



28 February 2023

Director of Transport Assessments
Planning and Assessment
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

**RE: GREAT WESTERN HIGHWAY BLACKHEATH TO LITTLE HARTLEY
ENVIRONMENTAL IMPACT STATEMENT**

The Hartley District Progress Association (**HDP**A) is pleased to make this submission in response to the above nominated project. A summary of our position is provided below, with a more detailed response provided in the Attachment, overleaf.

The HDP A believes there will be unacceptable environmental impacts on the Hartley Valley community from both the construction and operation of the tunnel proposed in the Blackheath to Little Hartley Environmental Impact Statement (**EIS**). The EIS has failed to adequately assess the full impacts on the Hartley Valley, especially in relation to the cumulative construction and long-term operation impacts on the Hartley Valley. The EIS also does not fully address the economics of the project as it fails to include any discussion about the Benefit Cost Ratio (**BCR**). This in a context where both the capital and operating costs of the project will be enormous, with operating costs being intergenerational.

In particular:

- The EIS is based on a 'preliminary' concept design, one that is subject to substantive change and as a result, the true impact on the Hartley Valley community will never be known since the assessment is based on fiction and not reality.
- The Hartley Valley community will experience untold construction fatigue stretching over at least 10 years of daily construction related works - from early 2023 through to 2032. In our view, the EIS is negligent in grossly understating the construction impact on the Hartley Valley.
- It is also negligent in not considering the funding pause by the Federal Government which has created a construction delay. If this project is approved, it will result in construction of the tunnel commencing at the same time as major construction works of West (and East) sections of the GWH Upgrade. In other words, the 34km corridor will be 'in construction mode' for at least a decade, not just the '11km tunnel'.
- The EIS categorically states that construction of the tunnel project and the adjacent Upgrade projects will be undertaken consecutively. In reality, it is likely that all elements of the GWH Upgrade will be under peak construction at the same time



and as a result, the EIS has grossly understated the impact of construction works, especially on the Hartley Valley.

- The EIS is negligent in allowing key construction facilities and works, including the powerline construction to the proposed substation, TBM precast segment plant, concrete batching plant and supply and sourcing of water for the project to be assessed outside this EIS and undertaken as part of the West section upgrade or separately - again an unacceptable situation especially given the magnitude of what is proposed and the fact there is no definitive information about these facilities.
- We cannot see how the concept design is an 'environmentally led design'. This may be the case for the communities of Blackheath and Mt Victoria in terms of the direct impact on residents of those villages. It certainly is not the case for the Hartley Valley community. Despite recognising the Hartley Valley for its unique beauty, its heritage and its rural residential character, the EIS states the project during construction and operation will significantly change the landscape character of the Valley and the impact will be adverse - in other words, the effect of the project on the Hartley Valley even when completed will be permanently adverse and therefore entirely inconsistent with the heritage, character and environmental significance of the Hartley Valley.
- The EIS illustrates the negative impact of the project on local Hartley businesses during the operational phase, with a real threat to their future viability creating a potential long-term and permanent loss for the local Hartley Valley community. The EIS also fails to address the capital and operating cost of the project and, the BCR assessment. These matters need to be included in the EIS in order to give a balanced view of the proposal's potential value to the local and broader communities which presently appears to be grossly and selectively overstated, as against the costs which are understated or not identified at all.
- The Hartley Valley will become the 'dumping ground' for all things construction and bring with it associated adverse environmental impacts. In this vein, it is somewhat bizarre to read in the EIS that reducing the impacts on Blackheath and Mt Victoria is far more important and a priority compared to the Hartley Valley.
- The EIS views the adverse amenity impact on the Hartley Valley as being low, a statement that is untrue given the anxiety and stress health impacts already within the local community arising from the Little Hartley to Lithgow Upgrade which has been dealt with under a less rigorous and not independent environmental assessment - a Review of Environmental Factors (**REF**). Adding the impact of the tunnel project only exacerbates the impact on the Hartley Valley, a position the EIS fails to understand or appears designed to avoid.
- Using an EIS process for the tunnel but relegating the works in the Hartley Valley to a REF is political, lacks scrutiny and is motivated by the perception within Transport for NSW (**TfNSW**) and Government that the REF process is quicker than the independently assessed and more rigorous EIS and involves self-assessment by TfNSW and self-determination of its own proposal and can therefore be rushed through.
- Nowhere in either the Little Hartley to Lithgow REF or the EIS for the tunnel section does TfNSW address why it is that the lesser REF is suitable at all or suitable now given that an EIS process was used in relation to the Concept Design 2011/2013



and that Concept Design was far less environmentally impactful than the most recent Concept Designs addressed in the REF.

