

Friends of Minnamurra River Incorporated

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NEWS RELEASE

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FOMR ASKS KERRY AND RYAN STOKES TO PREVENT BORAL'S DESTRUCTION OF RARE, ENDANGERED AND PROTECTED DUNMORE ECOSYSTEMS AND BIRD AND ANIMAL HABITATS

The Friends of Minnamurra River organisation has written to Kerry and Ryan Stokes, the new owners of Boral Limited, asking them to prevent their company from destroying rare, endangered and Federal and State-protected ecosystems and bird and animal habitats at Dunmore, NSW, for a sand mine with an operational life of only two years.

FOMR (Inc) Chair, Will Chyra, says it is most unlikely that the Stokes' family was aware of the irreversible environmental destruction their company is about to cause at Dunmore, all for a small, temporary sand mine.

“We wanted to alert them to the fact that they could unknowingly preside over the destruction of some of the rarest ecosystems remaining in Australia, ecosystems and their bird and animal habitats which are protected under Federal and NSW law”, Mr Chyra says.

However, he noted that in approving the proposed new mine, the NSW Government has agreed to allow Boral to override the legal protections it has in place over the area to be cleared and turned into a deep sand mining dredge pit. The pit will eventually be left as a private lake.

Bulldozing of Boral's Site 5B at Dunmore will completely destroy rare and endangered ecological communities, such as 400-year-old Bangalay sand forest, SE Littoral rainforest, Coastal saltmarsh and all the equally protected animals and birds, some of them endangered, that call this relatively small, remaining area home.

The near pristine lower Minnamurra River and its estuary just downstream will also be threatened by the mine only about a hundred metres from the river's edge.

FOMR is awaiting an acknowledgement and reply to its letter to the Stokes family.

A copy of FOMR's letter is attached.

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

**Friends of
Minnamurra River Incorporated¹**

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Mr Ryan Stokes AO
Chairman, Boral Limited and
Managing Director/CEO
Seven Group Holdings Limited
PO Box 745
DARLINGHURST
NSW 1300

22 June 2022

cc. Mr Kerry Stokes AC, Chairman/Non-Executive Director, Seven West Media,
Newspaper House, 50 Hasler Road, Osborne Park, Perth WA 6017

Dear Mr Stokes

We are writing following your acquisition of Boral Limited to alert you to the fact that Boral's behaviour in our area is inconsistent with the high corporate standards which have become synonymous with the Stokes family name throughout Australia and that, as a result, your new company is seriously jeopardising its social license to operate in a large part of the NSW market.

In late 2020, the NSW Government approved your company under dubious legal and factual circumstances (see below) to extend its existing sand mining operations from west of the Princes Highway at Dunmore, NSW, about 120km south of Sydney, to about 2km east of the highway.

The approval allows for two sand mining dredge pits on property leased by Boral for the purpose from the owners of the historic Dunmore House, one pit right in front of the House, nominated as Stage 5A, and the other, larger pit area at the rear and nominated as Stage 5B.

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.

Both proposed dredge pits are in the largely unmodified Minnamurra River estuary catchment and 5B is within a hundred or so metres of the near pristine estuary itself, one of the last such quality estuary ecosystems remaining in southeastern Australia.

FOMR has no objection to sand mining *per se*, but we are certain that when you understand that your company's low-cost project involves the complete and irrevocable destruction of State-listed and protected flora, fauna and ecosystems (and possible damage to a Commonwealth-listed Endangered Ecological Community), you will share the deep concerns a very large majority of locals and other Australians and overseas observers have for what you are proposing.

It would be very difficult to find anyone but the local representatives of your company to support what Boral has just begun to undertake at the first Stage, 5A, at Dunmore. The project has also been described as the potential eastern Australian Juukan Gorge disaster for the destruction of Aboriginal archaeological sites and wealth of Aboriginal cultural heritage which has already been destroyed by mine site preparation at Stage 5A.

Your company and its Dunmore project has been publicly criticized and strongly opposed not only by protest gatherings of local residents and visitors from around the State, but by wider representative entities:

- Kiama Municipal Council
- Shellharbour City Council
- Gareth Ward MP, a former Minister in the current NSW Government, and Member for Kiama;
- Ms Anna Watson MP, Member for Shellharbour;
- The NSW Conservation Council;
- Ms Fiona Phillips MHR, federal Member for Gilmore;
- The Illawarra Aboriginal Land Council;
- The NSW Shadow Ministry;
- Landcare.

All the evidence indicates also that your company, in preparing its application for approval of the two new mine sites, together with the NSW Department of Planning, Industry and Environment (DPIE), failed to notify the then Commonwealth Minister for Environment of the mining project's implications for the critically endangered SE Littoral Rainforest immediately adjoining and overhanging mine site 5B's western boundary.

