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Sent via email to: [Jessie.Evans@planning.nsw.gov.au](mailto:Jessie.Evans@planning.nsw.gov.au)

Dear Jessie,

### **Dunmore Lakes Sand Project (DA 195-8-2004) - Modification 1**

#### **1. Introduction**

Dunmore Sand & Soil Pty Ltd (hereafter 'DSS') is seeking to modify the development consent (DA 195-8-2004) for Stages 2 to 4 of the Dunmore Lakes Sand Project ('the Project'), located at Dunmore, on the NSW South Coast (See **Figure 1**). This letter report Environmental Assessment has been prepared to accompany the S75W modification application, and describes the proposed minor changes, and associated environmental impacts.

#### **2. Background**

Stage 1 of the Dunmore Lakes Sand Project was issued development consent from the then Minister for Planning in 1999, and was located south of the Project on Swamp Road, Dunmore (See **Figure 2**). It encompassed sand extraction by dredge for a period of 10 years at up to 500,000 tonnes per annum (tpa). The Stage 1 consent included conditions requiring the proponent to lodge a further application for the remaining identified Stages of the Dunmore sand resource (being Stages 2 to 4).

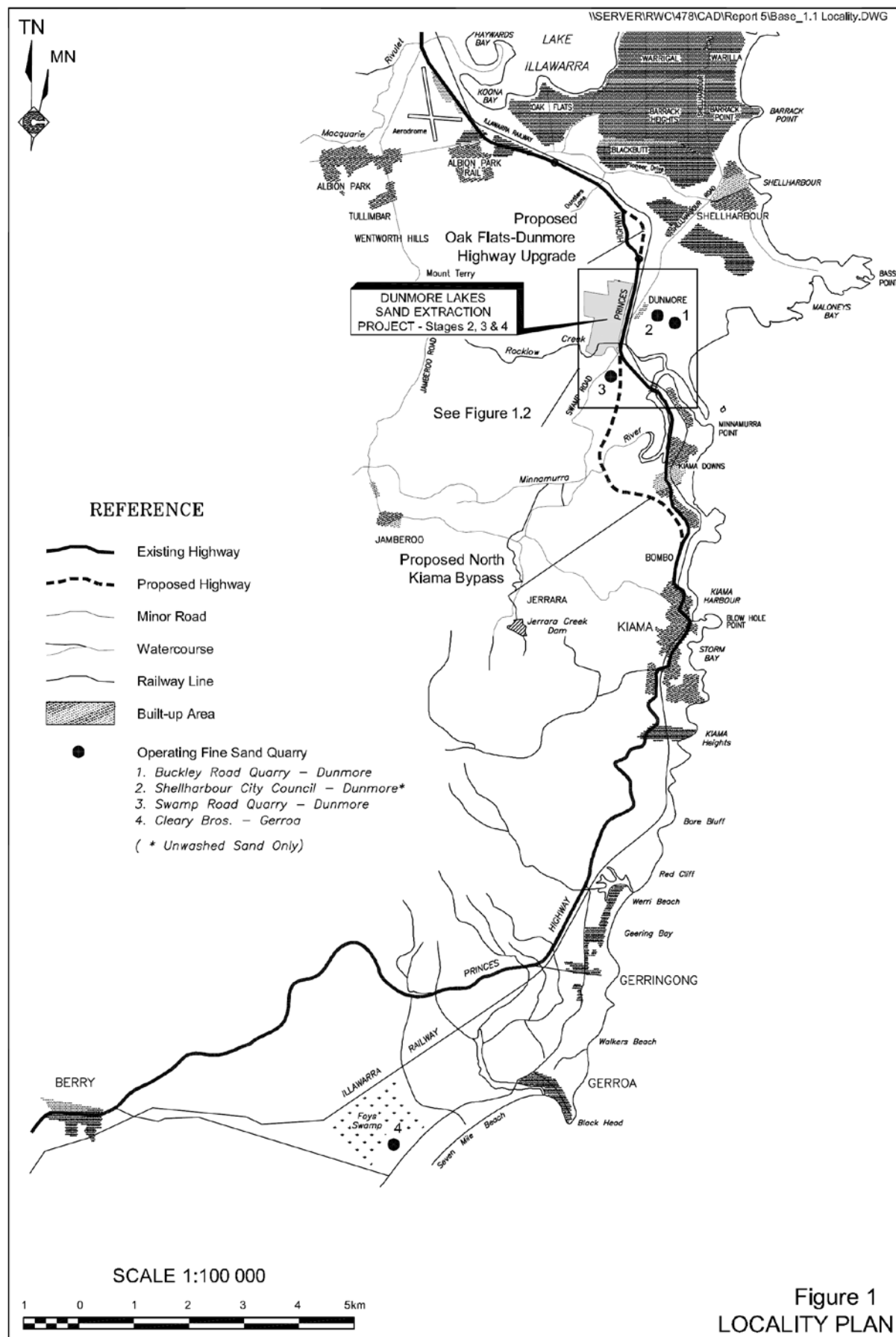
The application for Stages 2 to 4 was lodged in 2004, and the Project received development consent from the Minister for Planning on 29 June 2005. Boral Resources (NSW) Pty Ltd (hereafter 'Boral') purchased Dunmore Sand & Soil Pty Ltd, including the Project in mid 2005. The Stage 1 consent has since lapsed following successful extraction of the approved sand resource and rehabilitation of the site in 2010.