- The EIS is deficient in firstly not informing communities spread across the Mountains that the primary purpose of the tunnel is to facilitate 36-metre long b-double trucks using the GWH through the Mountains and, secondly, in considering allowing such trucks on a road system in the lower Mountains that is neither fit nor safe for use by such large vehicles.
- We believe the EIS is wholly deficient in view of the heritage significance of the Hartley Valley, Little Hartley and heritage in general. We believe the precautionary principle should be applied to redirect the Western tunnel alignment away from its proposed route directly under the hugely significant 1832 convict causeway on Victoria Pass.

The HDPA is strongly of the view the EIS has failed its prime objective of assessing the full environmental impact on the Hartley Valley and because of that, it has under-stated the impact quite severely. The EIS should not be approved in such circumstances.

Yours sincerely,

For and on behalf of,
Hartley District Progress Association



ATTACHMENT - SPECIFIC MATTERS

What follows are a series of issues of concern to the HDPa and the Hartley Valley community.

1.0 ***Preliminary concept design questions legitimacy of approvals***

The EIS mentions the concept design is 'preliminary'. No doubt further new designs and changes to the existing design will be carried out prior to and following the EIS determination. The major concern we have is the legitimacy and validity of the EIS approvals process applied to a preliminary concept design, when that design is subject to a continuous process of change even in the design stage as distinct from the construction stage.

The HDPa has been through this with the REF process for the Concept Design for the West section of the Upgrade, Little Hartley to Lithgow. The REF was approved by the GWH Upgrade Project Director who was involved in the preparation of the REF and who was chief spokesperson for TfNSW during community consultation. Very shortly after approval of the REF there were design changes or early works impacts which made things worse off for the local community - such as an additional bridge structure between the base of Mount Victoria and Coxs River Road, a new truck stop location at the location of the business known as Hartley Fresh and extra roadway. None of these significant additional changes was the subject of the REF or of community consultation which fed into the decision to approve. In short, neither of these changes was the subject of consideration, nor could they be, when the GWH Upgrade Project Director approved his own agency's proposal, a proposal with which he was intimately connected throughout.

The extra heavy vehicle stop at Hartley Fresh has not been disclosed to the community for consultation but rather was identified by the HDPa Committee in consultation with TfNSW and only then by the HDPa Committee. TfNSW was neither candid nor forthcoming about the extra truck stop. As the REF was already approved, any community say or rejection of the 'new design' was not going to make any difference.

This raises three fundamental flaws with the process:

- How can an EIS be approved or rejected when the design is preliminary at best and subject to ongoing change. By implication, the environmental impact on communities is not complete and not reflected in the EIS.
- How can there be any genuine process for community input into the project the subject of an EIS if the EIS is determined before the project is in a final form.
- How can communities trust the relevant Government agencies when early works are carried out, some of which are not even disclosed to the community despite the adverse impact on the character of the area.

In our view, the tunnel design should be at a relatively advanced stage and not preliminary before an EIS is prepared and released for community consultation under the *Environmental Planning and Assessment Act 1979* (NSW) (**EPA Act**).



There is insufficient transparency and there can be no thorough assessment of the true environmental impact if a preliminary concept design is used. The way in which this EIS is being rushed suggests that this project is politically motivated, and its environmental assessment is subject to those political imperatives.

HDPA request: *The EIS be updated and released for community consultation under Part 5 of the Environmental Planning and Assessment Act 1979 (NSW) prior to any determination to reflect a more detailed design of at least 80% design completion.*

2.0 Separate assessment should be refused

The following structures and construction works fall outside the scope of the EIS – a powerline connection to the new electricity substation at Little Hartley, a tunnel boring machine precast segment manufacture and storage facility and concrete batching plant and water sourcing and associated structure for water supply to the project. The proposed 14km water pipeline from Little Hartley to Lithgow is mentioned in the EIS but without any construction methodology or assessment.

These are not insignificant pieces of infrastructure. A number of these pieces of infrastructure has a significant impact on Little Hartley. Cumulatively, these pieces of infrastructure have a huge impact on Little Hartley. It is not appropriate that agencies can quarantine key infrastructure or facilities and assess those separately and in due course after the EIS has been decided. These pieces of infrastructure are integral to the tunnel works and would not exist were it not for the tunnel works. Critically, none of these facilities will need to be constructed unless the tunnel is approved. They will have a significant environmental and human impact, in particular noise and visual impacts and a substantial increase in truck traffic. During construction and once completed the tunnel portals and associated infrastructure will adversely impact the aesthetic value of the view of the Hartley Valley from the Mount York lookouts. They must be considered as part of this EIS. The fact they are not commented upon in the EIS goes to the argument as noted in 1 above. The fact that they are not commented upon in the EIS undermines the integrity of the EIS as a genuine environmental assessment and as an exercise in transparent and accountable government decision-making.

