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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1289876

INDEPENDENT PLANNING COMMISSION

MEETING WITH SHELLHARBOUR CITY COUNCIL

RE: DUNMORE LAKES SAND PROJECT MODIFICATION 2

PROJECT #: D608/20

PANEL: **DIANE LEESON (CHAIR)**
PETER COCHRANE

OFFICE OF THE IPC: **BRAD JAMES**
ALISON HILL

COUNCIL: **JASMINA MICEVSKI**
GRANT MEREDITH
GEOFF HOYNES
ANDREW McINTOSH
ANDREW LEE

LOCATION: **SYDNEY**

DATE: **2.03 PM, THURSDAY, 1 OCTOBER 202**

THIS PROCEEDING WAS CONDUCTED BY VIDEO CONFERENCE

MS D. LEESON: We will get straight underway if that's okay so I will begin with an opening statement and then we can dive right into it. Before we begin I would like to acknowledge the traditional owners of the land on which we meet. I would
5 also like to pay my respects to their elders, past and present, and to the elders from other communities who may be here today. Welcome to the meeting.

The Dunmore Lakes Sand Project is an established dredge sand extraction operation at Dunmore in the Illawarra region of New South Wales. It is owned by Dunmore
10 Sand and Soil Pty Ltd which is a wholly owned subsidiary of Boral Resources (NSW) Pty Ltd. Dunmore Sand and Soil is seeking approval to extract sand from two new extraction areas known as stages 5A to the north and 5B to the south within the existing approved life of the operations. The project is located within
15 Shellharbour local government area.

My name is Diane Leeson. I'm the chair of this IPC panel. Joining me is my fellow Commissioner, Peter Cochrane, Brad James and Alison from the Office of the
Commission are also in attendance. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a
20 full transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's decision making process. It is taking place at the preliminary stage of this process and will inform one of several sources of information upon which the Commission will base its decision.

It is important for the Commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you are asked a question and not in a
25 position to answer, please feel free to take the question on notice and provide any additional information in writing which we will then put up on our website. I request that all members here today introduce themselves before speaking for the first time
30 and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin.

So thank you and welcome again. The office team, Brad and Alison, have issued a very short agenda for today's discussions. We've met with the Department of
35 Planning, Industry and Environment this morning. We've met with the applicant this morning. We had a site inspection on Monday, which was most valuable, and now we're meeting with you. We will follow up and have a meeting with Kiama Council in due course. And we also have a public meeting scheduled for later in October. That's by way of a bit of background. The reason you probably can't see Peter
40 Cochrane, who is with me on the Commission panel today, is that we've turned off his computer, in large part, to not get too much feedback and interference with our audio recording.

So today's agenda for the conversation with council is essentially to hear from council concerns around your submission – concerns in your submission on the proposal, I should say, and secondly to go through any issues in the development – in the proposed consent that council might consider has or has not addressed its
5 concerns in the event that a determination to approve the project is made. So with that very long introduction, can I ask council representatives to firstly introduce themselves and their role and then we will hand over to council to take us through the areas of key concern in your submission.

10 MR A. McINTOSH: Okay. Thank you for – my name is Andrew McIntosh. I'm a development assessment officer here at council.

MS J. MICEVSKI: I'm Jasmina Micevski, manager, planning.

15 MR A. LEE: Andrew Lee, acting manager of environment.

MR G. MEREDITH: Grant Meredith, group manager, city development.

MR G. HOYNES: Geoff Hoynes, acting community and customs.

20

MS LEESON: Okay. Thank you. Can I just check with Auscript that you're able to hear council clearly enough? Brad, we will continue with the meeting but perhaps you can see if you can contact Louisa.

25 MR B. JAMES: They said it's a little unclear.

MS LEESON: It's a little unclear. Council, is there any way that you can increase the microphone at your end or - - -

30 MR McINTOSH: Yes, I will get it right.

MS LEESON: I clearly can't ask you all to get huddled around the microphone

MR JAMES: Maybe we can - - -

35

MS LEESON: That's very clear.

