

"Friends of Minnamurra River"
3 Samuels Lane
Kiama Downs 2533
9.5.19

Department of Planning and Environment
Exhibition of Modification Request
Dunmore Lakes Sand Extraction Project
Application No. DA 195-8-2004 MOD 2

The above Association objects to this proposal .

The Groups reasons for objecting to the proposal are set out below.

1. This is a prohibited Development.

Under Shellharbour Councils LEP 2013. The subject land is zoned RU2 – Rural Landscape. This zoning does not permit extractive industries. The objectives of the zone are incompatible with Sand Mining (an Extractive Industry) Sand Mining and its associated dredging is not a compatible landuse with the objectives of the zone which focuses on “ encouraging sustainable primary industry and the maintenance of the rural landscape character of the land”

2. Biodiversity Impact of the Proposal

This proposal lies within the NSW Coastal Management Zone for the Minnamurra River . Existing vegetation in Stage 5b includes areas listed as an Endangered Ecological Community under the NSW Biodiversity Conservation Act 2016. This vegetation is Bangalay Forest on Sand. The site also has plant communities which are listed on the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. These communities are the Swamp Oak Floodplain Forest. Some 7.5ha of native vegetation and habitat are proposed to be cleared. Clearance of this vegetation will have adverse impacts upon 7 threatened fauna species recorded and observed on site. The habitat for the Barking Owl, the Masked Owl and southern Myotis (bat) are all under threat with this proposal. The White Bellied Sea Eagle nests in the vicinity and was recorded during fieldwork (p98) Clearance of Bangalay and Banksia will adversely impact upon adjoining remnant Bangalay Forest on sand which appears to have an understory of Coastal Littoral Rainforest present.

3. Traffic Issues

This proposal seeks to transport the sand for processing via pipeline. However the proponent seeks to bring some 325,000 tonnes of virgin excavated natural fill (VENF) by road to fill in Stage 5a. This will necessitate heavy vehicle truck movements along the Princes Highway and Riverside Drive then turning right to enter the site opposite the entrance to The Minnamurra Recycling Centre. This importation of VENF to the site is estimated by the proponent to take up to 2 years The proponent does acknowledge that it may take longer than 2 years to complete(P145).

This is going to have a major impact upon traffic movements along Riverside Drive. At present some 6670 vehicles each week day use Riverside Drive to enter or leave the residential area of Minnamurra, Kiama Downs, Gainsborough. Only 5.6% of these vehicles are heavy vehicles (Table 7.17 p144) Currently this a level of service (LoS) morning and afternoon of B. This equates to a LoS of “good with acceptable delays and spare capacity.”

This proposal will have a cumulative impact upon traffic volumes raising the LoS in the morning to C and Afternoon to D. Level D is at a “level of operating near capacity” with the potential for more frequent accidents.(Table 7.18)

The proponent is seeking to bring 325,000tonnes of fill by truck and trailer. Each of these vehicular configurations are some 26m in length .Assuming each vehicle is carrying 40tonnes of fill this equates to some 8,125 heavy truck movements in and out of the site on a local road network Riverside Drive for which Shellharbour City Council and Kiama Municipal Council bear the cost of maintenance. Currently the pavement is beginning to break up with the current usage.

The proponent plans to develop unsealed roads in stage 5a . This has the potential to create dust issues and accentuate noise in what is currently a rural environment.

Its worth noting that Boral in its existing sand mine and hard rock quarrying site at Tabbita Road Dunmore has traditionally used rail as a principal means of transporting product to market. Rail transportation has clear environmental benefits . However Boral in 2018 applied to the DPE for a modification to its approval (DA 470-11-2003 MOD11) to “increase the road transport limit to allow **all material to be transported by road.** This was approved on March 15 2019. Boral argued that due to “unprecedented demand for construction material in Sydney” that rail capacity is full. Transport NSW disputed this claim saying that there was “available rail freight capacity on the Illawarra Line.

The impact of this approval is to see an increase in truck movements from 320 (160 loads) to 540(270 loads) per day.

4. Acid Sulphate Soil

The Dept. of Land and Water Conservation (DLWC) 1:25000 Albion Park Acid Sulphate Soil (ASS) risk map describes the site under consideration “as having a high probability in terms of the presence of ASS”

The Proponent has identified the potential of acid sulphate soil (PASS) in stage 5 some 600m³ with the potential to produce some 19 tonnes of acid.(page xv1) . Lowering of the water table due to excavation may expose PASS resulting in acidification.

