

Friends of Minnamurra River Incorporated¹

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NEWS RELEASE

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NEW PHOTOS PROVE ENVIROKILL WILL REPLACE ROBODEBT – FEDERAL GOVERNMENT APPROVAL OF SAND MINING WILL BREACH GOVERNMENT’S OWN ENVIRONMENTAL LAWS

Drone and still photography shot this past weekend shows Commonwealth Government approval of a national publicly listed company’s application for a temporary sand mine at Dunmore, NSW, just north of Kiama, cannot avoid seriously and permanently breaching the government’s own peak environmental protection legislation.

The aerial and ground photography by FOMR Inc. over the mining site at the weekend shows conclusively that if approved, the Boral Limited application for a sand mine, with a life of only about two years, will destroy, damage and modify at least one and probably two more critically endangered ecosystems at the mining site – ecosystems listed for total protection under the federal *Environment Protection and Biodiversity Conservation Act* (EPBC Act).

The main critically endangered and Commonwealth-protected ecosystem/community that will undoubtedly be destroyed and damaged is Southeast Littoral Rainforest, an ecosystem with not only near pristine stands at the proposed mining but also totally interrelated with the ancient, rare and NSW-government-protected Bangalay Sand Forest on the site.

Large areas of both the EPBC Act-protected Littoral Rainforest and the interrelated Bangalay Sand Forest are to be razed - completely cut and cleared - to make way for the sand mine.

The area of highly biodiverse and protected ecosystems and plant communities to be cut and cleared covers a proposed 7.5 hectares’ area that will then be dredged to recover sand to a depth of 26 metres.

These endangered and protected ecological communities also extend throughout and immediately adjoin the mining site’s total of 38ha, known as Site 5B, and will also be threatened and modified in various ways by mining and post-mining impacts.

The area is out of public view to the south of historic Dunmore House and the mining site is only 160 metres north of the near pristine Minnamurra River estuary. The area will become a private lake when Boral is finished mining within a couple of years.

Analysis of the weekend photography by experts available to FOMR Inc. shows that there is SE Littoral Rainforest not only overhanging but growing at various stages of maturity in the area to be totally cleared. However, Boral Limited, through its environmental consultants, has told the federal

¹ Friends of Minnamurra River (FOMR) is an active incorporated community-based association formed five years ago to conserve, protect and enhance the estuarine and catchment ecosystems of the Minnamurra River. It has qualified expertise available to it and within its membership in plant and animal ecology, botany, archaeology, hydrology and environmental science.

government that the large area of protected Littoral Rainforest on the site and continuing to the west, in the 100-metre wide mine buffer zone, does not exist.

Both drone and ground photography show clearly that it most definitely does exist, extending as far west to the Princes Highway expressway and then north from the Minnamurra River for about a kilometre.

The Commonwealth Department of Environment is currently assessing Boral's proposed 5B mine site for compliance with the EPBC Act. A decision by the Minister for Environment is due on Friday (28 July 2023).

“We've had Robodebt and now we'll have Envirokill if the federal Minister for the Environment approves this sand mine. All the pre-existing evidence – plus the new photography – proves without any doubt that there will be serious breaches of the Commonwealth's own environmental protection laws and worse, the loss of some of the last of these priceless, remaining ecosystems to Australia and Australians,” Mr Will Chyra, FOMR Inc. Chair says.

The other ecosystems protected as critically endangered ecological communities under the EPBC Act and threatened with illegal damage and modification by Boral's proposed site 5B mine are **Coastal Swamp Oak (*Casuarina glauca*) Forest of South-east Queensland and New South Wales** and **Subtropical and Temperate Coastal Saltmarsh**.

These two communities, together with the Littoral Rainforest, form what federal environmental protection law, the EPBC Act, calls “Matters of National Environmental Significance” (MNES).

Mr Chyra says that there is no doubt, from applying the Australian Government's EPBC Act criteria – as well as all other evidence, including the new photographic evidence (*attached*) - that the proposed new Stage 5B mine will cause adverse impacts, direct and indirect, to these Commonwealth-listed Endangered Ecological Communities, resulting in further breaches of the MNES provisions of the Act.

