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Broughton Village NSW 2154

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The Director – Infrastructure Projects  
Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

**Objection to the proposed Princes Hwy Upgrade – Foxground and Berry By-Pass**

We write in respect of the current exhibited plan to upgrade the Princes Hwy from Foxground to Berry and wish to formally lodge our objections to the proposal. We believe that the studies to date have not adequately addressed social, environmental both natural and built, ecological and economic impacts on the locality and specifically on individuals residing in the affected rural areas.

Our families are long term residents, having owned here since the 1970s, and are absolutely devastated in considering the proposed scheme and in contemplating the effect on our local and personal amenity, our social interaction and enjoyment of our properties.

We do not believe that the RMS fully appreciate the lifestyle we enjoy and our interaction and reliance on each other, the local waterway of Broughton Creek, the quiet amenity we currently enjoy, the heritage of our village, including individual cottages and outbuildings, the importance of our fauna and flora corridors, the productive capacity of our paddocks and scenic protection zonings and local amenity .

We implore the Department of Planning to carefully consider our points as raised and reject the proposal as it currently stands, as its likely impact will be highly intrusive, non compliant in many areas and totally unacceptable.

In an attempt to outline our concerns we have categorised these under various headings and will expand on each, so that you may gain an understanding of the potential impacts not only on us but also on our neighbours, as many of the points are common to all of us.

## Water quality

The EIS is fundamentally wrong where it states “ *There are no drinking water catchments in the project area. Groundwater has low use within the region because the area receives a relatively high rainfall and Shoalhaven Water provides a reticulated water supply to Berry. North of Berry water users are more reliant on tank water and groundwater*”. **THIS IS INCORRECT.**

Our households, together with our immediate neighbours, rely solely on water pumped directly from Broughton Creek- a key element of the water catchment area referred to within the study. This water is used for drinking (human & stock), bathing, washing, and in association with other domestic and rural activities.

We had specifically alerted the RMS of the need to guarantee our continued supply of acceptable quality of water at the initial design stage of the project. However, we were shocked upon reading the EIS and, at a meeting with RMS on 6 December, to learn that the RMS have disregarded our concerns.

The proposal as it currently stands is of serious concern to us, both during the construction and operational phase. It should be noted that 10 years ago when the RTA carried out road widening works in the Gerringong area and used excavated rock materials to stabilise the creek bank adjacent to the existing Broughton Creek Bridge, the sediment leached from the rock material and contaminated our water supply via extreme turbidity.

The RTA and EPA both acknowledged their fault and were then required to truck in our fresh water supplies for approximately 1 month. The enormous amount of earthworks associated with this project and the final land forms around the creek itself and the Broughton Creek Flood plains will jeopardise our water supply.

Currently Broughton Creek is burdened by one crossing. This presents just 1 point of potential contamination by passing motorists; fuel spills; litter etc. The proposal now includes 3 creek crossings and a path directly over the existing flood plain of our immediate catchment. This will greatly increase likely contamination levels and is both irresponsible and unacceptable.

Our ability to source a suitable water supply direct from the creek is much compromised by this proposed project. We are at a loss as to how RMS can guarantee an acceptable and safe water supply on a continued basis if this proposal were to proceed.

Further, we are concerned that the proposed earthworks may alter the current flow of Broughton Creek, resulting in the disturbance and altering of current water holes which are the current location of pump points to individual properties.

## Noise impacts

The EIS highlights that our property will be so affected by noise from the project both during the construction and at the operational phases that it does not comply, exceeding RMS's own new road noise criteria policy.

The background noise study quoted in the EIS was taken at a location not consistent with the quiet amenity of our property. The location point of the study is currently far more affected by existing highway noise than that experienced by our property & neighbouring dwellings. Therefore, even though their prediction highlights non-compliance, we believe the actual effect on our property (Property Ref # 29 & 30 in the report) will far exceed the EIS prediction.

Further studies at our locality should be undertaken so that a more accurate picture may be gained.

The RMS suggest that the noise impact could be mitigated by architectural treatments of our premises. This is not possible or acceptable. Our houses and outbuildings are fine quality early 1900's buildings retaining all original fittings which include stain-glass windows and doors - unsuitable for double glazing; Extensive woodwork fenestrations and wall surfaces- unsuitable for insulation treatment.

