

DUNMORE LAKES MODIFICATION 2 – RESPONSE TO SUBMISSIONS

INITIAL COMMENTS FROM SCC	RESPONSE FROM APPLICANT	ADDITIONAL COMMENTS FROM SCC
1. Statutory Planning Considerations		
<p>The Application has been lodged as a modification under Section 75W of the Environmental Planning & Assessment Act 1979. This Section has been repealed and as such cannot be relied upon to modify this State Significant Part 3A approval. It is also understood that there are no savings provisions to enable the use of this Section. Therefore, the proposal would be assessed under Section 4.55(2) – as a Modification, and considered under the ‘substantially the same’ test provisions within the Act.</p> <p>The proposal as a whole is considered substantially different to the original approval and would not, therefore, meet the test of being ‘substantially the same’ development for several reasons including:-</p> <ul style="list-style-type: none"> • Substantial additional extraction; • Distance from the currently approved extraction sites; and • Sites that are not associated with currently approved allotments. <p>A new development application is considered to be the appropriate determination pathway. It is considered the Application should be withdrawn and resubmitted as a new development application.</p>	<p>A Section 75W modification request was lodged with the Department of Planning and Environment (DPE) on 28 February 2018, in accordance with Schedule 2 of the Environmental Planning and Assessment (Savings Transitional and Other Provisions) Regulation 2017. This Section 75W request was accepted by the DPE, who advised that an environmental assessment would be required to be submitted no later than 28 February 2019. The DSS Mod 2 EA was subsequently submitted to DPE on 27 February 2019.</p> <p>When accepting an application for a modification under Section 75W of the EP&A Act, the NSW Minister for Planning has to be satisfied that the proposal is a modification of the original proposal, rather than being a new project in its own right. In this regard it is noted that:</p> <ul style="list-style-type: none"> • the proposed modification does not seek to amend extraction rates, processing facilities, transportation modes, hours of operation or employee numbers; • the primary function and purpose of the operations of the extractive industry would not change as a result of the modification (ie sand extraction); and • all technical assessments prepared for the DSS Mod 2 EA demonstrates that the modification would not have significant environmental impacts above that of the approved operations. <p>Therefore, it is considered that Modification 2 is within the scope of section 75W of the EP&A Act.</p>	<p>Shellharbour City Council stands by its initial comments on the process of this modification. A new development application is considered to be the most appropriate determination pathway. It is considered that the application should be withdrawn and resubmitted as a new development application.</p> <p>Additionally, attention is drawn to the dates specified in the response from the applicant.</p> <p>The 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.</p> <p>In response to this, revision 1 of the EA is dated under ‘document control’ as 26 February 2019 for an ‘adequacy review’, whereas the final EA is dated 10 April 2019, with lodgement of the entire package assumed to have occurred shortly after this date.</p> <p>This is after the 12 months specified by DP&E for the <u>complete</u> 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.</p> <p>Attention is drawn as to whether a notice was given.</p>
2. Environmental		
<p>The following environmental issues are considered relevant with regard to this proposal:</p>		
<p>Acid Sulfate Soils</p> <p>i. The Potential Acid Sulfate Soil Assessment (PASS) by Environmental Earth Sciences finds the greatest risk to groundwater resources and downstream receptors is the potential chemical impact as a result of oxidisation and subsequent acidification of in situ potential Acid Sulfate Soil (PASS) within the Stage 5A area.