

5809 AJT/GF

KING + CAMPBELL

11 December 2019
5809_312_DPIE_ES Submission.docx

Attention: Ms. Melissa Anderson
Major Projects
NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

urban design
civil engineering
architecture
town planning
landscape architecture
surveying

Dear Ms. Anderson,

RE: Hanson Sancrox Quarry SSD Application No. 7293

This submission has been prepared on behalf of Expressway Spares Pty Ltd being the registered proprietor of Lot 4 DP 1241253 adjoining the eastern boundary of the existing quarry. Expressway Spares (ES) has operated in its current location on the south side of Sancrox Road (Lot 120 DP 1252509) since 1964 and is a supporter of local businesses, especially in the growing Sancrox location.

Expressway Spares have no in principle objection to the quarry expansion and Expressway Spares is bound by the Voluntary Planning Agreement that is in place between Hanson, Port Macquarie Hastings Council and Expressway Spares.

There are however numerous detailed aspects of the proposal that are of concern and that require a submission be made.

Expressway Spares owns the property immediately to the East of the quarry and have development approval for an industrial subdivision on this land.

King & Campbell are in the process of preparing a construction certificate for the next stage of the Sancrox industrial development and that stage includes all the property to the East of the quarry. The area was recently cleared in accordance with the approvals in place so that geotechnical testing can occur.

There has been limited engagement by Hanson or their consultants with respect to the expansion proposal and this has been disappointing given the scale of the proposal and the neighbourly issues involved. Expressway Spares remains committed to dealing with neighbourly issues in a constructive manner and is available to discuss this submission with the Department of Planning, Industry & Environment and Hanson if required.

Existing Quarry Issue – Stormwater Flows

Expressway Spares property to the East of the quarry has experienced stormwater runoff from the toe of the 'sales floor' fill platform for a long time.

Attachment A provides an example of the exchange of correspondence regarding the stormwater drainage water issue.

Attachment B contains a series of recent photos of the stormwater drainage water issue.

Attachment C contains cross-sections prepared by King & Campbell. Section DD shows the origins of this stormwater drainage issue from within the gravel and loosely filled established sales floor. The ongoing seepage of water from the sales floor has occurred over the lifetime of the quarry.

directors

Anthony Thorne
B Surv, MIS Aust
Grad Dip Planning (UTS)

David Tooby
B L Arch, AAILA
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Scott Marchant
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There have been unsuccessful attempts to address this stormwater drainage issue over the years, however, in the context of this application to expand the quarry, Expressway Spares require this issue to be addressed.

The Voluntary Planning Agreement in place requires that:

16.1.6 Hanson must attenuate the flow of stormwater discharge from the Quarry Land such that the amount discharged onto the Affected Land does not exceed the amount of stormwater that would have naturally discharged onto the Affected Land prior to the development of the Quarry.

There has been no incentive for Hanson to do so and this submission is that, as part of any approval, that Hanson be made to comply with this condition as they have previously agreed to.

Expressway Spares has agreed to and remains committed to the following:

16.2 The Landowner of the Affected Land must ensure that any stormwater infrastructure constructed on the Affected Land as part of the Industrial Subdivision is designed in such a way as to enable Hanson to connect to that infrastructure pursuant to this clause 16.

and:

16.3 Hanson and the Landowner agree to use their reasonable endeavours to co-ordinate the construction of infrastructure for stormwater drainage on the Land, including in respect of the timing of the construction of such works and the contractor engaged to carry out any such works.

This issue is of particular concern given the proposal to create a concrete batching plant in the area of the sales floor and how this might affect the quality and quantity of any stormwater runoff.

Existing Quarry Issue – Vegetated Screen

The original DA consent (DA 1995/193) and as modified over the years, required a vegetated screen along the Eastern boundary of the quarry. The consent condition 14 stated:

14. Further to condition no 12 relating to rehabilitation this plan shall include immediate commencement of plantings along the northern and eastern boundaries to provide visual screening from adjoining properties.

Attachment D is a series of photos of the existing quarry and its Eastern boundary. Expressway Spares submit that development consent condition 14 from 1995 was never complied with and Hanson should be required to establish a visual screen in accordance with the existing consents.

The following comments provide the submission on behalf of Expressway Spares with respect to the proposed Hanson Sancrox Quarry expansion SSD No. 7293 documentation as exhibited:

Justification

Within the documentation on exhibition, there is no assessment of resources within the Port Macquarie Hastings region and no data on historic production rates from the quarry has been provided.

Quarries in the region are owned by Hanson, Hytec, Boral, Holcim, PBM and others and it is difficult to see an expansion of this scale justified on any commercial basis.

The current approved rate of extraction is for 185,000 tonnes per annum and any change to this rate should be in the context of overall supply within the region.

Expressway Spares support good commercial competition across all local industries, but the scale of the proposed expansion needs to be considered in the context of local supply and demand and the submitted documentation fails to provide justification for the scale of the proposal.

Additionally, the 2014 modification application (which ceased on 19 March 2019) was for a 5-year window to allow for production of 455,000 tonnes per annum to serve the local Pacific Highway duplication.

Now that the duplication is complete, there is not the volume of local development that could support such the proposed 400% increase in quarry size and rate of extraction at Sancrox.

Biodiversity Conservation Act

Our understanding is that the Biodiversity Assessment Report (BAR) included in this EIS does not meet the requirements of Part 6.15(1) in terms of the date of the report, being 17 June 2019.

The EIS document makes use of the Biodiversity Conservation (Savings and Transitional) Regulation 2017, using the definition of a "pending or interim planning application".

