



NIGEL WATERS

OBJECT

Submission No: 177901

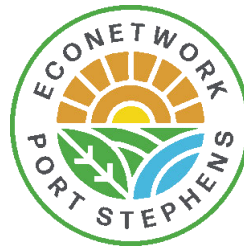
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See attached submission and 2 supporting documents



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7 June 2024

NSW Independent Planning Commission

Submission: SSD 7332 – Eagleton Quarry Project

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Preamble: About us

This submission is a collaboration between Gloucester Environment Group and EcoNetwork Port Stephens. We appreciate this opportunity to give reasons for our objection to the Eagleton Quarry Project.

Gloucester Environment Group (GEG) is an incorporated volunteer organisation with over 120 members who reside in or near the Gloucester Township in the MidCoast Council region. A substantial number of our members are rural landholders.

GEG members provide, assist and plan for environmental enhancement projects in our region and take a keen interest in the state of our natural environment and natural resource management.

Our active projects, well recognised and supported by both Council and the Community include Rivercare and Koalaways, where over the past few years thousands of indigenous trees and plants have been planted on private and public lands. Our aim is to restore and improve our

natural environment for humans, including the natural ecological systems upon which we depend.

EcoNetwork Port Stephens is an incorporated grassroots community-based environmental and sustainability network comprising [30 community and environment groups and eco-businesses](#) from the Port Stephens LGA, with a focus on environmental protection and sustainable planning. We are non-party political and do not donate to political parties.

EcoNetwork Port Stephens is an existing objector to the Eagleton Quarry Project, having lodged a submission in November 2023.

Introduction & Regional context of the Eagleton Quarry Proposal

The community is well aware there is and will be an ongoing demand for hard rock quarry materials for the construction industry. That said, we do not believe the current trajectory of ad-hoc quarry development (of which the Eagleton Quarry Project is but one of many) in our region will benefit NSW.

The current trajectory of continued hard rock quarry development will see to the demise of the current economic and environmental values and services our region currently provides to our local government areas and to NSW more broadly. In the long term, there are simply no guarantees or mitigation measures that can ensure restoration of the unavoidable changes to and destruction of our biodiverse and forested landscape.

Our understanding is that the assessment process for hard rock quarry developments should consider¹ –

- existing strategic plans and policies (including state, regional and local)
- feedback and comments from the relevant local council(s)
- specialised and technical input and advice received from federal and state government agencies
- public submissions received during the exhibition
- the public interest

Earlier this year, our two organisations, together with the Hunter Community Environment Centre (HCEC) published an Issues Paper [Lower Hunter Hard Rock Quarry Strategic & Conservation Planning](#) which we have sent to Ministers and Government agencies seeking a strategic approach to hard rock quarrying and its impacts. We draw on this Paper in this submission.

¹ [https://www.planning.nsw.gov.au/assess-and-regulate/development-assessment/planning-approval-pathways/state-significant-development#:~:text=When%20we%20assess%20SSD%20applications,the%20relevant%20local%20council\(s\)](https://www.planning.nsw.gov.au/assess-and-regulate/development-assessment/planning-approval-pathways/state-significant-development#:~:text=When%20we%20assess%20SSD%20applications,the%20relevant%20local%20council(s))

Consultation

We believe the standard of community consultation conducted by hard rock quarry proponents and the Department (DPHI), including the token 28 day timeframe for submissions, is unfairly limited and biased in favour of quarry development.

Our natural and social environments are not rated as having even the same value (we would argue greater) as the economic value of the resource, in which our region is rich. Our experience of the assessment process for quarry developments leaves us with the impression that the DPHI and the proponent will jointly agree what constitute 'acceptable' impacts to the wider community regardless of local objection and the inevitable long term environmental degradation.

This impression is confirmed by each successive hard rock quarry development proposal. The process undermines trust in the Determinations, and does not grant social licence for the quarry industry to operate responsibly in our region.

Cumulative and combined impacts

The proposed Eagleton Quarry is yet another development where the DPHI has failed to factor in the cumulative and combined impacts of a further quarry operation in our region. The broadscale impacts resulting from the DPHI's underestimation (or outright denial) of individual quarry project impacts, results in cumulative threatening impacts on our road networks, regional wildlife corridor network, functional water catchments and our health and safety, rural economy and character.

Continuation of this approach will be of great detriment to our region. The Hunter Regional Plan 2041 highlights the issue - *For a growing Hunter, uncoordinated provision of services and infrastructure is not sustainable, efficient, cost effective or equitable.*

The highly biodiverse wildlife and landscape corridors that link the Port Stephens Hinterland to the MidCoast Hinterland and that are part of a network of landscape scale climate refugia and corridors for wildlife are currently and progressively compromised with decisions made outside of Council Planning Policies and Strategies and of community input – in both Port Stephens and MidCoast Council areas.

The costs of the Eagleton Project to the community, particularly in Balickera, are far reaching, permanent and unquantifiable. These impacts include loss of amenity, loss of real estate value, likelihood of a contaminated and degraded landscape, environmental degradation and loss of threatened species, on-going threats to water catchment, air pollution and increasing greenhouse gas emissions, and the considerable and dangerous traffic and road network implications that extend beyond the Project's operational footprint.

The DPHI fails to explain how multiple hard rock quarry developments in one relatively small location (there are another 9 hard rock quarry developments within an approximately 20 km radius of Eagleton Quarry and three of those are at Balickera) reflects the aspirations of the Hunter Regional Plan 2041 (5.4 Key community issues) which states that ***Development proposals for aggregate extraction will be promoted if they are in accordance with the district planning principles and local strategic planning.***

The Hunter Regional Plan notes that development proposals should balance economic benefits with the protection of the environment and local communities. We submit that this balance is clearly not being struck.

Rather, the DPHI and Proponents cherry pick statements from the Hunter Regional Plan that support approval of an individual project without addressing the cumulative impacts from the concentration of quarry developments in our region.

At Balickera the three hard rock quarries (the existing Seaham Quarry and the Stone Ridge and Eagleton Quarry proposals) have an initial 30 year lifetime, with options to extend in the future. Seaham Quarry has already operated for 30 years.

The DPHI fails to reference other existing and proposed quarry developments in our region which could negate the economic premise of justification for each project at a local and regional level. There is no such thing as a fair playing field when the cumulative impacts of the expansion of the hard rock quarry industry in our region are repeatedly and intentionally ignored.