Such a failure contravenes the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the federal Minister, who is currently considering this matter, has the power to permanently stop the sand mining proposal as a result.

The federal Minister is also considering applications by local Aboriginal people to stop the project. This is because these people have had continuous connection with the mining site land to be cleared, dredged and turned into artificial lakes and do not want their cultural heritage destroyed completely by the excavation and flooding of a deep mine pit.

Additionally, some of these local people are the direct descendants of the victims of a massacre by early European settlers which occurred at or very close to your Stage 5B site in

which it is likely those massacre victims are buried. The NSW Government acknowledges publicly that the site is a place where generations of Aboriginal people buried their dead.

It is not too late to stop the permanent and irrevocable destruction and damage that your company's short term sand mining will do to not only rare and sensitive ecosystems but to what is probably the last unspoiled and still attractive natural area of Australia in such close proximity to Sydney and Wollongong.

The following is a summary, from NSW Department of Planning documentation, of the destruction your Stage 5B mine will cause, and this is in addition to the very real risks to the critically endangered SE Littoral Rainforest, protected under NSW legislation and listed under the EPBC Act:

- Destruction of 4.5ha of rare, ancient and high quality bird and animal habitat, Bangalay Sand Forest, a State-protected Endangered Ecological Community comprising 100 to 400-year old trees;
- Total destruction of the habitats of six fauna species listed as threatened under the NSW *Biodiversity Conservation Act* and which NSW DPIE says have been recorded in the mining site to be cut and cleared. Other animals will be killed or maimed in the clearing process.
- Probable damage and/or destruction of another Endangered Ecological Community (EEC), Coastal Saltmarsh, protected in NSW and listed as vulnerable under the EPBC Act and for which the NSW government has developed a "Save Our Species" recovery program to try to reverse the continuing loss of this high value EEC. The Coastal Saltmarsh is also immediately adjacent to the proposed mine site beside the Minnamurra River estuary and adjoins the listed SE Littoral Rainforest EEC under threat.
- Destroy an additional 3.0 ha of high value native vegetation, unique to the Minnamurra River catchment area.

And all this for a sand mine which your company itself concedes will last for only three to four years.

In supporting Boral Limited's application for the new mines, the NSW Independent Planning Commission was told by NSW DPIE, that some of the destruction and animal and bird habitat loss at the mining site Stage 5B would be offset by the NSW Biodiversity Offset Scheme (BAS) but since then, only last year, the NSW Minister for Environment has announced that the NSW Government no longer believed the BAS to be effective and a NSW upper house inquiry into the scheme is nearing completion.

Further, as mentioned earlier, the planning and approval process for Boral's Dunmore project was dubious, with sound advice to FOMR that there were serious legal defects and imprecision and strong evidence that the NSW Department of Planning at the time misled and did not fully inform the commissioners of the Independent Planning Commission who approved the proposal, about key aspects of your project and its numerous impacts on the 5B mine site and its surrounds.

The detailed evidence of these shortcomings are available to you from FOMR on request.

The apparent failures and defects in the NSW Department of Planning process to assist Boral in obtaining approval for your Dunmore project seem to have been confirmed only in the past week when the NSW Government announced that it would inquire into its Planning Department's apparent 'shepherding', using improper process and misleading advice, of the approval of another mine elsewhere in NSW.

FOMR is alerting you to all these matters in the hope that you may want to intervene to prevent further damage to Boral's image and social licence, not only in relation to this project but to others in which your company is engaged elsewhere.

It is not too late. Dredging of your Stage 5A at Dunmore has yet to begin (probably within six weeks) and the Independent Planning Commission has stated in its conditions of approval for the project, that work cannot start on the far more ecologically and archaeological rich and sensitive Stage 5B until mining is finished – probably by mid-2023 – in Stage 5A.

Further, we understand from our meeting with Boral senior and local managers some 14 months ago that the company could fairly readily and inexpensively forego the relatively small tonnages of sand from its new Dunmore sites, which are very short term anyway, and as has been planned by Boral in recent years, move its principal but now nearly depleted Dunmore sand mining operation to new sand reserves it has proven only 60km south near Nowra, NSW.

Finally, you could simply refer our letter and the issues it raises down the line to lower management but it has been our experience, and that of the region's community generally, that your lower level and local representatives remain insensitive and impervious not only to the facts of the serious issues and to the damage which your activities are starting to inflict on this highly valued and scenic piece of NSW, but to the quite extensive damage the proposed project has already done to the image and reputation of Boral as a supposed responsible corporate citizen and one now owned and led by the Stokes family.

Please contact us for any further documentation, questions or details with which we may be able to assist you.

Yours sincerely,

Will Chyra
Chair
FOMR

0419 633 191