It is difficult to see how this EIS meets the requirements of Clause 27 (1) (b) and Clause 27 (2) of the Regulation with the re-issued SEARs date 18 September 2017 and the SSD Application lodged on 10 July 2019.

The Biodiversity Values field studies were completed in 2015, while the Biodiversity Credits Report is dated 4 July 2017.

The current EIS proposal also varies from the concept used in the Credits Report.

Ecology - Corridor

Attachment E includes a copy of the SLR Consultant suggestion regarding a "Post Development Site Connecting Link" of 85.3 metres on Expressway Spares property.

This suggestion fails to understand that the property is in the process of being development for an industrial subdivision and given that lack of understanding of the surrounding properties we query what else is being missed within the SLR work. Mitigation for loss cannot be made up on neighbouring properties, especially one that is zoned general industrial.

Noise & Blasting

There are bund walls proposed to the South of the Quarry processing area and to the West of the quarry excavation. It is difficult to ascertain how these walls relate to the existing topography.

Given the scale of the proposed development and the nature of the crushing and processing equipment, it is submitted that a bund wall be placed along the Eastern boundary adjacent to Expressway Spares property in order to deal with noise issues.

Whilst the Expressway Spares properties in the area are zoned industrial and noise is less of an issue for an industrial property than for a residential property, we submit that a bund along the Eastern boundary could also be utilised as a visual screen.

Attachment F contains a plan and cross section of the eastern quarry boundary and shows the Expressway Spares' suggested bund wall location and extent.

With respect to blasting there is no specific flyrock assessment within the REF. The only reference to blasting is that "Blasting practices at the quarry are to be undertaken in accordance with Australian Standard AS 2187.2".

The proposed quarry does not provide flyrock buffers and there has been ample evidence over the years of adjoining properties being impacted by flyrock.

An expansion of this scale must deal with the issue of flyrock more specifically to the proposed expansion and in a manner that is commensurate with what is being applied for. Expressway Spares submit the EIS is deficient on this issue and should be required to demonstrate that all flyrock buffers have been designed and modelled to be contained within the quarry property boundaries.

Air Quality & Dust

There is no modelling of air quality for the current and proposed quarries or the mitigated scenario.

It is not possible to make an assessment or form a judgement on the impacts of this issue on receivers.

The documentation has not established appropriate buffers for noise, vibration, dust and flyrock are wholly contained within the quarry land.

Hydrology & Groundwater

The proposal impacts on Fernbank Creek which is adjacent to a number of Expressway Spares properties.

As part of the first stage of the industrial development a portion of Fernbank Creek has been remediated and the next stage of the development will continue that work.

What is of concern is the removal of water from the upper reach of the Fernbank Creek catchment and how that affects the longer-term viability of the creek.

In brief there is no mitigation for the loss of this surface water from the environment provided for in the EIS and the documentation has not established that there will not be impacts on the environment from changes in hydrology extending beyond the quarry landholding.

With respect to groundwater there is a 'base case' but there is no comparative modelling between the "Base Case" and the predevelopment and post development scenarios.

The documentation has not established that there will not be impacts on the environment from changes in groundwater levels extending beyond the quarry landholding and in particular for Fernbank Creek.

Visual Amenity

The visual assessment and visibility model contained in the EIS are not a true reflection of the visibility of the quarry operation. Attachment G contains recent photos taken from Expressway Spares property and from Winery Drive.

A detailed visual assessment needs to be completed to show how the new equipment (particularly the concrete batching plant which looks to be some 20m high?) and the proposed expanded quarry operations are to be appropriately screened from neighbouring properties and from public roads.

Any screens ought to be provided for within the quarry property and the suggested noise bund noted earlier could also provide such a visual screen.

Social & Economic

Expressway Spares employs some 200 personnel locally. The Sancrox Employment Precinct will, over time, be the location for some 1,500 jobs. These are significant numbers of jobs and Expressway Spares is proud of its local contribution towards jobs.

The proposed expansion creates 10 jobs which is good, however, the impact of the proposed expansion is not commensurate with the jobs created.

There is no discussion or consideration of the Council's Urban Growth Management Strategy or the future urban investigation area of Fernbank Creek and Sancrox.

There is no justification that the capital investment required for this development is such that it requires an approval of 30 years to amortise the investment.

There are no developer contributions suggested in any of the exhibited documentation. Any other development within the LGA would be required to make a significant contribution towards infrastructure and services. As such, other than the employment benefits, the community receives no benefit from hosting this development. This is particularly the case with respect to the impacts upon regional and local roads.

Expressway Spares, as the initial developer of the Sancrox Employment Precinct, has already contributed millions of dollars (in cash and in kind) towards road, sewer and water infrastructure.

We submit that Port Macquarie Hastings Council be provided delegated authority to negotiate appropriate contributions regarding the quarry expansion.

Consultation

A Community Consultative Committee (CCC), was established as required by the SEARs for the EIS. The CCC met only once at the beginning of the process, there has been no consultation during the preparation of the EIS and the CCC has now met again following the exhibition of the EIS.

Expressway Spares preference is that a more direct engagement take place so that the neighbourly issues be addressed in a more detailed manner.

Other

Additionally, Expressway Spares owns rural and rural residential property within the Clos Verdun development (zoned rural residential) and Clos Sancrox (currently zoned rural but proposed to be rezoned residential). Coordination with Council's Urban Growth Management Strategy and mitigating impact on future growth is an important aspect and one that this application fails to address in detail.