MR MEREDITH: That's good.

40 MR JAMES: Because I'm right next to the actual microphone.

MS LEESON: He's right next to it.

MR JAMES: Yes, I might just do that actually.

45

MS LEESON: Excuse me.

MR McINTOSH: We can push the tables a bit closer to that source. Diane, is that a bit clearer there.

MS LEESON: That's much better. Thank you.

5

MR McINTOSH: Fantastic.

MR COCHRANE: Would they be able to just run through who they are with that volume.

10

MS LEESON: Yes. Sorry, would you mind running through your names again now that we can hear you more clearly.

MR McINTOSH: My name is Andrew McIntosh, development assessment officer.

15

MS LEESON: Andrew.

MS MICEVSKI: Jasmina Micevski, manager planning.

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MS LEESON: Jasmina.

MR LEE: Andrew Lee, acting manager of environment.

MR MEREDITH: Grant Meredith, group manager, city development.

25

MR HOYNES: Geoff Hoynes, group manager – sorry, acting director, community and customs.

MS LEESON: Terrific. Thank you. All right. With that, we will hand over to you to outline the nature of your submission and your key areas of concern.

30

MR McINTOSH: Okay. I just want to get the actual submissions here. Okay. I think I might have to Diane, sorry. Thank you for meeting with council today to discuss the proposed modification to Boral sand mine operation at Dunmore. The main areas of concern in our original submission concern key areas such as environmental heritage, flooding impacts, traffic and transport and also minor engineering issues as well. We detailed those in a submission together with a further submission which was sent to the department as well and also a submissions from Boral as well.

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40

If you just bear with me, I will just get the submission up. Okay. So I guess in terms of our – what council hopes to talk to today is really a representation of those technical aspects and not particularly the council's view in general. So we will just go through the response.

45

MS MICEVSKI: So do you just want to go – walk through that number 1?

MR McINTOSH: Yes, I think that's probably yes. Okay. I might just go through the final one which was the Dunmore Lakes modification to response to submissions which was a response to Boral's final submission. And we note that a lot of their initial concerns that were raised have been somewhat addressed in the
5 report and also by draft conditions that were provided via the IPC website. So we've and we've got the report and those draft conditions. We've had a good look at those over the past few days. So a lot of those – yes, a lot of those issues appear to have been addressed so - - -

10 MS LEESON: Just as a quick indication so that we don't dwell on them too long, the areas that you're now comfortable with, if you could just quickly list what they are and then perhaps we can focus on the areas of most concern to council.

MR McINTOSH: Sure. Sure.
15

MS MICEVSKI: So council is of the view that most of those

MS LEESON: Sorry, I should have said, it was Andrew that started the council presentations. Now Jasmina has picked up.
20

MS MICEVSKI: Yes.

MS LEESON: Thank you.

25 MS MICEVSKI: So essentially from that table, all points from point 2 onwards we believe have been satisfied by either the response in the planning assessment report or by way of consent

MS LEESON: Without stretching the friendship too far, do you have that on a
30 screen that you're able to share? We don't have that document in front of us at the moment so it's a little difficult to track. Unless, Brad, you've somehow got it at your disposal and you can take over the screen.

MR JAMES: Jasmina, is this the letter to the department dated 30th of May 2019?
35

MR McINTOSH: Sorry, Brad, I will just interject there. This was an additional submission that came after our initial submission in response to Boral's response to the first submission. So this is almost like a matrix table. Would you like me to share that with you?
40

MR JAMES: Yes. So the only other document I've got is a letter to department, 12th of July.

MR McINTOSH: Yes, that was the other one.
45

MR JAMES: Over to you, Andrew.

MR LEE: Commissioners, we're just getting that document up on a different screen we will share with you.

5 MS LEESON: That's fine. That's fine. Sometimes you need a very young person in the room to help do this. We're not blessed with very young people in this room.

MS MICEVSKI: Brad, are you able to give us control to share screen please? You're

10 MR JAMES: Okay. That should be – yes, got it now.

MR McINTOSH: Thank you. Thank you, Brad.

