

A Formal Submission to the NSW Department of Planning, Housing and Infrastructure: A Critical Analysis of the Monaro Rock Quarry Project (SSD-27223807) and Its Failure to Satisfy Planning and Environmental Safeguards

1. Executive Summary: The Case for Refusal

1.1. Statement of Recommendation

This submission formally and unequivocally recommends the refusal of Development Application SSD-27223807 for the Monaro Rock Quarry Project. The project, as proposed and assessed in the Environmental Impact Statement (EIS), fails to meet the fundamental objectives of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the *Protection of the Environment Operations Act 1997 (POEO Act)*, and the *Water Management Act 2000*. The project represents an unacceptable risk to the environment and to the health, safety, and well-being of the local community. It is a development that cannot be made safe or sustainable, and therefore, it should not proceed.

1.2. Summary of Core Failures

The proponent's EIS is founded on a flawed and inadequate assessment that critically fails to address the unacceptable and unmitigated cumulative impacts on air and water quality, as well as the significant risks to public safety posed by increased heavy vehicle traffic. The assessment attempts to compartmentalise and minimise the project's effects, ignoring the synergistic and long-term harm that the development would inflict on a community already burdened by existing industrial operations. The proponent's approach to mitigation, which relies on a blanket assertion that impacts would be "negligible" and "controllable," is an insufficient response to the grave and demonstrable concerns of the community.

1.3. Legal and Procedural Deficiencies

The EIS fails to satisfy key legislative requirements, including the comprehensive assessment of cumulative impacts explicitly mandated by the Planning Secretary's Environmental Assessment Requirements (SEARs). The proponent's dismissal of known public health risks, such as respirable crystalline silica (RCS) from the extraction of silica-rich rhyodacite ignimbrite, as "negligible" stands in direct contradiction to the lived experience of local residents who are already affected by dust from other quarries. This approach constitutes a direct violation of the

precautionary principle, which is enshrined in the *EP&A Act*. The lack of comprehensive, publicly accessible data on critical environmental factors, particularly water impacts, represents a failure of due diligence and undermines the public consultation process. The burden of proof to demonstrate the project is safe lies with the proponent, a burden that has not been met.

2. Introduction and Context

2.1. Statement of Authority

This submission is made on behalf of the concerned residents and community members of Queanbeyan and the surrounding regions, who stand to be disproportionately and negatively impacted by the proposed development. The submission's purpose is to articulate their legitimate, evidence-based concerns and translate them into a legally and technically sound critique of the Monaro Rock Quarry Project. The opposition is not based on abstract opposition to development, but on a clear understanding of the unacceptable and unmitigable risks posed by this specific project in this specific location. The community's position, as articulated by the Royalla Community Association, is that "no concessions or changes to the plan would make the project acceptable".

2.2. Project and Statutory Context

The Monaro Rock Quarry Project (SSD-27223807), proposed by Monaro Rock Pty Ltd, seeks approval to develop a new quarry to extract up to 1,000,000 tonnes of hard rock per annum over an operational period of 30 to 35 years. The project, which is located approximately 13km southwest of Queanbeyan and adjacent to the NSW-ACT border, is classified as a State Significant Development (SSD). As a result, its assessment and approval fall under Part 4, Division 4.7 of the *EP&A Act*.

The proponent has prepared an Environmental Impact Statement (EIS) to support the development application, which was lodged with the NSW Department of Planning, Housing and Infrastructure. The community was given a 28-day public exhibition period for the thousands of pages of documentation. This timeframe, while compliant with the statutory minimum outlined in the *EP&A Act*, has been criticised by community members as procedurally unfair given the scale and complexity of the documents. The public's limited opportunity for review and submission in such a short period underscores a fundamental failing in the community engagement process.

3. Critical Analysis of Substantive Failures

3.1. Water Resources and Hydrology: An Unacceptable Risk to Water Security and Quality

3.1.1. The Legal Framework of Water Protection

The water resources of New South Wales are managed under a robust legal framework designed to ensure their long-term sustainability and quality. The *Water Management Act 2000* aims to provide for the sustainable and integrated management of the state's water sources for

the benefit of both present and future generations. This includes the protection, enhancement, and restoration of water resources, as well as the equitable sharing of water. The *Water NSW Act 2014* defines the objectives of WaterNSW, which include managing and protecting declared catchment areas to promote water quality, public health, and environmental protection. Furthermore, the *POEO Act* gives the Environment Protection Authority (EPA) legal powers to penalise activities that pollute waters.