</p> <p>ii. The bore hole log for test sites within Stage 5B in the PASSA show consistent pH readings including up to 9.6pH at 17m (MW5B2) and commonly above 9 pH. Note: borehole results for 5B area generally indicates an increase in pH at 3-3.5m depth. This poses a risk of leachate from soils well below natural groundwater levels (measured at 0.9 – 3.31m) contaminating groundwater, as under the proposal, groundwater would interface with soil strata well below this depth. The PASS assessment finds all soils sampled in 5B are not ASS or are non-reactive stating ‘It is reasonable to extrapolate that a natural buffering capacity does exist across Stage 5B due to the presence of shell Grit within sand deposits’. Environmental Earth Scientists state Boral has requested an Acid Sulfate Soil Management Plan (ASSMP) be prepared for Stage 5 with particular focus on the Stage 5A area. The PASS recommends the ASSMP be prepared in accordance with the Acid Sulfate Management Plan Guidelines (Acid Sulfate Advisory</p>	<p>A response by Environmental Earth Scientist has addressed concerns regarding highly Alkaline soils at depth contaminating groundwater. The soil has been assessed as self-buffering as, the shell component in the soil is likely to control high Alkaline and balance pH such that groundwater will not be contaminated.</p> <p>Environmental Earth Sciences report agrees that regular monitoring of this will be required.</p>	<p>Council accepts this response.</p>

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<p>Committee 1998). This management plan must also include pH monitoring for Stage 5B and any management actions required to mitigate against the potential impacts from potential acidic leachate contaminating groundwater. This risk is not identified in any reporting as reviewed and needs to be quantified and the potential consequences considered in order to determine management actions and assess the acceptable level of risk.</p> <p>iii. Given the risk of impact posed by Acid Sulfate Soil and Potential Acid Sulfate Soil and sensitivity of receiving ecological communities and aquatic habitat, Council recommends that an ASSMP be prepared and submitted prior to approval. The ASSMP must be prepared in accordance with the Acid Sulfate Management Plan Guidelines (Acid Sulfate Advisory Committee 1998). This management plan must also include pH monitoring for Stage 5B as well as any management actions required to mitigate against the potential impacts from potential Acidic leachate contaminating groundwater.</p>		
<p>Biodiversity</p> <p>i. Loss of biodiversity for the clearing required for Stage 5B would be the most significant anticipated negative environmental impact. The vegetation proposed for removal is Bangalay Sand Forest as listed in the <i>Biodiversity Conservation Act 2016 (BC Act)</i> (as an Endangered Ecological Community - EEC). Stage 5B would require the removal of approx. 4.5 hectares of Bangalay Sand Forest. While there are other EEC's including Swamp Oak Floodplain Forest and Littoral Rainforest located within the Lot, impacts to these communities are unlikely due to relative location of each area of woodland.</p> <p>ii. Potential Impacts to biodiversity are proposed to be offset through the Biodiversity Offset Scheme. The Biodiversity Development Assessment Report (BDAR) by Niche has been reviewed. In summary, 71 ecosystem credits are required to offset the removal of Bangalay Sand Forest and 19 species credits are required to offset impacts to habitat for 1 micro-bat species as well as Masked Owl and Barking Owl. This is due to the trees with large hollows that are proposed to be removed.</p> <p>iii. The BDAR is also lacking Plant Community Type (PCT) vegetation mapping and assessment across each lot. This is required in order to assess the potential indirect impacts to adjacent vegetation and understand the value of the area potentially impacted in the context of the surrounding vegetation.</p> <p>iv. A site visit conducted on 17/05/19 identified 3 additional hollow bearing trees and 1 large stag that has not been identified in the BDAR. This was during a brief walk over part of the site and compared against mapping from the BDAR. Based on these findings, it is likely that more hollow bearing trees are located within the Stage 5B area and have not been accounted for in the BDAR. Further assessment is required and the BDAR numbers should be recalculated based on the updated data. The BDAR currently identifies 11 hollow bearing trees and 1 hollow stag within vegetation proposed to be removed in the Stage 5B area.</p> <p>v. Due to the significantly higher ecological value of Stage 5 areas and the level of direct impact compared with extraction areas under the current approval, this proposal in our opinion, triggers a full and comprehensive Environmental Impact Assessment. Accordingly, an Environmental Impact Statement (EIS) would form part of the expected reporting framework for this proposal. While a Biodiversity Development Assessment Report (BDAR) has been submitted, this specifically considers the assessment of and impacts from the proposal according to the NSW Government Biodiversity Assessment Methodology and does not include the broader scope of assessment required to adequately assess the risk of environmental impacts resulting from the proposed works and processes.