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Please send all correspondence by email or
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Senator the Hon. Murray Watt
Minister for the Environment and Water
Email: senator.watt@aph.gov.au

16 November 2025

Dear Minister Watt

Request for the Minister to Refuse Approvals pursuant to the *EPBC Act*

Save Balickera Inc. is a community action group and registered environmental charity formed to oppose inappropriate developments that threaten to devastate our local environment at Balickera. We are concerned that the recent environmental reforms appear inadequate to prevent the relentless and irresponsible deforestation taking place in breach of Australia's international commitments. The Minister's personal intervention is therefore requested to prevent immediate harm to our small rural community.

Proposed quarry developments at Balickera

Our group is specifically concerned with three massive proposed quarry developments at Balickera, namely Stone Ridge Quarry in Wallaroo State Forest[1], Eagleton Quarry[2] and the expansion of Boral's Seaham Quarry[3]. These are all State Significant Developments (SSDs) and controlled actions pursuant to the *EPBC Act* as they impact on multiple threatened ecological communities and species including koalas, squirrel gliders, brushtail phascogales and micro bats.

As such, these developments are assessed under the bilateral agreement with NSW[4], but are ultimately subject to your final decision whether to approve them as the Commonwealth Minister for the Environment and Water. These quarries are proposed for land adjoining the Balickera Canal, within the drinking water catchment for the Hunter region's largest drinking water reservoir and pose an unacceptable risk in this regard too.

[1] https://epbcpublicportal.environment.gov.au/all-notices/project-decision/?id=4e16fb72-4177-ed11-81ab-6045bd4027ec
[2] https://epbcpublicportal.environment.gov.au/all-referrals/project-referral-summary/?id=bbf41b0c-e959-ef11-bfe3-002248968436
[3] https://epbcpublicportal.environment.gov.au/all-referrals/project-referral-summary/?id=5c72c2af-6f06-ee11-8f6e-000d3ae0929c
[4] https://www.dcceew.gov.au/sites/default/files/env/pages/43badfb2-b8be-4a10-a5b9-feab2d38a5d2/files/nsw-bilateral-agreement-amending-agreement.pdf

Two of these quarry developments (Eagleton Quarry and expansion of Seaham Quarry) are yet to be approved under the *EPBC Act* and we write to implore you to exercise your powers to ensure they are both refused for the reasons we expand upon below.

In the case of the Stone Ridge Quarry in Wallaroo State Forest, approval has recently been granted but can still be revoked by you as Federal Minister pursuant to section 145 of the *EPBC Act.* This can be done on the basis that the approval would not have been granted if all information about the impact of this development had been available when the decision to approve the action was made.

Problem of systemic bias in favour of development

We are disturbed that in NSW environmental impact statements (EISs) continue to be commissioned, prepared, and paid for by the project proponent or developer, not by the Environmental Protection Authority (EPA) or equivalent. The relevant regulatory agencies merely review the EIS for adequacy and compliance. This structure creates an obvious conflict of interest, since consultants preparing the EIS are financially dependent on the developer — often leading to optimistic or biased assessments. It is not clear to us that the introduction of a National EPA (NEPA) will address this obvious shortcoming.

In other jurisdictions, such as New Zealand, Canada and many European countries, the system is more independent. The developer pays into a fund or reimburses the regulator, but the EIS or equivalent assessment is commissioned by the government, ensuring greater impartiality and public confidence. Australia's model is developer-driven and regulator-weak, whereas a stronger model would ensure that the regulator controls the process and the developer merely funds it.