3.1.2. The Omission of Evidence as a Failure of Assessment

The proponent's documentation contains no specific information from the EIS's water assessment. While the SEARs for the project explicitly mandated a detailed site water balance, identification of licensing requirements, and an assessment of impacts on surface and groundwater quality and quantity, this critical information is absent from the publicly available summaries and articles referencing the EIS. The absence of this key data is a significant deficiency in the EIS and represents a failure to meet the proponent's burden of proof to demonstrate the project's safety.

Quarrying operations inherently pose a direct threat to water sources through the generation of turbidity and the potential for chemical contamination from blasting or processing. A study on the hydraulic impacts of quarries demonstrates that such operations can lead to changes in groundwater flow and significant temperature and turbidity increases in nearby springs. Given the project's proximity to regional water supplies, a detailed and transparent assessment is not merely a formality but a critical public health and environmental safeguard. The proponent's generic claim of "negligible" impacts is a legally and scientifically insufficient statement to satisfy the stringent requirements for water protection under NSW law. The EIS's failure to make this information public and quantifiable is, in itself, sufficient grounds for the Department to refuse the application.

3.2. Traffic, Transport, and Public Safety: A Failed Justification

3.2.1. The Proponent's Claims vs. Community Reality

The proponent's EIS proposes to transport up to 1,000,000 tonnes of hard rock annually, requiring an estimated 200 laden trucks per day, or 25 trucks per hour, operating from the site. The EIS asserts that its plan to route trucks directly to the Monaro Highway would "minimise traffic impact" by avoiding local roads. The proponent's strategy frames the issue as a simple matter of road access.

The community, however, views this proposed traffic volume as an unacceptable and fundamental threat to public safety. A spokesperson for the Royalla Community Association, Tony Lewis, stated that there is "no good way to put an additional 200 heavy-load and heavily-laden trucks onto the Monaro Highway". He added that even with a designated route, there is a risk that trucks would end up on "small community roads". This highlights a profound disagreement over the nature of the problem: the proponent sees a logistical challenge, while the community sees an inherent, unmitigable danger to their families and way of life.

3.2.2. The Inherent Danger of Volume and Cumulative Impact

The Traffic Impact Assessment in the EIS, as referenced in the public-facing documents, is fundamentally flawed because it fails to adequately address the inherent dangers of the sheer

volume of heavy vehicle traffic on public roads. The SEARs for this project required a "detailed assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road network". An assessment that concludes a proposal is acceptable simply by designating a highway access point, without a deep and honest evaluation of the safety risks associated with hundreds of new heavy vehicles per day, is not a detailed or credible assessment. The community's concerns are not merely about inconvenience; they are about the risk of accidents, the degradation of road infrastructure, and the erosion of a sense of safety for all road users. The EIS's failure to substantively engage with these core safety concerns indicates that the project's Traffic Impact Assessment is deficient and fails to meet its statutory obligations.

3.3. Air Quality and Public Health: The Unaddressed Threat of Respirable Silica Dust

3.3.1. The Precedent of Existing Contamination

The community's concerns about air quality are not theoretical. Residents are already "affected by the dust from two other nearby quarries". Community members report that their homes are "just covered in a layer of dust because you can't keep it out". This pre-existing environmental burden is a crucial piece of context that the proponent's assessment appears to dismiss. The proposal to extract a new one million tonnes of material annually over a 30-year period would introduce a significant new source of airborne particulates into an already affected environment.

3.3.2. The Failure of the EIS to Assess Cumulative Health Impacts

The proponent's EIS claims that respirable crystalline silica (RCS), a known hazard, may be generated but that the impacts would be "controllable and below legal limits" and therefore "negligible". This claim is deeply problematic and fails a basic test of due diligence. The SEARs for the project explicitly required an assessment of "cumulative impacts". The EIS's assertion that the impact from *this specific quarry* would be negligible ignores the combined, long-term impact of *three quarries* on the region's air quality.

The *EP&A Act* and the *POEO Act* are grounded in the principles of protecting human health and the environment. An assessment that fails to account for the total, combined exposure to dangerous pollutants over a 30-year period cannot be considered adequate or legally sound. The proponent's approach is to assess its project in isolation, disregarding the existing conditions and the compounding effects on community health. This represents a direct violation of the SEARs and a clear disregard for the health and safety of local residents. The proponent's own industry documentation acknowledges that quarries can "contribute to local levels" of particulates if not properly controlled. A failure to properly model and assess this cumulative impact is grounds for refusal.