Conclusion

Expressway Spares submit that the application is deficient in terms of overall detail including justification of the proposed scale of the expansion which exceeds any local demand. The proposed scale of the expanded quarry will have potentially significant impact on neighbouring properties as outlined above and these potential impacts must to be addressed more thoroughly in a revised proposal which should be re-exhibited.

Should you have any queries regarding this matter please do not hesitate to contact the writer.

Yours faithfully

King & Campbell Pty Ltd



Anthony Thorne

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24 May 2011

Mr. Dean Madero
Hanson Construction Materials
14 Blackbutt Road
PORT MACQUARIE NSW 2444

Hunter Branch:

Lot 4, Mt Thorley Road
Mt Thorley NSW 2330
Telephone: 02 6574 6499
Facsimile: 02 6574 6441

*FA X E D
3-15 pm
24/5/2011*

Dear Dean,

RE: STORMWATER – REQUEST TO CEASE INAPPROPRIATE DISCHARGE

I refer to previous discussions and correspondence between our two companies over the last few years in relation to the inappropriate discharge of stormwater flow onto our property from Hanson's Sancrox Quarry.

At this point in time the issue is causing such a significant environmental and management issue on our property that we are now at a point where unless the issue is addressed to our satisfaction within 28 days, you are now on notice that we will be taking further action.

You are reminded that the discharge of stormwater onto our property without an appropriate easement or formal agreement to do so is illegal.

I look forward to your immediate appropriate response.

Kind regards,

PATRICK CASSEGRAIN,
Managing Director





16.06.2011
Mr Patrick Cassegrain
Expressway Spares
7 Sancrox Road, Pacific Highway
Wauchope, NSW
2446

Dear Patrick,

RE: STORMWATER - REQUEST TO CEASE INAPPROPRIATE DISCHARGE

I refer to your correspondence dated 24th May 2011 in regard to the above issue.
By all accounts, the discharge of water from the Quarry across Expressway Spares land has been an ongoing issue for many years.

This issue has been brought to my attention several times since beginning my role as Sancrox Quarry Manager in June 2010. Since then we have made several attempts to find out where the water is coming from, and try to stop it.

The area that is letting the water escape is a gully and bund wall along the Eastern side of the Quarry Sales Floor, which was built many years ago. We do not know how or of what it was constructed.

Prior to receiving the aforementioned letter, we had already laid 12m³ of concrete in the floor of the drain in an area which we identified as leaking. This concrete stopped the water leaking in this area, but it was found to be getting out further along in the drain. We have since laid another 6m³ of concrete further along the walls and the floor of the drain.

A product designed to trace leaks has been purchased and will be used in the drain. This will give us a clear location of leaks, so we can concentrate in those areas immediately. However, we will be, over time carrying out further work on the drainage in this area.

This product will be ineffective during rain, we will be using it once the rain has cleared and only regular discharge is flowing through the drain.

I will keep you informed of any further findings and progress as it occurs over the coming weeks.

Please don't hesitate to call me should you require more information.

Regards,

Adam Philp
Sancrox Quarry Manager
0409385145

Water Issues Sancrox Quarry / Cassegrains 23.06.2011

The issue of water leaving site has been further investigated over the last few days of dry weather.

Since laying concrete in the section of drain that appeared to be leaking (seen in Photos 1 & 2), we can see by the area on the Site Plan shaded in green, and by Photo 3, we have stopped the water leaking in this area.

However, slightly further to the South, the area is still very wet, which is shaded red on the Site Plan and seen in Photo 5.

A leak identifying dye was released into the water over a period of 2 hours to try to detect firstly, if the water is coming from Sancrox, and if it is, where it is coming from.

Possibly, due to the rate of flow and the volume of water, the dye did not become apparent outside of the quarry.

However, on further investigation by myself, after cutting back some of the overgrowth in the 'wet area,' and digging into the ground, water can be seen running out of the ground. The location of this can be seen as indicated by the blue circle on the Site Plan and in Photos 4 & 5. The location of the leak is approximately 1.5m lower than the base of the drain.

The concrete we have laid in the drain, in some areas has not been placed high enough up the face of the bund wall as shown on Photo 2. The water may still be seeping through the sections where this is the case. It is not possible to accurately and correctly place the concrete whilst the drain has water flowing through it, as we found when laying these sections.

Where to now? We have approximately 5 days pumping to empty the sump in the pit (pending further rain). Once this is complete, we will be able to empty the drain and complete the concrete works in this area. When we are confident that no water is able to escape along this section, further investigation will be carried if the leak found today continues.

Adam Philp



Sancrox Quarry Manager

Site Plan Indicating Location of Investigations



Photos 23.06.2011



Photo 1: Concrete Works facing South



Photo 2: Concrete Works Facing North



Photo 3: Prior to work water ran through this area (shaded green on Site Plan)



Photo 4: Location of Leak



Photo 5: Wet area (shaded red on Site Plan)

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Email: sales@expressway.com.auWeb: <http://www.expressway.com.au>**Hunter Branch:**Lot 4, Mt Thorley Road
Mt Thorley NSW 2330

Telephone: 02 6574 6499

Facsimile: 02 6574 6441

24 June 2011

Mr Adam Philp
Sancrox Quarry Manager
Hanson Construction Materials
14 Blackbutt Road
PORT MACQUARIE NSW 2444

Dear Adam,

RE: STORMWATER – UPDATE ON ACTION

Thank you for your correspondence dated 16 and 23 June, both in relation to the stormwater discharge issue and attempts to rectify the situation.

We appreciate your recent efforts in trying to address the problem and we also recognise that you are dealing with a problem that is in part the result of poor construction techniques used many years ago by the previous owners when the 'Quarry Sales Floor' was initially established.