In this context, environmental protection is purely aspirational with little likelihood that the experts commissioned will advocate that an unacceptable damaging development should be avoided altogether. Professor Graeme Samuel has reported on this shortcoming in his Independent Review of the EPBC Act in 2020 stating "*the decision-making hierarchy of 'avoid, minimise and only then offset' is not being applied – offsets are too often used as a default measure not as a last resort*."[5]

The biodiversity offset schemes, habitually relied upon to secure development approvals, have been discredited as effective tools for conservation.[6] We are therefore disappointed to see that they continue to feature in the recent reforms. Habitat destruction is immediate, while restoration or regeneration takes decades or centuries and may never achieve equivalent ecological value. It is also well documented that there is a significant shortage in genuine biodiversity offsets and many of the offsets claimed exist on paper only and fall well short of what is promised.[7]

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[5] https://www.dcceew.gov.au/sites/default/files/documents/epbc-act-review-final-report-october-2020.pdf p44 also p138.

[6] https://www.theguardian.com/environment/2025/nov/15/biodiversity-offset-scheme-nsw-australia-failing-nature-protection
https://www.dcceew.gov.au/sites/default/files/documents/epbc-act-review-final-report-october-2020.pdf
https://www.theguardian.com/environment/2021/feb/10/its-an-ecological-wasteland-offsets-for-sydney-tollway-were-promised-but-never-delivered

[7] https://www.audit.nsw.gov.au/sites/default/files/documents/FINAL%20-%20Effectiveness%20of%20the%20Biodiversity%20Offsets%20Scheme.PDF

The limited resources available to regulators also ensures that approval conditions to mitigate environmental harm are unlikely to be reliably monitored or enforced.[8] The reluctance to conscientiously prosecute developers and the inadequate penalties available for breaches of approval conditions also ensure that developers regard the risk of fines as an additional business expense rather than a genuine deterrent.

For example, the fact that the directors of the Eagleton Rock Quarry Syndicate have previously been found responsible for significant environmental breaches of approval conditions in respect to another quarry development has so far not impeded approval of their latest quarry project.[9] Unfortunately, this information was not available to us at the time we were making our submissions to the Independent Planning Commission (IPC).[10] There is also no indication that this history of transgressions by the directors informed the recommendations made by the Department of Planning to the IPC.

Inadequate access to justice for community groups

Save Balickera Inc. lodged a merit review in the Land and Environment Court appealing the decision by the Independent Planning Commission (IPC) on 16 December 2024 to approve Australian Resource Development Group's (ARDG) proposed Stone Ridge Quarry in Wallaroo State Forest.[11] Unfortunately, due to our limited resources we were unable to raise the large amounts needed to fund the expert witnesses and legal representation necessary to proceed to hearing and the matter was settled following a conciliation conference in July 2025.[12] According to leading senior counsel to whom we have sought advice, a successful challenge to a SSD by a community group is virtually unheard of in this jurisdiction.

The inadequate funding of appropriate community legal services such as the Environmental Defenders Office (EDO) and regulatory bodies such as the Environmental Protection Authority (EPA) exposes the public to developments that are clearly against the public interest with no recourse available. Local Councils are rarely willing to expend ratepayer's money on litigation that is unlikely to secure a lasting defeat, when developers simply resubmit amended plans at a later date. Accordingly, there is in most cases a complete failure to provide access to justice for communities wishing to protect their environment from unacceptable developments.

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https://www.theguardian.com/environment/2022/aug/30/utterly-damning-review-finds-offsets-scheme-fails-to-protect-nsw-environment

[8] https://www.anao.gov.au/work/performance-audit/monitoring-compliance-environment-protection-and-biodiversity-conservation-act-1999-conditions
https://itbrief.com.au/story/australia-s-environment-deserves-real-time-monitoring

[9] https://balickera.com/wp-content/uploads/2025/11/letter-to-dphi-20250510.pdf
https://balickera.com/wp-content/uploads/2025/11/signed-enforceable-undertaking-williamtown-sand-syndicate-pty-limited-signed-enforceable-undertaking-by-williamtown-sand-syndicate-pty-limited.pdf

[10] https://balickera.com/wp-content/uploads/2023/11/save-balickera-inc.-from-eagleton-quarry-final.pdf

[11] https://www.ipcn.nsw.gov.au/sites/default/files/2025-03/Statement%20on%20Stone%20Ridge%20Quarry%20Project%20appeal.pdf
https://balickera.com/wp-content/uploads/2025/11/sealed-copy-of-sofac-documen.pdf
https://www.newsofthearea.com.au/save-balickera-launches-appeal-against-stone-ridge-quarry-site-development