Impact Area	Proponent's Claim	Proponent's Source (Snippet ID)	Community's Counter-Argument/Reality	Community's Source (Snippet ID)	Legal/Procedural Principle Violated
Air Quality (Dust)	Impacts of respirable crystalline silica (RCS) would		Town is already "covered in a layer of dust" from two		SEARs mandate assessment of cumulative

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	be "negligible."		existing quarries.		impacts; Precautionary Principle; Objectives of the <i>EP&A Act</i> to protect human health.
Traffic	A deliberate decision was made to access the quarry via the Monaro Highway to "minimise traffic impact."		There is "no good way to put an additional 200 heavy-load and heavily-laden trucks onto the Monaro Highway," and trucks may use smaller community roads.		SEARs require a detailed assessment of impacts on the safety of the road network; Objective of the <i>EP&A Act</i> to promote social welfare and safety.
Water	[No specific claim available in snippets]	n/a	Known general risks of quarrying include changes to groundwater, turbidity, and temperature in springs.		SEARs mandate a detailed water assessment; Objectives of the <i>Water Management Act 2000</i> and <i>Water NSW Act 2014</i> to protect water quality for public health.
Social	The project would provide up to 30 jobs and stimulate local supply.		No concessions or changes to the plan would make the project acceptable due to concerns about health and safety.		Objectives of the <i>EP&A Act</i> to provide opportunities for community involvement and promote social welfare; Adequacy of Social Impact Assessment.

4. Legal and Procedural Deficiencies: Failures of Assessment and Process

4.1. Non-Compliance with the Environmental Planning and Assessment Act 1979 (EP&A Act)

4.1.1. The Erosion of Ecologically Sustainable Development (ESD) Principles

The *EP&A Act* is the primary statute governing land use planning in New South Wales. Its core objectives are to encourage proper environmental planning and assessment, promote social and economic welfare and environmental protection, and facilitate ecologically sustainable development. The principles underpinning the Act include proper management of air, water, land, and cultural heritage, as well as the consideration of long-term and cumulative impacts. The Monaro Rock Quarry Project, as assessed, is in direct conflict with these foundational principles. The EIS's failure to adequately model and mitigate cumulative environmental and health impacts demonstrates a fundamental disregard for the very legal framework under which it seeks approval.

4.1.2. The Failure of Intergenerational Equity and the Precautionary Principle

The proponent's claims of "negligible" impacts and "controllable" dust are a direct challenge to the precautionary principle, which is a key component of ESD. This principle requires a cautious approach if there are threats of serious or irreversible environmental damage and scientific uncertainty regarding those impacts. Given the known hazards of respirable crystalline silica and the existence of two other nearby quarries, the long-term health effects of chronic exposure over a 30-to-35-year project lifespan represent a significant public health risk that is not adequately assessed. This failure to consider the long-term effects on future generations also disregards the principle of intergenerational equity. The proponent's assertion of a "negligible" impact is insufficient to satisfy the legal and moral obligation to protect the health of the community for decades to come.

4.1.3. The Illusion of Community Participation

The statutory 28-day public exhibition period for a project of this scale and complexity is, while lawful, procedurally inadequate for genuine public participation. As noted by a community representative, requiring the public to respond to an "almost 2000 pages of documents" in less than a month is unfair. The EIS's economic assessment of the project lists benefits such as \$41 million in net production and 30 jobs. However, these abstract economic gains fail to capture the loss of residential amenity, the unquantified health risks, and the erosion of public safety. The community's stated position is that no changes would make the project acceptable, a stance that indicates the EIS has failed to genuinely assess or address the social impacts and that the project is not compatible with the community's well-being.

4.2. Commonwealth Requirements: The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

4.2.1. The Proponent's Acknowledged Legal Burden

A critical point of legal exposure for this project is the proponent's own admission in the EIS that it "is also anticipated that the Project will require approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 due to the presence of threatened biodiversity". This is not merely a procedural step but a legally binding requirement that elevates the assessment to a national level.