The Project commenced construction in January 2007 with dredging commencing in June 2007. Since then, due to the high demand for sand in the Sydney market, the majority of sand in Stage 2 has been extracted. It is now necessary to progress plans to begin extraction of sand in Stage 3, however, there is a condition precedent in the development consent prior to this occurring.

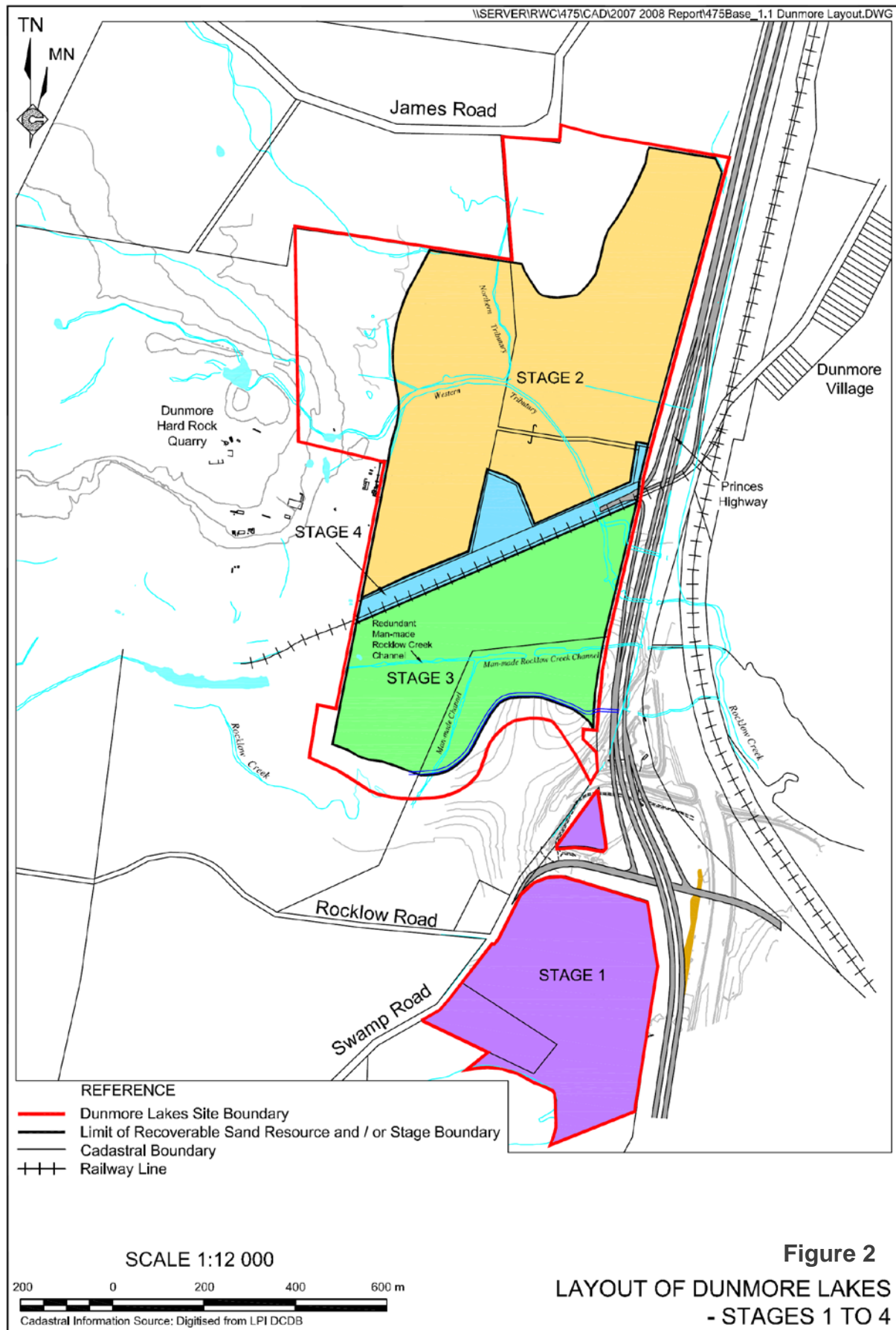
Schedule 3 of the development consent for the Project states:

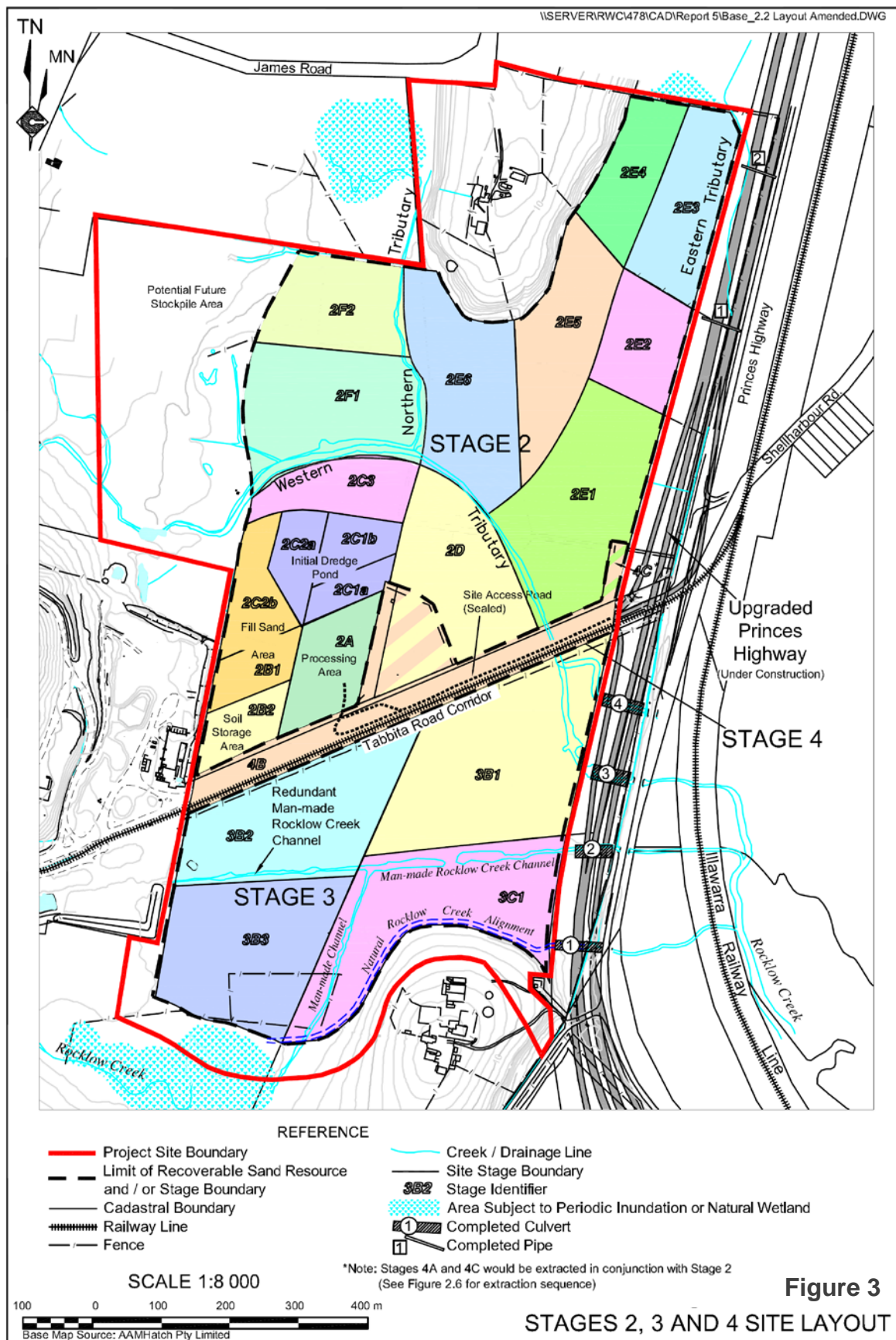
##### **'Rocklow Creek Realignment**

10. *Prior to the commencement of extraction in Stage 3 the Applicant shall complete the realignment and rehabilitation of Rocklow Creek, to the satisfaction of the Director-General. The realignment shall be undertaken in accordance with an approved Riparian Area Management Plan (see condition 45). The realigned channel shall be designed so as to safely convey, without bed or bank erosion, the 1 in 20 year ARI peak flow.*
11. *The Applicant shall not undertake extraction within 3 metres of the bank of the realigned Rocklow Creek. Batter slopes from this extraction limit shall be no steeper than 1:2 (V:H).*
12. *The Applicant shall provide for the ultimate redirection of the realigned Rocklow creek into the lake in Stage 3, unless otherwise approved by the Director-General. The redirection shall be undertaken in accordance with an approved Riparian Area Management Plan (see condition 45).'*



Source: EIS 2004





Source: Response to EIS Issues 2005

The majority of Stage 3 comprises Lot 6 DP 1001931 which is owned by Boral Resources (NSW) Pty Limited (see **Figure 4**). The remainder of Stage 3, which holds the existing Rocklow Creek and its proposed re-alignment location, is on land owned by Mrs R Creagan.

Mrs Creagan has informed Boral that she would prefer to continue to use her land for other purposes, and would like Boral to begin dredging in Stage 3 now and delay the re-alignment of Rocklow Creek.

Accordingly, without Mrs Creagan's consent for a Controlled Activity Approval to re-align Rocklow Creek, and the requirements of Schedule 3, Condition 10 of the development consent, dredging cannot commence in Stage 3.

