

12 July 2019

Department of Planning & Environment  
320 Pitt Street  
GPO Box 39  
SYDNEY NSW 2001

Via Email: [Jack.Murphy@planning.nsw.gov.au](mailto:Jack.Murphy@planning.nsw.gov.au)

Attention: Mr Jack Murphy

**Dunmore Lakes Extraction Project – Modification 2 (DA 195-8-2004 Mod 2)**  
**Lot 501 in DP 1174897 & Lot 51 in DP 1012246**  
**471 Riverside Drive & 69 Fig Hill Lane, Dunmore**

### **Response to Submissions**

Dear Mr Murphy

Please find below, an additional submission from Shellharbour City Council with regard to the response to submissions for the proposed Modification 2 to DA 195-8-2004 (the Application).

The following matters have been identified as critical to the assessment of this Application:

#### EXECUTIVE SUMMARY

Shellharbour City Council still maintains the position that the proposal, in its entirety, should be treated as a new development application, as the proposed works are considered to be substantially different than the original approved development. It is considered that the application should be withdrawn and resubmitted as a new development application. This submission also provides additional commentary in regard to the applicant's response on environmental, flooding/stormwater, heritage and traffic considerations.

Upon further investigation, Council has also subsequently found a critical issue with particular referencing to key dates mentioned by the applicant. A letter from Department of Planning & Environment (DP&E) dated 21 December 2018 signed by Director Howard Reed in 'Appendix C – Stakeholder Consultation' stated that the application could continue under the Section 75W approval pathway, provided that a complete Environmental Assessment (EA) is provided to the Department by no later than 28 February 2019.

Revision 2 of the EA is dated under 'document control' as 10 April 2019, with lodgement of the entire package assumed to have occurred shortly after this date. This is after the 12 months specified by DP&E for a complete assessment to have been lodged. DP&E stated in the same letter that if a complete EA is not submitted to the Department by 28 February 2019, the Department intends to give immediate notice that Modification 2 will not be dealt with under section 75W.

All relevant matters have been tabulated with the format of Shellharbour Councils initial comments, the applicant's response to these, and Councils' further responses. This can be found in **Attachment 1 – Dunmore Lakes Modification 2 - Response to Submissions**.

Should you require further details on the information provided within the Attachment, please do not hesitate to contact Council's Development Assessment Officer, Andrew McIntosh at [council@shellharbour.nsw.gov.au](mailto:council@shellharbour.nsw.gov.au) or alternatively on (02) 4221 6144

Yours sincerely

A handwritten signature in black ink, appearing to read 'C McIntyre', written in a cursive style.

Carey McIntyre  
**General Manager**

Attach.