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Save Balickera Inc.  
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*Please send correspondence by email*

23 September 2023

General Manager  
Port Stephens Council  
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Raymond Terrace NSW 2324  
By email: [Developmentand.BuildingAdmin@portstephens.nsw.gov.au](mailto:Developmentand.BuildingAdmin@portstephens.nsw.gov.au)

**Development Application by Boral Resources (NSW) Pty Ltd  
Modification to quarry - Lower pit floor  
Combined BA/DA (7 - 1985 - 2683 - 6)**

**Submission Objecting to the Proposal**

1. I write on behalf of Save Balickera Inc., an incorporated association that represents residents and other concerned members of the community who wish to protect our local area from inappropriate development, including the further expansion and continuation of quarrying.
2. Boral's Seaham Quarry has been operating for well over 30 years and has outstayed its welcome. It has already had several extensions since the original approval was granted in 1985 and has apparently almost exhausted the rock reserves available without further lateral expansion of the site. This application to deepen the quarry is a mere stopgap while Boral prepares its SSD application to massively expand and extend the life of the quarry. Rather than planning further expansion, the Seaham Quarry should be winding down its operations and putting in place plans to rehabilitate the land, as originally undertaken.
3. Boral's proximate neighbours were not involved in the pre-application consultation process and this demonstrates Boral's ongoing disregard for the interests of the community. As noted in the application –

*Land uses immediately surrounding the quarry include rural residences, agriculture and conservation.*



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All the above are increasingly compromised by Boral's continued operation of the Seaham Quarry. Prolonging the life of the quarry will delay rehabilitation of the land, restoration of the rural setting and the recovery of the local community.

### **Traffic & transport**

4. We understand a basically identical application for a modification to lower the pit was submitted and refused by Port Stephens Council in 2020. This application does not indicate any significant change made since then that would justify granting the current application. The issues with heavy vehicle traffic and the dangerous intersection with the Pacific Highway have not been resolved. If anything, they are now more acute since traffic volumes on the Pacific Highway have seen a 2-3% growth per annum based on historic traffic volume data published by TfNSW, and quoted by Boral<sup>1</sup>. A concurrent development application in relation to the Pacific Highway intersection has not been successfully lodged, as required by TfNSW.
5. The local community is showing signs of significant strain from the thunderous and unsafe truck traffic associated with the quarry's current operations and last year community members established the Italia Road Action Taskforce (IRATE) as an active Facebook group. It is disingenuous for Boral to claim that the proposed modification will not result in any change to the transportation of materials from the quarry on public roads. Clearly, extending the life of the quarry will result in a continuation of the unacceptable heavy traffic on Italia Road for a prolonged period, rather than the expected reduction.

### **Noise, vibration and dust from blasting**

6. Boral's Statement of Environment Effects is manifestly inadequate. While Boral claims that this proposed modification is substantially the same as the existing development, this is little comfort since the quarry's current development consent does not contain air quality or noise limits and there has been a failure generally to monitor and report the adverse impacts from the quarry to date.
7. Boral has also done nothing over many years to address the adverse impacts of their blasting and dust levels on the tank water, housing and quality of life of even their most proximate neighbours. Neighbours report having to resort to bottled water for many years because the level of sediment in their tank water has rendered it unsuitable for drinking. Dust levels have also resulted in the need for additional cleaning of roofs, gutters, windows and residences generally. Significant cracks have developed in people's homes and structures, including one water tank that is no longer able to hold water as a result of structural damage.

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<sup>1</sup> Boral's Statement of Environment Effects p22



8. Residents describe extremely loud noise and shaking of their homes and structures, resulting in cracks, and one account of a burst water tank because of existing quarry blasting. Freda Lees has lived on Italia Road, Balickera her entire life and is now 92 years of age. Five generations of her family have lived in this location, with her children, grandchildren and great grandchild living next door. Freda describes the impact as follows –

*Well, when they start crushing you would think the crusher was here. It's that loud. And when Basil tries to sleep up there it wakes him up because he thinks it's outside the window.<sup>2</sup>*



Freda Lees talking about the devastating impact of the quarries. Photo credit: Otto Khoo

9. Five generations of my family have lived at Balickera in a property which borders the Seaham Quarry. We have also experienced our house shaking during blasting at the existing quarry. We are very concerned about the cumulative long-term impact of the blasting on our convict-built house, which is of significant heritage value (see more on this below). Vibration is one of the main factors causing fatigue in heritage structures and prolonged exposure can result in cracks that may ultimately lead to collapse.<sup>3</sup> My brother, Jim Kerr, is a veterinarian and currently operates the family farm – he is also concerned about the stressful impact on our cattle. I am aware of other neighbours with livestock (there is an Angus stud, goat farm and various horse stables in the area) who share these concerns.

