



21 June 2019

Adnan Voloder
Planning & Development Manager (NSW & ACT)
Boral Land & Property Group

Dear Adnan,

Re: Dunmore Lakes Extraction Project: Response to comments

Artefact Heritage have prepared this letter at the request of the proponent to address Shellharbour City Council's comments on the modification in relation to non-Aboriginal heritage.

Background

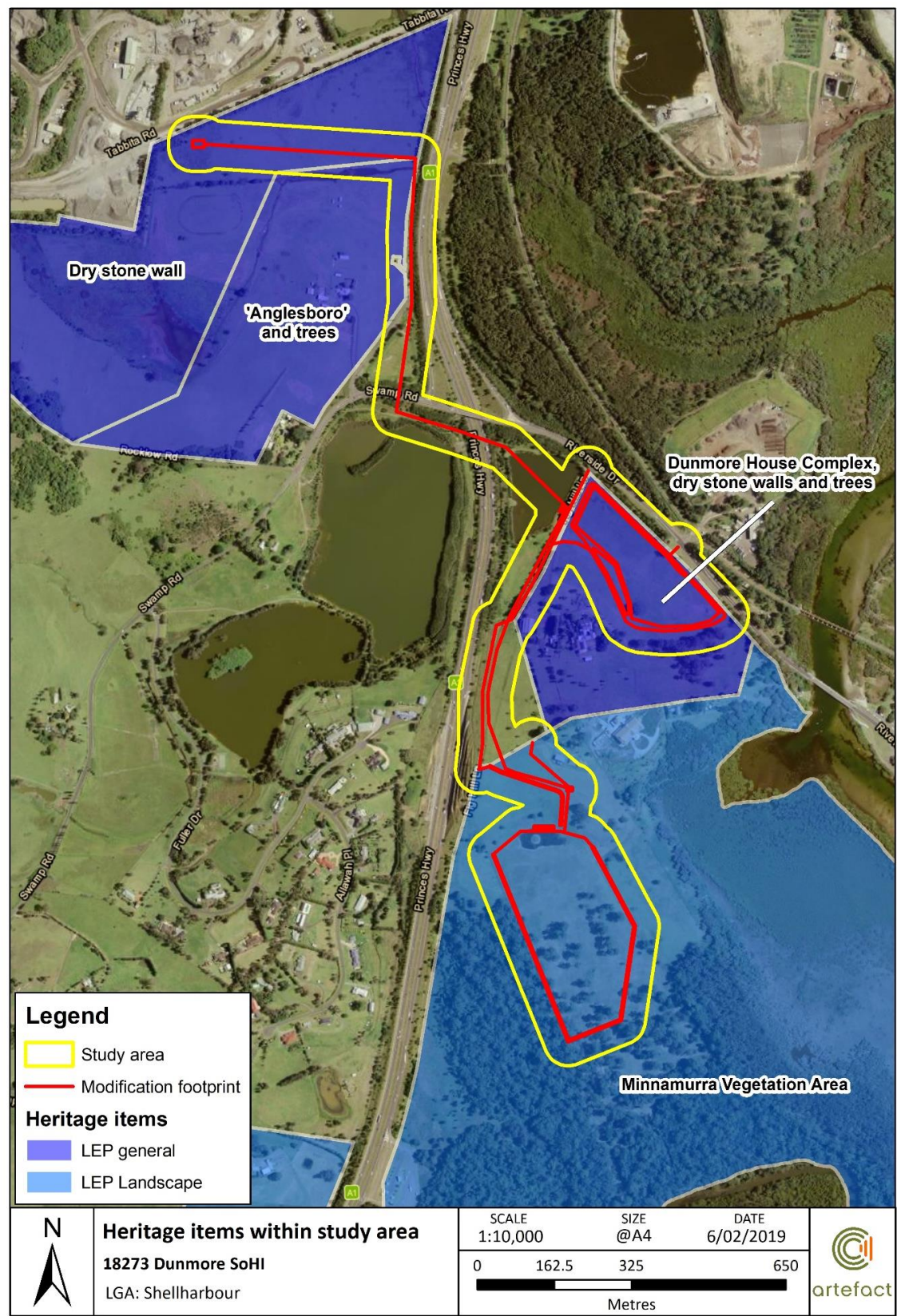
Dunmore Sand & Soil Pty Ltd (DSS) is seeking to modify the current Project Approval (DA 195-8-2004) under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to provide for an additional extraction area (Stage 5) on adjoining private land, encompassing two separate extraction areas, Stage 5A and Stage 5B (hereafter referred to as the 'modification').

The modification would directly impact two heritage items listed on the Shellharbour Local Environmental Plan 2013 (SLEP 2013). Stage 5A is located immediately south of Riverside Drive and is within the curtilage of the Dunmore House Complex, Dry Stone Walls and Trees heritage item (SLEP 2013 Item No. I027). Stage 5B is located to the north of Minnamurra River and is within the curtilage of the locally listed Minnamurra Vegetation Area heritage item (SLEP 2013 Item No. I358).