The DPHI states in support of the Project : 3.2 Strategic policy The Hunter Regional Plan 2041 (NSW Government, 2022)

Eagleton Quarry Project (SSD 7332) Assessment Report | 5

*10. The Hunter Regional Plan 2041 (NSW Government, 2022) sets out the NSW Government's strategic vision for the Hunter region. **It aims to strengthen the region's economic resilience, maintain its well-established economic and employment bases, and build on its existing strengths to foster greater market and industry diversification. It also aims to protect its diverse terrestrial and aquatic ecological systems, conserve its heritage values, and create thriving communities that enrich the quality of life and wellbeing of their residents.***

*11. Importantly, **the Plan emphasises the need to manage different land uses in pursuit of complementary outcomes and attainment of its overriding goals.** The increased demand for construction materials that could be partially met by the Project, combined with the surrounding rural and residential development and the recognised historic, tourism and ecological values of the region, prompts the need for careful and balanced consideration of these potentially competing land uses.*

Each new quarry development (other than the Seaham Quarry) states that its market lies outside of our region. By and large, the construction projects reliant on quarry materials nominated by the DPHI are outside of our region. No transparent information is provided to substantiate the claim that hard rock materials cannot be provided elsewhere, or that Eagleton Quarry is required in addition to other currently operating or proposed hard rock quarries.

The State Government will not achieve stated aspirations² to actively work towards the provision of alternative sources of recycled housing and infrastructure materials, including gravel and aggregates from recycled coal-ash waste, whilst the DPHI continues supporting unabated, ad-hoc hard rock quarry development.

If the State Government plans to see hard rock quarries as a dominant land use for the Lower Hunter region then appropriate community consultation and planning must take place,

² <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/response-to-china-national-sword/circular-economy-policy>

including a stronger role for local Councils. If hard rock quarry resource extraction is to be an economic driver for local economic prosperity, rather than just feed the construction industry, then the DPHI must show how this industry complies with regional planning aspirations and the overall aspirations of the Hunter Regional Plan 2041.

What evidence can the DPHI produce to show a 'complementary balance' between competing interests is being met with each new quarry development?

It is our contention that the Eagleton Quarry proposal, if approved, will contribute to the current trajectory of unsustainable quarry development in our region.

Without a wider cumulative impact assessment of the existing and proposed concentration of hard rock quarry development in our region, the long term welfare of our local communities and the long term protection of the environmental services that our highly biodiverse natural environment provides will not be sustained.

Justification of the Eagleton Quarry Project has not been established.

Undoubtedly, what is required for fair assessment of quarry proposals is strategic and conservation planning on a regional scale that transparently establishes demand and supply scenarios of hard rock quarry materials and that includes proper consultation with local Councils and our local communities.

Realistic strategies to address NSW State Government directives to plan for and mitigate climate change impacts, lower greenhouse gas (ghg) emissions including the protection of NSW's carbon sinks (our forests), and encourage liveable communities must be addressed at a State level **before** further quarry developments are approved in our region.

Specific Comments on Conditions

We offer the following comments on the Conditions of Consent for the Eagleton Quarry Project recommended by the Department of Planning, Housing and Infrastructure, in the event that the Project is approved.

Condition B4 Noise Operating conditions

To avoid cumulative impacts of all quarry operations at Balickera, **noise operating conditions must be co-ordinated with other neighbouring quarries and monitored by DPHI in concert with EPA**

Condition B5 Blast Operating conditions

To avoid cumulative impacts of all quarry operations at Balickera, **blast operating conditions must be co-ordinated with other neighbouring quarries and monitored by DPHI in concert with EPA**

Conditions B15-18 Air Quality

There should be a requirement for air quality cumulative impacts monitoring that includes **all** operational quarries at Balickera and **which clearly delineates and identifies each quarry operator's responsibilities should emission exceedance occur.**

Missing Greenhouse Gas Operating Conditions

The Project lacks credible net zero commitments. There is no reference in Condition B18 to the NSW's NSW Climate Change Framework, including the *Net Zero Plan and Climate Change (Net Zero Future) Act 2023*.

Climate Change poses both physical and financial risks to the operation of the quarry. The proponent should provide evidence that opportunities to reduce their emissions profile are maximised and ongoing mitigation measures to reduce their operational ghg emissions occurs. **Such actions should be publicly reported via the community consultative committee and the company web page.**

(iv) improve energy efficiency and minimise Scope 1 and Scope 2 **and Scope 3 (transport)** greenhouse gas emissions generated by the development.

The transport sector is Australia's third largest source of ghg emissions, and is on track to be the largest source of CO2 emissions in Australia by 2030.

We propose a new condition:

- a) set targets to both reduce ghg emissions and phase out fossil fuels where possible and as soon as possible, in both the construction and operation of the quarry and the transportation of materials
- b) carry out an annual ghg emissions audit to monitor and report on ghg emissions
- c) Report back to the Community Consultative Committee on an annual basis

Transport and Traffic (Conditions B32-37)

We submit that recommended Condition B33 (Transport Route) does not adequately address the transport and traffic implications of the Project, in particular the safety risks.

We are currently in discussion with Transport for NSW (TfNSW) about the wider issue of Quarry traffic and intersections with the Pacific Highway which will be used by traffic from many of the existing and proposed quarries in the area.

We believe that these discussions are highly relevant to the assessment of the Eagleton Quarry Project and for this reason we explain in some detail below.

A community initiated meeting with TfNSW will take place on June 12 2024 via zoom. At that meeting, representatives from EcoNetwork Port Stephens, Gloucester Environment Group, Voices of Wallalong and Woodville, Save Balickera and our respective Councils will be in attendance. (see attached correspondence including TfNSW's response to community questions submitted after an earlier meeting on 12 April). We initiated this meeting in order to discuss and clarify the ability of the three at-grade intersections to the Pacific Highway (Italia Road, Meadowie Road and Bucketts Way) as well as the grade-separated Tarean Road interchange, to function safely for all road users, including the effects of any approval for the modest Italia Road Upgrade currently being assessed by Port Stephens Council.

It has always been the community's understanding that TfNSW is the dominant road authority where quarries are currently either operational or proposed in our region. However, and as TfNSW has pointed out to us prior to our meeting, we have been mistaken. It is **the Consent Authority's responsibility to consider the environmental impacts of any roadworks which**

are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of project approval.³

We do not believe the DPHI has responsibly considered the implications of quarry industry expansion at Balickera on the surrounding road network. We strongly oppose the conditions of consent for Eagleton Quarry's proposed Transport Route.

