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23 May 2019

**TO:**

NSW Department of Planning and Environment  
Sydney NSW

**RE:**

**OBJECTION TO**

Dunmore Lakes Sand Extraction Project  
Application No. DA 195-8-2004 MOD 2  
by Dunmore Sand and Soil Pty Ltd/Boral Property Group

**THIS SUBMISSION SUPPORTS KIAMA MUNICIPAL COUNCIL IN ITS STRONG OPPOSITION TO THE PROPOSAL BY BORAL TO MINE LARGE AREAS FOR SAND BESIDE THE MINNAMURRA RIVER AND ROCKLOW CREEK AT DUNMORE/MINNAMURRA, NSW**

In summary, Boral proposes to convert a relatively rare remaining natural Australian east coast riverine ecosystem and associated floodplain and wetlands, substantial parts of which are protected by NSW conservation legislation, into a large-scale industrial wasteland comprising deep sand mines on the floodplain only 280 metres from the centre of the Minnamurra River, pumping stations, pipelines, roads, levee banks and artificial lakes.

The damage caused to this highly sensitive and priceless natural asset by such a development will be irreversible.

It is unconscionable and contrary to responsible corporate behaviour in the 21<sup>st</sup> Century - when the United Nations has recently warned that the destruction of natural habitats worldwide is well advanced - to have a company, particularly a publicly listed Australian company, strongly advocating the destruction of even more natural habitat for short-term corporate profit.

**Biodiversity Impacts**

This proposal is within the NSW Coastal Management Zone for the Minnamurra River and existing vegetation in Stage 5b of the proposal includes areas listed as an Endangered Ecological Community under the *NSW Biodiversity Conservation Act 2016*. The site also has plant communities which are listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The sand mining application, if approved, would require the clearing of about 7.5ha of native vegetation and animal and bird habitat, with obvious serious consequences for the seven threatened fauna species recorded and observed on the proposed mining site, as well as a number of protected bird species.

## **Development Prohibited by Law**

Under Shellharbour Council's Local Environment Plan (LEP) of 2013, the proposed sand mining site is zoned RU2 – Rural Landscape - which does not permit extractive industries such as the extractive industry of sand mining.

Sand Mining and its associated dredging is not compatible with the objectives of the RU2 zone which are to “encourage sustainable primary industry and the maintenance of the rural landscape character of the land”.

## **Major Threats to Minnamurra River and Rocklow Creek from Sand Mining Effects on Ground Water and Aquifers**

Boral's proposed 5A pit is located on low lying, flood prone land within the Rocklow Creek catchment on the western side of Riverside Drive, Dunmore. The former Kiama garbage tip, now the Minnamurra Waste and Recycling Depot, is adjacent to this pit. In this area and emanating from the former tip and the site of Kiama's old human excreta or “nightsoil” dump, is an organic plume within the water table moving slowly underground below the Rocklow Creek drainage towards the Minnamurra River.

Kiama Council is monitoring this toxic plume and pumping out and processing water from it to try to contain it. The plume is in the same aquifer as Boral's proposed 5A pit. Any change to the area's hydrology or any construction of bunds or levees such as Boral is planning immediately adjacent to the old dump sites, will intensify the velocity and other characteristics of the flow of not only surface floodwaters along Rocklow Creek and the former tip and nightsoil sites but the plume-laden aquifer under it.

Boral's plan to fill its 12m deep sand mining pit with some 235,000 tonnes of ‘clean fill’ (probably from construction sites in Sydney) which does not have the same porosity and permeability as the sand which has been mined, accentuates the probability of unintended groundwater movement in the vicinity of the toxic organic plume which is already immediately adjacent the Minnamurra River.

Any development that interferes with the aquifer flowing into the former tip and nightsoil site will have disastrous and irreversible consequences for the Minnamurra River as well as its tributary, Rocklow Creek.

## **Permanent damage from mining – Australia is littered with examples**

Boral's 5B pit is in the catchment and on the floodplain of the Minnamurra River. The proposal is for a pit 27 metres deep covering an area of 7.85 hectares to be left after 1,123,000 tonnes of sand is mined.

The area to be destroyed if the proposal proceeds contains identified endangered ecological communities listed under State and Federal Legislation and threatened fauna and bird species.

These communities and habitats **will not be able to be rehabilitated after mining finishes.**

## **The People of NSW Should Demand the Application of NSW Planning and Environmental Protection Legislation**

The NSW Department of Primary Industries (Fisheries) has noted in the environmental assessment for this application that Boral's sand mining development proposal is on land identified by the NSW government as a "proximity zone for coastal wetlands".

The Minnamurra River and its associated coastal wetlands are considered to be Type 1 (highly sensitive) and class 1 (major) Key Fish Habitats.

Because Boral's proposed Stage 5B is in the catchment of the Minnamurra River, the Boral application must be assessed under the government's new Coastal Management State Environmental Planning Policy (SEPP) which came into force March this year.

In addition to a more stringent environmental assessment of the proposed sand mining project than would have been possible under the government's previous legislation, the new Coastal Management legislation would require a full and detailed Environmental Impact Statement of the proposal.

- Graham Pike