

Friends of Minnamurra River Incorporated¹

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The Hon Penny Sharpe MLC
Minister for the Environment and Heritage
Parliament House
Macquarie Street
SYDNEY NSW 2000

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Dear Minister

Congratulations on your election and your appointment to the Ministry.

You are the Environment Minister we are trusting to immediately begin demonstrating the Premier's 'new start for NSW' and promptly enforce the many existing NSW environmental protection laws overridden and ignored for 12 years by the coalition governments of those years.

As you know, environmental protection and the conservation of our biodiversity – even that covered by NSW legislation passed by Parliament specifically to prevent the degradation and destruction of animal and human-supporting natural habitats – has been ignored, by-passed and overridden by successive coalition governments to favour their business, farming and mining benefactors.

There are probably no other locations in NSW which, as a result of that government inaction and neglect, need your immediate intervention and the new government's urgent application of existing flora, fauna and environmental protection laws, than a relatively small site, at Dunmore, eight kilometres north of Kiama, right beside the unmodified Minnamurra River and estuary.

Only your intervention will save this remarkable little area from total and permanent destruction to make way for a *temporary* sand mine.

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, archaeology, hydrology and environmental science.

The area in question is truly unique. While it is small, it has an unequalled combination of listed Endangered Ecological Communities and multiple other rare and endangered flora and fauna species – all of them protected by existing legislation. (*See attachments.*)

It has recently also proven to be one of the richest Aboriginal heritage sites in the Illawarra and on the NSW south coast with artefacts so prolific and technologically unusual for this part of NSW that Aboriginal stakeholders refused to continue salvage archaeology at the site.

Because of the site's biodiversity and wealth of Aboriginal cultural heritage, a consultant appointed by your Commonwealth counterpart has recommended that the entire area should be protected as a Significant Aboriginal Area under Section 10 of the Commonwealth's *Aboriginal and Torres Strait Islander Heritage Protection Act*.

Without your immediate review and intervention, however, the entire site is about to be completely cleared of all vegetation, including all the State and Commonwealth listed and protected flora and fauna, in preparation by Boral Limited as its Site 5B sand mining dredge pit - with a mine life of only two years.

However, although Boral has already begun some site preparation work, it cannot begin the final totally destructive phase of the operation until it meets the approval conditions set down by the Independent Planning Commission (IPC) in its approval decision in November 2021.

FOMR has analysed Boral's attempts to satisfy these IPC conditions using consultants' reports but is firmly of the belief that an investigation by your department will find, as we have, that those consultant's reports do not fulfil the IPC requirements, particularly in relation to detailed baseline studies of flora and fauna in the EECs and other biodiversity at the site.

The IPC stated that the mine cannot start until all pre-conditions are met.

The three attachments to this letter detail what the people of NSW stand to lose irrevocably if you do not act immediately to review the situation at Dunmore and do everything necessary to at least prevent mining preparations from proceeding while you consider the application of the existing legislative options already available to you.

The attachments also detail the shortcomings and inaccuracies of the processes and data used by the former Department of Planning, Industry and Environment – itself a cynical combination – to 'grease the wheels' for the success of Boral's application for its new sand mining site at Dunmore.

Nothing has changed since an inadequately informed and misled IPC (*see attachment*) gave approval in November 2021, except that, as you know, the government's scheme to supposedly offset the environmental and biodiversity losses caused by the sand mine have been completely discredited as "ineffective and fundamentally broken" by a NSW Parliamentary Inquiry.

That is yet another reason that your urgent intervention at Dunmore is needed.

There continue to be additions to our body of knowledge about the high natural and biodiversity values of the site as we learn more about the local EECs and other ecosystems it contains and under imminent threat. We now also have the report of the Commonwealth

Government's expert consultant stating that it is, indeed, an Aboriginal heritage site of national significance.

Please contact us if there anything that FOMR, with its expertise and knowledge base in this area, can do to assist you and your department to expedite immediate protection of this site.

We would also appreciate receiving from you within the next couple of weeks an idea of what you are anticipating you will do to protect the site from imminent destruction.

Yours sincerely,

Will Chyra
Chair, FOMR

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