Each quarry proposal has transport and traffic impacts. These impacts are consistently identified by community members as the most immediately impactful to local communities. The DPHI fails to address these concerns and continues to ignore the fact that the cumulative impacts of concentrating hard rock quarry developments where other known and future developments and associated traffic will be generated will jeopardise community safety.

By way of example, the recently approved Deep Creek Quarry at Limeburners Creek failed to account for the cumulative traffic impacts from the proposed Hillview Quarry (SEARS recently released) and the Stratford Renewable Energy Hub (SEARS recently released). Both developments will use the same transport route, intensifying the congestion and safety issues at the Bucketts Way-Pacific Highway intersection.

All three project haulage vehicles will need to traverse the Pacific Highway northbound traffic (which has a current travelling speed of 100kph) in order to head south at the Bucketts Way intersection.

Overwhelmingly, the community objected to the proposed haulage route required for Deep Creek Quarry vehicles. The added number of quarry haulage vehicles just from one major development was seen as dangerous both entering and departing the intersection. The Bucketts Way intersection to the Highway had previously been flagged as unsafe by both MidCoast and Port Stephens Councils, but this fact was not mentioned by either DPHI or TfNSW.

The DPHI advised the Commissioners at the Deep Creek IPCN that TfNSW and Council had no stated concerns about the traffic impacts. The DPHI did not advise the Commissioners of the likely impacts to traffic flows exiting and entering the Bucketts Way from the quarry vehicles heading north on the Highway, that the proposed Italia Road Upgrade⁴ would affect at the Bucketts Way intersection, and it was not in TfNSW's remit to advise the IPCN.

The DPHI is ignoring their duty of care to the community. It is unsustainable and potentially dangerous for individual quarry project traffic assessments to be approved in the absence of cumulative traffic impact assessment.

The Italia Road Upgrade proposal, upon which Eagleton Quarry relies, has not yet been approved. The Upgrade is to be funded by the three potential Italia Road Quarry operators. What happens if one quarry is refused? How will the directives of the proposed Upgrade be policed to ensure truck drivers turn left or do not undertake short-cuts and U-turns?

TfNSW (RMS) originally objected to Eagleton Quarry in 2016 on the grounds the proposal would have an adverse impact of the safety and efficiency of the nearby (State) road network, specifically the intersection of Pacific Highway and Italia Road. Stone Ridge Quarry was advised

³ SSD 59254474 SEARS Seaham Quarry Project TfNSW 27 June 2023

⁴ Development Application 16-2023-477-1 Port Stephens Council

in 2020 by TfNSW to consider grade separation of right turns at Italia Road to mitigate the impact of the development.

In 2023 the Port Stephens Council Mayor stated there was a need to see commitment for State Government investment in major infrastructure projects like the Bucketts Way and Medowie Road M1 intersections to increase road safety, improve freight networks and reduce travel times.

MidCoast Council has advised GEG *'In 2023, the Federal Government commissioned a review of major project funding through Infrastructure Australia. This funding review confirmed support \$7.2M that had been allocated in the budget to progress the planning for a grade separation solution to improve safety, travel times, network efficiency and reliability along the Pacific Highway between Raymond Terrace and Karuah. The State Government has committed a further \$1.8M to allow Transport for NSW to develop a final business case that will determine a preferred option to grade separate the three primary intersections (Italia Road, Medowie Road and Bucketts Way) to complete for delivery funding. Unfortunately, this is not anticipated to be completed before 2025'.⁵*

In the meantime, the proposed medium term solution for the Italia Road Upgrade will serve to exacerbate safety issues at the other current at-grade intersection (Bucketts Way and Medowie Road) to the Highway, and is not yet approved.

Diverting quarry haulage trucks from the Italia Road quarries on a 22km detour along the Pacific Highway in order to make their south bound journeys is not cost effective or efficient and raises safety and management issues (e.g. driver behaviour) for the Proponents. The increased pollution (including greenhouse emissions), noise, dust and spillage, and traffic impacts from haulage vehicles having to complete a longer journey increases health and safety issues along the haulage route for all other road users.

Facilitating so many haulage vehicles onto the Pacific Highway that will cross intersections already deemed unsafe is a recipe for disaster.

The GHD Safety Audit report for the Italia Road Upgrade proposal notes potential breaches of heavy vehicle operational protocols on the Highway may include

- undertaking illegal right hand turns
- illegal U-turn manoeuvres on the Highway and
- elect an alternate route via Medowie Road
- tailgating due to the frequency of heavy vehicle movements with the potential consequences of accidents involving heavy vehicles particularly at intersections

The GHD report also notes that haulage trucks from Italia Road will have to enter and leave the Pacific Highway (merge and diverge) a total of five times, including the Twelve Mile Creek heavy Vehicle Inspection Station, in order to complete their southbound journey.

The DPHI must address and produce a transparent and equitable solution to the traffic impacts resulting from the hard rock quarry industrial expansion in our region and at Balickera in particular, **before** Eagleton Quarry approval. Recommended Condition B33 needs to be strengthened to make clear beyond doubt that the condition 33(a) 'Italia Road is upgraded to the satisfaction of TfNSW' ... 'Prior to transporting any quarry products from the site on public

⁵ Email correspondence to GEG from MidCoast Council 4 April 2024 Ref ECM 16833768

roads...’ means **the implementation and opening of an upgraded intersection**, not just agreement on a design or construction timetable.

The DPHI is both ignoring its duty of care and misrepresenting the roles of both TfNSW and Councils in the determination process when they state⁶ *‘the Department considers that the additional traffic associated with the Project would not present unacceptable safety risks to existing road users. This conclusion is also consistent with the final advice provided by the relevant road authorities (TfNSW and Council)’*.

Biodiversity and Rehabilitation (Conditions B41-56)

In addition to our comments below, we defer to and support the detailed submission on biodiversity impacts from the Koala Coalition EcoNetwork Port Stephens⁷.