</p> <p>vi. Further expansion of extraction areas south of Stage 5B into Bangalay Sand Forest areas within 69 Fig Hill Lane raises concerns due to potential environmental impacts. This is also considered within the BDAR report under 'cumulative impacts' by Niche. Further modifications including the removal of Bangalay Sand Forest EEC to the south of the proposed Stage 5B area would also not be supported by Council. The BDAR states (Section 3.2.1 and Section 3.2.2) that</p>	<p>Additional survey and mapping have been conducted by the consultant, Niche which has addressed Councils comments regarding information and survey effort lacking from the initial proposal.</p> <p>Additions to their revised reporting following Councils comments has included; Revised vegetation mapping to include vegetation on adjacent lots. Further survey to recount the number of hollow bearing trees proposed for removal. Recalculation of the amount of species credits required to offset the proposed vegetation removal to include the full amount of hollow bearing trees. 41 additional species credits for threatened species, Masked Owl and Barking Owl.</p>	<p>Issues with the reporting prepared by Niche have been addressed.</p> <p>Councils original comment shown as v. in column 1 still stands;</p> <p>Due to the significantly higher ecological value of Stage 5 areas and the level of direct impact compared with extraction areas under the current approval, this proposal in our opinion, triggers a full and comprehensive Environmental Impact Assessment. Accordingly, an Environmental Impact Statement (EIS) would form part of the expected reporting framework for this proposal. While a Biodiversity Development Assessment Report (BDAR) has been submitted, this specifically considers the assessment of and impacts from the proposal according to the NSW Government Biodiversity Assessment Methodology and does not include the broader scope of assessment required to adequately assess the risk of environmental impacts resulting from the proposed works and processes.</p>

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<p>offset credits are likely to be satisfied by payments into the Biodiversity Conservation Fund. Council would support using the retained Bangalay Sand Forest within lot 69 Fig Hill Lane as a stewardship site to offset proposed vegetation removal for Stage 5B. This option would be beneficial as adjacent vegetation would best represent the biodiversity being impacted and would also provide surety to the community that further modifications will not cause additional impacts to high biodiversity value and high quality areas.</p>		
<p>Bank Stability i. The stability of the banks within Stage 5B during the dredging operation is a concern that is not considered in any of the supporting documentation provided. The 5B area is mapped as adjoining Bangalay Sand Forest EEC along the western boundary of the lot. Given the 27m depth and significant size of the proposed water body, Council require supporting evidence indicating that adjacent areas will not be negatively impacted by slumping. It is recommended that mitigation measures to avoid the risk of indirect impacts including slumping on bushland areas adjacent to the Stage 5A and particularly 5B proposals be submitted prior to any approval.</p>	Not addressed	Council would recommend detail of proposed mitigation measures to avoid the risk of indirect impacts including slumping on bushland areas adjacent to the Stage 5A and particularly 5B proposals be submitted prior to any approval.
<p>Coastal SEPP and Coastal Hazards i. Stages 5A and 5B are within the Coastal Environment Management Area as identified under <i>State Environmental Planning Policy (SEPP) (Coastal Management) 2018</i>. Under this SEPP, Stage 5A is also within the Proximity areas for Coastal Wetlands. ii. Division 3, Coastal Environment Area, Clause 13: <i>'Development on land within the coastal environment area'</i> is not addressed within the documentation. This is required to be addressed and must assess all impacts including vegetation removal for Stage 5B against sub-clauses 1-3. iii. It is noted that the BDAR includes a response to Division 1, clause 11: <i>'Development on land in proximity to coastal wetlands or littoral rainforest'</i>.</p>	Not addressed	Coastal SEPP has not been adequately addressed. This is detail that would be covered comprehensively in a full Environmental Impact Assessment as is recommended by Council rather than in a briefer modification to the existing approval.