Furthermore, we enjoy our homes open living style. All bedrooms include windows and doors opening directly to the outdoors which are left open day and night so as to enjoy the fresh air and rural sounds such as birds, cows, wind etc. We are not prepared to live with closed windows and doors so as to mitigate traffic noise, this is completely unreasonable. We wish to continue to enjoy our property both inside and out.

The design of our houses affords natural cross ventilation throughout all seasons. Architectural mitigation measures would see an end to this basic entitlement. The other suggestion that courtyard walls be erected around our property is completely unacceptable. Our properties are within a scenic protection area, in which we currently enjoy expansive views over the valley and surrounding districts. We do not wish to live behind a concrete wall! In purchasing our property many years ago we chose to live in a scenic rural environment which is now under substantial threat by the RMS proposal.

We believe that it would be more appropriate if the project include noise mitigation measures at the source; acoustic walls; low noise road surfacing; low noise treatment of expansion joints on bridges, particularly over the Broughton Creek crossings and elevated areas, including built up flood plain crossings near dwellings, which are not subject to sound mitigation via natural barriers such as excavated cuttings. The RMS is creating a problem and should take full responsibility. The onus of relieving the problem should not be transferred to the owners of the affected properties.

We feel strongly disadvantaged as rural property owners by being considered as single entities, because if all rural residencies in our locality were considered collectively, there may be a more suitable mitigation strategy. Ideally, acoustic walls and appropriate treatment of road surfaces at the source would be a more appropriate mitigation measures.

We have noted that acoustic walls have been included in rural areas around Minnamurra, to the north of this project for the purpose of noise mitigation, so we can see no reason why such could not be used in our area as part of this project.

The EIS contains a further error in its assessment on the affect of our properties as it incorrectly identifies the most affected facade of our property as the eastern side. The northern facade will in fact be the most adversely affected by the motorway and interchange. It should be noted that majority of bedrooms and living areas are located on the northern side of our dwellings. As stated above, we wish to continue to live with open windows and doors having fresh air ventilating our rooms without the intrusion of excessive traffic noise. The EIS contains no mention of our separate office , guest accommodation and home entertainment out- building. This building will be directly affected by the proposed Austral Park link road/ interchange that is currently proposed for our front paddock. The EIS focuses solely on the multi lane motorway.

It should be further realised that currently we are able to assist our neighbours when we hear their cries and yells for help from within their own house and garden areas. The noise from the proposed motorway will put an end to this basic neighbourly assistance!

### **Social impacts**

The proposed highway upgrade will sever our direct neighbour access. Our immediate neighbour, Mrs Helen Chittick, relies directly on our ability to quickly access her property. We provide care services to her. Mrs Chittick has no drivers licence or public transport facility available to her. We are her direct link to the outside world. We have been able to provide emergency medical treatment to her recently when she suffered an accident in her paddock. We are currently able to directly access her home and paddocks cross country, via our paddocks. The motorway will put an end to this. Mrs Chittick will no longer be able to walk to our home, we will no longer be able to walk, drive, horseback ride or quad bike to her home. The suggestion by RMS officials that such could be done via access under the Broughton Bridge Crossing 3, and clambering up and down the hill in front is totally unrealistic. The steepness of this hill is nearly impossible even for the cows to negotiate. In fact, the area was fenced off so as to stop the erosion of the bank. In reality, our only access route is being taken by the interchange. If the proposal were to proceed in its current form, our only way to access Mrs Chittick and her us, would be via a route that would be in reality over 2 km long – via Austral Park Rd, the link Road and the old highway.

The isolation of persons and fragmentation of neighbours created by this proposal is unacceptable. Regard must be given for the rural nature of the area and the interdependence of neighbours. We have our own" neighbourhood watch" system in place, all of us care and watch over each other's homes and welfare, we are quickly able to access each other , lend a hand and provide basic neighbourly assistance.

Due regard should also be given to our security and privacy and that of our neighbours. All of us live in a rural environment with our houses located a considerable distance from the existing Princes Highway. The proposed motorway, associated access roads and interchanges will directly impact our current amenity, placing at risk our security as our houses become a lot more visible to passing

traffic. Concern is also raised as to our security during the construction phase when no doubt numerous workers will be in our immediate vicinity, clearly able to see our daily routines and the contents of our properties.

As two single women, our current property isolation provides us with a form of security. This will be eroded when our homes become clearly visible to passing traffic.