[12] https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWLEC/2025/1605.html

Request that you refuse approvals pursuant to the *EPBC Act*

In view of these failings in the system, we would ask that you exercise your ministerial discretion and intervene to block approval of the three quarry developments proposed for Balickera. While we acknowledge the importance of hard rock in construction, there are now ten hard rock quarries either approved or proposed in a very concentrated area in this lower Hunter region.[13] Hard rock is not a scarce resource and there are other locations in which it is available without clearing native forestry, impacting threatened ecological communities and imperilling the region's drinking water supply.

Furthermore, many residents are so distressed by the proposed developments that they are already selling up and leaving the area. Rather than creating further displaced families, the government should be giving priority to preserving and expanding the amenity of this existing residential community at a time when the supply of housing is already under strain.

The EIS, correspondence and submissions in relation to these three quarry developments total many thousands of pages and raise a myriad of concerns.[14] However, we will just highlight three basic considerations that should have been decisive in having these developments refused.

1. Firstly, the cumulative impact of these three quarry developments in requiring the clearance of over 120 hectares of native forestry that is home to multiple threatened ecological communities, is in breach of the Australian Government's domestic and international commitments to end deforestation[15]and preserve biodiversity.[16]

2. Secondly, pollution (including silica dust) from all three quarries poses an unacceptable risk to air and water quality impacting flora and fauna, residents and the broader community, as the quarries are located near Balickera Canal that supplies drinking water for the entire Hunter Region. The closest residences are within 500 metres and report existing quarry operations have already made their tank water undrinkable.

3. Finally, all three developments propose to rely on the hazardous at grade intersection of Italia Road and the Pacific Highway. The increase in already unacceptable levels of truck traffic on Italia Road poses a substantial and documented hazard to the safety and well-being of the community.[17]

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[13] https://balickera.com/wp-content/uploads/2025/11/final-_quarry-strategic-conservation-planning-for-the-lower-hunter_feb-2024-2-compressed.pdf

[14] https://www.planningportal.nsw.gov.au/major-projects/projects/stone-ridge-quarry-project
https://www.planningportal.nsw.gov.au/major-projects/projects/eagleton-quarry-project
https://www.planningportal.nsw.gov.au/major-projects/projects/seaham-quarry-project

[15] https://theconversation.com/cop26-global-deforestation-deal-will-fail-if-countries-like-australia-dont-lift-their-game-on-land-clearing-171108
https://webarchive.nationalarchives.gov.uk/ukgwa/20230418175226/https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/#content

[16] https://www.dcceew.gov.au/environment/biodiversity/international/un-convention-biological-diversity/global-biodiversity-framework
https://www.un.org/en/observances/biological-diversity-day/convention

[17] https://www.nbnnews.com.au/2024/07/24/calls-to-urgently-improve-safety-at-notorious-port-stephens-intersection/

Request to revoke approval of Stone Ridge Quarry pursuant to section 145 of *EPBC Act*

The placement of Stone Ridge Quarry in the Wallaroo State Forest is strongly at odds with the principles of ecologically sustainable development and other objectives set out in the NSW *Forestry Act* 2012. It is also highly questionable whether the necessary licenses and permits needed to proceed with the development can be lawfully procured due to various incompatibilities, including the impact on two threatened ecological communities. Our arguments in this regard were set out in our Statement of Facts and Contentions which is linked below.[18]

Following the settlement of our case against the Stone Ridge developer, Forestry Corporation NSW finally furnished us with a response to our GIPA request. The documents provided recorded the following[19]:

> Previous proposals for this site have not proceeded. In July 2009, the resource was offered for tender as a 20-year project, however Boral Resources, the recommended tenderer, subsequently advised the then Forests NSW that they were unable to proceed due to the risks associated with operating the quarry in close proximity to Hunter Water's Balickera Tunnel. Access to the Pacific Highway for trucks heading south is also an issue for the project.