<p>Contamination i. It is understood that both the Office of Environment and Heritage (OEH) and the Environmental Protection Agency (EPA) are reviewing the associated potential contamination issues.</p>	No further information required by Council re contamination	No further information required by Council re contamination
<p>Groundwater i. While there is expected to be a net deficit in water levels due to evaporation and localised changes to groundwater movement at the 5A area, these impacts are minimal in the context of the wider Minnamurra River Catchment area of 120km². Significant change in groundwater levels and/or impacts to adjacent and downstream environments has not been considered nor anticipated. ii. With regard to chemical changes or contamination to groundwater, the Hydrological Impact Assessment Report (HIA) determines a low risk of impact from vegetation removal, dredging and site remediation. The risk of impacts from acid sulfate and soil oxidisation of potentially acid sulfate soil to groundwater is determined to be moderate and is considered under 'Acid Sulfate Soil' above. An ASSMP is required prior to approval and must include monitoring and control measures as required for both Stages 5A and 5B.</p>	No further information required by Council re groundwater	No further information required by Council re groundwater
<p>Water Quality i. Potential impact on water quality to Rocklow Creek and the Minnamurra River are from sedimentation resulting from soil disturbance as well as groundwater contamination as discussed above. ii. With regard to sedimentation management, adequate measures must be implemented to ensure material cannot move from the site and contaminate downstream environments. The summary report states that this will be addressed in updates to the current Environmental Management Plan.</p>	No further information required by Council re water quality	No further information required by Council re water quality
<p>3. Flooding/Stormwater</p>		
<p>The following stormwater/flooding comments and recommendations are considered relevant with regard to the proposal:</p>		

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<p>i. The largest flood event modelled was the 1% Annual Exceedance Probability (AEP) event and not the Probable Maximum Flood (PMF) event. Section A5 of the NSW Floodplain Development manual states: "more explicit recognition that floods rarer than those used for design of mitigation works and control of development will and need to be considered in managing flood risk. The full range of flood sizes, up to and including the PMF event must be undertaken with particular emphasis on danger to personal safety and critical infrastructure".</p> <p>ii. The required vehicle stability assessment cannot be undertaken due to lack of information. All car parks in flood-affected areas are to comply with Book 6, Chapter 7, Section 7.2.4. Vehicle Stability in "Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I, (Editors) Australian Rainfall and Runoff: A Guide to Flood Estimation, © Commonwealth of Australia (Geoscience Australia), 2019".</p> <p>iii. No information on the potential for vehicles to cause a nuisance during a PMF event is available. In this regard, vehicles in car parking areas affected by flooding must not cause a nuisance in the PMF event by being caught in floodwaters and becoming moving objects. Vehicle bollards or similar method of containment should be investigated where flood velocity and depth exceeds vehicle stability limits.</p> <p>iv. Only events up to and including the 1% AEP flood event has been modelled to support the basin/embankment sizing and functions of both stages. The spillway must be designed to safely pass in a PMF flood event.</p> <p>v. Limited information regarding the 'flood protection bund' and armoured spillway has been provided. There is a potential risk of the embankment at Stage 5A to fail thus creating a risk to the public and infrastructure downstream. An 'embankment break' risk assessment for stages 5A and 5B be undertaken for all events up to and including the PMF flood event. These risks must be considered and managed.</p> <p>vi. Documentation states that a freeboard of 100mm has been provided for the Stage 5A bund which is not in line with Councils Subdivision Design Code. Additional freeboard (as a factor of safety) for embankment heights should be considered. Shellharbour City Councils Subdivision</p>	<p>The consultant had provided results of PMF event along with other rainfall events in Table 3.2. Moreover, the consultant had provided flood maps in the Appendix A of the report version Rev F dated 19/06/2019.</p> <p>The consultant stated that the car park at Stage 5B is located above the PMF flood level.</p> <p>The consultant stated that the car park at Stage 5B is located above the PMF flood level.</p> <p>The consultant stated that the spillway will accommodate the 100 yr ARI and PMF events.