5. Commercial Considerations and their Impact

Mineral extraction in all its forms seeks to ultimately access a finite resource which will be mined to the point at which it does not provide a commercial return to the producer. At this point operations cease and under the current legislation the site is to be rehabilitated. Sand Mining By Dunmore Soil and Sand (DSS) is currently being carried out in Stage 3 which is projected to be exhausted within 8 to 12 months depending upon market demand. Rehabilitation and on going maintenance of the site in stages 1,2 and 3 will be undertaken. Boral has completed the rehabilitation of stage 1 and has commenced some rehabilitation in stage 2. Boral's ownership of the sites 1 to 4 will ensure that the rehabilitation and the on going monitoring and maintenance of the sites . However this proposal seeks to have Boral access a sand resource on privately owned land. If the application is approved what on going measures will be put in place to ensure that the rehabilitation of the sites will continue in the long term.

6. Ground Water and Aquifers.

The proposed 5A pit is located on low lying land on the western side of Riverside Drive Dunmore . This land is flood prone and lies within the Rocklow Creek catchment. The Minnamurra Waste and Recycling depot is adjacent this pit. The former Garbage tip for the Kiama Municipality has an organic plume within the water table. Kiama Council is monitoring this toxic plume and is pumping out water and processing it in an endeavor to contain the plume. This plume is in the same aquifer as the proposed 5A pit. Any change to the hydrology or any construction of bunds or levees which the applicant is planning will alter the flow of water and increase the intensity of surface water flow into the former tip site.

The plan to fill the 12m deep pit with some 235,000 tonnes of VENF which does not have the same porosity and permeability as the sand which has been mined accentuates the probability that this will lead to unintended ground water movement in the vicinity of the toxic organic plume which is immediately adjacent the Minnamurra River. Any potential threat which interferes with the aquifer flowing into the former tip site will have disastrous consequences for the Minnamurra River.

The proposed 5B pit is located in the catchment on the flood plain of the Minnamurra River. The proposal is for a 27m deep pit covering an area of 7.85 hectares to be left after 1,123,000 tonnes of sand is mined . This is an area with identified endangered ecological communities listed under State and Federal Legislation. There is no likelihood that these communities and habitats can be rehabilitated following mining. A short term commercial gain for the proponent becomes a potentially long term ecological disaster for what is currently a climax community of rare Bangalay forest on sand.

7. Legislative Framework.

The proponent is seeking to modify the current Project Approval (DA 195-8-2004) under section 75W of the NSW Environmental Planning and Assessment Act 1979 to allow this proposal to proceed. The proponents current operations are all focused in the catchment of Rocklow Creek.

This proposal for stages 5A and 5B bring the proposal into the adjoining catchment of the Minnamurra River.

The NSW Department of Primary Industries (Fisheries) (p55) noted that the proposal is located within land which is identified as "proximity zone for coastal wetlands". Minnamurra River and its associated coastal wetlands are considered to be Type 1 (highly sensitive) and class 1 (major) Key Fish Habitats. It could be argued that because Stage 5B is not in the catchment of Rocklow Creek but rather in the catchment of the Minnamurra River that it could necessitate a separate application. A new separate application would see it assessed under the Coastal Management SEPP 2018 Policy. If this was the case then the proposal would be subject to an Environmental Impact Assessment.

8. European Heritage

Dunmore House is a registered heritage item under Shellharbour Councils Local Environment Plan 2013. This proposal will have a direct visual impact on the Dunmore House complex.

9. Aboriginal Heritage

The proponent acknowledges the presence of artifacts. These 2 Extraction pits will extinguish these sites.

CONCLUSIONS TO BE DRAWN.

The applicant Dunmore Soil and Sand, a subsidiary of Boral, is seeking a modification to open up 2 sand extraction pits within The Coastal Management SEPP 2018 zone for the Minnamurra River. If approved this will have major ramifications for the Biophysical environment along with the Built Environment.

The mining of this finite resource in the short term (2-5 years depending upon market demand) in such an environmentally sensitive area will have major long term impacts whose cost will be borne by the community and the environment in the long term.

The Precautionary Principle ought to be applied in relation to this application. The risks are great and the environment ought not be compromised and degraded. The request ought to be refused.

DECLARATION

The group has not made any reportable political donations in the previous two years.