15 MR JAMES: Not a problem.

MS LEESON: Brad, if you have it are you able to do it from your end?

MR JAMES: I just – I was just looking at it a moment ago. Andrew, I think it came up.
20

MS MICEVSKI: We've got it. We've got it. Yes, we've got it.

MR JAMES: Great.

25 MS LEESON: Terrific. Thank you.

MR McINTOSH: Yes, it's okay. Yes. Okay. So what you're seeing at the moment is our – basically our final response to Boral's RTS. Just go from the start there. Now, would you like me to run through it, I guess, point by point

30 discussing from point onwards?

MS LEESON: Yes. Thank you.

MR McINTOSH: Okay. So as you can see there, these – that's basically a timeline
35 with our initial submission and a response from Boral and then a further submission from Shellharbour Council. So this was – yes, the way we put our submission together initially was, like, statutory matters, environmental and they're all detailed in this table here. So I will just go down to the next point there. So it's still quite, I
40 guess, quite technical but a lot of the stuff we've discussed further in our previous meeting which has essentially been addressed in the assessment report from the department and also via conditions of consent and that's what we've noticed in our previous review.

MR JAMES: Hi Di, I've just muted everyone except for Andrew just to minimise
45 the echo so - - -

MR McINTOSH: Okay. Brad, would you like me to continue?

MR JAMES: Yes, please.

MR McINTOSH: Okay. All right. So I'm just going to go to page 3 now. As you can see, there's still – there was a couple of things that are still outstanding but a lot of the stuff has been addressed and we've actually physically stated that in a lot of the initial concerns that council raised. But there was still a couple – as I said, couple of outstanding matters that were still listed there. In terms of what we've noticed with the coastal that we, sort of, found. I wasn't sure if you want to interject there, Andrew.

MR LEE: I'm Andrew Lee. The coastal that environmental planning policy hasn't been addressed as far as we're aware which is the only outstanding environmental issue left to address. All the other environmental issues have been addressed either through this table or through the draft conditions of consent.

MR McINTOSH: Okay. Thanks, Andrew.

MS LEESON: Sorry, I've been muted at this end so it's a little hard to interact seamlessly. So if we can – from your perspective, the coastal has still not been adequately addressed. Is that your - - -

MR LEE: I don't believe it has been addressed at all.

MS LEESON: Okay. Can we go to the item above, "Bank Stability" before we get down to the coast

MR McINTOSH: Okay. So - - -

MS LEESON: Okay. So on bank stability, have you had a chance to look at the proposed conditions and does that – if this was determined – give you comfort that bank stability would be properly addressed?

MS MICEVSKI: Jasmina Micevski here. Yes, so the conditions that relate to the survey to highlight areas you know, and to ensure there's the stability while it's operation. That was the condition that satisfied us for this particular point.

MS LEESON: Okay. Thank you.

MR McINTOSH: Okay. So the next Boral comments here are to do with flooding. Unfortunately I don't have that plug in here but we note that a lot of the issues associated with flooding consent and thoroughly addressed in the report from DPIE. These – yes, after review of the draft conditions, this has been addressed.

MS LEESON: Has been addressed. Sorry, you're a little hard to follow there but I think you feel they have been addressed largely.

MR McINTOSH: Correct.

MS LEESON: Correct. Okay. We noticed in the – in relation to stage 5A, there was an indication that in the five year ARI there could be 16 mils of floodwater across Riverside Drive. Does Riverside Drive currently flood? And if so, is another 16 mils material in whether that road stays open or closed?

5

MS MICEVSKI: Yes, we will need to take that on notice. It's important to note that there is a crossover between what LGA – or what part of the road is in Shellharbour LGA and in Kiama LGA.

10 MS LEESON: Yes.

MS MICEVSKI: So, yes, we will take it on notice but it's not in our LGA. That's a question for Kiama.