</p> <p>The consultant stated that "Spillway design will be undertaken to accommodate 100 year ARI and PMF flood depths and velocities. Water levels within banded areas will generally be similar to adjacent water levels though ground water or flood flow overtopping impacts. Periods of difference in water level between dredge ponds and outer environment will be limited as ponds will be emptied to allow for dredge operations to resume. The bund freeboard is based on limiting the risk of inflows into the basins, as such freeboard guidelines used for the design of flood/stormwater retention structures to provide protection in residential areas is not necessarily applicable."</p> <p>The maximum 100 yr ARI level for Stage A and Stage B are respectively 3.42m AHD and 4.12 m AHD as shown in Table 3.2.</p>	<p>It would be better to show the following flooding maps for the existing scenario and post-development scenario with proposed car park, spillway and other infrastructures for different rainfall events.</p> <table border="1" data-bbox="2101 281 2873 470"> <thead> <tr> <th>Events</th> <th>Velocity</th> <th>Depth</th> <th>Water level</th> <th>Velocity x depth</th> <th>Hazard</th> </tr> </thead> <tbody> <tr> <td>5 yr ARI</td> <td>√</td> <td>√</td> <td>√</td> <td></td> <td>√</td> </tr> <tr> <td>20 yr ARI</td> <td>√</td> <td>√</td> <td>√</td> <td></td> <td>√</td> </tr> <tr> <td>100 yr ARI</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> <tr> <td>PMF</td> <td>√</td> <td>√</td> <td>√</td> <td></td> <td>√</td> </tr> </tbody> </table> <p>Furthermore, the flood impact mapping for different rainfall events such as 5yr ARI event, 20 yr ARI event, 100 yr ARI event and PMF event can be shown for the post-development scenario.</p> <p>As mentioned in comment # 1, it would be better to show the car parking in the flood map in the post development scenario for the different rainfall events such as 5yr ARI event, 20 yr ARI event, 100 yr ARI event and PMF event. The extent of car parking in the flood map will confirm the statement provided by the consultant.</p> <p>As mentioned in comment # 1, it would be better to show the car parking in the flood map in the post development scenario for the different rainfall events such as 5yr ARI event, 20 yr ARI event, 100 yr ARI event and PMF event. The extent of car parking in the flood map will confirm the statement provided by the consultant.</p> <p>As mentioned in comment # 1, it would be better to show the spillway in the flood map in the post development scenario for the different rainfall events. The extent of spillway in the flood map will confirm the statement provided by the consultant.</p> <p>Shellharbour City Council's Subdivision Drainage Design Code details that there should be no increase in flooding in downstream and there should be no increase in flood levels upstream.</p> <p>Shellharbour City Council's Subdivision Drainage Design Code details that detention basins (i.e. embankments which holds water) shall have a freeboard of not less than 500 mm above</p>	Events	Velocity	Depth	Water level	Velocity x depth	Hazard	5 yr ARI	√	√	√		√	20 yr ARI	√	√	√		√	100 yr ARI	√	√	√	√	√	PMF	√	√	√		√
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<p>Drainage Design Code details that detention basins (i.e. embankments that hold water) shall have a freeboard of not less than 500 mm above the 1% AEP flood level.</p> <p>vii. Losses are based on ARR 2016 (ARR Data Hub) with IL= 61mm & CL = 4.3mm/h. There is more up to date information available and the study has not demonstrated that the hierarchical process outlined in the data hub (at http://data.arr-software.org/nsw_specific) has been followed. ARR Data hub states that "If default continuing losses from the ARR data hub are to be used these should only be used with a multiplier of 0.4 applied". This has not been demonstrated to have occurred within the model. Losses should be revised to reflect the most up to date ARR guidance at http://data.arr-software.org/nsw_specific. Subsequent remodelling will be required with the new losses.</p> <p>viii. There is no evidence that blockage scenarios have been adopted in flood modelling to support the assessment. Investigation of blockage of hydraulic structures in line with guidance from Book 6, Chapter 6: Blockage of Hydraulic Structures in "Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I, (Editors) Australian Rainfall and Runoff: A Guide to Flood Estimation, © Commonwealth of Australia (Geoscience Australia), 2019" should be undertaken.</p> <p>ix. The Manning's n value of 0.025 for pastures is outside the range specified for open pervious areas in ARR. Revision of the manning's value for the pasture land use type is required to ensure it is within the range provided in Book 6, Chapter 2: Open Channel Hydraulics in "Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I, (Editors) Australian Rainfall and Runoff: A Guide to Flood Estimation, © Commonwealth of Australia (Geoscience Australia), 2019". The latest edition of ARR suggests between 0.03-0.12 for open pervious areas (with varying degrees of vegetation).