In February 2019, Artefact Heritage prepared a Statement of Heritage Impact (SoHI 2019) for the modification for Element Environment on behalf of DSS. The SoHI 2019 identified that the modification would result in a moderate physical and visual impact on both the Dunmore House Complex, Dry Stone Walls and Trees heritage item and the Minnamurra Vegetation Area.

Figure 1 below provides an overview of the location of the modification within these heritage item curtilages.

Figure 1: Heritage curtilages within the proposed modification.
 (Source: Artefact Heritage 2019)



Response to Council Objections

The following section provides a response to each of the comments raised by Shellharbour City Council in relation to heritage. Council comments are included below, and each comment is accompanied by a brief discussion.

Comment 1

“The proposed additional extraction areas are considered to have an unacceptable impact on the heritage significance of identified heritage items Dunmore House and Minnamurra vegetation area.”

The SoHI 2019 identified that the modification would result in a moderate physical and visual impact on Dunmore House Complex, Dry Stone Walls and Trees heritage item and the Minnamurra Vegetation Area. Artefact maintain the findings of this level of impact.

As defined in Section 1.3.4 of the SoHI 2019, a ‘moderate’ impact refers to *“Actions involving the modification of a heritage item, including altering the setting of a heritage item or landscape, partially removing archaeological resources, or the alteration of significant elements of fabric from historic structures. The impacts arising from such actions may be able to be partially mitigated.”*

Dunmore House Complex, Dry Stone Walls and Trees

It is acknowledged that Stage 5A would occupy a large area of around 3.5ha within the heritage curtilage of Dunmore House. This would alter the setting and rural landscape qualities of the heritage item, although heritage impact associated with Stage 5A would be mitigated upon completion of the associated rehabilitation work, which would revert affected land back to the existing use as grazing land.

As outlined in the SoHI 2019, the modification would not involve any direct or permanent physical impact on elements of high significance within Dunmore House including the homestead complex and buildings, stone walls or significant plantings within the historic property. Private access to the property via the entry driveway and Fig Hill Lane would not be compromised by the modification.

As noted in the SoHI 2019, the main direct heritage impact within Dunmore House includes removal of one large tree located on the northern boundary of the site. While this mature native tree is not a planting that would constitute a significant heritage component within the homestead complex, the tree supports the setting of the historic property. In the overall scale of the heritage item, this would not represent a significant impact.

Overall, the modification would not result in any **permanent** direct or visual impacts to the significance of the historic Dunmore House Complex, Dry Stone Walls and Trees heritage item. The item would maintain its significant elements and values, and would remain eligible for listing on the SLEP 2013. The impacts associated with the modification would be mitigated following completion of rehabilitation works.

Minnamurra Vegetation Area

Stage 5B would occupy an area of around 8.12ha within the northern portion of the Minnamurra Vegetation Area heritage curtilage. As outlined in the SoHI 2019, the modification would result in removal of all vegetation within the extraction area, which would result in a permanent physical impact within the ecological item. The overall curtilage of the Minnamurra Vegetation Area covers an area of around 160ha, with the proposal representing a less than 3% impact on the total area.

The potential direct and indirect impacts of the proposed modification associated with biodiversity values have been assessed in a Biodiversity Assessment Report (BDAR). The BDAR identified that approximately 4.53ha of a Threatened Ecological Community (TEC), the Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions, would be impacted by the proposed modification. Within the overall scale and context of the Minnamurra Vegetation Area, this impact would be relatively localised.

The BDAR found the modification would affect biodiversity, including threatened biodiversity through both direct and indirect impacts during construction and operation. Most impacts on biodiversity would occur during construction from clearing of native vegetation and removal of habitat for a limited range of flora and fauna. It is noted that these impacts will be offset, in accordance with a Biodiversity Offset Strategy, which is to be developed in consultation with the DPE and OEH.

As discussed in the SoHI 2019, it is understood preparation of a Biodiversity Management Plan (BMP) would inform and manage various activities for the duration of the modification to protect and manage important biodiversity values. The BDAR also identifies ecosystem and species offset credit requirements.

Overall, the item would maintain its significant elements and wider ecological values, and would remain eligible for listing on the SLEP 2013. The impacts associated with the modification would be partially mitigated through offset credit requirements, and the retention of more intact areas of the ecological item.

Comment 2

“The Statement of Heritage Impact (SoHI) fails to justify the identified negative impact on the heritage significance of the affected items, in particular the curtilage and setting of Dunmore House and the Vegetation in the Minnamurra vegetation area.”

The selected modification option was chosen on the basis of it being the location of the required natural resource. In the design process that followed, DSS has sought to avoid and minimise environmental and heritage impacts from the modification where possible.

Minnamurra Vegetation Area

A preliminary Environmental Constraints Assessment was conducted for consideration of ecological constraints for Stage 5B within the Minnamurra Vegetation Area heritage item. Following further ecological survey, the modification site for Stage 5B has been re-designed to reduce impacts. The original Stage 5B extraction area was considerably reduced to minimise ecological impacts and to avoid direct impact on the coastal wetland areas, which are of particular significance within the heritage listed Minnamurra Vegetation Area. Specific project infrastructure has also been sited to avoid or otherwise minimise impact on threatened ecological communities, coastal wetlands and hollow bearing trees. To further minimise negative impact on the heritage significance of the Minnamurra Vegetation Area, infrastructure requiring clearing or excavation has been relocated where possible to non-sensitive land. This process resulted in impact avoidance of eleven hollow bearing trees.