### **Environmental impacts**

Our property is covered by a magnificent stand of original trees that span from the edge of Broughton Creek, up through our properties and cross over the existing highway leading to the escarpment. This tree line can be easily seen throughout the district as we are located on the top of a mini ridge that juts out into the Broughton Village valley.

The tree stand is well utilised by all manner of bird life and other tree dwellers, such as pigmy bats; sugar gliders; flying fox, quolls and possums. We refer to it as the 'flight path' it is so well used when compared to the sky above the open paddocks adjacent, which are generally vacant in movement.

This vegetation stand has been designated within Shoalhaven Councils' DLEP as a "NRS Biodiversity Zone, having a sensitive area habitat and sensitive area significant vegetation". This sensitive habitat zoning covers 100% of our lands. We understand, if the proposal were to proceed this habitat would be eroded, no longer would an intact fauna and flora corridor be provided from the Broughton Creek to the escarpment in our locality, this significant natural resource should be preserved for future generations and for the health and habitat of local wildlife.

The tree stand also provides a good balance in terms of carbon sequestration and off-set. The removal of part of this resource further increases the negative environmental affect of this motorway proposal. If significant tree stands are to be lost, appropriate compensation must be offered.

Broughton creek, which forms a boundary to our property, is rich in all sorts of fresh water marine life. We have recently seen platypus, water dragons, eels, bass and immature prawns in the local waterways.

Whilst within the virgin forest on our land near the creek we enjoy the habitat of native species such as wombats, kangaroos, snakes, lizard, quolls, possums, sugar gliders and much bird life. In addition, there is a huge variety of native vegetation of which the local Landcare representative has indicated is important to the local region due to its diversity and virgin status as this is one of the few remanent vegetation stands of the area.

### **Heritage impacts**

Our dwellings and property have recently been included and identified within the recent publication on this history of Broughton Village, with both properties contributing significantly to the story of

the history of Broughton Village. The properties are well maintained, one of the homes displays all the architectural and structural elements of early federation development. This includes it being an early example of housing using weatherboard and fibro sheet as external wall claddings, the incorporation of boxed bay windows, extensive use of Australian Red Cedar joinery and room layout consistent with rural activities and social functions. The second home is a fine example of the art deco style constructed in the 1930s and has recently been restored to its original glory.

The properties were established and owned by Mr Alfred Binks, representative Member of Parliament for the District, 1932-34, Founding Director of Dairy Farmers Milk Co-operative from 1923, Chairman of Dairy Council NSW, President of Berry Agricultural Society, Alderman of Gerringong Council and President of Illawarra District Council.

The impact of the proposed motorway directly threatens the continued preservation of the properties as should the proposed works, as currently indicated in the EIS be allowed to proceed, no guarantee can be given to the continued stewardship of our dwelling houses.

The particular design and heritage value of these dwellings is a further reason as to why the proposed architectural noise mitigation measures would be totally unacceptable and inappropriate.

Broughton Village is a unique remaining example of early rural life in Australia. It currently showcases village layout, neighbour inter dependence and family property development. All relying on the natural landscape and amenities. The proposed multi-lane motorway will sever and destroy this historic settlement.

In addition, should access to our property be via Austral Park Road as proposed, such address is deemed to be part of the Berry postcode area. Does this mean we will no longer be regarded as Broughton Village? If this is so, our heritage is again being eroded and we strongly object. Our local community and councils' recently rallied together to ensure the Department of Lands corrected an oversight in locality naming so as to ensure the Broughton Village locality was maintained into the future.

### **Visual impacts**

Our land is currently designated under the Shoalhaven LEP as Zone 1(b) Scenic Protection Zone. Fundamental to this classification, is its scenic nature and high visibility status within the surrounding district. Development on these important sensitive scenic lands should be sympathetic to the surrounding environment. The proposed multi-lane highway and interchange in no respect complies with this zoning intent. The path chosen visually scars this scenic but sensitive area.

We chose to live in this area for the visual amenity, rural outlook – not a built up urban environment!

## **Loss of productive land**

Should the proposal proceed in its current form we understand that the RMS will compulsory acquire approximately 25% of our land. The land affected is our most productive pasture as it receives good sunlight from the north, is relatively flat and easily accessed.