Boral therefore seeks to modify Condition 10 to allow the commencement of extraction in Stage 3 prior to the re-alignment of Rocklow Creek.

The proponent for this modification is Dunmore Sand & Soil Pty Ltd, which is a wholly owned subsidiary of Boral.

### **3. The Proposed Modification**

#### **Modifications to Condition 10**

The proposed modification is the first for the Project, and is therefore Modification 1. DSS proposes to modify Schedule 3, Condition 10 as follows:

10. ~~Prior to the commencement of extraction in Stage 3~~ *The Applicant shall complete the realignment and rehabilitation of Rocklow Creek, to the satisfaction of the Director-General. The realignment shall be undertaken in accordance with an approved Riparian Area Management Plan (see condition 45). The realigned channel shall be designed so as to safely convey, without bed or bank erosion, the 1 in 20 year ARI peak flow.*

DSS will still be required to apply for a Controlled Activity Approval under the *Water Management Act 2000* to undertake any extraction within 40 metres of Rocklow Creek, and the ultimate re-alignment.

It is also proposed to update the notes prior to Schedule 3, Condition 5 as follows:

#### **Western, Northern and Eastern Tributaries**

*Note: The Applicant is required to obtain a Controlled Activity Approval permit from the Department of Primary Industries – Water under the Water Management Act 2000 ~~Rivers and Foreshores Improvement Act 1948~~ prior to undertaking any works within 40m of Rocklow Creek or the Western, Northern and Eastern Tributaries, or any water feature connected to these protected waters.*