The neighbouring Seaham Quarry Project (SSD 59254474) notes the potential for cumulative impacts from both Eagleton and Stone Ridge (SSD10432) Quarries including⁸ –

- Impacts to fauna habitat corridors and connectivity west of the M1 Pacific Highway through the removal of native vegetation
- Potential vibration impacts to the Balickera Tunnel and the microbats roosting there from the Seaham Quarry Project, the Stone Ridge Quarry Project and the Eagleton Quarry Project
- Increase in traffic along the local roads, including Italia Road, from all projects and therefore cumulative increase in potential for fauna strike by vehicles travelling along the roads

The Hunter Regional Plan 2041 (5.4 Community Issues) states that aggregate extraction areas must contribute to the *longer term formation of a green corridor, both during extraction (eg by maintaining existing vegetation links and/or restoration on areas not being quarried or mined) and on completion of resource extraction.*

For this reason, we submit that the IPC should impose conditions of consent on the Eagleton Quarry Project that require the preparation of a plan or plans that identify the cumulative and combined mitigation measures involving all Italia Road quarries necessary to protect and restore the surrounding environment. For example –

- Connectivity measures, including mapping, to establish and/or maintain corridor connections between habitat and favoured movement corridors that identify appropriate methods and locations for enhancing opportunity for safe Koala and wildlife movement in the long term (especially across the Italia Road “pinch point”)
- Costing appropriate measures and financially committing to their establishment prior to quarry operations in consultation with appropriate experts including Council and local wildlife/Koala organisations
- Identifying and securing areas in the locality necessary for compensatory plantings of Koala feed trees and other wildlife habitat including replacement of tree hollows, to mitigate loss of and sustain local habitat connectivity

⁶ Eagleton Quarry Project (SSD 7332) Assessment Report | 31 107.

⁷ KKEPS – A Special Interest Group of EcoNetwork Port Stephens Inc.

⁸ Seaham Quarry Project ii Cumulative impacts - indirect

- Establish the protocols for the monitoring of threatened microbat populations in the Balickera Tunnel that each quarry development must adhere to

It is apparent from the Transcript of Meeting⁹ between the Commissioners and consultants for the Proponent, that biodiversity issues are considered as a matter to be addressed by the appropriate (yet to be defined), legislative mechanisms.

The proponents are of the view that the Project will not have significant impacts on threatened species or their habitats. The DPHI contend that the Project has been designed to avoid, mitigate and manage biodiversity impacts where practicable. It is clear that the natural environment is considered an expendable commodity.

We urge the Commissioners to consider the Koala Koalition submission (under separate cover) to this Inquiry which highlights the ecological significance of the Project's proposed operational footprint. The Proponent spuriously states¹⁰ that the proportion of habitat to be removed is relatively small when considering the large areas of similar habitat that are contiguous in the area.

Without acknowledging the continued and proposed deforestation in the locality for further quarry developments, this statement is not factual. Long-term conservation of biodiversity depends upon protection, enhancement and connection of remaining habitat across the landscape. The Koala is a landscape species. The management of threats to Koalas and the conservation of the species requires that actions and management are applied in a strategic, coordinated way at landscape-wide scales¹¹, rather than an unscientific and unprofessional assumption that because there are other forested areas, this bit won't be missed.

The at-risk Koala population within the Port Stephens Local Government Area is identified in the Hunter Regional Plan 2041. A key planning priority of that Plan is to support the NSW Koala Strategy to double the number of Koalas in the wild by 2050. This requires protection of Koala Habitat. Protection of Koala Habitat is a key community value identified in the Port Stephens 2022 Community Strategic Plan.

The Commissioners would be well aware that the conservation of koalas in the landscape has cascading effects for the protection of other species and biodiversity generally, the condition of the natural environment, the liveability of local communities, and the function of natural processes. The natural environment and the services it provides are of both economic and social value to our community.

The Eagleton Quarry will undoubtedly sever and fragment connecting habitats. Land restoration will be unachievable. **The Proponents should be required to show that the Eagleton Quarry will have a neutral or positive gain in biodiversity – especially for the Koala – in our region.**

Excerpt from Eagleton Quarry Project (SSD 7332) Assessment Report | 4

*163. The BAR indicated that no threatened flora species were detected during the surveys. However, **a total of 12 threatened fauna species listed under the TSC Act and/or EPBC Act were detected, including Spotted Harrier, Brown Treecreeper (eastern***

⁹ <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/transcripts-and-material/2024/eagleton-quarry/applicant-meeting-transcript.pdf> Page 6 line 20-40, Page 11 line 15 - Page 12)

¹⁰ Amendment Report SSD-7332 | Eagleton Quarry Project, Barleigh Ranch Way, Eagleton | 15

¹¹ Draft MidCoast Koala Conservation Strategy

subspecies), Black Falcon, Square-tailed Kite, Grey-crowned Babbler (eastern subspecies), Large-eared Pied Bat, Eastern False Pipistrelle, Little Bentwing-bat, Eastern Freetail-bat, Southern Myotis, Eastern Cave Bat and the Koala. Further, one EPBC Act-listed migratory bird species (Rufous Fantail) was recorded. Of these species, two are fauna credit species (**Southern Myotis and Koala**) and would need to be offset via species credits in accordance with the FBA.

164. The revised BAR included additional assessments of likelihood of **occurrence of the threatened species, populations and TECs previously recorded and/or modelled to occur within a 10 km radius of the study area. These assessments determined that a total of 26 threatened fauna species and eight EPBC Act-listed migratory species were likely to, or could potentially, be impacted by the proposed development.**

167. The Project also has the potential to cause **indirect or prescribed impacts on land adjacent to the disturbance footprint during construction and operation**, including increased levels of dust and noise; erosion of soils; downstream modification of hydrology and aquatic biodiversity; and the transfer of weeds and pathogens.

168. Additional field surveys identified the **location and density of hollow bearing tress across the study area (i.e. the single Lot 2 DP 1108702, which covers an area of 100.94 ha of which 32.03 ha of native vegetation would be impacted)**. Kleinfelder confirmed that the **hollow-bearing trees (live trees and dead stags) are present in low to moderate abundance throughout the forest vegetation in the study area, and that the Project would result in an estimated loss 38% of the total hollow-bearing tree resource available within the study area.** As discussed below, Eagleton Rock Syndicate has committed to conducting pre-clearing fauna surveys and clearing protocols to minimise impacts to fauna as a result of disturbance to hollow bearing trees.