Currently, this paddock is utilised for agistment, grazing, production of cut flowers and recreational activities. Our neighbour, Mrs Chittick is currently able to readily move her stock into this paddock. The proposed motorway and interchange will not only reduce the carrying capacity, but will also remove the ability for the stock to be moved to the remaining portion of the paddock.

As the paddock contains a significant stand of eucalypts, it provides as a by-product a significant annual drop of fire wood material that we use for personal heating, and supply to 3<sup>rd</sup> parties as a means of additional income.

The current tree lined driveway provides a shared amenity for Mrs Chittick's stock in so far as it provides shade and shelter. The wholesale removal of this significant stand of trees impacts directly on the shade available.

It is proposed that Austral Park Road and residents to the north of Broughton Village i.e. Foxground, will utilise an interchange planned to be constructed in our front paddock, together with the Chitticks and McLarens paddocks fronting the existing highway. Collectively we strongly object to the location of this interchange. It's positioning, we have been told by RMS, is due to it being the most cost effective location, but we fail to understand how this interchange could not be moved further south, onto land already acquired by RMS so that the impact on those residents wishing to remain is lessened. You cannot put a cost on our personal distress.

It is possible to build the interchange at a location further south, RMS engineers have communicated this possibility however, it would require the construction of fly over rather than a bridge. The interchange as currently proposed has multiple impacts and was only communicated to us in the later months of the highway upgrade planning.

Surely it is an objective to mitigate impact on residents wishing to remain on their land. Removing this interchange from its current planned location would save all of us many hectares of land and would have less impact on not only the productive capacity of our farms but also would lessen the visual impact, the intrusion of light and noise, the risk to our security and pollution from litter.

In fact this interchange will in many respects have a greater adverse impact on our property and lifestyle than that of the proposed multi-lane highway. PLEASE have this interchange moved further South onto land that is already owned by the RMS.

The financial savings the RMS are looking for in putting this interchange at the current location, cannot compete with the cost to our of our personal anguish!

## **Light intrusion**

Our property is not currently affected by traffic or street light intrusion. We are concerned that the angle of the approach and the close proximity of the proposed highway and interchange will result in the direct spill of traffic and street lights into our dwellings and property therefore affecting both our internal living and sleeping amenity. The additional illumination will also impact on the quality of our astronomy observations and interests. The EIS makes no mention of how this impact will be managed. We request redesign of the proposal, including the interchange, so as to eliminate these impacts.

## **Access**

Currently we enjoy direct access from the existing highway into our property. Our current driveway is near level, is utilised only by ourselves and visitors to our property and is easily maintained due to its design. This access point will be removed by the proposed roadworks.

As a consequence, the proposed entry point for our property will be via Austral Park Road, resulting in:-

- Approximately 1.5km of additional travel to our homes and additional travel times to town centres (Berry & Gerringong)
- The establishment of a new easement (ROW) for access over our neighbours land of which we are not keen due to potential neighbour dispute. We do not currently have any such incumbency and we do not wish to be so burdened.  
Our current entrance is highly attractive and well maintained which greatly enhances the appeal and visual beauty of our property. The proposed new ROW does not provide us with such amenity and we have no control over the route, nor how the owner of the land burdened by the ROW will upkeep adjacent land of which we must pass through. We now have real concerns that the charm of our entranceway will be lost.
- A reduced quality drive way surface – the proposed new driveway would involve a significant incline subject to water runoff and erosion (see Fig 1. below). We are not physically able to maintain such a driveway. If we were forced to enter our property via the method proposed by the RMS we would expect that the complete drive access way from Austral Park Road, including access into our respective garages, would be via a hard pavement surface such as concrete or asphalt appropriately designed so as to ensure longevity of the surface and elimination of potential erosion.





**Figure 1: Austral Park Road - reduced quality drive way surface**

- A changed postal address and need to relocate letterbox in an area remote from dwellings with no security and in a location no longer easily accessed by foot.
- The need to inform all contacts of our new postal address and property entry details.

Of major concern to us is the likely inability for emergency and utility service vehicles to access our property during the construction phase. Further, the change to the access point to our property may lead to confusion and would delay emergency vehicle response times.

The proposal currently includes a turning circle at the end of Austral Park Road for the purpose of garbage vehicle movements. We object to this as we do not currently receive a garbage service nor do we require or want one. The introduction of a formal Council waste management service would result in increased Council rates which we are not prepared to accept as we are able to independently manage our waste and recycling and are more than happy with our arrangements with Shoalhaven Council to self haul waste to the local transfer station. We do not want the turning circle to be a store house for up to 8 local property bins. Our immediate neighbours, the McLarens and Chitticks are also opposed to the introduction of a garbage service and establishment of the turning circle. A turning circle in such a remote location we believe would encourage anti social like activities in our locality.