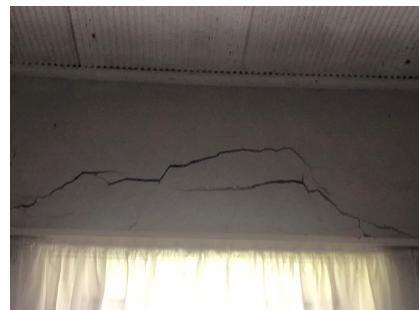
<sup>2</sup> Recorded interview with Freida Lees 7 July 2023.

<sup>3</sup> [http://www.ijates.com/images/short\\_pdf/1425546317\\_P6-15.pdf](http://www.ijates.com/images/short_pdf/1425546317_P6-15.pdf)



## Heritage

10. Boral states that because there is no additional surface disturbance, it does not need to obtain the usual approvals in relation to historic heritage. However, the additional blasting to deepen the quarry is likely to have devastating impacts on the heritage listed Balickera, the quarry's closest neighbour. The original farmhouse at Balickera is already in a fragile state with significant cracks and structural damage after withstanding many years of vibration from Boral's operations. There has been no monitoring of dust, noise or vibration at this location despite its close proximity to the quarry and its heritage significance.
11. Balickera House has a local heritage listing. It is described in the Port Stephens Council's website page, *History of our Area*<sup>4</sup>. With the help of convict labour<sup>5</sup>, Lieutenant William Caswell built the farmhouse at Balickera in circa 1830 and a grander home at Tanilba in 1831, which has a state heritage listing. Caswell's daughter married Andrew Lang of Dunmore, who was the brother of John Dunmore Lang, Australia's first Presbyterian minister. Other well-known colonial figures to visit Balickera House include Mosman and Leichhardt.<sup>6</sup>
12. Caswell died on a sea voyage to visit his homeland in 1859 and Balickera was subsequently purchased from his estate by my great grandfather Frederick William Reid. The property has remained in our family since that time and as direct descendants of Fred Reid we are profoundly attached to the house and farm, as are other members of the Australian community who have connections to colonial figures who lived or worked historically at Balickera.<sup>7</sup> Extensive detail of this history is included in the recent book "*History & Heritage of Tanilba House*" published by Denise Gaudion and the Port Stephens Family History Society Inc. in 2019.
13. Below are photos of the extensive structural damage already caused to historic Balickera House.



<sup>4</sup> <https://www.portstephens.nsw.gov.au/community/our-profile/history-of-our-area>

<sup>5</sup> : [https://members.pcug.org.au/~pdownes/sharp/caswell\\_convicts.htm](https://members.pcug.org.au/~pdownes/sharp/caswell_convicts.htm)

<sup>6</sup> <https://www.portstephens.nsw.gov.au/community/our-profile/history-of-our-area>

<sup>7</sup> For example, <https://members.pcug.org.au/~pdownes/sharp/index.htm>



14. Boral also claims that it is not required to obtain the usual approvals in relation to the protection of Aboriginal objects and places. However, it is possible that Aboriginal artefacts may lie deeper within the ground and could yet be discovered using the ground-penetrating x-ray technology now available. We suggest that consideration of Aboriginal heritage in the area has to date been perfunctory and does not evince a genuine desire to uncover information about these sites. Further consultation with members of the Karuah and Worrimi Land Councils and academics engaged in mapping colonial massacre sites should be undertaken before granting any further approvals.<sup>8</sup>
15. Finally, we found no mention at all in the reports provided of palaeontological considerations, and no reference to the report by Professor Geoffrey Playford in 2019 which states –

*This renewed palynological study of the Mount Johnstone Formation, at Balickera in the Hunter Valley region of New South Wales (eastern Australia), discloses a considerably more diverse palynoflora – termed the *Grandispora maculosa* Assemblage – than was reported in 1968.<sup>9</sup>*