HDPA request:

a) *Before the EIS is determined, the Department of Planning and Infrastructure obtain independent legal advice from the Crown Solicitor's Office as to the lawfulness and appropriateness of dividing the one infrastructure proposal comprised in the Katoomba to Lithgow GWH Upgrade and applying an EIS process to the 11km tunnel section but the less rigorous and less independent REF process to the East and West sections, and then separately again assessing works integral to the 11km tunnel as neither part of the tunnel EIS nor the West section REF.*

b) *The EIS assess and consider as part of its determination those excluded facilities that are fundamental to the construction and operation of the tunnel project.*



3.0 Construction timing is incorrect and will lead to corridor mayhem

The EIS has two different starting times for the tunnel construction works - in one section it mentions early 2024 and in another, quarter 3, 2024. This inconsistency exemplifies the haste with which the EIS has been thrown together by TfNSW and not subject to rigorous internal review and basic copy-editing by TfNSW. Whatever the construction start time is, it is highly unlikely construction can occur in 2024. At best, any construction start would not be before 2025 or possibly 2026.

The EIS mentions that all non-tunnel construction works would be completed by 2026 (Hartley to Lithgow) and 2027 (Katoomba to Blackheath).

The EIS fails to acknowledge the funding pause announced by the Federal Government in mid to late 2022 which effectively delayed both the West and East sections (excluding Coxs River Road and Medlow Bath) by at least 2 years. In other words, the remaining West and East sections, which are substantial works in their own right, will commence at the earliest in 2025 or likely in 2026. That timeline coincides with the possible start of tunnel works - so potentially 30km of the 34km upgrade will start construction at about the same time - this will be peak construction and peak construction will endure for close to a decade.

None of that is addressed in the EIS and the EIS is silent about the potential construction mayhem on the corridor and the impacts on local communities and traffic. The EIS makes mention that construction will be staged in order to minimise the impact. But that alone is nonsensical since construction across the upper Mountains and in the Hartley Valley will be at peak levels simultaneously.

HDP A request: *The EIS should not be determined on its current construction timing since it is fictitious and bears no resemblance to reality.*

4.0 Cumulative environmental impact on Hartley Valley is poorly addressed

TfNSW made the decision to carry out three approval assessments for 34kms of upgrade - this EIS and two REFs. The three sections of the upgrade were determined by TfNSW to be discreet, standalone and accordingly determined separately. This determination appears to be motivated by political considerations: a perception within TfNSW that this expedites the environmental process and allows the East and West Sections to be assessed under the less rigorous mechanism of a REF which is not independent of the proponent, TfNSW, or associated transport and infrastructure ministers.

The Hartley Valley community was assured that despite three different approvals, the cumulative impact would be assessed - notably the tunnel works and the West section works in the context of the Hartley Valley. What is covered by the cumulative assessment is generic, high-level and lacks any detailed analysis or evidentiary support as it relates to the Valley. The Hartley Valley community is no wiser as to the identification and significance of cumulative impacts and what measures are proposed in mitigation of those impacts. Moreso, the peak construction scenario is not considered.



Whatever is stated in the EIS is under-scoped and understated. As a result, the EIS does not present a 'real picture'. TfNSW's work in respect of cumulative impacts is deficient and perfunctory.

HDPA request:

a) *Before the EIS is determined, the Department of Planning and Infrastructure obtain independent legal advice from the Crown Solicitor's Office as to the lawfulness and appropriateness of dividing the one infrastructure proposal comprised in the Katoomba to Lithgow GWH Upgrade and applying an EIS process to the 11km tunnel section but the less rigorous and less independent REF process to the East and West sections.*

b) *Before the EIS is determined, TfNSW prepare a detailed analysis and evidentiary substantiation of the real cumulative environmental impact on the Hartley Valley and ranking the impacts numerically so that everyone can see the outcome. By way of example, the Benefit Cost Ratio in determining the economic viability of project uses such a numerical type ranking assessment of cost and benefit.*

5.0 Adverse change in the visual character of the Hartley Valley

The EIS states the character of the Hartley Valley will be negatively and severely impacted by the tunnel project during both construction and operations. In other words, the Hartley Valley will be permanently adversely affected by the tunnel even after it has been completed. An electricity substation and overhead power lines, water treatment plant, concrete batching plant, a tunnel boring machine (TBM) assembly area, acoustic facility and materials storage are some of the scars which the Valley will have. The motorway like road through the Valley with its massive 3 truck stop areas, 6 large overhead bridges, significant loss of vegetation and forested areas and a continuum of asphalt, in some cases 100 metres wide and 8-10 lanes wide including shoulders and turning lanes, all add to the destruction of the Valley character.

The heritage listed Valley with its strong indigenous and European roots is being sacrificed in favour of the defective freight solution comprised in and motivating the Katoomba to Lithgow GWH upgrade. The purpose of the tunnel is to facilitate massive trucks of up to 36 metres in length navigating the GWH corridor through the Mountains as these trucks are prohibited east of Tunnel Hill.

The significant adverse impact on the Hartley Valley is an appalling and entirely unjustifiable outcome. Rather than enhancing the character of the Valley, this project and its associated upgrade will be environmentally damaging of the Valley forever and that damage cannot be mitigated by any measures. Additionally, during construction and once completed the tunnel portals and associated infrastructure will adversely impact the aesthetic value of the view of the Hartley Valley from the Mount York lookouts.