Our concern is that the water is travelling down through the 'Sales Floor' and out at the toe of the bank that was previously created. Whilst we hope that your recent efforts will be successful, if the water egress persists we may need to jointly look at alternative arrangements to deal with the problem at our boundary perhaps. In any event we will await your further update on the issue.

When the issue is finally resolved and we have some dryer weather, we would appreciate the repair work to the access track on our property being completed.

I look forward to your next update.

Yours Sincerely,



PATRICK CASSEGRAIN,
Managing Director



"B"











K:\C-REF 0\5809-expressway-spares-sancrox\north121_planning\5809 Quarry Investigation_Aug - 41\U - QUARRY SECTION PLOT ES - 11-Dec-2019_angles

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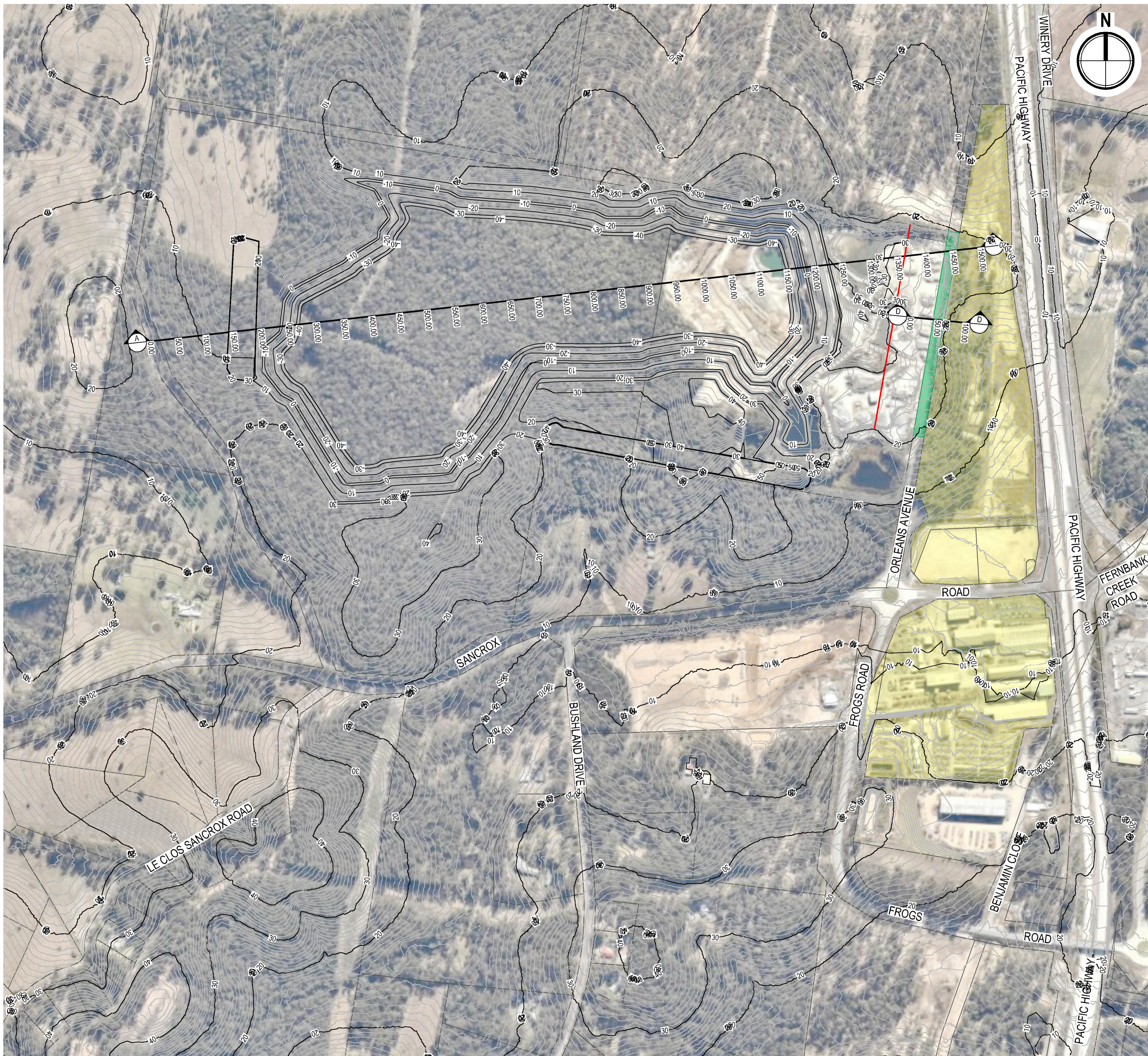
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SECTION DD CH 30 - CH 70

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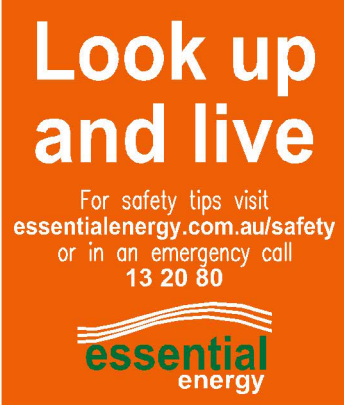


LEGEND

- SURFACE CONTOURS (10m MAJOR CONTOUR INTERVALS)
- SURFACE CONTOURS (1.0m MINOR CONTOUR INTERVALS)
- EXPRESSWAY SPARES PROPERTY
- FILLED LAND

NOTES

- THIS PLAN HAS BEEN PREPARED FROM PUBLIC STATE GOVERNMENT & PMH COUNCIL SUPPLIED GIS MAPPING INFORMATION. IT IS SUITABLE ONLY FOR THE PURPOSE OF BROAD AREA SITE ANALYSIS AND STRUCTURE PLANNING. ALL SITE ANALYSIS AND PROPOSALS ARE SUBJECT TO DETAILED SITE SURVEY AND PLANNING ASSESSMENT AND DEVELOPMENT APPROVAL PROCESSES.
- THE COORDINATES ADOPTED ARE MGA ZONE 56 COORDINATES AND GRID DISTANCES.