### Biodiversity

16. Boral also states, unequivocally, that the proposed modification will have no impact on '*nationally threatened species and ecological communities*' or '*migratory species*'. Again, this claim cannot be given any credence. A search of the project area using the Protected Matters Search Tool provided by the Department of Climate Change, Energy, the Environment and Water produces a report that identifies 51 threatened species and 15 migratory species as well as 6 threatened ecological communities.<sup>10</sup>

<sup>8</sup> <https://c21ch.newcastle.edu.au/colonialmassacres/map.php>

<sup>9</sup> Playford, Geoffrey (2019-10-24). Palynology of the Mount Johnstone Formation (Mississippian), southern New England Orogen, New South Wales, Australia. Taylor & Francis.

<https://www.tandfonline.com/doi/abs/10.1080/01916122.2019.1658236>

<sup>10</sup> <https://pmst.awe.gov.au/#/map?lng=151.79672241210938&lat=-32.678431775462684&zoom=14&baseLayers=Imagery,ImageryLabels&l=7>

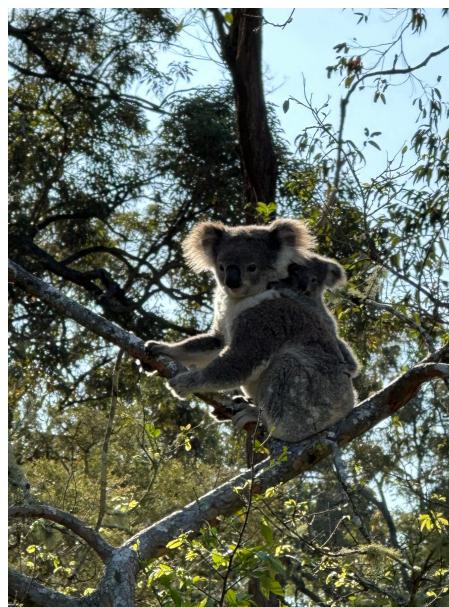


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17. Specifically, the EPBC Act Protected Matters Report lists the Regent Honeyeater, Curlew Sandpiper, Swift Parrot and Eastern Curlew as all critically endangered species that are known to occur or likely to occur within the project area. There are also several critically endangered plants listed including the leek-orchid, scrub turpentine and native guava. Endangered mammals in the area include the Spot-tailed Quoll, Greater Glider and Koala.
18. We imagine environmental groups will make more detailed submissions regarding these matters. Certainly, no approval should be given without appropriate investigation of the likely impacts of continued quarry activity on the already fragile and long-suffering flora and fauna.



Brush tailed phascogale 25 March 2023 Photo credit: Anthony Crawford



A recent photo of a Koala taken on Italia Road on 12 September 2023. Photo credit: Til-Lea Valcombe



Black Cockatoo found stunned on the corner of the Pacific Highway and Italia Road on 29 November 2022. It was in the centre of the Highway when rescued by a resident who picked it up and contacted WIRES who collected it.

Photo credit: Andrew Cusbert

## Water quality

19. This quarry is proximate to the Balickera Canal and within the drinking water catchment for the Grahamstown Dam. The continuation and expansion of its activities poses an ongoing hazard not only to the tank water of residents in its vicinity but also to the catchment for the Grahamstown Dam, which services the entire Hunter region.
20. The Quarry Groundwater Assessment clearly shows that the proposed deepening of the quarry will extend the pit below the groundwater level.<sup>11</sup> This report reveals that there has been a history of unsuitable monitoring in the past which does not inspire confidence.<sup>12</sup> While there has not been an opportunity to obtain an expert opinion on this report, it is clear that it is limited in nature and based on unreliable modelling rather than hard data due to low numbers of sensitive groundwater receptors in the project area, among other reasons.<sup>13</sup> It is clear that deepening the quarry will necessarily involve further aquifer interference, despite Boral's efforts to minimise its impacts.
21. The expansion of the quarry is likely to both reduce the drinking water catchment in dry times and pollute the catchment with its dust and sediments during wet times. The blast vibration impacts also pose a risk to the Balickera tunnel that runs underground near the project site, and which is aging infrastructure. The risk of contamination of Grahamstown Dam with toxic quarry run off would be very high during super storm events such as that experienced in 2015 and 2016 and the increased frequency of these events does not appear to have been considered in the assessments conducted. In view of these risks, sections 7.8 and 7.10 of the *Port*

