The Department of Planning Industry and Environment’s Dunmore Lakes Modification 2 Assessment Report considers that this project is acceptably regarded as a modification because

* it does not create a radical transformation of the project
* is a different part of the same sand resource,
* the processes and procedures remain much the same, and
* environmental impacts can generally be managed rather than prevented.

However, there is an overall community concern that it is not just a modification of the original approval as it is no longer on Boral’s land, it has taken a substantial step eastward towards the Minnamurra River and now impacts different ecosystems within the protected coastal management area.

My concerns and those of the community members who have spoken with me relate mostly to the environmental and Aboriginal cultural heritage impacts of this proposal.

Naturally the Assessment Report is designed to be persuasive and in doing so it justifies itself by highlighting one of the four goals of the Illawarra Shoalhaven Regional Plan “A region that makes appropriate use of agricultural and resource lands”, and stresses one of its relevant actions.

ACTION 4.2.1: Sequence release areas, in the vicinity of mineral resources, to allow the continuation of working extraction activities.

The Report neglects to mention another equally important of those four Regional Plan Goals, that of being “A region that protects and enhances the natural environment” and doesn’t go on to consider two of its relevant actions.

ACTION 5.1.3: Protect the region’s biodiversity corridors in local planning controls, and

ACTION 5.1.4: Create a consistent approach to protect important riparian areas in planning and development controls.

It is mostly Stage 5B that is inconsistent with the Regional Plan’s environmental goals and actions and also inconsistent with some of the objectives of the NSW Coastal Management Act that I will discuss later.

Whilst the Department recognises the value of the E3 land in the south western portion of the 5B extraction area, and recommends that Boral avoids any development in this area it has stopped short of seeing the overall picture. To the south, 5B’s E3 land gives way to larger extents of land zoned E3 and the significance of the connectivity between these zones and the land further east has been missed.

In considering the proposal under the EP&A Act, it is stated that the modification doesn’t significantly increase the approved environmental impacts. This is not true. The environmental impacts have increased due to the Stage 5 sites now abutting the different Minnamurra River ecosystems. These impacts are different to what has been approved because they involve different species and ecosystems.

The department’s stance places economic and social considerations – i.e. building industry and employing 10 people higher than environmental and indigenous cultural considerations.

The Dunmore operations may traditionally supply 7.5% of the sand used in the Sydney construction industry but that is no reason to seek to approve it at all cost rather than trying to find and exploit other less environmentally sensitive areas.

In discussing impact on threatened species and ecological communities the report falsely states that the final 5B landform will provide enhanced resources for water birds in the long term, whilst the reality is that the 5B pond will remain deep water and not include wading and foraging areas until, and if, long term assessment ever shows that its water quality is suitable for overflow into the Minnamurra River.

In general, the environmental impact of stage 5B operations have been under considered throughout the assessment report.

Two objectives of the NSW Coastal Management Act 2016 are:

* To protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity, and
* To improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration.

The impact that the 5B stage of this project will have on vegetation is considerable, as it further disrupts the fragile corridor connecting the riparian vegetation of the Minnamurra River. With Stage 5B 100m from the edge of the protected wetland area, it is blatantly misleading to say that that no extraction would occur within the mapped wetland areas or the proximity area for coastal wetlands buffer whilst ignoring the indirect impact that vegetation removal and barrier creation will have on those areas.

Throughout the 5B zone there is 7.5 ha of native vegetation to be cleared including 4.5ha of the Bangalay Sand Forest which is an Endangered Ecological Community under the Biodiversity Conservation Act. The Bangalay trees are the only hollow bearing variety of trees among the vegetation community. There are 38 of these hollow bearing trees and 4 hollow bearing stags proposed for removal in Stage 5B which is pretty much the entirety of vegetation that occupies the 5B area.

The report states that biodiversity impacts were designed to be minimised by focusing development on land that had previously been cleared for agricultural purposes. In considering the EP&A Act the Department notes that the proposed modification has been designed to limit vegetation clearing where practical and is not seeking to extract resources from area of high-quality remnant vegetation. This statement totally misrepresents the fact that the mere existence of these 42 hollow bearing trees attests to their high-quality environmental significance and is the reason they have been retained as paddock trees over time. Removing them does not meet the EP&A objective of protecting the environment including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.