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REV: A
DATE: 11.12.2019
DESCRIPTION: FOR SUBMISSION

BY: AJC

DATUM: AHD
SCALE: 1:5000 @ A1
(1:10000 @ A3)

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DRAWN BY: LW
CHECKED BY: -
DATE CREATED: NOV 2019

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LOT 353 DP 754434, LOT 2 DP 574308, LOT 1 DP 555085, ORLEANS AVENUE, SANCROX
CLIENT: EXPRESSWAY SPARES PTY LTD

DRAWING NO: 5809 Quarry Investigation
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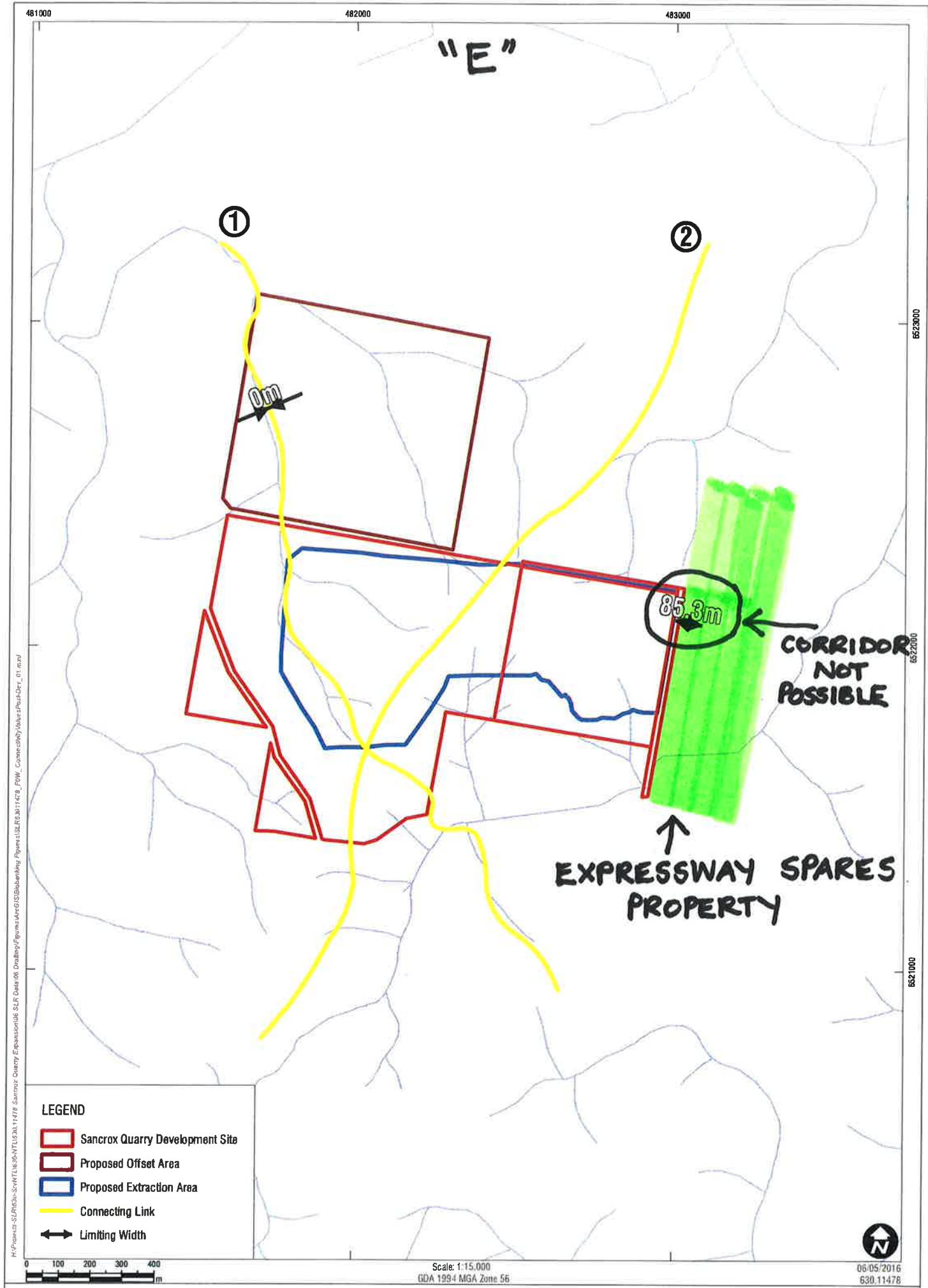
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NOT TO BE USED FOR CONSTRUCTION UNLESS CONSTRUCTION CERTIFICATE ISSUED FOR THE WORKS