We suggest the following additions to Condition B42

The Applicant must ensure that

- (b) a Koala underpass is incorporated in the design and construction of the quarry access road bridge crossing over Seven Mile Creek. The required underpass is **to be designed in consultation with a Koala expert, Council and a local Koala/Wildlife group representative**
- c) **The applicant must prepare a Vegetation/Habitat Clearance Protocol for the development. This plan must set out activities and responsibilities associated with the clearing of vegetation and habitat for the development, including but not limited to: defining the limits of clearing, establishing ecological supervision and reporting requirements, hollow bearing tree management and the protocols and processes to be deployed during all clearing activities. The plan should be peer reviewed by Council.**
- d) **In consultation with neighbouring quarries, appropriate experts, Councils and local Koala/Wildlife group representatives, the applicant must address and contribute to measures which ensure the safe movement of terrestrial fauna across Italia Road**

Biodiversity Stewardship Site

Condition B43 This condition of consent **should be strengthened to specifically direct the applicant to secure the site in perpetuity before construction commences.** Otherwise, this condition represents little more than greenwash. The community has witnessed areas secured for offsets or stewardship allowed to be quarried or utilised for other purposes other than the intent of the original conservation agreement. For example, the Karuah East Quarry extension into their previously designated offset area, and the Deep Creek Quarry Stewardship site specifically avoided protection in perpetuity in order to allow for potential future development.

Biodiversity Management Plan

Condition B45 Strengthen and clarify the wording to read –

(d) (iii) minimise impacts on tree hollows where reasonable and feasible; should read **avoid impacts on tree hollows wherever possible**

(iv) minimise impacts on fauna, including undertaking pre-clearance surveys; should read **avoid impacts on fauna, including undertaking pre-clearance surveys and ensuring wildlife caregivers are immediately available to rescue any injured wildlife at time of clearance**

Part D Environmental Management, Reporting and Auditing (Conditions D1-15)

Environmental Management Strategy

Strengthen the wording of D1 as follows:

D1. An Environmental Management Strategy must be prepared for the development. This strategy must:

- (a) provide the strategic framework for environmental management of the development **including the assessment of cumulative and combined environmental impacts from neighbouring quarries and developments;**

Conclusion

Eagleton Quarry is but one example of the imbalanced approval process for hard quarry development in our region that is not in the public interest. The Project should not be approved.

We have no objection to this submission being made public, in full and unredacted.

Megan Benson, Committee Member, Gloucester Environment Group Inc.
[REDACTED]

Nigel Waters, Committee Member, EcoNetwork Port Stephens Inc.
[REDACTED]

Attachments:

- Letter to TfNSW from EcoNetwork, Gloucester Environment Group and Voices of Wallalong and Woodville, with Questions (May 2024)
- Response from TfNSW to Questions for TfNSW (June 2024)



V.O.W.W.
Voice of Wallalong and Woodville
Including Localities of Rural West Ward

All correspondence on this issue via: secretary@econetworkps.org

Transport for NSW
Regional and Outer Metro Division

ATTN: Corinne Thompson, Senior Manager Hunter/Central Coast

Email: [REDACTED]

8 May 2024

Traffic Issues related to Quarry Development in the Lower Hunter Region - specifically on the operation of the three at-grade intersections (Italia Road, Medowie Road, Bucketts Way) and the Tarean Road Interchange with the Pacific Highway between Raymond Terrace and Karuah in the MidCoast and Port Stephens Council areas.

Purpose

The purpose of this correspondence is to detail specific unresolved traffic and road network issues highlighted at the online meeting held 12 April 2024 between representatives of community groups and TfNSW officers. We look forward to further discussion of these issues at a future meeting, as agreed on 12 April.

Context

The operational life of a hard rock quarry is around 30 plus years – with expected modifications and extensions typically extending the quarry’s operations, footprint and environmental impacts for a further 30 years. As a matter of course, quarries change the landscape, local road networks and the local character of surrounding environments into the future. Each hard rock quarry impacts the environment beyond the actual footprint of the operation, particularly with resulting traffic impacts.

Ten (10) hard rock quarries are either operational or in the planning process in this small part of the Lower Hunter region.

Major Concerns

The expected and far-reaching increase in volumes of quarry haulage vehicle movements on the Pacific Highway between Raymond Terrace and Karuah raises a giant red flag concerning the ability of the three at-grade intersections (Italia Road, Medowie Road & Bucketts Way) as well as the grade-separated Tarean Road Interchange, to function safely for all road users if and when all quarries are approved.

As ratepayers and residents, we also hold valid and practical concerns about the ability of the local Council managed local road network to manage the predicted quarry related traffic – both in normal operation and particularly in times of emergencies and climate/weather related

events (such as bush fires and flooding) when Pacific Highway traffic is diverted to alternate routes.

It is our contention that:

- TfNSW should produce a cumulative impact assessment of the likely impacts from the combined number of proposed and operational quarries in our region.
- the road infrastructure necessary for the safe operation of the road network for all users must be in place *prior to* any further approvals of new or extended quarry operations,
- any upgrades necessary to facilitate the quarry industry's utilisation of the road network at the three current at-grade intersections should provide full grade-separated interchanges, and
- these upgrades should be financed by the quarry industry and the costs integrated into their project cost/benefit analysis.

We understand TfNSW consults with the Department of Planning and directly with the proponent for each quarry development, but not with community groups – you appear to hear about community concerns only indirectly via our representative Councils. In this case our Councils are on the record as advocating for upgrades to full grade-separated interchanges at the three current at-grade intersections. But, we submit, routine direct consultation with community groups would ensure that unfiltered grass roots perspectives are better understood.

When dealing with each quarry proposal, TfNSW advice appears to be consistently accepted at face value by the Department of Planning. That advice often contradicts local community evidence and experience in that it fails to include the **cumulative and combined traffic impacts** caused by each successive quarry development both on the Highway and the local road network. Little or no consideration is given to other potential and existing industrial use. As a consequence, actual traffic impacts on local communities are not recognised.

For example, Martins Creek Quarry haulage vehicles have been using sub-standard rural roads such as Butterwick Road (in the Port Stephens LGA) to transport product to the Pacific Highway. Other motorists have to drive both defensively and evasively when encountering haulage vehicles. (*ref: community presentations to IPC*)

Another example is the proposed Stratford Renewable Energy Hub which anticipates a considerable increase in workforce vehicles and heavy vehicle traffic using the Bucketts Way and the Pacific Highway – including oversize/overmass trucks - during its construction phase (*ref. SEARS*).