This confirms that even members of the quarry industry shared our assessment of the site as unsuitable. However, ignoring these warnings Forestry Corporation pressed on until they found a developer willing to proceed despite these factors. This is in breach of Forestry Corporation's obligation under section 10(1)(b) of the *Forestry Act* 2012 to '*have regard to the interests of the community in which it operates'*.

A letter to the Independent Planning Commission ('IPC') dated 14 November 2024 from a Senior Planner at Port Stephens Council, Isaac Lancaster stated that even following amendment to the plans: *The project footprint and access point to the site from Italia Road remains unsuitable for the project.*[20] Concerns about the suitability of the site were also documented in many of the public submissions including that provided by consulting ecologist Matthew Bailey.[21]

Despite this, the IPC approved the Stone Ridge Quarry project. The approval was given despite the presence of threatened ecological communities that require protection under section 18 of the *EPBC Act* with the reasons stating:

The BDAR indicated that the proposed clearing would directly impact habitat for 18 threatened fauna species listed under the BC Act and/or the EPBC Act. Three (3) of these species (Squirrel Glider, Brush-tailed Phascogale, and Koala) require offsetting via the retirement of species credits. Impacts to the habitat of the remaining species would be

[18] https://balickera.com/wp-content/uploads/2025/11/sealed-copy-of-sofac-documen.pdf see Part B
[19] https://balickera.com/2025/07/30/documents-obtained-via-government-information-public-access-re-stone-ridge/
[20] https://www.ipcn.nsw.gov.au/sites/default/files/pac/projects/2024/10/stone-ridge-quarry/case-correspondence-to-and-from-the-commission/response-to-questions-on-notice-from-council-redacted.pdf
[21] https://www.ipcn.nsw.gov.au/sites/default/files/pac/projects/2024/10/stone-ridge-quarry/public-submission-rounds/website-submissions/matthew-bailey-id-216102.pdf

offset via the retirement of ecosystem credits (AR paras 54-55)[22]

Furthermore,

The proposed vegetation clearing would also impact four Plant Community Types (PCTs), two of which (PCT 762 and PCT 1618) constitute threatened ecological communities (TEC). All four PCTs provide habitat for threatened species and generate ecosystem-credits that would require offsetting.

To offset the residual biodiversity impacts of the Project, the Applicant proposes to implement a staged BOS, including the retirement of (AR para 77):
• 1,902 ecosystem credits for four native plant community types; and
• 7,557 species credits for three threatened fauna species (plus an additional 3,778 species credits for the Eastern Cave Bat in a precautionary approach as discussed above).[23]

These findings clearly record what would surely constitute an 'unacceptable impact' pursuant to the proposed new section 74B of the *EPBC Act,* and one that cannot be satisfactorily addressed through the offsetting proposed. We ask that this approval should now be revoked pursuant to section 145 of the *EPBC Act* in view of the new information that has come to light. Approvals for the new Eagleton Quarry and the Seaham Quarry expansion currently being assessed should similarly be refused.

Conclusion

Despite receiving a strong mandate at the last Federal election, the Labor Government has so far failed to deliver the promised environmental protections. In accordance with your international obligations, statutory powers and duty of care to the community, we ask that you intervene to stop these three quarry developments at Balickera.

We would be very happy to meet with you in person and/or to supply any additional information you may require to make this decision. I can be contacted on 0402 467476 if needed.

Yours faithfully

Anna Kerr
President
Save Balickera Inc

[22] https://www.ipcn.nsw.gov.au/sites/default/files/pac/projects/2024/10/stone-ridge-quarry/case-outcome/statement-of-reasons-for-decision-stone-ridge-quarry-ssd-10432.pdf para 90
[23] https://www.ipcn.nsw.gov.au/sites/default/files/pac/projects/2024/10/stone-ridge-quarry/case-outcome/statement-of-reasons-for-decision-stone-ridge-quarry-ssd-10432.pdf para 93 & 94.

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