The EIS fails to show pictorially the magnitude and scale of the construction zone in Little Hartley. Showing an aerial view from afar is not the same as showing the structures and their scale, along with the construction compounds and huge



vehicle parking area. The local community has a right to see what the construction zone looks like during the peak given the fact that construction will be over a minimum time frame of 8 years (3000 days).

HDPA request: *The construction facilities and operational facilities within the Hartley Valley be shown in a 3D format in order to identify and gauge the visual impact arising from this project and the West section upgrade, rather than disguise that impact.*

6.0 Hartley Valley to be the 'mother' of all construction zones

The Hartley Valley will be the construction epicentre for 8 years of tunnel construction. The magnitude of this is enormous:

- A construction footprint measuring 1.3km in length, with a 300m width for the construction compound.
- Daily construction traffic of over 3300 vehicle movements (40% heavy trucks) - a 25% increase on existing traffic flows.
- Workforce parking for up to 600 vehicles.
- Almost 8 million tonnes of spoil to be trucked through the Hartley Valley.
- Numerous construction facilities - main construction compound, TBM build and launch facility, grout plant, bentonite silo, acoustic shed, tunnel segment storage facility, water treatment plant and pipeline, electricity substation and powerlines, concrete batching plant, concrete mixing facility, materials and equipment storage facilities and construction ventilation plant.

In addition, construction of the major West section of the GWH upgrade (excluding Coxs River Road) will be occurring simultaneously. This will be a \$500m to \$1bn project and will have its own construction facilities, along with construction traffic.

Combined, the Hartley Valley will be the 'mother' of all construction sites. The Valley will be turned upside down for at least 8 years, if not a decade.

HDPA request: *The EIS must clearly show the extent of construction and associated impact in the Hartley Valley by combining the tunnel works with the West section GWH Upgrade works and jointly assessing the impact of those works.*

7.0 10 years+ of construction fatigue, amenity loss and human health impacts - not addressed in the EIS

The EIS fails to adequately address the 10 years+ of construction related impacts on the Hartley Valley. Noise, vibration, dust, visual impact, traffic snarls and a 25% increase in vehicle movements through the Valley are some of the constraints the Valley community will have to endure. All tunnel construction works will originate in the Valley and all truck movements of materials, spoil and deliveries will come through the Valley. And this will coincide with the construction works of the West section of the upgrade.

This is disgraceful. Already we are witnessing the adverse impact on human health with residents suffering anxiety and some selling up because of all of this. That



situation will get worse as the Valley residents endure an incomprehensibly long construction period. The cumulative assessment in the EIS on human health says absolutely nothing about the impact of extensive construction occurring over a decade.

It is unacceptable that a community has to put up with construction related activity for such a long time. This is environmentally adverse and unconscionable.

HDDPA request: *The full impact on Hartley Valley from this project and the West section Upgrade works is properly assessed and in detail relating to human health and amenity loss before the EIS is determined.*

8.0 Tunnel emissions options - local residents need more specific data

The EIS offers two tunnel emission options without specifying the preferred methodology. In relation to Little Hartley and the Hartley Valley, the options are rather inconclusive - cost versus pollutants versus structures. HDDPA has been advised there is little difference between the two options in terms of emissions, but there is a wide disparity in terms of ongoing cost and the built environment. The portal venting tunnel is HDDPA's preferred option. We note however there are several residences close to the portal with the Hartley Valley farm not too far away and it is important that details of the maximum emissions exposure are presented. The Hartley Valley Farm is a busy facility providing outdoor activities to member families including many children. There is no assessment of the effect of tunnel emissions on occupants at the Hartley Valley Farm and no assessment of the particular impact upon children. Additionally, there is no assessment of the adverse impact of emissions on walkers and cyclists who will use the proposed carpark near the western portal to access tracks and park vehicles.

The EIS does not address the effect of climate and inversion in the Hartley Valley on concentrated tunnel emissions from an 11km long tunnel.

HDDPA request: *Include in the EIS a graphic showing the highest concentration levels of NO² and PM_{2.5} and its comparisons with the status quo on these residences, the Hartley Valley Farm and walkers & cyclists under the portal emissions option for 2030 and 2040 especially given the 'amphitheatre' landscape of Little Hartley.*

9.0 Silica dust during tunnel construction - the hidden danger

Recent media reports draw attention to the harm tunnel workers face every day due to the silica dust particles during tunnel construction. The EIS does not address this significant health and environmental issue which is only now emerging as a major health hazard which will have significant long-term health and financial costs to the community. The EIS only mentions the pumping of fresh air into the tunnels. Worker safety is not referenced. Some of those workers will be residents of the Blue Mountains, Hartley and Lithgow.

The EIS does not address the escape of silica dust from the tunnels during construction and the effect of exposure to silica dust on surrounding residences, including the Hartley Valley Farm.