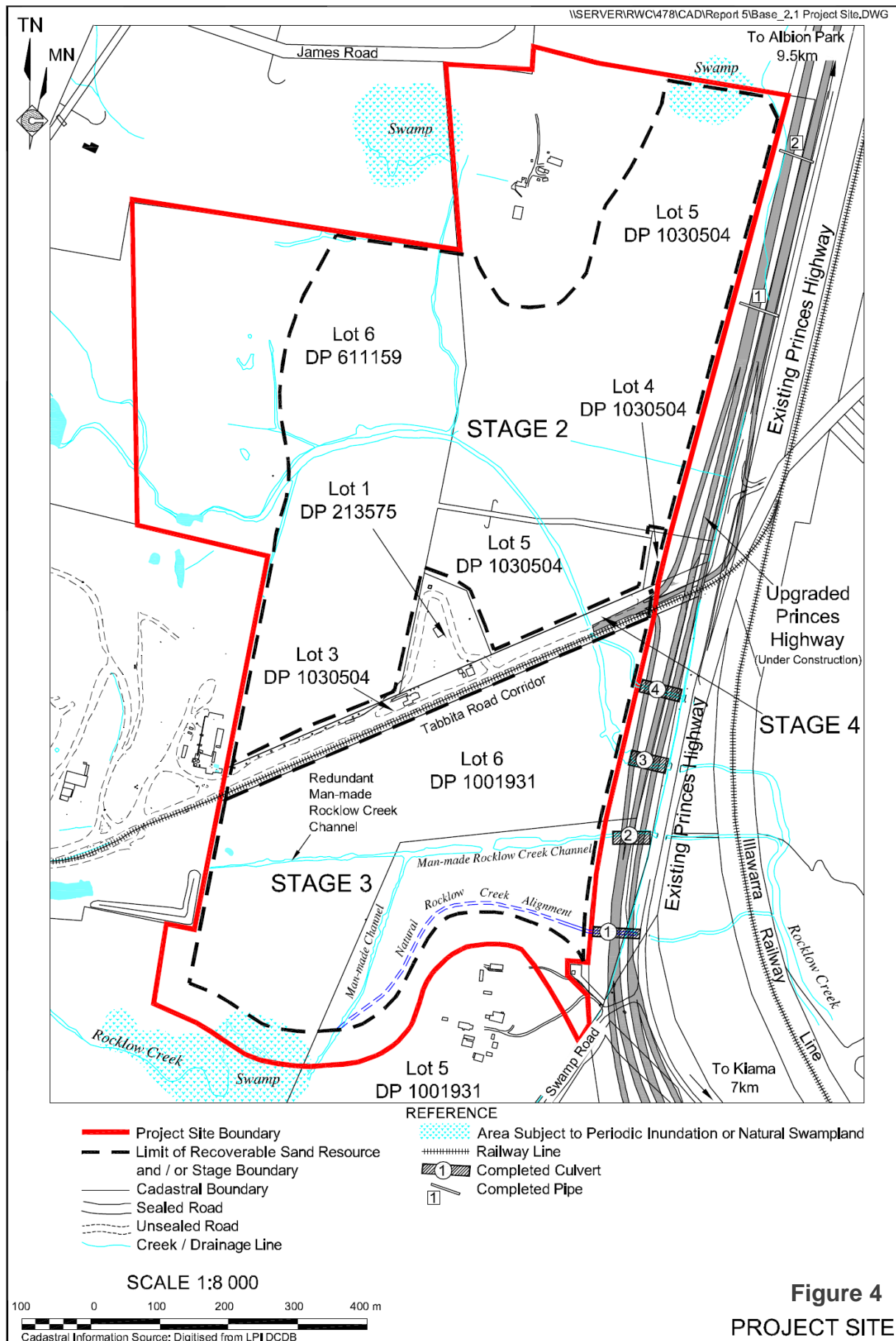
#### **Need and Justification**

DSS needs to modify Condition 10 in order to satisfy the wishes of the joint Stage 3 landowner Mrs Creagan, and to continue dredging operations at the Project to the next stage before the Stage 2 sand resource is exhausted. This is predicted to occur within 6 months.

The Project supplies sand locally to the Illawarra market by road, as well as the Sydney Metropolitan market by rail. Recently, the Project's sand has been used in concrete for Barrangaroo, Westconnex and many residential and commercial buildings in the Sydney CBD. Supply will continue in the coming years to Westconnex, Northconnex and further residential and commercial projects in and around Sydney.

The 2004 Environmental Impact Statement (EIS) and 2005 Response to EIS Issues did not have compelling reasons to re-align Rocklow Creek prior to extraction in Stage 3, other than agreement with Mrs Creagan, and a desire to recover as much sand as possible.