## **Vibration impact**

We are concerned over the potential affect of vibration on our dwellings both in the construction and operational phases of both the highway and interchange . In the construction phase we are concerned with the heavy machinery movements, blastings and rock picking and during the operational phase we are concerned with the vibration resulting from; travel over road surfaces; travel across expansion joints; compression air brakes on trucks and extreme stereo sound systems in passing vehicles.

## **Dust emissions**

Our main concern is, during the construction phase, specifically during the earthmoving and blasting process. We believe our property will be directly affected by dust covering our dwelling, furniture and fittings, garden, water supply, laundry etc, together with diesel and other fuel emissions from mechanical plant and vehicles.

We are aware that significant construction sites in Sydney include the requirement for the developer to regularly provide cleaning services to affected properties. These services include window cleaning and external wall washing etc. Should this proposal proceed, we request that similar obligations be imposed on the developer.

It should also be noted that one owner/ occupant is a severe asthmatic and we have concerns for her health during the construction and operational phase. What guarantee can be provided as to the air quality if this proposal were to proceed?

## **Litter impacts**

We are most concerned with the potential of increased visual pollution from wind blown litter and the risk of disturbing the balance of the existing eco system. There is also a risk to our animals and stock as they can be hurt while stepping on certain litter items and litter can also lead to animals getting trapped and poisoned. Of further concern is the increased risk of litter leading to grass fires caused by a spark from a cigarette.

Currently at our, sole, property entry point, which is approximately 12 metres in width, we collect between 5 and 10 litres of litter per week. We personally collect and dispose of this litter to maintain a clean environment and to avoid the risks noted above.

The proposed motorway and interchange presents no barrier to litter thrown from passing motorists.

If the proposal were to proceed we request the RMS put in place measures at the source to contain litter and prevent it from finding its way into our water supply, paddocks and gardens.

## Economic impact

Should the proposal proceed, the value of our property will be significantly reduced both in real terms and prospective earning capacity.

Lot B was purchased just 3 years ago with the intention of providing a secure income for us in our retirement via its use as a B&B type establishment including a health respite facility. Since purchase, the property has undergone restoration works and is now nearing readiness for occupation. Local realtors who have taken a preliminary view of the property and have indicated that our rental return now will be at the higher end of the market given our current amenity and high quality dwelling and gardens. This proposal directly affects our economic investment return. We are concerned that we will be unable to attract quality tenants both during the construction phase when emissions and noise levels are predicted to exceed the RMS' own acceptable standards and further during operational phase when the current landscape and visual amenity would be scarred by a major motorway as the principal view, not to mention the noise and light intrusion!.

The current setting lends itself to relaxation. As our mother passed away from cancer, it was some solace that she found peace in her later days enjoying the serenity and ambience of the property. It was her wish and ours, that we open our property to other sufferers in the hope that they too could find some form of strength and an escape from the burden of their illness.

We have been working tirelessly to realise this dream to present Seaton Park as a sanctuary for ill persons and their families to retreat to and are devastated that this highway proposal now jeopardises our plan.

In summary we object to the proposed Princes Highway upgrade – Foxground and Berry bypass as currently exhibited as its potential impact is highly intrusive, unacceptable and non-compliant in many areas.

The proposal and its EIS is lacking and found deficient in adequately addressing :-

- our current quality of living in a rural environment,
- our interaction and dependence with neighbours,
- the continued supply of acceptable and safe household and farm water,
- appropriate noise impact and mitigation,
- the impact of light intrusion,
- the potential littering by passing motorists
- the security of property,
- the impact on flora and fauna and significant habitats in an ecological and biodiversity sensitive area,
- the heritage of Broughton Village and its built environment,
- the productivity of the land,
- the visual intrusion,
- the impact of litter
- the compromised access to land and dwellings
- the appropriate vibration mitigation

- the control of dust and emissions and
- the economic impact on individual property owners if this proposal were to proceed.

We implore the Department of Planning to carefully consider all points detailed in our submission and reject the proposal in its current form.

Yours faithfully

Anne Seaton

Vanessa Seaton