HDPHA request: *The EIS examine the health impacts and exposure of tunnel workers and residents to silica dust and what mitigation and monitoring will be introduced to deliver a safe working environment.*

10.0 Economic benefit - the vital link is missing

According to the EIS, the potential economic benefit arising through usage of the tunnel is annually, \$10 million. This is a far cry from TfNSW's pronouncement of significant economic benefit arising from the project. The EIS states there will be a negative impact of the project on Hartley Valley businesses. Much of the Valley's businesses rely on passing traffic and taking those opportunities away will lead to business closure, thus pouring more adversity onto the local community. Many of the Valley's businesses attract tourists because of the pristine beautiful local environment. The EIS acknowledges the significant long-term adverse effect of the tunnel on the Hartley Valley. The EIS must include a BCR showing the full cost and benefit assessment. This is a vital missing piece of data which needs to be in the public domain and should have been included in the EIS to give a balanced view on the economics of the project.

As to the claims concerning saved travel time, travel time for passenger vehicles between Little Hartley and Evans Lookout Road in Blackheath along the existing GWH corridor is around **12 minutes** during morning peak hour (including when school zones are operational at Mount Victoria and Blackheath and including stopping at both the traffic lights in Mount Victoria at the Darling Causeway and in Blackheath at Govetts Leap Road). Mathematically, it will take vehicles at least **8 minutes and 45 seconds** to travel the length of an 11km tunnel at 80km/hour, which is the intended speed limit for a tunnel of this severe a gradient carrying heavy freight and passenger vehicles. This 12 minutes' travel time is based on driving calculations and is confirmed by Google maps searches: the distance of 12km is travelled in 12 minutes during the morning peak hour and on weekends. How then can TfNSW assert that the current travel time is 18 minutes?

The time saved by the tunnel is less than 4 minutes.

How then can TfNSW assert that the tunnel will reduce travel times by 9 minutes? Clearly, TfNSW have included in their calculations of time various undisclosed and unquantifiable subjective factors in their claims to reduce travel times. The reality is that the tunnel is unlikely to save more than a few minutes in travel time for most trips most of the time. To the extent that the claimed benefits depend upon savings in travel time, they are overstated.

As to the claims concerning economic benefit, in particular jobs, past and current experience in relation to construction contracts is that most of the jobs are filled by contractors from the Sydney region and not local contractors. Any benefits to the local community are therefore likely confined to accommodation, meals and entertainment for fly in fly out workers from Sydney. The local community would enjoy similar benefits to accommodation, meals and entertainment from tourism and that is a long-term proposition, particularly if the natural beauty of the Hartley



Valley is preserved and not squandered by this tunnel and associated permanent works.

HDDPA Request: *For the Benefit Cost Ratio assessment to be included in the EIS along with a detailed strategy of how Hartley businesses are to be retained following completion of the Upgrade through Hartley Valley.*

11.0 Increasing large heavy trucks usage on a GWH that is 'not fit for purpose'

A key justification in the EIS for the tunnel project and the overall GWH Upgrade is the introduction of large trucks up to 36 metres in length. The EIS contends that the current GWH restricts large trucks from moving east and west due to poor highway design. It also contends the steep terrain leads to truck incidents and breakdowns and has safety implications.

It is plain that the tunnel is motivated by the interests of freight, in particular 36 metre long trucks navigating the escarpment between Little Hartley and Mount Victoria. The EIS does not address the safety implications of 36 metre long trucks navigating the corridor of the GWH between Emu Plains and Katoomba when those vehicles cannot currently travel the GWH corridor east of Tunnel Hill near Lithgow.

The GWH between Katoomba and Emu Plains which has been progressively upgraded is not fit for purpose nor safe for 36 metres long trucks. There is no evidence that the communities of the Mountains east of Katoomba have been informed or consulted about the fact that the Katoomba to Lithgow GWH upgrade will permit longer and heavier trucks to travel along the GWH through their villages and past primary schools.

It is inappropriate and unsatisfactory that the EIS is silent about the environmental and safety implications of 36 metre trucks navigating the GWH west of Tunnel Hill. It is unsatisfactory that no attempt is made in the EIS to identify the implications for communities west of Tunnel Hill of any associated increase on those roads of 36 metre trucks as a result of permitting access to Sydney through the Blue Mountains via the GWH east of Tunnel Hill. It is an unsatisfactory position for TfNSW to take the view that these considerations are outside the scope of the EIS, when these are plainly among the most immediate implications of this proposed tunnel, let alone a key objective.

The GWH corridor through the Blue Mountains is unsafe and unsuitable for 36 metre long trucks or indeed most heavy freight not making local deliveries in the Blue Mountains. The GWH corridor through the Blue Mountains is not a freight corridor or the road solution to facilitate efficient freight movements between Sydney and the Western Tablelands.