The 2004 EIS states:

#### *2.4.1.3 Stage 3 Extraction Areas*

*Area 3C1 coincides with the area of sand on Mrs Creagan's property. The western and northern boundaries are located just beyond the excavated man-made Rocklow Creek channel currently in operation. Areas 3B1, 3B2 and 3B3 all lie to the north or west of the excavated man-made channels conveying the re-aligned Rocklow Creek. **The boundaries of the four extraction areas within Stage 3 have been nominated with the intent of maximizing the recovery of sand from Stage 3 and to enable the existing excavated man-made channel conveying the realigned Rocklow Creek to be re-instated generally in its original natural location. An alternative layout of extraction areas within Stage 3 was considered during the design of the proposal (see Section 2.14.4), however, the four extraction stages identified on Figure 2.2 reflect the Applicant's preference for sand extraction within Stage 3.***

The 2005 Response to EIS Issues (Attachment 2: Surface Water Management, Page 9) states:

*'(b) Timing of the alignment in respect of Stage 3 dredging operations*

*It is proposed that the re-alignment of Rocklow Creek would be undertaken at least 12 months before the commencement of extraction in Stage 3. This would provide sufficient time for the creek to fully stabilize its creek banks. **The exact timing of the realignment would also be undertaken in consultation with the landowner Mrs R Creagan'***

#### **Planning considerations and approvals**

Under Clause 8J(8) of the Environmental Planning and Assessment Regulations 2000, a development consent relating to State significant development that was granted by the Minister under Part 4 of the EP&A Act before 1 August 2005 is taken to be an approval under Part 3A of the EP&A Act, for the purposes of modification only, and section 75W of the EP&A Act applies to any modification of such a consent.

The development consent for the Project was issued on 29 June 2005, and S75W is therefore the appropriate planning pathway for this modification.

The Project holds Environment Protection Licence (EPL) No. 11147 which would need a minor variation to Condition 05.11 following approval of this modification.

The Project has obtained a number of Controlled Activity Approvals from the Department of Primary Industries – Water (DPI-Water) for works within 40 metres of tributary's within Stage 2, which are still valid. Further Controlled Activity Approvals would be obtained to extract sand within 40 metres of Rocklow Creek, and to undertake its ultimate re-alignment.

#### **Consultation**

Consultation has occurred with the joint landowner of Stage 3, Mrs Creagan, and her letter of consent is included as **Attachment 1**.

The EPA (Wollongong) and DPI-Water (Wollongong) were contacted by phone on 6 April 2016 to inform them of the modification, and explain the need and rationale.

The proposed modification will be communicated to the Projects Community Consultative Committee once lodged, which is ahead of its next meeting on Wednesday, 17th August 2016.

#### **4. Environmental Assessment**

The proposed modification of Condition 10 simply changes the timing of the re-alignment of Rocklow Creek to a later date, rather than prior to undertaking sand extraction within Stage 3.

The proposed modification therefore does not change environmental impacts arising from the Project as predicted within the 2004 EIS and Response to EIS Issues or as regulated by the development consent.

There are no additional impacts predicted for operational noise, air quality, groundwater, surface water, traffic, flora and fauna, visual amenity or cumulative impacts.

The environmental impacts associated with the modification are therefore predicted to be negligible.

#### **5. Conclusion**

The modification is needed to ensure the continuation of the Project and the extraction of remaining sand within the Dunmore sand resource which supplies the Illawarra and Sydney Metropolitan markets.

The modification is considered to be in the public interest, and is recommended for approval.

Please contact me if you require any further information regarding the above.

Yours faithfully



**Rod Wallace**

Planning & Development Manager NSW/ACT  
Boral Property Group

**CC** Matthew Fuller (EPA Wollongong), Jeremy Morrice (DPI-Water Wollongong)

Attachments: 1. Owners consent from Mrs Creagan



Johanna Rita-Therese Greagan  
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4 Swamp Road  
Dunmore N.S.W. 2529  
January 14, 2016

The Secretary  
Department of Planning & Environment  
G.P.O. Box 39  
Sydney N.S.W. 2001

Dear Secretary,

I am the owner of Lot 5 DP1001931, Dunmore, which adjoins Stage 3 of the Dunmore Lakes Sand Project (DA 195-8-2004). The proposed re-alignment of Rocklow Creek and the southern section of the Stage 3 sand resource of are on my land. At present, the development consent requires Dunmore Sand & Soil to re-align Rocklow Creek before they can start extracting sand.

This situation doesn't suit my current

use of the land, and I would like the company to start sand extraction on their land first, and then extract sand and re-align the creek on my land at the end. As the owner of Lot 5 DP 1001931, I give owner's consent to Dunmore Sand + Soil to modify the development consent to make this change.

Yours sincerely,

Rita Breagan.