

Good morning Commissioner

This is one of three quarry developments planned for our small rural community here at Balickera. Aside from this one there are plans to massively expand the neighbouring Seaham Quarry operated by Boral and also to put Stone Ridge Quarry in the Wallaro State Forest directly across Italia Road.

These are all State Significant Developments but unfortunately there has not been adequate assessment of the cumulative impacts of these three quarries on the community or the environment. We have lodged an appeal against Stone Ridge Quarry and it is only lack of resources and legal representation that has prevented the community from lodging our own appeal in respect to this Eagleton Quarry.

Eagleton quarry is set to have a devastating impact on not only our wildlife, heritage, air and water quality, but also on a neighbouring disability service. However, I will leave it to others to speak on those matters and focus on the specific issues under consideration with this appeal by the developer.

The traffic safety concerns of adding about 1000 trucks a day in the absence of suitable road infrastructure are considerable and the proposed amendment to the conditions removes the one small protection offered to the community in this regard.

Boral has recently obtained permission from the Port Stephens Local Council to deepen its quarry while awaiting the outcome its larger application with the State Government. The Council approved this modification on the basis that all trucks must turn left at the intersection. Like the developer in this case, Boral has subsequently applied to have that condition removed.

However, I am happy to report that last Tuesday night the Local Council very sensibly refused this application. Our councillors recognised that the intersection currently poses an unacceptably high risk to public safety and without a flyover, trucks just cannot safely turn right. While the delays and hazards caused by a high volume of trucks merging into traffic from the left may be considerable, they are not as catastrophic as the collisions likely to occur if all these trucks attempt to turn right across a heavy stream of traffic. I hope this Court, like Council, also prioritises public safety.

The quarry developers submitted a joint application to make a modest upgrade to the intersection, proposing the addition of a left turn slip lane. The Hunter Regional Planning Panel approved this application without any broader consideration of the merits of the three quarry developments which the intersection upgrade aims to facilitate. We would suggest this application should not have been dealt with in this piecemeal fashion, decoupled from the developments it was proposed to support.

It is now clear that the developers are not earnest about adhering to the plan proposed to the IPC, but instead want to continue putting lives at risk by having their trucks turn right across the Pacific Highway.

At Council the other night, Boral mentioned that there are now plans for the quarry developers to put a flyover across the Pacific Highway. However, in the meantime they want to ignore safety concerns and carry on turning right at the intersection despite the obvious risks for both their own truck drivers and members of the public.

The judgment of *Bingman Catchment Landcare Group Incorporated v Bowdens Silver Pty Ltd* [2024] NSWCA 205 9 mandates that all components of a State significant development be considered as a single, unified proposal. This includes any necessary infrastructure, including roads that are integral to the operation of the main project.

The Court's decision reinforces that assessment cannot occur in a segmented manner and that Environmental Impact Statements must be comprehensive and accurately reflect all aspects of the proposed development, including any ancillary infrastructure. This judgment requires increased scrutiny on infrastructure components of major developments, particularly those that are essential for the operation of the main project. All infrastructure must be included in the initial assessment to provide a full picture of the project's environmental footprint.

We don't know when, if ever, the plans for a flyover over the Pacific Highway will be approved and constructed. It is likely to be many years. It is not reasonable in the meantime for the public to be put at unreasonable risk navigating the intersection of Italia Road and Pacific Highway. This quarry should never have been approved without the necessary road infrastructure already being in place and I would suggest the Court needs to make a fresh decision refusing the development altogether in view of this fatal shortcoming.