The suggested mitigation for the removal of Bangalay vegetation is that Boral provides a Biodiversity Offset Strategy, although approval for the project is being recommended in advance of any site being confirmed. Boral plans to relocate the felled tree hollows and install nest boxes. However, it is well established that these procedures, particularly nest boxes do not adequately replace natural hollows for the breeding purposes of many native species. The significance of the Dunmore Bangalay Endangered Ecological Community is down played by referring to the 6300 hectares of Bangalay Sand Forest that remains between here and the Vic border. How will these remote communities help the survival of species dispossessed by removal of the 4.5ha at Dunmore?

Further, although the report states that the six threatened species recorded in field surveys did not appear to be breeding in the area, the rarity of and competition for tree hollows will confirm their use by other species that will become displaced should the project go ahead.

No reference is made to the impact of sea level rise on the protected mangrove and saltmarsh communities of the Minnamurra. This is a point that has been raised by both Council and community members using local evidence-based data that Mangroves and their peripheral saltmarsh are already retreating westwards in this area. A recommended action of the Federal Department of Agriculture water and the Environment is to identify and protect areas where coastal habitats can retreat with sea level rise. The low-lying land of the stage 5B area is one such zone where this can and should occur, rather than presenting a barrier to migration in the form of the bunded perimeter of 5B’s deep-water pond.

Turning briefly to an environmental consideration of Stage 5A, I am concerned that there is a reasonable probability that the Stage 5A works will have an ongoing negative impact on the vegetation in this area. This is due to **t**he agreement made with the landowner to rehabilitate back to pasture after the year or so of extraction work in this location. It is stated that trees will be removed within the curtilage of Dunmore House for the development of 5A and that trees won’t be planted for the short-term screening of the works from Riverside Drive. The return to pasture rehabilitation agreement is being used in opposition to screening and revegetation and this agreement should be modified to take the longer-term environmental interest into account.

There has been local disquiet about the impact of sandmining on traditional Aboriginal land and in relation to the sustainable management of Aboriginal cultural heritage the proposal falls far short. Approval is being recommended by the department whilst admitting that sufficient knowledge is still being developed and there is the assumption that digging out and handing over artefacts in a very significant historic site is a suitable way of managing Aboriginal Cultural Heritage. I have had several representations from the local Aboriginal community on this matter.

Heritage NSW encouraged Boral to further consider the heritage impacts of their proposal and requested that Boral confirmed the outcomes of their consultation with the Illawarra Local Aboriginal Lands Council regarding the additional testing recommended by Heritage NSW. Boral confirmed that the testing took place with Aboriginal representatives present and that the resultant report was distributed to them, but it appears the outcomes of such consultation was that no comments were received by Boral in response to the report. It is implied however, that there was some commentary coming to the Department from the local Aboriginal community and certainly many of their signatures were among the 5000 on the petition that was delivered to the State Parliament by MLC Justin Field. What I have heard is that the perspective of the Illawarra Local Aboriginal Land Council is that excavation is disrespectful of this piece of sacred land, and from this I can assume that the collecting and handing over relics as proposed by Boral is not a favourable outcome in the eyes of the Land Council.

The Minnamurra River is of high significance to the local Aboriginal community with spiritual values associated with it as the burial place of King Woolongoolow, King of the tribes from Wollongong to Nowra. There are 27 Aboriginal cultural heritage sites within a 1 km search radius of the Stage 5B excavation zone that are registered with the NSW Aboriginal Heritage Information Management System (AHIMS). Three of these sites are proposed to be disturbed by excavations for stage 5B of this project with two of these considered of most importance. The abundance of relics that have already been found in test pits here is indicative of the high usage of the area by Aboriginal people in the past. The stage 5B site is also highly proximal to the site of the 1818 Minnamurra Massacre, as determined by University of Newcastle Professor Lyndall Ryan and recognised by Kiama Council. Both Boral and the Department acknowledge that sufficient knowledge of this area is yet to be developed, and as so, its preservation should be upheld as a precautionary measure. It is a site of shared history that deserves respect.

Overall, my opinion is that the Boral modification proposal offers only short-term economic gain at a significant cost to the ecology of the Minnamurra River and to the people of this area. It should not be allowed to proceed.