15 MS LEESON: We've also put the question to the proponent this morning and we will deal with it with Kiama as well. So between the three of you I'm sure we will get an answer. I suspect it's not material because it's only 16 mil but nonetheless there is a point – a tipping point when things happen.

20 MS MICEVSKI: Yes.

MS LEESON: Thank you.

25 MR McINTOSH: Okay. Thank you, Diane. Would you like me to continue?

MS LEESON: Yes, continue, thanks.

30 MR McINTOSH: I think that's – okay, so that's the rest of the comments there conditions and okay. The next lot of comments are in relation to heritage particularly associated with the Dunmore House complex which immediately stage 5A. We have comments there. We note that the assessment report does detail a lot of the heritage impacts associated with that heritage item. I think a lot of – yes, but there's no real further comment with relation to what we've raised there. So we believe – we do believe it has been thoroughly addressed in the report.

35

MS LEESON: Okay. Thank you.

40 MR McINTOSH: The final comment there is in terms of traffic and – yes, the comment is more or less council have an issue with what Boral stated after our first submission okay.

MS LEESON: Sorry, you're still hard to hear. I'm not sure if you're speaking and I can't hear you. Are you saying you're now satisfied with the traffic assessment?

45 MR McINTOSH: Yes. That's what our traffic engineer stated as part of the response to Boral's queries.

MS LEESON: Right. Thank you.

MR McINTOSH: Okay. That completes the response to submissions from Boral. I'm not sure if anyone else wanted to comment on those matters but – yes.

5

MS LEESON: Okay. They were your key issues. In terms of the overall recommended conditions, does council have any comments on those or concerns on those?

10 MS MICEVSKI: Yes, we have no comment. No, additional comment to make on that.

MS LEESON: Okay. Thanks, Jasmina.

15 MS MICEVSKI: Yes.

MS LEESON: Is there anything else that council wishes to raise?

20 MS MICEVSKI: Look, I mean, I guess it's just important – Jasmina Micevski, planning – it's just important to note that Andrew just took you through the response to submission what was provided in late July. We didn't go through point 1 of that table which specifically talks about the

25 MS LEESON: Yes.

MS MICEVSKI: It's important that we authority to confirm what that is and that that that we did was based on, I guess, a technical assessment from technical staff. And I guess no comment based on the public interest. So, yes, that's, kind of, just the two comments that we wanted to make as well.

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MS LEESON: Okay. Thank you. I mean, we will obviously be looking at the statutory pathways for this and taking that into account, given it's within our power to determine. And we will be looking closely at that. Did you mention a public interest issue?

35

MS MICEVSKI: No, no, no. Sorry, that didn't form part of our assessment.

MS LEESON: Right. Sorry. Okay.

40 MR HOYNES: Commissioner, Geoff Hoynes. Just to comment on that a bit further. The submissions that were made by council staff, they didn't go through the council. So we're here today as council officers providing technical advice on the application. I note that the community will have an opportunity as well. So just to make it clear that we are representing the Shellharbour Council but it may not
45 necessarily represent the views of councillors or the community.

MS LEESON: And that wouldn't be the first time that was the case, that council officers look at a technical view of things that doesn't necessarily end up in a conclusion the same as others might have. The – has this matter been to council and considered formally by council?

5

MS MICEVSKI: No.

MS LEESON: No. Okay. Thank you. All right. Now, Peter, do you have any queries that you would like to follow up with council staff?

10

MR COCHRANE: No. Just for the record, I would quite like to – if we could get a copy of that – I think it's labelled – it's on the screen, it was labelled attachment 1 to your letter of the 12th of July because I can't find it on the web documentation and it would be very helpful to have it.

15

MR McINTOSH: Yes, we can do that.

MS MICEVSKI: Yes. Sorry, I thought you were talking to Brad. Yes.

20

MR COCHRANE: To whomever can provide it.

MR JAMES: I will check as well, Andrew, Jasmina, I will be in touch and – yes.

MS LEESON: Terrific. Thank you. Nothing else from you, Peter?