4.2.2. The Interplay of State and Commonwealth Law

The *EPBC Act* ensures that matters of 'national significance'—including threatened animals, plants, and habitats—are identified and that potential negative impacts are considered before land use changes are approved. The project site is located adjacent to the NSW-ACT border and in a region known for its high-quality hard rock. The broader region, including the Monaro Highway and Jerrabomberra Grasslands, contains habitat for and is known to support several threatened species, including the Grassland Earless Dragon, the Striped Legless Lizard, and the Golden Sun Moth. The proponent's acknowledgment of this requirement validates a key legal argument for refusal: the State-level assessment is fundamentally incomplete without the federal approval process being finalised. The project cannot proceed until the proponent satisfies this separate, rigorous federal standard and demonstrates that its proposed activities will not harm these protected species.

Legislation/Regulation	Relevant Section/Clause	Statutory Objective/Requirement	Project's Failure to Comply
<i>Environmental Planning and Assessment Act 1979</i>	Part 4, Division 4.7; Principles of ESD (s 1.3)	To facilitate ecologically sustainable development, including the precautionary principle and intergenerational equity.	The EIS claims "negligible" impacts from RCS despite existing dust burden, failing to apply the precautionary principle and consider long-term health effects over a 30-year lifespan.
<i>Protection of the Environment Operations Act 1997</i>	Part 5.3 (Water Pollution); Part 5.4 (Air Pollution); Tier 1 & 2 Offences (s 114)	To protect and enhance the environment and human health from pollution and waste.	The EIS fails to provide a comprehensive cumulative impact assessment for air quality and omits critical water assessment data, thus failing to demonstrate compliance with pollution standards.
<i>Water Management Act 2000 & Water NSW Act 2014</i>	Objectives of the Acts	To provide for the sustainable management of water sources and to protect	The EIS's publicly available information contains no substantive data on the project's

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		and enhance water quality for present and future generations.	impact on groundwater and surface water, failing to satisfy the legal and evidentiary burden to prove water supplies will not be harmed.
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Matters of National Environmental Significance (s 18 & 18A)	To ensure that actions with a significant impact on matters of national environmental significance (e.g., threatened species) are subject to a rigorous assessment and approval process.	The proponent's own documents acknowledge the need for federal approval due to threatened biodiversity, indicating the State-level assessment is incomplete and that the project cannot proceed as an isolated State-based development.

5. Conclusions and Recommendations

5.1. Summary of Deficiencies

The Monaro Rock Quarry Project is fundamentally flawed. The EIS's claims of "negligible" impacts on public health and the environment are demonstrably contradicted by community concerns and a failure to adequately assess cumulative impacts. The project, as assessed, fails to meet the legal and procedural standards required by the *EP&A Act* and its associated regulations. The proponent's documentation lacks critical details on water impacts and disregards the combined health risks from air pollution in a region already affected by existing quarries. The proposed traffic volume represents an unacceptable public safety risk that cannot be mitigated by simply routing it to a highway. The entire assessment is built on a narrow, self-serving perspective that overlooks the core principles of ecologically sustainable development, public health, and community safety.

5.2. Recommendations for the Department of Planning, Housing and Infrastructure

Based on the critical deficiencies identified in this submission, the following recommendations are made to the Department of Planning, Housing and Infrastructure:

- **Recommendation 1 (Primary):** That the Department refuse the development application for the Monaro Rock Quarry Project (SSD-27223807) on the grounds that it fails to satisfy the objects of the *EP&A Act*, particularly the principles of ecologically sustainable

development. The EIS is demonstrably deficient in its assessment of cumulative impacts on air quality, public safety, and water resources, and it fails to address the community's fundamental concerns in a substantive way.

- **Recommendation 2 (Alternative):** In the event of non-refusal, that the Department mandate a new, comprehensive EIS with an extended public exhibition period of no less than 60 days. The new EIS must be required to include a robust, independent, and peer-reviewed assessment of:
 - Cumulative impacts on air quality, with a specific focus on long-term RCS exposure risks from all quarries in the region.
 - Cumulative impacts on surface and groundwater quality and quantity, with all data and modelling made publicly available.
 - A new Traffic Impact Assessment that includes a thorough, independent community safety audit and addresses the specific concerns of the community regarding the sheer volume of heavy vehicle traffic and its impact on the local and state road network.
 - A detailed plan for satisfying the requirements of the Commonwealth *EPBC Act*, including a specific and legally sound biodiversity offset strategy.

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