HDDPA request: *That communities throughout the Mountains, the Hartley Valley and Lithgow be briefed on and invited to respond to the environmental and safety implications of 36 metres long trucks using the GWH corridor through the Blue Mountains prior to any EIS determination.*



12.0 Water usage during construction is huge - but what will be the water source and what about contaminated water?

The EIS mentions that construction will require in the order of over 750 million litres of water. A water treatment plant is proposed to be sited in Little Hartley. It is unclear now how that water supply will be sourced and how contaminated water will be retained, treated or released into waterways connecting with Sydney's water supply. The EIS mentions a possible water pipeline from Lithgow to Little Hartley. It also mentions the possibility of drawing water through large scale deep bores. At this point in time, there is no detail and what exists is only a high-level concept. Drawing on ground water would be opposed given the groundwater drawdown effect and impact on properties throughout the Hartley Valley.

Tunnel construction will create contaminated water. This would be leaching from the tunnel during and after construction for many years. While a water treatment plant is proposed, what is unclear is the extent to which treatment occurs given the very acidic PH due to the iron oxide in the sandstone and potentially the acid rock below.

If water supply is central to the works, then this needs to be addressed in detail, together with the implications for the availability of water for fire-fighting for the Lithgow and Hartley Valley communities, particularly as the climate cycle shifts from La Nina to El Nino, with associated drying and other significant catastrophic bushfire risks. A proper assessment of these matters requires extensive consultation with relevant emergency services, including local Rural Fire Services.

HDDPA request: *Before the EIS is determined, that Transport for NSW provide the Lithgow and Hartley Valley communities with a full briefing on, and opportunity to respond to, the options and engineering details for sourcing a water supply, contaminated water treatment and discharge, the implications of the preferred option and the implications for bushfire response and other matters.*

13.0 Heritage inadequately respected and protected

The Hartley Valley is an historic gem containing a plethora of European settlement heritage assets dating from the first hundred years of settlement overlaying the marks left of centuries of occupation by First Nations people. The whole Valley is delineated by an escarpment that stands as ruggedly beautiful as the day it was first seen by European eyes. The inherent value of the Hartley Valley is not just about the assets in it but also the Valley itself, the context it provides to those assets and all that comprises it.

The Hartley Valley's importance as a cultural landscape was acknowledged by the National Trust in January 1987 when it listed the Hartley Valley Landscape Conservation Area. In that listing it acknowledged that the Hartley Valley Landscape Conservation Area is significant because it contains:

- Mt Blaxland, the limit of the crossing of the Blue Mountains by Blaxland, Wentworth and Lawson (BLW)
- Patterns and evidence of early settlement, with historic towns and buildings



- Industrial archaeology associated with mining
- Historic passes down the western escarpment of the Blue Mountains
- A rural landscape of high visual quality (it is stunningly beautiful)
- Dramatic escarpments which are visually and geologically significant
- Rare and endangered plants in isolated catchments

Often described as “the most historic inland valley” in Australia, the Hartley Valley has twice been nominated for listing as a Heritage Place under the Federal *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Its record on the National Heritage Database notes - *‘It has maintained exceptional continuity in patterns of life and industry, and as a result has a cultural landscape of integrity and authenticity, enriched with a large number of places of exceptional heritage value from first settlement until now’.*

TfNSW has consistently failed to recognise the heritage significance of the Hartley Valley and has gone out of its way to downplay the impact of their proposal to include first two, now three, major vehicle rest areas right in the middle of the Valley in their REF self-assessment of the Little Hartley to Lithgow upgrade, with the third rest area entirely excluded from consideration in the REF. Further, they have gone out of their way to exclude any proper assessment of the fact that the historic lookout view from Mt York (where BLW realised they had crossed the mountains) to Mt Blaxland, the end point of that historic expedition, half way across the valley, will be marred by two truck stops, accommodating up to 26 36-metre long and other trucks and a similar number of other vehicles.

Since their self-assessment, TfNSW has further compromised the Valley by agreeing to install an additional twelve truck parking spots as part of the consideration in a land acquisition along the highway corridor on land zoned SP2 Infrastructure where that land does not appear to be used for SP2 Infrastructure purposes but as part of compensation to an adjacent land owner. This additional truck parking area has been included in a manner which circumvents both the environmental assessment process under the EPA Act and community consultation in relation to development consent. It is notable that the adjacent land is zone R5 Large Lot Residential and commercial activity on this land does not appear to be permissible under the relevant Local Environmental Plan. Enquiries of both TfNSW and the Lithgow City Council have not supplied any satisfactory justification for this part of the development or explanation as to why it has been excluded from the REF or development consent requirements. Before taking any steps to allow additional truck parking, both TfNSW and Lithgow City Council should have satisfied themselves of the lawfulness of this proposal and both should have been in a position to address enquiries from the community. Neither has done so.