Drone Photography of Site of Proposed New Sand Mine at Dunmore, NSW, shot 22 July 2023, here:  [Minimurra Littoral Rainforest FOMR.mp4](#)

Viewing Notes for Drone Footage:

The drone video opens as we head north from the Minnamurra River and are nearly immediately into the 38ha Site 5B mining area. All the vegetation you see along the bottom half of the screen (below or east of the fence that first comes into view) is the EPBC Act-protected critically endangered ecological community of SE Littoral Rainforest. So nearly pristine and dense is this Littoral Rainforest that in parts it obscures the Bangalay Sand Forest with which it is closely ecologically interrelated. About 10 secs in, we reach the area of Littoral Rainforest that is to be completely cut and cleared, along with the ancient and NSW government-protected Bangalay Sand Forest. All the protected vegetation you see along the bottom of the screen will go if the mine is approved.

At about 33s in, we change direction and cut to video from the drone heading south, from the start of the area to be totally cut and cleared for the 7.5ha sand dredge pit. Everything you see as we continue south, is the EPBC Act-protected SE Littoral Rainforest, both regrowth and mature, mixed with the grand 100-year-old to 400-year-old Bangalay Sand Forest trees, including an all-important dead Bangalay, called a 'stag' and also irreplaceable wildlife and bird habitat. *All* in this area will be razed to make way for the 26-metre deep mine, if the federal Minister approves it.

This sequence, including partially cleared areas with early Littoral RF and Bangalay SF regrowth, ends as the drone rises over the Littoral Rainforest and Bangalay Sand Forest canopy, and looks west, towards the Princes Highway expressway and Saddleback Mountain further west, showing some of the large expanse of Littoral Rainforest that Boral Limited and its environmental consultant say does not exist.

In the final approx. 1m 20s, the drone pans over, variously, more areas of Littoral Rainforest/Bangalay Sand Forest in and immediately adjacent to the 38ha proposed mine site and then takes us on a magnificent tour north and then east-northeast along the Minnamurra River, showing the extent of this beautiful, rare and federal-government protected area – largely threatened by mining - between the Princes Highway expressway on the left (west) and nearly to the Tasman Sea to the east (right) and to the left (north) of the Minnamurra River.

Media Contact: Will Chyra, Chair FOMR Inc., 0419 633 191.



Above: All trees and vegetation on the left (east) and right (west) of the fence in this photograph, and extending hundreds of metres south, are some of the last stands of rare and ancient Bangalay Sand Forest and critically endangered Southeast Littoral Rainforest on Earth. Boral Limited will cut and clear all the vegetation on the left of the fence to make way for its 7.5 hectare, 26-metre deep sand mine dredge pond if the federal Minister for Environment approves the destruction of these federally protected forests. As for the rest of the magnificent interrelated mix of Littoral Rainforest and Bangalay Sand Forest continuing on the right of the fence, Boral and its environmental consultants say it doesn't exist. *FOMR Inc. photograph taken 22 July 2023.*

BACKGROUND NOTES

Several months ago, FOMR applied the *Significant Impact Criteria for Critically Endangered and Endangered Ecological Communities*, as set out in the Commonwealth Department of Environment's publication, *Matters of National Environmental Significance*, Significant impact guidelines 1.13², and found that several impacts would definitely apply to Boral's new Stage 5B mine at Dunmore and several others would in all likelihood also apply, therefore requiring the Environment Minister's approval for the mine to proceed.

The Commonwealth's significant impacts criteria are easy to understand because they are intended as guidelines for "a self-assessment process, including detailed criteria, to assist persons in deciding whether or not referral may be required."

² Matters of National Environmental Significance – Significant impact guidelines 1.1 – Environment Protection and Biodiversity Conservation Act 1999, Australian Government, Department of the Environment, Commonwealth of Australia, Canberra ACT, 2013.

They state: An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will:

- reduce the extent of an ecological community
- fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines
- adversely affect habitat critical to the survival of an ecological community
- modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns
- cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting
- cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to: assisting invasive species, that are harmful to the listed ecological community, to become established, or
- causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or
- interfere with the recovery of an ecological community.

On all the evidence, every one of these criteria will cause or is likely to cause significant impacts on the Commonwealth-listed EEC, the SE Littoral Rainforest, in the proposed Boral Limited mine site, Stage 5B, at Dunmore, NSW.

Such adverse impacts on the Littoral Rainforest, and probably at least parts of the second and third Commonwealth-listed EECs at the site, the Coastal Swamp Oak Forest and the Coastal Saltmarsh, are simply unavoidable if the mine proceeds because the Littoral Rainforest alone, in its various stages of maturity and ecological recovery after earlier European land use, is inseparably and ecologically interrelated with the Bangalay Sand Forest ecosystem present throughout the proposed 5B mine site and immediately adjoining it.