25

MR COCHRANE: No but it does – I mean, your letters basically reiterate your strong objections to the proposal but this table suggests that a lot of those objections have been removed or addressed. So I am just wondering what your overall summary of the response to the project might be now. Is it a softened strong objection?

30

MS MICEVSKI: Look, the merits of the application have been satisfied through the technical responses that were received and that's probably as far as we can from a statutory perspective.

35

MR COCHRANE: Okay.

MS LEESON: Thank you.

40

MR COCHRANE: Thank you.

MS LEESON: All right. I have no further clarifications or issues. I think that if that's the – we had a very short agenda and I think we really have covered it from what you've just taken us through and your commentary around the proposed conditions. So this could be a relatively short meeting unless there's something else that you wanted to use this opportunity to raise with the Commission. I'm sorry, Peter.

45

MR COCHRANE: I've got one question and that would be your understanding – if this – if a lot of the technical issues have been addressed, what would you see as the outstanding issues that your various community groups might still hold about the proposal. Do you have a sense of that? I guess I'm after an opinion.

5

MR McINTOSH: That's all it would be. I suppose there's the environmental concerns the community have raised generally. I'm not sure whether there's any heritage concerns that are still out in the community but that may be some concerns. I might throw it out to the other council officers to see whether they want to provide any other opinions.

10

MS MICEVSKI: Yes, sure, and by way of opinion, I mean, I guess it's more related to visual impact and also the traffic impact that it will generate. And I guess notionally the rehabilitation – rehabilitation post – you know, post what that's like is certainly important. And even during, I guess – you know, during the extraction and all of those monitoring measures, making sure that, you know, they're in place and there's really tight guidelines to ensure that, you know, there's no off-site impacts. I guess the community think that there will be.

15

MS LEESON: Yes. Can I just ask an aside question now that we've, sort of, started talking about the community. Stage one lake, which is there, it has been there for some time now and has been rehabilitated. The Dunmore Lakes Estate, which came first, the lake or the estate? The name suggests the lake but – I'm interested to know what came first.

20

MR McINTOSH: To the best of my knowledge it was the lake and the estate abuts that lake but doesn't form part of the – the lake does not form part of the estate.

MS LEESON: Yes. No, I understand that. It was just – to my mind there's a notion around whether the creation of these lakes or ponds, whatever we want to call them, is – it was a question around whether it's stimulating some desire to subdivide and create some residential precincts.

25

MS MICEVSKI: Diane, we can find that out. I'm looking at the original consent and it was 2004. I wouldn't be surprised if the Dunmore Estate was around that time but we can find that out for you if you like.

30

MS LEESON: Look, it's a curiosity. If it's not an imposition, I would be interested but if it's a major deviation from what other jobs you need to do, then I wouldn't be too concerned.

35

MS MICEVSKI: Okay. Yes.

MR COCHRANE: It does appear that there's – with the example of Dunmore Lakes Estate that there has been an increase in amenity value and uplift in property development and value. Just wondering to what extent that might likely to translate to some of the other stages. Just a comment.

40

45

MS LEESON: As I say, it's not a major – it's not a threshold issue for the Commission. It was - - -

MR COCHRANE: It's not a decision making one for us.

5

MS LEESON: No. It's really just a question of interest so no need to find an answer for that if you have other things to do. Right. Peter, any other - - -

MR COCHRANE: No. No.

10

MS LEESON: Look, we're all fine. I do appreciate you managing to get yourselves together in the one room safely and battling with the technology. Like to thank you for your time and your contribution to this. We will be having a public meeting at the end of October. I don't think we have a feel yet for how many people might wish to participate in that public meeting but of course council is welcome to – should they so desire, and then they can, sort of, register that request through the office. But if there's nothing else, I will just formally thank you and we will conclude the meeting.

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20 MS MICEVSKI: Thank you.

MR McINTOSH: Okay. Thank you very much, Diane.

MS LEESON: Lovely. Thank you.

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MR COCHRANE: Thank you.

MS LEESON: Bye.

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MATTER ADJOURNED at 2.35 pm INDEFINITELY