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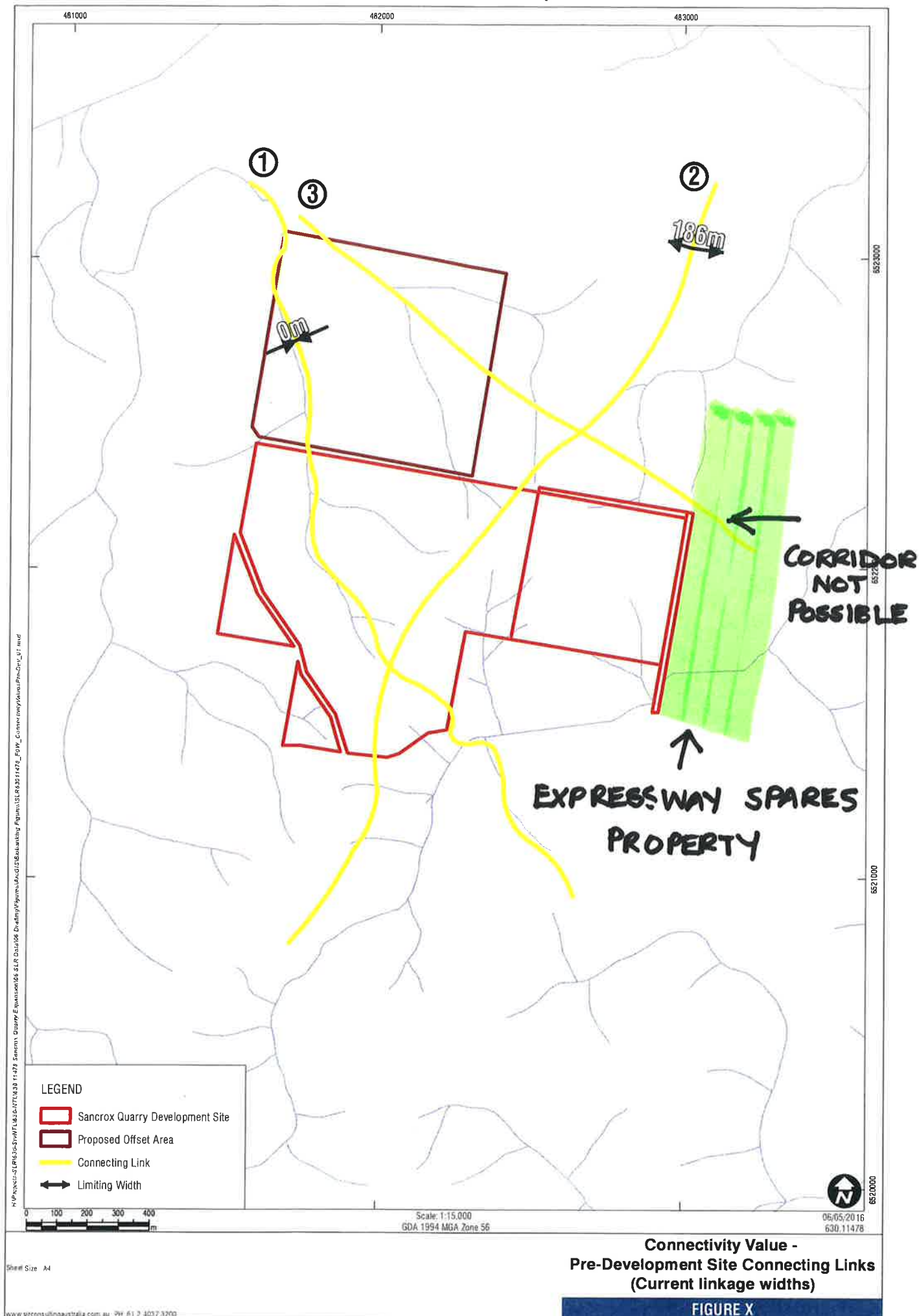






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Connecting Links
(Current linkage widths)**