The GHD reports, prepared for Boral Resources, Eagleton Syndicate and ARDG regarding the proposed Italia Road Intersection upgrade indicate a number of road safety issues associated with the increase of heavy vehicle movements on the Pacific Highway, just from the three Italia Road quarries. Such safety issues have been apparent to the community for some time, and have also been raised by Councils, yet appear not to have been recognised by either TfNSW or Department of Planning (*ref. IPCN Determination Deep Creek Quarry December 2023 -January 2024*).

At our last meeting your officers explained the processes involved and the distinction between strategic transport planning and assessment of specific projects, and suggested that the Department of Planning should be present at our next meeting.

We are aware of the planning process and to be clear, our contention is that the current processes and distinctions between and within Government Departments are not working to deliver sensible and safe road network outcomes.

We submit that there needs to be a better way for issues relevant for road network strategic planning to be 'brought forward' and factored into the assessment of and planning for each quarry project.

As there is little evidence of strategic planning for quarry development in our region, we consequently face road network safety risks that we believe fall within the remit of TfNSW's responsibility of community welfare and safety, yet we have not - until now - been afforded an opportunity to express our concerns.

We plan to meet separately with the Department of Planning to discuss the document '*Strategic and Conservation Planning for Hard Rock Quarries in the Lower Hunter*' previously sent to relevant Ministers and copied to TfNSW, which specifically cites road network and traffic concerns amongst other issues.

Our concerns can be summarised by stating that we believe there is inadequate consideration of the cumulative and combined safety risks and impacts on our local and State road network from the number of hard rock quarries currently in the development pipeline.

Next steps

We seek your timely written response answering our questions raised in the attached Appendix of Issues, prior to our next meeting. We trust TfNSW recognises and acknowledges the urgent need to address these matters prior to any further quarry development approvals.

We confirm that we would like to see our Councils represented at our next meeting, and note that MidCoast Council's Director of Infrastructure and Engineering Services, and Port Stephens Council's Group Manager, Community Futures have indicated their interest and willingness to attend, if available.

We do appreciate TfNSW's consideration of and willingness to discuss these matters and look forward to your prompt reply. We suggest a meeting date during the first two weeks of June 2024.

After receipt of your response, we will prepare a meeting agenda.

Nigel Waters: EcoNetwork Port Stephens, [REDACTED]

Megan Benson: Gloucester Environment Group [REDACTED]

Margarete Ritchie: Voices of Wallalong and Woodville, [REDACTED]

Cc: Anna Kerr: Save Balickera [REDACTED]

Appendix: Questions for TfNSW

Traffic Issues related to Quarry Development in the Lower Hunter Region

APPENDIX OF ISSUES – Questions for TfNSW

1. On what grounds did TfNSW change its opinion that grade separation for right hand turns, as recommended to Stone Ridge Quarry in 2020, was no longer required at the Italia Road and Pacific Highway intersection?
2. Given that the nature of hard rock quarry operations is 30 years plus, why did TfNSW stipulate a ten year horizon for consideration of total impact on the road network from the quarries financing the Italia Road Upgrade proposal?
3. How will the Italia Road and Pacific Highway Upgrade proposal comply with TfNSW Future Transport Aspirations in terms of efficiency and sustainability?
4. Given there is a predicted 20% in outside traffic growth along the Pacific Highway over the next ten years, has TfNSW conducted a cumulative vehicle count which includes other freight haulage vehicles passing the Italia Road, Medowie Road and Bucketts Way intersections to the Highway?
5. Why is historical Council advocacy for full grade-separated interchanges at Italia Road, Medowie Road and Bucketts Way not publicly acknowledged in the TIA assessment process for each individual quarry?
6. Can the traffic information, particularly safety risks, provided by the GHD Traffic Study for the proposed Italia Road Upgrade be extrapolated and used to predict traffic conditions at Bucketts Way and Medowie Road at grade intersections? (ref Karuah South Quarry TIA - 4.6 Safety assessment)
7. What is a 'medium term upgrade'? Is that an appropriate way to plan and implement upgrades specifically designed to accommodate quarry development, when we know quarries will operate for 30+ years?
8. The Seaham Quarry (EIS currently on exhibition) - Project traffic was not considered in the SIDRA modelling for their traffic impact assessment (GHD 2023a). Other operational quarries, beyond Italia Road, have not been fully considered in any cumulative traffic and road network impact assessment. When access to the Pacific Highway is deemed as vitally important to each quarry operation, why isn't the wider cumulative impact of the quarry industry's reliance on safe access to and utility of the Pacific Highway fully assessed?
9. For example - Why didn't the modelling produced by GHD on the Tarean Road/Pacific Hwy interchange include the haulage vehicles using the interchange from the existing Karuah East and the proposed Karuah South Quarries?
10. Why didn't the modelling produced by GHD include the approximate number of potential quarry haulage vehicles exiting the Bucketts Way to turn right on the highway and joining the other quarry vehicles travelling South at Twelve Mile Creek?

11. Noting the proponent for Hillview Quarry (Bucketts Way, Booral) is not anticipating further necessary roadworks other than works associated with their access road, how and when will the conditions of consent for the Deep Creek Quarry Proposal, including c) iv) *measures to mitigate the impact of heavy vehicle movements on the performance of Bucketts Way and Pacific Highway intersection, including during peak holiday periods* be addressed by TfNSW, Deep Creek and Hillview Quarries?
12. The DPIE stated that advice from TfNSW, even considering the current ‘medium’ risk issues, found no issues or objections to the safe operation of the Bucketts Way intersection potentially created by the Deep Creek Quarry project . (ref GHD Italia Rd and Pacific Hwy Intersection Upgrade Concept Design Road Safety Audit Boral Resources (NSW) Pty Ltd July 26, 2023) TfNSW formed part of the consultation team for the proposed Italia Road Upgrade, which happened concurrently with assessment of the Deep Creek Quarry development application. Up to 50 truck movements per hour are expected to use the Bucketts Way intersection to travel South from the Deep Creek Quarry operation. More are likely in the future if and when Hillview Quarry gains approval. Why didn’t the Italia Road Upgrade proposal specifically consider the likelihood of Deep Creek’s haulage truck movements departing the Pacific Highway exiting across Pacific Highway and by necessity slowing north bound Highway traffic at the Bucketts Way intersection?
13. Noting that no holiday traffic count has been conducted at the Bucketts Way intersection prior to approval of the Deep Creek Quarry Project, did TfNSW consider community submissions of objection which raised unacceptable traffic impacts from that Quarry project?
14. When and how does TfNSW consult directly with the community about potential road network changes resulting from proposed industrial expansion?
15. How can the community communicate directly with TfNSW when trying to explain potential traffic hazards from proposed developments, rather than having to rely on making submissions to the Department of Planning on individual projects?

