejected as it will decrease habitat, the catalyst to Australia's current extinction crisis whereby some 964 of the 1,250 Australian terrestrial animal species are currently listed as threatened.

(Ref. <https://www.environment.nsw.gov.au/topics/animals-and-plants/native-vegetation/why-is-native-vegetation-important>)

SUBMISSION 6.

I submit that the development will increase carbon emissions.

The Australian government must demonstrate its international commitment to reducing carbon emissions. The project over its entire life cycle is estimated to release approximately 48.4 million tonnes of CO₂-e into the atmosphere – 2.5 million tonnes less than Sweden's total emissions in 2017 (https://en.wikipedia.org/.../List_of_countries_by_carbon). There is evidence that trees reduce carbon emissions and clearing trees contributes to the impacts of drought and climate change. Port Macquarie Hastings Mayor has publicly acknowledged the grave costs that climate change poses to our community, including its link to the bushfires and drought we currently face. This quarry undermines any action our community takes to adapt to and mitigate climate change for our community's future health, safety and sustainable economic prosperity.

SUBMISSION 7.

I submit that the proponents claim of real economic advantage to the community is false.

The supply of all rock aggregates proposed at this site can be sourced from alternative quarries, better environmentally suited to this operation and able to service need. I refer you to Claude Cassegrain's submission to SSD 7293 documenting alternative quarry sources refute the need to expand this quarry.

The proposed additional new operations of concrete and asphalt is currently satisfied by other local businesses.

There will be no real net gain in job creation as other businesses in competition will be forced to close or reduce operation leading to a reduction in jobs.

SUBMISSION 8.

I submit the proponent has previously breached conditions of quarry operation and past failure to comply is indicative of increased risk due to disregard for regulations designed to protect people and the environment.

The proponent has been fined \$15,000 000 by the Environmental Protection Authority in 2016 for breaches of their water management operational obligations. (Ref: EPA 24.03.2016). An irresponsible proponent should not be rewarded with approval for expansion and two new plant operations. This breach is further grounds for rejecting the proposal. Ref: <https://www.epa.nsw.gov.au/news/media-releases/2016/epamedia16032401>

SUBMISSION 9.

I submit there will be negative impacts on water system.

The proposed development will affect the local water system. In a time of drought and local Level 3 water restrictions, it is unacceptable to propose that water on the site, currently supporting native flora and fauna and natural water courses, be diverted to industrial use. PMHC councillors have noted possible risk to local water security if pollution from the project were to enter the water supply that has been carefully planned over decades. Factually, the proponent has been fined for water pollution by the EPA in 2016 and expansion should be rejected on these grounds of adverse effect and increased risk to water systems.

SUBMISSION 10.

I submit that the development will destroy local Aboriginal Heritage and that there has been inadequate recent consultation with local aboriginal people.

The development will destroy, by land clearing, significant Aboriginal heritage sites, including a Scar Tree and ceremonial site of “high cultural significance.” (Ref: DA, Annex D, Heritage Report). The proponents DA, and Community Consultative Committee in the meeting minutes on 6.7.2018, and Port Macquarie Hastings Council meeting minutes of 20.11.2019 ([Attachment 1](#)), all bear testament to inadequate consultation with the indigenous people in Port Macquarie region.

What recent contact, in 2019, has the proponent made to provide aboriginal groups in the Port Macquarie region the SSD 7293 Development Application, Environmental Impact Statement and accompanying Annexures?

SUBMISSION 11.

I submit that there are viable alternatives to the Quarry.

Has Hanson Construction Materials Pty Ltd considered viable sustainable alternatives to SSD 7293?

In particular, what alternative sustainable options can Hanson Construction Materials Pty Ltd offer shareholders and the community?

For example, rather than quarry road base materials, a more sustainable option is to utilise plastic bags, recycled glass and printer toner in the construction of new roads.

Following China’s ban on foreign waste imports in 2018, Australia now has a glut of recyclables of which only a small fraction is repurposed. Making road base and fill material from recycled products, rather than mining virgin materials, uses considerably less energy and water, and creates less air pollution.

Through crushing glass back into sand, it is possible to repurpose not only glass bottles and jars, but also plate glass, drinking ware, crockery and Pyrex into road base. As well as ensuring more glass can be recycled, transforming glass back into sand reduces the need to mine virgin material for road base and asphalt, decreasing road resealing costs and limiting truck movements on the road.

These initiatives are well referenced: Refs:

Downer's \$5million asphalt plant in Teralba, NSW - produces thousands of tonnes each year of sustainable road and pavement materials for the Hunter Region and Central Coast (<https://www.lakemac.com.au/.../06/05/green-means-go-for-5m-pl...>)

- Northern Rivers Waste - the first road containing glass sand was constructed in June 2015 at Numulgi and they now use glass sand in much of their road base (https://www.northernriverswaste.com.au/cp_themes/.../page.asp...)

- Hume City Council (Victoria) - in 2018 soft plastics from approximately 200,000 plastic bags and packaging, and 63,000 glass bottle equivalents were diverted from landfill to construct a Victorian road in an Australian-first trial (https://www.hume.vic.gov.au/.../Road_built_with_plastic_bags_...)

- Tasmania – in 2018 a Tasmanian council used thousands of recycled glass bottles and plastic bags to build a road south of Hobart (<https://mobile.abc.net.au/.../new-plastic-composite-.../10602294>)

- Sutherland Shire Council NSW - in 2018 a 250-metre long section was the first in NSW to be made out of plastic bags and glass in a trial of a cutting edge technology that could help tackle Australia's waste crisis (<https://www.smh.com.au/.../plastic-and-glass-road-that-could-...>)

SUBMISSION 12

I Submit that the NSW State of Emergency from extensive fires has directly impacted the subject area and a new Environmental Impact Statement is required.

Annex C, 'Biodiversity Assessment Report', is based on field work four years old, prior to the NSW State of Emergency from bush fires. The subject land requires current assessment as surviving animals forced to relocate may have moved onto these 43 hectares of native bushland.

I declare that:

I have made no reportable political donations in the past two years.

I do agree to the Department of Planning, Industry and Environment publishing my submission on its website in accordance with The Department of Planning, Industry and Environment Privacy Policy.

Signed: Name Withheld