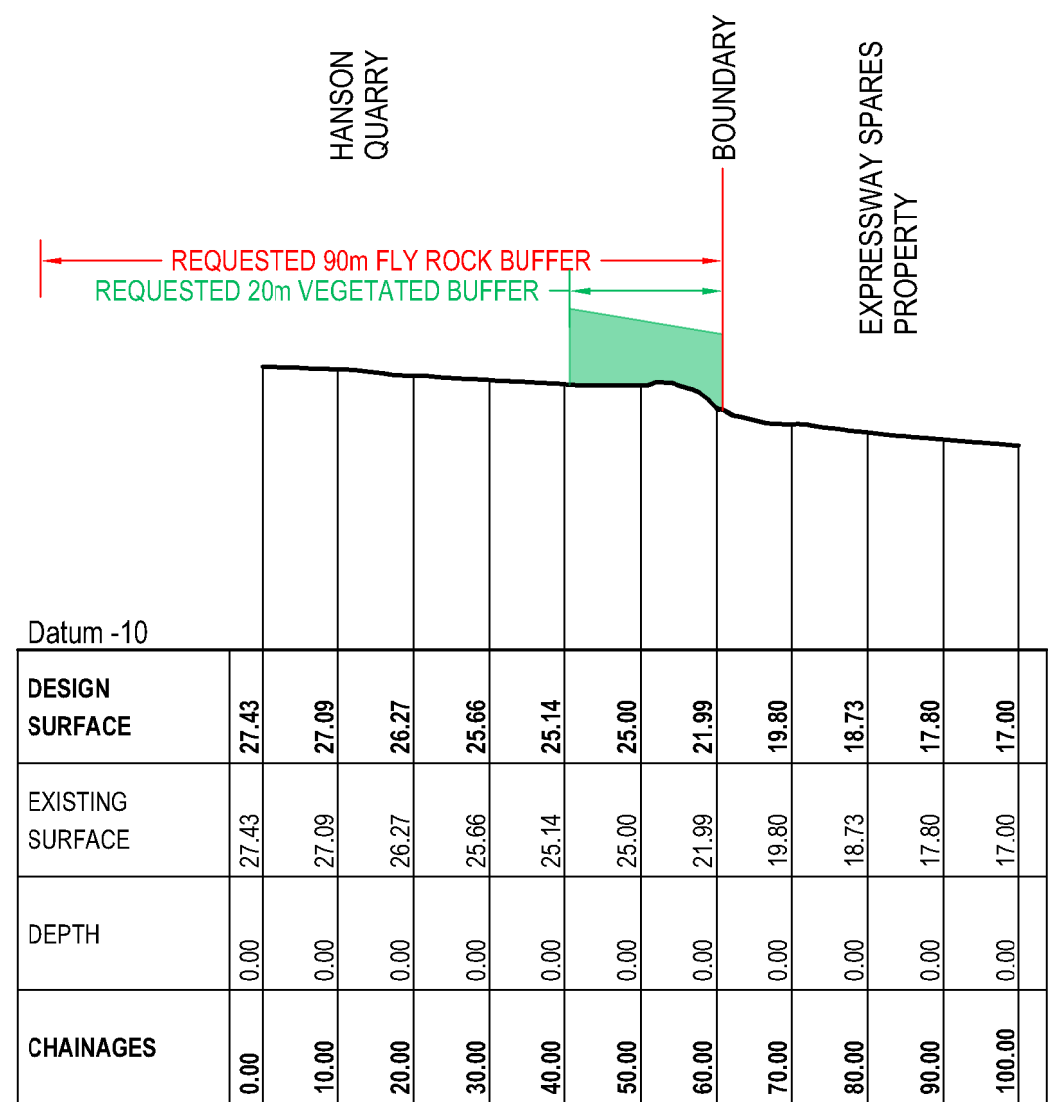
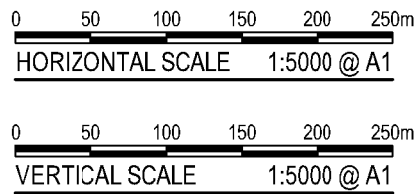
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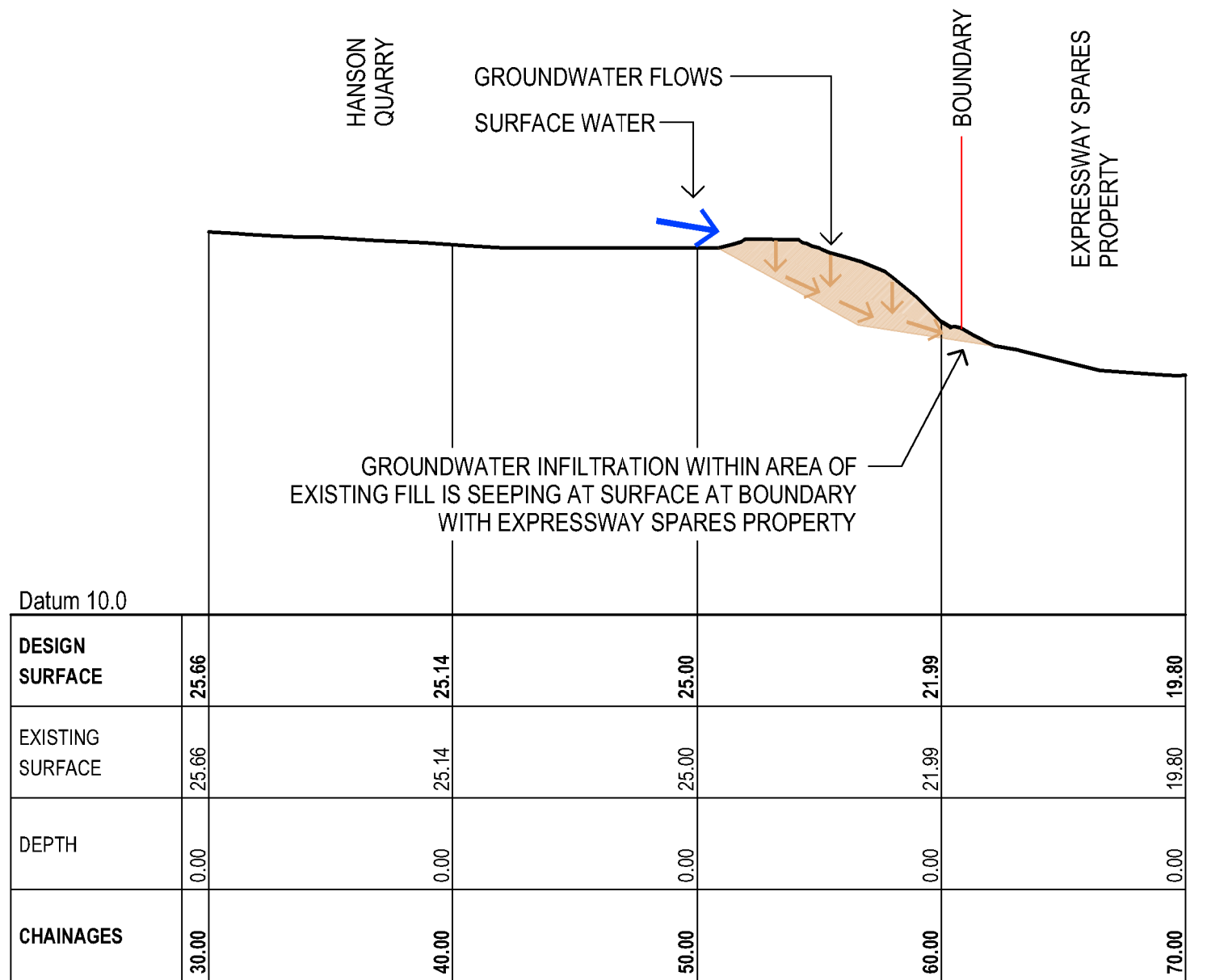
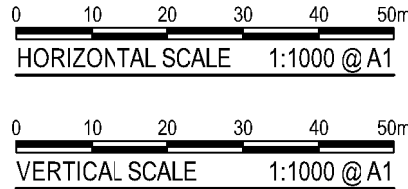
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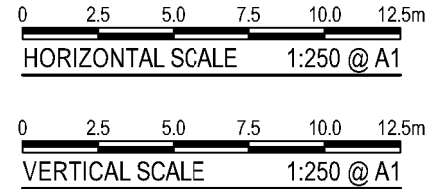
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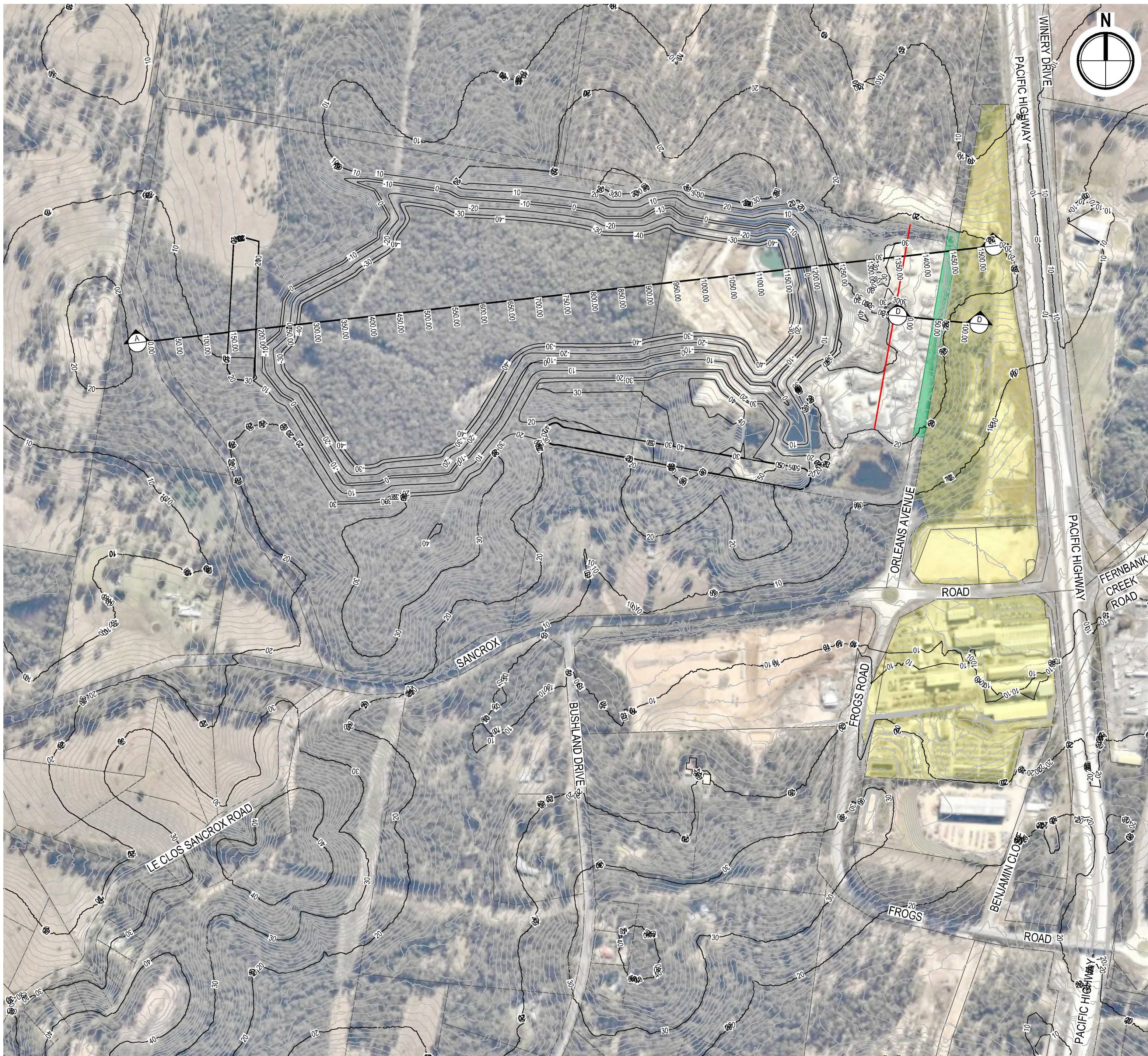
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SECTION DD CH 30 - CH 70



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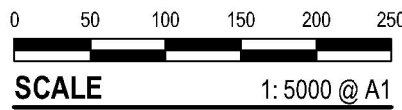


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CHECKED BY: -
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PROJECT: SANCROX ENTERPRISE ZONE - QUARRY INVESTIGATION
LOT 353 DP 754434, LOT 2 DP 574308, LOT 1 DP 555085, ORLEANS AVENUE, SANCROX
CLIENT: EXPRESSWAY SPARES PTY LTD

DRAWING NO: 5809 Quarry Investigation
SHEET: ----
REVISION: A

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NOT TO BE USED FOR CONSTRUCTION UNLESS CONSTRUCTION CERTIFICATE ISSUED FOR THE WORKS

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