</p> <p>x. Invert levels of culverts beneath the Princes Highway, Riverside Drive and Fig Hill Lane were estimated (not exact RLs), based on surrounding levels and Rocklow Creek water levels. Inverts of pipes/culverts must be obtained from the RMS WAE plans or survey to further improve model accuracy.</p>	<p>The flood protection bund and spillway levels for Stage A are 3.7m AHD and 3.6m AHD respectively as shown in Figure 4.2. Furthermore, the flood protection bund and spillway levels for Stage B are 4.1m AHD and 3.9m AHD respectively as shown in Figure 4.3.</p> <p>The data for losses in the study are was provided in the Appendix A of previous version of report i.e. Rev E dated 19/02/2019. However, the data was omitted in the current version of report.</p> <p>The model assumes 100% blockage at Riverside Drive.</p> <p>The previous version of the report mention about Manning's n in the Appendix A. However, the information of Manning's n was omitted in the current version of report.</p> <p>In this report also, the invert levels are approximated.</p>	<p>the 1 in 100-year flood level.</p> <p>The consultant can provide the losses assumed in this study as per the previous comments provided by the SCC.</p> <p>In the report, there is not any evidence of adoption of blockage scenario. Please also mention about blockage scenario adopted in this study in the report.</p> <p>Please provide the table and map for the Manning's n used in this study area.</p> <p>Inverts of pipes/culverts must be obtained from the RMS WAE plans or survey to further improve model accuracy.</p>
<p>CONCLUSIONS</p>	<p>Research undertaken by NSW OEH has indicated that there are significant reductions in AR&R2016 IFD Design rainfall in the Shellharbour area. In response to this, Council will only be accepting Flood estimation techniques that are based on AR&R1987 IFDs and methods until such time that calibrated/validated catchment specific flood studies have been adopted by Council that identify the flood estimation techniques that are appropriate for the catchment. As the Rocklow creek has not yet been through this process, Council will not accept the results of the report if it is based on AR&R2016 Design Rainfall and methods extracted straight from the AR&R Data Hub.</p> <p>Furthermore, the consultant needs to address the comments using AR&R 1987 IFDs and flood estimation methods.</p>	
<p>4. Heritage</p>		
<p>The following heritage issues are considered relevant with regard to this proposal.</p>		
<p>i. The proposed additional extraction areas are considered to have an unacceptable impact on the heritage significance of identified heritage items Dunmore House and Minnamurra vegetation area.</p> <p>ii. The Statement of Heritage Impact (SoHI) fails to justify the identified negative impact on the heritage significance of the affected items, in particular the curtilage and setting of Dunmore House and the Vegetation in the Minnamurra vegetation area.</p> <p>iii. The SoHI also does not adequately address or mitigate these impacts. The recommendation contained in the report which specifies that due to the determined moderate physical and visual</p>	<p>Dunmore House Complex, Dry Stone Walls and Trees It is acknowledged that Stage 5A would occupy a large area of around 3.5ha within the heritage curtilage of Dunmore House. This would alter the setting and rural landscape qualities of the heritage item, although heritage impact associated with Stage 5A would be mitigated upon completion of the associated rehabilitation work, which would revert affected land back to the existing use as grazing land. Overall, the modification would not result in any</p>	<p>The acknowledgement of the proposed impact on the setting and rural landscape qualities of the item known as Dunmore House Complex, Dry Stone Walls and Trees has not been adequately justified in the RtS. Although these impacts may be temporary and it is proposed to restore the landform, it is difficult to justify the impacts for any given time (it is noted that no timeframe is given, so the impact may be for the life of the consent). The stated impact on the Minnamurra Vegetation Area is also considered to remain unjustified. The small percentage of</p>

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<p>impacts on the significance of heritage items which are listed in Shellharbour LEP 2013 the proponent should consult with Shellharbour City Council. This is considered inadequate and inappropriate as the Department of Planning are the determining authority. In this instance and the Application is to the department with Council's role is limited to offering comment as part of this exhibition only. It is worth noting that there has been no direct discussion or correspondence exchanged with Council on heritage matters associated with this proposal on this matter.</p> <p>iv. It is the responsibility of the proponent to demonstrate that there are no possible alternate scenarios that would have a lesser impact on the Heritage Items or determine whether unavoidable impacts are either acceptable or not acceptable. The SoHI determined that the proposed development will impact specific heritage items only. The report appears to imply that the need to expand the sand extraction area for economic reasons justifies the negative impact on two significant locally listed heritage items. Council cannot accept that conclusion without further exploration of options and mitigation measures.