On request, we can provide further references to documents to support the above issues and questions.

Response to APPENDIX OF ISSUES – Questions for TfNSW

<p>1. On what grounds did TfNSW change its opinion that grade separation for right hand turns, as recommended to Stone Ridge Quarry in 2020, was no longer required at the Italia Road and Pacific Highway intersection?</p>	<p>In 2020 TfNSW recommended grade separated right turns to mitigate the impact of traffic from the Stone Ridge Quarry.</p> <p>Whilst grade separation may be desirable, it is potentially cost prohibitive and not the only solution available to address the safety of right turn out movements in high speed rural locations.</p> <p>More recently (2023) all three quarry operators worked together to provide a traffic study (GHD Report - Pacific Highway / Italia Road Intersection Transport Impact Assessment 10 August 2023) to identify the traffic and safety impacts of the developments on the intersection with a view to understanding the impacts should the right turn out be restricted.</p> <p>An accumulation study showed the level of service (LOS) for the right turn out movements for future conditions was LOS F (not acceptable). Removal of the right turn for quarry traffic improved the LOS to D (within acceptable limits). TfNSW is still working with the quarry operators, council and DPHI on the design requirements and appropriate consent conditions related to monitoring, reporting and compliance.</p> <p>Notwithstanding the above, Transport is developing an access strategy for the at-grade intersections along the Pacific Highway between Raymond Terrace and Karuah, with the main ones being Italia Road, Medowie Road and Bucketts Way. Given the proximity of these three key intersections, there is a need to develop a solution for all three collectively rather than individually. This is likely to result in one or two grade separated interchanges with connecting service roads.</p> <p>TfNSW is working on interim solutions while this longer-term strategy is developed. Further investigations will be undertaken on the current local and state road network, to inform of possible middle and long term solutions.</p>
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<p>2. Given that the nature of hard rock quarry operations is 30 years plus, why did TfNSW stipulate a ten year horizon for consideration of total impact on the road network from the quarries financing the Italia Road Upgrade proposal?</p>	<p>TfNSW requires private developments to consider a ten year design horizon when undertaking traffic modelling.</p> <p>TfNSW develops a 10 and 20 year traffic forecast scenario by creating a traffic model. These models are developed using economic and housing growth rates to give insights to the existing and future road network. Based on the traffic model data TfNSW develops short, medium and long term strategies for improvements to the surrounding road network.</p> <p>It is expected that growth of existing quarries will be limited to short term as housing and economic develop will cater for the majority of local traffic impacts on the network in the long term for the surrounding areas.</p> <p>The growth assumptions for the area over the next 20 years are being used to inform the access strategy on the Pacific Highway between Raymond Terrace and Karuah to ensure safe access from adjacent east-west roads as well as safety and efficiency of the National Land Transport Network which the Pacific Highway forms a key component of.</p>
<p>3. How will the Italia Road and Pacific Highway Upgrade proposal comply with TFNSW Future Transport Aspirations in terms of efficiency and sustainability?</p>	<p>TfNSW is developing a solution that puts people, places and economic prosperity at the centre of decision making when developing solutions to local and state road networks. TfNSW will work with industry, local government and communities during the lifecycle of a project. This is consistent with Future Transport as well as the government's priorities around housing growth.</p>
<p>4. Given there is a predicted 20% in outside traffic growth along the Pacific Highway over the next ten years, has TfNSW conducted a cumulative vehicle count which includes other freight haulage vehicles passing the Italia Road, Medowie Road and Bucketts Way intersections to the Highway?</p>	<p>Traffic modelling undertaken in the development of a solution, will take in accumulative traffic volumes in the traffic model. This is true for both the short term options as well as the longer term access strategy along the Highway.</p>
<p>5. Why is historical Council advocacy for full grade-separated</p>	<p>It is an individual developer's responsibility to undertake traffic modelling / Traffic Impact</p>

<p>interchanges at Italia Road, Medowie Road and Bucketts Way not publicly acknowledged in the TIA assessment process for each individual quarry?</p>	<p>Assessment (TIA) to assess the impact of the development on the road network and to identify appropriate mitigation measures for a ten year design horizon.</p> <p>It is not an individual developer’s responsibility to champion council or TfNSW vision for longer term traffic solutions for state highways, including whether grade separated intersections are required.</p> <p>.</p>
<p>6. Can the traffic information, particularly safety risks, provided by the GHD Traffic Study for the proposed Italia Road Upgrade be extrapolated and used to predict traffic conditions at Bucketts Way and Medowie Road at grade intersections? (ref Karuah South Quarry TIA - 4.6 Safety assessment)</p>	<p>Traffic information /conditions at any intersection are location specific. TfNSW requires a Traffic Impact Assessment (TIA) to be underpinned by evidence-based assessment on the specific intersection/s identified for access to a development. This evidence is usually provided by traffic modelling that should identify, at minimum:</p> <ol style="list-style-type: none"> 1. Traffic counts at the intersection, 2. Assumptions for modelling, including traffic volumes, trip distributions, background growth; and, 3. Scenarios to be run (i.e. existing; existing plus development; and, existing plus development, plus the 10-year horizon). <p>Safety risks are also location specific. Risks are usually quantified by a location specific Road Safety Audit (RSA). Location specific factors include speed limit, sight distance, intersection configuration, topography, etc.</p> <p>In saying this experience demonstrates that there are safety risks associated with particular traffic movements, like right turn out movements on high speed rural roads with high opposing traffic flows. This does not mean that mitigation measures identified to address such risks would be the same at all locations. Grade separation, restricting turning movements, providing a separated left turn lane into a side road (like at Bucketts Way), installing advanced warning signing (including flashing lights) are all means of addressing the safety of right turning traffic at high speed rural intersections.</p>