The EIS now being considered includes chapter 17 Non Aboriginal Heritage, which at section 17.2.1 incorporates a statement on historic context that aptly demonstrates TfNSW’s total failure to understand the heritage significance of the Hartley Valley and in this case the lateral village of Little Hartley that is to be



devastated by the industrial complex that will be built on its boundary from which to construct the tunnel through to Blackheath. One can only presume TfNSW has gone out of its way to obfuscate and minimise the significance of Little Hartley as an outstanding example of an early Victorian lateral village.

Under a heading 'Little Hartley' it is stated in the EIS that 'Many of the early buildings along the Great Western Highway at Little Hartley were constructed in around 1860'. In actual fact, the earliest buildings in Little Hartley, 'The Harp of Erin' and 'Billesdene Grange' date from 1832. The significant Georgian building 'Rosedale' at the eastern end of the village dates from 1839 and 'Ambermere' in the middle of the village dates from 1846. Even 'Meads Farm' another significant former Inn in the village dates from prior to 1860. The reality is that Little Hartley is the oldest village in the Valley and predates the village of Hartley itself which did not really exist until the courthouse was built in 1837.

In the next paragraph in the EIS it is stated that 'Little Hartley was formed around popular travellers' inns such as 'the Golden Fleece Inn at the foot of Mount York'. Whilst it is at the base of Mt York, the Golden Fleece ('Collitt's Inn') is at Hartley Vale some five or six kilometres from Little Hartley. The EIS then refers to 'the Royal Garter Inn (currently known as 'Billesdene Grange') located adjacent to the Little Hartley Heritage Conservation Area, and Joseph Collits Inn, which became Edward Field's Hotel (Transport for NSW, 2021c)'. This concludes Transport's review of the Historical Context of Little Hartley. No mention is made that 'Joseph Collits Inn' (which is now 'Ambermere'), dates from 1845/6. No mention is made that 'Billesdene Grange' dated from 1832 or earlier. There is no mention of 'The Harp of Erin' on the other side of the Highway (Mitchells Line) dating from 1832. Similarly, no mention of 'Rosedale' at the eastern end of the Village dating from 1839.

If TfNSW has failed even to identify with any accuracy the historic buildings comprising Little Hartley which remain standing and prominent in the landscape of the Hartley Valley today, it cannot be said with any confidence that TfNSW has any understanding of or given any proper consideration to the non-aboriginal heritage assets along the rest of the upgrade corridor. This only demonstrates the poor quality of TfNSW's review of items of heritage significance, the poor regard for the heritage significance of the Hartley Valley as a whole, and their level of respect for heritage in general.

HDPa request: *The representation of the historic European heritage significance be properly and correctly articulated in the EIS so that there is a clear understanding of what needs to be protected and why and identification of the implications for heritage assets of the proposed works.*

14.0 Significant heritage asset at risk

The perfectly intact 1832 convict causeway on Victoria Pass is a State listed heritage asset of enormous significance. The fact that it is still utilised by the current highway is a tribute to the engineers and convicts engaged in its



construction. It is shameful that many modern roads are much less resilient and have far poorer performance.

The proposed road tunnels for the GWH have been routed so that the westbound tunnel passes somewhere between 50 and 80 metres immediately under the causeway. Whilst we have been assured that this poses no risk to the causeway, we equally know that the tunnelling machine currently stuck on the Snowy 2.0 project was probably trying to cut through country where similar assurances had been given. Having regard to the precautionary principle we believe that the tunnel alignment should be changed to avoid any potential risk of damage to this asset.

HDDPA request: Transport for NSW re-design the tunnel alignment to avoid the tunnels going directly under the 1832 causeway.

15.0 Heavy Vehicle Checking Station to move but where?

The EIS in its description of route options, fails to mention the loss of the Heavy Vehicle Checking Station and of the truck stop areas currently located at Mt Boyce. The two, short tunnel option would preserve the Heavy Vehicle Checking Station as well as heavy vehicle rest stops, both of which are located away from residential areas. Instead, TfNSW have imposed two to three heavy vehicle rest areas in the Hartley Valley despite overwhelming community opposition and specific representations to TfNSW and political representatives on the part of the community. All those representations have been dismissed by TfNSW and political representatives alike. The long tunnel option, which is subject to this EIS, would close the Heavy Vehicle Checking Station and thus remove a critical safety feature for motorists insofar as heavy vehicle safety is concerned on the GWH corridor through the Blue Mountains.

Had truck stops and a Heavy Vehicle Checking Station been built near Tunnel Hill, the safety of motorists on the GWH corridor through the Blue Mountains would be assured and a valuable source of employment would be provided to the City of Lithgow as it transitions from reliance upon coal mining. No such opportunity has been seized by politicians or TfNSW in this regard.

HDDPA request: If the existing Heavy Vehicle Checking Station closes, will there be a new facility built and if so, where will it be located (Note: There are to be three heavy vehicle rest areas in the Hartley Valley (within 1 to 2km of one another) and the Valley rejects any suggestion that such a facility be imposed on the Hartley Valley).

