

Friends of Minnamurra River (FOMR) Incorporated

9 Samuels Lane
KIAMA DOWNS
NSW 2533



Email: FOMR2533@gmail.com

25 April 2021

Gareth Ward MP
Member for Kiama
NSW Parliament
SYDNEY

Dear Gareth

Thank you for meeting with FOMR yesterday.

As we explained, we are exploring ways to prevent the impending environmental destruction for sand mining of State-protected rare and ancient forest and other legislatively protected bird and animal habitats, in the Minnamurra River catchment.

As you've told the NSW Parliament in opposition to this prospective destruction and damage, it will be caused if Boral Australia's two new sand mining pits, approved by a two person IPC late last year and endorsed by a DPIE delegate for the Minister of Planning, is allowed by the NSW Government to proceed.

FOMR is in the final stages of planning a publicly funded and substantial multi-media campaign to point out to the people of your electorate and throughout NSW generally, that the IPC's approval is not only wrong but raises questions about the environmental and planning credentials of the government overall.

The FOMR campaign will show that:

- The legal process on which the DPIE and the IPC relied entirely for their approval of Boral's two new mining pits was based on the decade-old Part 3 legislation which the Liberal government had originally successfully campaigned to abolish;
- Legal advice indicates that the process DPIE allowed is legally contestable;
- The defectiveness of the process permitted Boral to have the new mine pits approved as part of existing Boral mining consents more than a kilometer away in a different river catchment, rather than as a separate mining proposal;

- The approval process DPIE and the IPC permitted, using superseded legislation, enabled Boral to avoid full and proper environmental assessment by government agencies, of the proposed two new mine pits under the government's recent new coastal protection SEPP and other contemporary environmental protection legislation;
- DPIE's environmental assessment of the proposal was conducted from head office in Sydney, without field trips, and was consequently so flawed, inaccurate and incomplete that the IPC could not have been fully and properly informed of the environmental consequences of its approval;
- Authorities available to the FOMR believe the IPC may not have approved the proposed new mines pits if DPIE's environmental assessment had not been so defective;
- Boral has alternative sources of sand in its existing consents and elsewhere in the Shoalhaven/Illawarra and does not need to clear State-protected native vegetation including 100 year-old to 400-year-old Bangalay trees for mine pits with an operational life of only three years, and
- The Minister for Planning, Hon Rob Stokes has extant "public interest" powers to reverse the IPC decision and the DPIE delegate's endorsement, in which case Boral could resubmit a new mining application for assessment under the government's current environmental assessment legislation and regulations.

While FOMR is prepared to delay the launch of its multi-media campaign to enable a meeting with the Minister to present its case and the need for a decision to stop these two mine pits from proceeding, we cannot put the campaign on hold for very long, given that Boral has received approval and could proceed with the clearing of the protected and endangered ecological communities in the river catchment at any time.

A meeting with the Minister for Planning at the earliest possible time would therefore be very much appreciated.

Yours sincerely,

Will Chyra
Chair, FOMR