	<p>Further to this – the safety at all three intersections (Italia Road, Meadowie Road and Bucketts Way) is a consideration in the longer term access strategy. The GHD report will be a consideration in this work, but not extrapolated to the other intersections given the GHD report was for one area only, and the growth associated with the other two at-grade intersections is from entirely different traffic generators.</p>
<p>7. What is a ‘medium term upgrade’? Is that an appropriate way to plan and implement upgrades specifically designed to accommodate quarry development, when we know quarries will operate for 30+ years?</p>	<p>The access strategy is being developed on the basis of removing the at-grade intersections and seeking a grade separated outcome with potential service road arrangements to connect local roads safely.</p> <p>This work is still under development with options likely to be presented to the community or consultation early in 2025 once further investigations and traffic analysis are completed. Future anticipated developments and traffic growth feeds into this work as a key consideration including the proposed quarries.</p>
<p>8. The Seaham Quarry (EIS currently on exhibition) - Project traffic was not considered in the SIDRA modelling for their traffic impact assessment (GHD 2023a). Other operational quarries, beyond Italia Road, have not been fully considered in any cumulative traffic and road network impact assessment. When access to the Pacific Highway is deemed as vitally important to each quarry operation, why isn’t the wider cumulative impact of the quarry industry’s reliance on safe access to and utility of the Pacific Highway fully assessed?</p>	<p>Traffic Impact Assessment, including traffic modelling, is required to assess the impact of developments on the road network.</p> <p>Broader impacts of other existing and future developments are assessed as part of the process.</p> <p>This can be explained by the modelling process which assesses three scenarios –</p> <ol style="list-style-type: none"> 1. existing traffic on the road network (this would include existing traffic utilising the Pacific Highway intersection including haulage from existing quarries), 2. existing traffic, plus development traffic (development traffic includes traffic volumes and distribution assumptions for the development/s itself) and 3. existing traffic, plus development traffic, plus a percentage for background growth over a ten year period (this is how cumulative impacts of other future development proposals /growth along the road corridor are considered in any proposal).

	<p>State highways are available to facilitate the movement of people and goods, economic growth and development and are for use by local, regional and interstate motorists, tourists, freight and commercial operators.</p> <p>Significant state highway upgrades (duplication and grade separation) are generally costly and funded by the government.</p> <p>TfNSW is responsible for maintenance and short, medium and long term planning for upgrades to state highways.</p> <p>Further – please see comments on the ‘medium term strategy’.</p>
<p>9. For example - Why didn't the modelling produced by GHD on the Tarean Road/Pacific Hwy interchange include the haulage vehicles using the interchange from the existing Karuah East and the proposed Karuah South Quarries?</p>	<p>See answer to question 8</p>
<p>10. Why didn't the modelling produced by GHD include the approximate number of potential quarry haulage vehicles exiting the Bucketts Way to turn right on the highway and joining the other quarry vehicles travelling South at Twelve Mile Creek?</p>	<p>See answer to question 8</p>
<p>11. Noting the proponent for Hillview Quarry (Bucketts Way, Booral) is not anticipating further necessary roadworks other than works associated with their access road, how and when will the conditions of consent for the Deep Creek Quarry Proposal, including c) iv) <i>measures to mitigate the impact of heavy vehicle movements on the performance of Bucketts Way and Pacific Highway intersection, including during peak holiday</i></p>	<p>TfNSW understand this condition B38 c) iv) relates to the Deep Creek Quarry consent. Development Consent for Deep Creek Quarry SSD 11591659 (nsw.gov.au)</p> <p>It is not TfNSW responsibility to address this consent condition. It is the developer's responsibility to address and comply with consent conditions imposed on their development by the consent authority, in this case the Independent Planning Commission (IPC).</p>

<p><i>periods</i> be addressed by TfNSW, Deep Creek and Hillview Quarries?</p>	<p>Background (internal advice only) – Independent Planning Commission (IPC) determined the application and included, as a condition of consent, the need for preparation of a TMP in consultation with TfNSW and Port Stephens Council that includes the need to mitigate impacts on Bucketts Way / Pacific Highway intersection during peak holiday periods. Ideally this should have been worked through /resolved as part of the SSD assessment process however DPHI, in order to meet timeframes, have been pushing more items to be worked through post-consent.</p>
<p>12. The DPIE stated that advice from TfNSW, even considering the current ‘medium’ risk issues, found no issues or objections to the safe operation of the Bucketts Way intersection potentially created by the Deep Creek Quarry project . (ref GHD Italia Rd and Pacific Hwy Intersection Upgrade Concept Design Road Safety Audit Boral Resources (NSW) Pty Ltd July 26, 2023) TfNSW formed part of the consultation team for the proposed Italia Road Upgrade, which happened concurrently with assessment of the Deep Creek Quarry development application. Up to 50 truck movements per hour are expected to use the Bucketts Way intersection to travel South from the Deep Creek Quarry operation. More are likely in the future if and when Hillview Quarry gains approval. Why didn’t the Italia Road Upgrade proposal specifically consider the likelihood of Deep Creek’s haulage truck movements departing the Pacific Highway exiting across Pacific Highway and by necessity slowing north bound Highway traffic at the Bucketts Way intersection?</p>	<p>Any traffic turning right out of Bucketts Way is required to give way to traffic on the Pacific Highway.</p>
<p>13. Noting that no holiday traffic count has been conducted at the Bucketts</p>	<p>In accordance with planning legislation, it is the consent authority’s responsibility to consider</p>

<p>Way intersection prior to approval of the Deep Creek Quarry Project, did TfNSW consider community submissions of objection which raised unacceptable traffic impacts from that Quarry project?</p>	<p>community submissions as part of the development application process. Relevant processes are outlined in the Environmental Planning and Assessment (EP&A) Act and Regulation.</p> <p>TfNSW has an advisory role as part of the agency consultation process.</p>
<p>14. When and how does TfNSW consult directly with the community about potential road network changes resulting from proposed industrial expansion?</p>	<p>TfNSW does not consult directly with the community about network changes related to private development applications. Processes for community consultation related to private development applications are identified in the Environmental Planning and Assessment (EP&A) Act and Regulation and are managed by consent authorities.</p>
<p>15. How can the community communicate directly with TfNSW when trying to explain potential traffic hazards from proposed developments, rather than having to rely on making submissions to the Department of Planning on individual projects?</p>	<p>See answer to question 14 –</p> <p>All government agencies, private developers and the community must follow these legislative processes.</p> <p>It is recommended that you make a submission to DPHI.</p>

6.