Dunmore House Complex, Dry Stone Walls and Trees

Stage 5A activities have been located within an area of the Dunmore House Complex, Dry Stone Walls and Trees heritage item that does not contain any significant elements within the historic

property. Stage 5A is sited as far as possible from the homestead complex and other significant elements. The modification would result in only temporary impacts on the heritage item, with the area occupied by 5A only currently being utilised for grazing purposes; an activity which will resume in the medium term, once resource is extracted and the area rehabilitated for pasture purposes. It is also noted the wider landscape surrounding Dunmore House has historically featured quarrying activities, including those associated with the prominent local Fuller family, former owners and occupants of the historic property.

Comment 3

“The SoHI also does not adequately address or mitigate these impacts. The recommendation contained in the report which specifies that due to the determined moderate physical and visual impacts on the significance of heritage items which are listed in Shellharbour LEP 2013 the proponent should consult with Shellharbour City Council. This is considered inadequate and inappropriate as the Department of Planning are the determining authority. In this instance and the Application is to the department with Council's role is limited to offering comment as part of this exhibition only. It is worth noting that there has been no direct discussion or correspondence exchanged with Council on heritage matters associated with this proposal on this matter.”

Impacts to Dunmore House Complex, Dry Stone Walls and Trees would be mitigated on completion of the works as the affected area is revegetated and returned to grazing land. It is suggested that photographic archival recording is undertaken prior to the temporary impacts occurring. This is an additional mitigation measure to those recommended in the SoHI 2019.

The impacts to the Minnamurra Vegetation Area heritage item associated with the modification would be partially mitigated through offset credit requirements, and the retention of more intact areas of the ecological item. It is suggested that photographic archival recording is undertaken prior to impacts occurring. This is an additional mitigation measure to those recommended in the SoHI 2019.

Consultation with Shellharbour City Council is considered an important part of the approval process, although it is understood DPE are the determining body. It is noted however that the applicant sought comment from Shellharbour Council, in a letter date 4 December 2018, with a response provided on 24 January 2019 from Council, advising that it was now looking into the matter. On Tuesday 5 February, Council provided an email outlining the following:

The site is also listed as an Item of European Heritage (local) and Potential Aboriginal Heritage. The application will need to address any impacts in this regard – a Statement of Heritage Impact and supporting documentation in relation to Aboriginal Heritage will be required.

The documentation provided for assessment went beyond this general point, and provided a full and completed assessment of the proposal, as reflected by the response by OEH Heritage.

Comment 4

“It is the responsibility of the proponent to demonstrate that there are no possible alternate scenarios that would have a lesser impact on the Heritage Items or determine whether unavoidable impacts are either acceptable or not acceptable. The SoHI determined that the proposed development will impact specific heritage items only. The report appears to imply that the need to

expand the sand extraction area for economic reasons justifies the negative impact on two significant locally listed heritage items. Council cannot accept that conclusion without further exploration of options and mitigation measures.”

Other options were explored during the development of the modification, as outlined in the Environmental Assessment (EA). The option to ‘do nothing’ was discounted on the basis of negative outcomes if the DSS operations would cease between 2019 and 2020. This includes possible loss of employment, reduced revenue to local service providers, sterilisation of a valuable resource and shortages of raw materials to support critical NSW infrastructure and development projects.

The modification site is the location of the required natural resource. This location is optimally positioned, being near the South Coast and Sydney supply markets. Rather than exploring regions that could potentially be unfeasible or ineffectively located, Boral explored opportunities to maintain their competitiveness and ability to supply the local region. Moreover, it is noted that development of extraction areas at other sites in the region would require establishment of new infrastructure and associated development that is already in operation at the current DSS site, along with relocation of jobs. For these reasons, further investigations around the region at other sites were eliminated.

The current DSS site has the advantage of an existing rail line. This is utilised to distribute the sand resource to the greater metropolitan Sydney area; thereby reducing Boral’s reliance on road-based transport methods. Alternative locations would not have the benefit of this infrastructure, which is the most effective way of providing mass transit of sand resource across long distances.

Given the DSS site is fully established, inclusive of supporting infrastructure, it was considered more responsible from an economic, social and environmental perspective to expand operations at the existing site rather than establish a new development at an alternative location. The proposed modification will also secure the continued employment of staff at the site, and retain indirect benefits of the operation within the region.

Mitigation measures are discussed in the response to the above comment.

Conclusions and recommendations

This letter, which has been supplemented with additional information on options analysis and justification, maintains the existing impact findings of the SoHI 2019.

It is further suggested that archival recording of the Dunmore House Complex, Dry Stone Walls and Trees and Minnamurra Vegetation Area heritage items are included as conditions of approval for the project in order to mitigate the proposed impacts.

Please do not hesitate to contact me should you wish to discuss the findings of this report.

Dr Sandra Wallace
Managing Director



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