</p> <p>v. Council is open to discussing the heritage impacts and options further with the department as well as the proponent.</p>	<p>permanent direct or visual impacts to the significance of the historic Dunmore House Complex, Dry Stone Walls and Trees heritage item. The item would maintain its significant elements and values, and would remain eligible for listing on the SLEP 2013. The impacts associated with the modification would be mitigated following completion of rehabilitation works.</p> <p>Minnamurra Vegetation Area Stage 5B would occupy an area of around 8.12ha within the northern portion of the Minnamurra Vegetation Area heritage curtilage. As outlined in the SoHI 2019, the modification would result in removal of all vegetation within the extraction area, which would result in a permanent physical impact within the ecological item. The overall curtilage of the Minnamurra Vegetation Area covers an area of around 160ha, with the proposal representing a less than 3% impact on the total area.</p> <p>Other options were explored during the development of the modification, as outlined in the Environmental Assessment (EA). The option to 'do nothing' was discounted on the basis of negative outcomes if the DSS operations would cease between 2019 and 2020. This includes possible loss of employment, reduced revenue to local service providers, sterilisation of a valuable resource and shortages of raw materials to support critical NSW infrastructure and development projects.</p> <p>Given the DSS site is fully established, inclusive of supporting infrastructure, it was considered more responsible from an economic, social and environmental perspective to expand operations at the existing site rather than establish a new development at an alternative location. The proposed modification will also secure the continued employment of staff at the site, and retain indirect benefits of the operation within the region.</p> <p>It is further suggested that archival recording of the Dunmore House Complex, Dry Stone Walls and Trees and Minnamurra Vegetation Area heritage items are included as conditions of approval for the project in order to mitigate the proposed impacts.</p>	<p>the area affected is no less important or significant than the area as a whole and the size of the area affected in relation to the total area is not considered to be a suitable justification for the impact.</p> <p>Council would also like to reiterate that the Heritage Officer was not directly contacted in relation to this project and the Council response of the 5th February 2019 was a general response outlining areas needing assessment.</p> <p>Whilst Council can appreciate the economic benefits the proposed modification may present to the proponent, it must be reiterated that it does not consider these to be a justification for the proposed impacts (whether temporary or permanent) on the heritage significance of the items affected. Therefore, the concerns continue with the proposed modification on these grounds.</p> <p>Council continues to be open to discussing the heritage impacts and options further with the department as well as the proponent. It should be noted that this has not occurred at the time of this response.</p> <p>Council supports the additional archival recording proposed prior to any works commencing if the modification is approved.</p>
5. Traffic		
The following traffic issue is considered relevant with regard to this proposal.		
<p>i. The traffic report does not consider the methodology for transportation of the extracted sand from the facility. This has made it difficult to quantify and consider this aspect of the proposed development. The report states that additional traffic movements will be generated as a result of the importation of Virgin Excavated Natural Material (VENM).</p>	<p>Taken from PDF Report, Appendix I responding to traffic concerns on the Major Projects website: <i>The additional intersection modelling has demonstrated that the Princes Highway on and off ramps at Riverside Drive will continue to operate satisfactorily with the additional traffic generated by the proposed future importation of VENM to the Stage 5 site of the Dunmore Lakes Sand Extraction Project.</i></p>	<p>The Appendix I report supports the notion that the Princes Highway and Riverside Drive will operate satisfactorily with the additional traffic generated by the proposed future importation of VENM to the site. There are no issues with this. The concern is that there is still no mention of how the excavated sand will be removed off site, if it is to be removed at all. Alternatively, there is no mention clarifying if the excavated sand will be used as part of internal quarry operations and/or concrete production, therefore remaining on site.</p>