**Comments to the IPC**

**Introduction**

Thank you for the opportunity to comment on Boral’s proposed extension of its sand mining operations into the Minnamurra catchment.

**Introduction**

By way of introduction, my family lives in Kiama Downs, and our family life revolves around the river. In particular it is a constant attraction to us, in terms of our recreation. We swim and walk around the river every day we can. We are physically in the water often – for my husband, this includes swimming several kms a week – including through winter. It is a sign of the bias in our approach to planning and approvals, that such a fight has to be mounted against an extractive industry setting up operations within 300m of a waterway and beach that was [rated as in Australia’s top 3](https://www.illawarramercury.com.au/story/6541702/illawarra-beach-makes-top-three-on-best-australian-beaches-list/).

We are not NIMBYs – we are surrounded by quarrying operations – Bombo to our south, Boral’s sand and hard-rock extraction operations to our NW (visible from our house) and further off to our North East – the Bass Point operation. We already live with a level of impact – trucks on our roads, dust, visual impacts. Kiama has a long history of providing these resources and we accept the need for these operations. What we do not accept is opening up new footprints in sensitive areas.

And just briefly (these issues were covered eloquently in other submissions and comments), we reject entirely that this is an extension of the Dunmore operation. I read, with some disbelief, the dubious position of Departmental representatives on 1 October, suggesting there was precedent for 20, 30% increases in the footprint being able to be considered as within the original approval. Firstly, if true, that is a precedent that is fundamentally out of step with current community standards and expectations. Secondly, when a project moves into another suburb, another catchment, and crosses a major highway, then it cannot be considered a “modification”. It is patently a farcical proposition, opportunistically proposed by the proponent, and weakly endorsed by the Department. It’s worth asking why the Department is so keen to wave through this play by the proponent, when government spent so much time developing the more modern Coastal Management legislation that a new DA would need to comply with. This is why matters like this, are referred to an Independent Panel.

But I wanted to focus my comments on three key concerns:

* The proponent’s track record of modifying projects
* How providing support to industries that extract virgin material prevents the establishment of new industries that can deliver alternative materials with much lower environmental impacts
* The 27m maximum dredge depth sought for 5B

**A track record of constant modifications**

An examination of the Planning register of the sand and hard-rock operations at Dunmore reveals that it is established practice to seek modifications to approved projects, that at times, completely overturn conditions that are set at the initial approval. Truck numbers and tonnages increased, requirements to move materials by rail are overturned (completely), tonnes extracted are increased.

It is therefore hard to see these new proposals, particularly 5B, as anything but a foot in the door to later expansions that will not be considered by the IPC but are just rubber-stamped by the Department. The local community has little faith that the proponent will stick to the scope of this project, mine the resource, and then leave. Anyone suggesting this, is really arguing against what has occurred frequently in the past and what sadly is pretty much standard business for these operations. My family and I are deeply concerned about the impacts of 5A and 5B on this iconic site. The creeping and cumulative impacts on endangered and disappearing species, the continuance of impacting aboriginal heritage, and the “in-perpetuity” risk of polluted pond waters impacting the river, are real and would appear to fail any application of the precautionary principle. But we further dread the likely reality that the proponent will later seek permission for a 5C and 5D, not to mention regular modifications sought to the approvals for 5A and B.

The IPC should be alive to this low-ball/foot in the door strategy. Approval for 5B is to set in train a course of action which will see further tonnages extracted, with impacts closer to the river. It should be refused.

**Perpetuating an unsustainable business at the expense of sustainable alternatives**

2. The Proponent has argued that approval of the projects will help meet the ongoing requirements for infrastructure and housing developments in the region and beyond. And that local jobs hinge on the approval.

There is another side to this story. For over 20 years, small companies have endeavoured to start up, utilising recovered and recycled materials in the construction industry. Often these operations seek to reduce or replace the use of sand as a construction material. There have been a number of pilot construction projects in the region including near the Dunmore Quarry, and Kangaroo Valley, but also the car handling facility at Kembla Grange which utilise waste rock from coal mining. Despite these pilot projects performing admirably, there are *chronic barriers* to these approaches becoming more standard practice. ***The main barrier is that construction materials with much lower environmental impacts cannot be viable until they can work at scale***. And they cannot operate at scale, when the industry (road and housing developments) can access virgin materials at a price that does not reflect their true environmental cost.

The simplest definition of a “sustainable activity”, is simply, “the activity can be maintained at a certain rate”. We know (and Boral acknowledges), that sand supplies around the world are running out. They cannot be replenished. These new pits will last 3-4 years. By definition, this is not a sustainable activity – even if there were no environmental impacts or risks.

Boral has previously noted that should this project not receive approval, then the impact would be “increasing costs that will be passed on to customers”. Further, that “local jobs” are at stake. Both these claims are furphy’s, as Boral and other established market participants effectively crowd out alternative businesses, and therefore local job opportunities. Pushing into increasingly sensitive areas is just sustaining this unlevel playing field, and doing so at increased environmental costs. The application is not an “all or nothing” scenario. Approving this application will simply create environmental costs and further stymie and delay the upscaling of viable alternatives with a much lower environmental footprint.

**Pond Depth**

The proponent is seeking approval for a potential pond depth of 27m for 5B. The proponent’s presentation to the panel last week, was wholly lacking in any detail as to the risk of degraded water quality occurring in ponds at this depth. The IPC’s meetings with the proponent and the Department seemed to focus on whether the proponent had the engineering capability to extract at this maximum depth. The real questions are:

* How extraction to 27m would constitute a “change” to the proponent’s current approvals and operations – which I understand do not exceed 12 or 13 metres.
* The lack of precedent or an established body of scientific evidence on what occurs to water quality in ponds left at this depth

Neither of these questions have been answered or sufficiently addressed by the proponent to date. Should the Panel resolve to approve the project, at minimum the Panel should require the proponent to not exceed its current extraction envelope of 12 metres.

Thank you for the opportunity to comment on this application

Wendy Wallace