16.0 No clarity on dangerous goods in tunnel

The section of the EIS on 'Hazards and Risk' fails to address the issue of allowing dangerous goods (or particular categories thereof) in the tunnel. Despite the fact the tunnel will be Australia's longest tunnel and is without any exits/entry points (other than at the portals), any decision on the carriage of dangerous goods will not be made until after the EIS. While appreciating this is a State wide matter, it seems unfathomable that such a serious matter is not yet resolved, despite years of discussion within the bureaucracy. The HDDPA has repeatedly requested TfNSW



disclose both the details of heavy vehicle safety strategies (including details of the criteria for the intervals at which truck rest areas are to be located) and the heavy vehicle checking requirements. TfNSW has failed to address any of these matters in over 4 years of consultation yet TfNSW have imposed heavy vehicle rest areas and touts the tunnel as a freight solution without addressing what freight will be permitted to use the tunnel or where it will be safety checked on the GWH corridor through the Blue Mountains.

HDDPA request: *If dangerous goods are permitted in the tunnel, then the local communities impacted should be consulted and involved in determining the type of dangerous goods to be permitted.*

17.0 Koala habitat, population and corridors

The assessment of the impact on koalas in the EIS is perfunctory. No attempt is made to identify the extent of adjacent koala habitat, the number and quality and genetic diversity of local koala populations or the effect the project will have on wildlife corridors used by koalas. The assessment is plainly desktop and perfunctory. Just as TfNSW failed to identify platypus population and habitat in the River Lett adjacent the Hartley Historic Village, in all likelihood TfNSW has failed to identify koala habitat, populations and corridors. A desktop assessment is plainly designed to ensure that no koala habitat, populations or corridors are found.

TfNSW has failed to identify that the areas immediately surrounding the corridor are known anecdotally for having koalas¹, that the presence of koalas in locations where previously not sighted may be a function of catastrophic displacement events like bushfires,² and that those koala populations are considered to be genetically significant and particularly valuable to the short- and long-term survival of one of our most threatened and iconic native species which is threatened with extinction within decades if we do not act.³ Current estimates by conservation groups paint a dire situation for the continued existence of koalas in the wild given land clearing, infrastructure projects and associated works which directly affect koala habitat, koala population and koala and other wildlife corridors.

As recently as 2019, Dr Kellie Leigh, Executive Director of Science for Wildlife which has been running the Blue Mountains Koala Project since 2014 and mapping koalas and their habitats in the greater Blue Mountains region said of anecdotal koala reports:

For the first time in many decades koalas have been confirmed in locations on both the eastern and western sides of the Blue Mountains. In the west we've now got records in Little Hartley, in the Megalong along the Coxs

¹ <https://www.lithgowmercury.com.au/story/7508108/a-chance-encounter-with-a-koala-led-kat-on-a-surprising-scientific-journey-and-now-theyre-calling-on-you-to-help/>

² See for example anecdotal reports recorded as follows: <https://www.jenolancaves.org.au/blog/koalas-spotted-near-jenolan-caves/>;

³ <https://www.abc.net.au/news/2022-12-30/saving-the-koalas-blue-mountains-extinction/101775152>



River, and up at Govetts Leap in Blackheath, plus we are finding a lot of koalas in the northern section of the Kanangra-Boyd National Park.⁴

As recently as 2021-2022, koalas were sighted in the upper Blue Mountains in the vicinity of Megalong, Shipley and the Darling Causeway according to the Science for Wildlife project, Backstreet Bellows - Koala Audio Surveys.⁵

Even a cursory search of the internet discloses koala projects, studies and reports. None of this material is reflected in the EIS or indeed the REF in relation to the Hartley Valley prepared and "approved" in 2022.

Previous studies prepared for TfNSW in relation to upgrades in the last decade identified the presence of koala habitat in the Hartley Valley.⁶ TfNSW's EIS in respect of the tunnel and indeed the REF in relation to the Hartley Valley suggest there is no koala habitat in the Hartley Valley. There is sound reason to believe that TfNSW's efforts in relation to koala population, habitat and corridors is incomplete and therefore unsatisfactory. These questions concerning koalas are critical and should not be displaced by any perceived political imperative to rush the environmental assessment and thereby turn a blind eye to environmental issues which might have a bearing on whether the project can be approved under the EPA Act or approved in a politically motivated timeframe.

HDPA request: *TfNSW be required to undertake an extensive review of the available data, studies and anecdotal reports concerning koala population, koala habitat and koala wildlife corridors in and around the Hartley Valley and western Greater Blue Mountains region before the EIS is determined.*

⁴ <https://www.bluemts.com.au/news/there-is-hope-for-koalas-and-you-can-help/>

⁵ <https://www.scienceforwildlife.org/BackstreetBellows>

⁶ See for example Sinclair Knight Merz (SKM), *Great Western Highway Katoomba to Lithgow Upgrade Hartley Valley Safety Upgrade Review of Environmental Factors. Appendix C Technical Paper, Biodiversity Assessment* at [4.1.3], [4.1.6] and [4.3] (8 November 2013).