<sup>11</sup> Quarry Groundwater Assessment p7

<sup>12</sup> Quarry Groundwater Assessment p8

<sup>13</sup> Quarry Groundwater Assessment p18



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*Stephens Local Environmental Plan 2013* mandate that development consent must not be granted.<sup>14</sup>

### Air Quality

22. There does not appear to have been a report on the quarry's existing impacts on air quality and the health of residents, let alone an assessment of the cumulative and future impacts to be expected should the multiple quarry developments in the area all be given approval and proceed. We have received many anecdotal accounts of bleeding noses and respiratory disorders, including diagnoses of COPD, from those in the locality, which would seem to merit some serious study by health authorities into the impact of the existing quarries on health before further quarries are approved.
23. Australia is currently experiencing an epidemic of silicosis claims – it is referred to as the ‘asbestosis of the 2020s’.<sup>15</sup> There is growing awareness that silicosis does not only affect tradesman working in related industries. Recent media reports have highlighted how those living and working in proximity to quarries may also be affected.<sup>16</sup>
24. Health professionals in the Hunter Region have begun blowing the whistle and all levels of government now have a duty of care to fully investigate the potential health risks before approving further quarry developments proximate to residential areas.<sup>17</sup> One recent headline read –

*The Hunter Valley is breathing in ‘extreme’ levels of air pollution which consistently breach international health standards and are driving the nation towards a climate change ‘health emergency’, scientists and medics say.*

Quarries must be kept a safe distance from residential areas lest we create more Wittenooms.

### Social & Economic

25. The fact that Boral lists no adverse social and economic impacts from the continuation of the Seaham Quarry shows a complete failure to honestly engage in the

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<sup>14</sup><https://legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0755#sec.7.8>

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0755#sec.7.10>

<sup>15</sup> <https://www1.racgp.org.au/news/clinical/asbestos-of-the-2020s-calls-to-fast-track-silica-b>;

<https://www.abc.net.au/news/2019-02-21/silicosis-death-dust-audit-reveals-major-epidemic-worse-asbestos/10830452>

<sup>16</sup> <https://www.9news.com.au/national/silica-office-admin-worker-joanna-mcneill-contracts-silicosis/d64f8661-8bca-4b6fb950-a1d64e13e421>

<sup>17</sup> <https://12ft.io/proxy?q=https%3A%2F%2Fwww.newcastleherald.com.au%2Fstory%2F6767874%2Five-got-a-family-here-doctor-continues-his-clean-air-campaigning%2F>

[https://www.lockthegate.org.au/doctors\\_concern\\_coal\\_mine\\_air\\_pollution](https://www.lockthegate.org.au/doctors_concern_coal_mine_air_pollution)

<https://www.singletonargus.com.au/story/7772189/the-hunter-valley-is-breathing-extreme-levels-of-air-pollution-as-fear-rises-for-climate-health-emergency/>



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assessment process<sup>18</sup>. Boral expresses an expectation to continue operating under existing conditions of consent that were put in place historically at a time when there was less attention to environmental management.

26. Boral fails to recognise the public interest in winding down, rather than expanding quarry operations, to allow for an earlier recovery of the environment. This demonstrates a failure to act as a responsible corporate citizen and take account of not only the wishes of residents but also broader community concern with the adverse impacts of human activity on the environment, biodiversity and climate change.
27. Boral's report contains no investigation of the stated demand for quarry products or consideration of what alternatives could be found to meet or reduce this demand. Should Port Stephens Council approve this application it will be sending a false signal from the local community to the State planning authorities who will shortly be assessing Boral's bigger plans for expansion.
28. The cumulative impact of any further quarrying in the Balickera area, particularly when considered together with other existing and proposed developments, would be devastating and must be opposed by Port Stephens Council. The existing Boral Seaham Quarry pollutes land, air and water and is a hideous scar on the landscape. Despite Boral's claims to the contrary, the continuation of this quarry will inevitably have adverse impacts on both the natural and built environment, including perpetuating unacceptable and unsafe heavy traffic conditions, causing ongoing contamination of drinking water and air quality, continuing the devastation of flora and fauna and irrevocably destroying local heritage, specifically Balickera house and farm.



Anna Kerr  
President  
Save Balickera Inc

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<sup>18</sup> Boral's Statement of Environment Effects p30