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20 March, 2015

The Hon. Greg Hunt
Minister for Environment
By email only: greg.hunt@environment.gov.au

Dear Mr Hunt,

North Stradbroke Island – “Enterprise” sand mine – EPBC Act issues

We refer you to our Federal Senate Inquiry submission, published by the relevant Committee on 15 March, 2015. It is submission no. 114 on page 6 of the submissions. This is the link –

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Certain_Aspects_of_Queensland_and_Government_Administration/Certain_Aspects_Qld_Admin/Submissions

We have also made a supplementary submission to the committee which has not yet been published.

We attach copy of a report from Dr Errol Stock dated September, 2012 and a copy of a further report from Dr. Stock dated 27 February, 2015. His first report relates to the Enterprise mine’s significant impact to Ramsar protected areas to the east of the mine. The latest report relates to actual damage and significant impact to 80 hectares of Ramsar protected area to the west of the Enterprise mine.

The mine commenced in 2004 without it being referred for approval under the EPBC Act, despite mine plans revealing that the mine would be in close proximity to Ramsar protected areas and the company’s knowledge that mismanaged water discharges from the mine were likely to cause significant impacts to adjacent off lease Ramsar protected areas.

In relation to Dr Stock’s September 2012 report, we draw your attention in particular to section 8 in which he considers the significance of the changes in groundwater already caused and likely to be caused in the future by the Enterprise Mine to the adjacent section of the Moreton Bay Ramsar Wetland to the east, which includes an area known as Eighteen Mile Swamp. Dr Stock refers to the Department’s guidelines on significant impacts to matters of national environmental significance to form his opinion. Dr Stock concludes in relation to the permanent change in the hydrology to the Ramsar Wetland the mine will cause that:

“The 8-kilometre-long disruption by the Enterprise Mine represents roughly 25 per cent of the 26-kilometre long length of Eighteen Mile Swamp that receives groundwater from the high dunes and escarpment. The mine is likely to cause permanent changes that lead to more rapid increases of groundwater flows along, about, a quarter of the length of Eighteen Mile Swamp. In relation to the EPBC Act the Enterprise Mine, in my opinion, will have “a substantial and measurable change in the hydrological regime of the wetland [through]... a substantial change to the volume, timing,

duration and frequency of ground... water flows to ... the wetland". If the permanent and similar impacts of the Yarraman Mine already made in the far north of the Island are added to those from Enterprise (Ibis), mining along the Island's eastern seaboard will have affected even more of the hydrological regime of Eighteen Mile Swamp."

In relation to Dr Stock's 27 February, 2015 report, we draw your attention in particular to section 5.0 "Preliminary Conclusions" and section 6, "Significance of Impact of Mine-Sourced Discharges into the Ibis Lagoon System – Part of a Ramsar Wetland".

At 6.2.1, Dr Stock states:-

"In this preliminary review I have attempted to document the evidence for a marked condition change in 2010 within the low-lying areas of the Ibis Lagoon system. In my opinion the dead leaves and twigs, as well as surface water evident in the 2010 imagery, indicate widespread inundation with stress and death of vegetated areas, terrestrial and littoral. Flooding from mine-sourced discharges was nominated the most likely source of the excess water.

At least 80 ha of the Moreton Bay Ramsar Wetland (or some 95 ha of the Ibis Lagoon system) was affected. This area is approximately 40 to 50 times larger than the area impacted by flooding from the Ibis Mine in 2000 which was restricted to the western part of the Ibis Lagoon system. The much smaller incident of 2000 generated a "Show Cause" notice from the regulatory agency; the 2010 flooding did not.

Given Sibelco's environmental concerns and the stated capacity of its mining and environmental team, it is difficult to conceive that their personnel were unaware of this impact so close to the Enterprise operations. Yet, there was no public announcement of this condition change in 2010 and I am unaware of any advice from the company to relevant Queensland and Australia agencies. There was no acknowledgement of these impacts in official reports such as the AER 2010 (released in 2011).

Because the mining company provided no information about, or data for, any 2010 flooding it is not possible to accurately assess the full range of impacts of this incident. The 2010 imagery suggests the inundation lasted at least 6 months but this is not necessarily indicative of the degree and kind of impacts. Groundwater levels took some 18 months to return to projected 'natural conditions' after the 2000 discharges. By comparison with other reported impacts from similar inundations on the island, including the Resource Strategies Pty Ltd (2000) report on flooding from the Ibis Mine in 2000, it is possible to rank the 2010 incident as largest in area of all the mine-sourced incidents ever noted on the island.

From the 2010 incident there would have been impacts from the inundation itself and associated impacts on soils, substrate and waterbodies followed by some recovery. I am unaware of additional studies of the likely impacts and sequelae, including: extent and mode of inundation; recovery of the groundwater system and free-surface levels and volumes; changes in water quality from both the mining discharges as well as dissolved and particulate loads from damaged and killed organisms; extent of morbidity, mortality and repopulation of flora and fauna in the affected terrestrial areas and the littoral surrounds of the waterbodies; and, impacts on water quality, flora and fauna of the lagoons/swamps. I am unaware of any program to rehabilitate and/or remediate the impacted areas, even in the most basic way.

Thus, in my opinion, and in relation to the EPBC Act, the discharges sourced from the Enterprise Mine in 2010 will have generated over months to years "a substantial and measurable change in the hydrological regime of the wetland [through]... a substantial change to the volume, timing, duration and frequency of ground... water flows to ... the wetland."

Dr Stock reported that he examined the mining company's annual environmental reports (AER's) to the Queensland government and he noted there was no mention of any discharges or the widespread death of vegetation in the Ibis Lagoon wetland system in 2010.

This contrasts with the much less significant but similarly caused incident which occurred in the western section of the Ibis lagoon system in 2000, when discharges from the (pre-EPBC Act) Ibis mine caused environmental damage. This was reported to the Queensland authorities and a

mining company investigation and report followed. A copy of this report has been forwarded to your department.

We note also that it is of particular concern that the mine operator, prior to commencing the Enterprise mining operations in 2004, expected mine induced substantial changes in groundwater levels in the sections of the Moreton Bay Ramsar site surrounding the Enterprise mine but chose not to refer the action to the Minister under the EPBC Act.

As we mention in our submission to the Senate Committee, it is also of great concern that there is no management plan (apart from the Moreton Island plan) for the Moreton Bay Ramsar site – 22 years after it was declared! This appears to be a serious breach of Australia’s obligations under the Ramsar Treaty and a serious breach of the Federal Governments obligations under the EPBC Act. Your department’s attention has been drawn to this issue, but nothing appears to have been done. We therefore request you personally to use your “*best endeavours*”, as required by Federal environment protection law, to ensure that a management plan is finalised and implemented as a matter of urgency.

Returning to the Enterprise mine EPBC Act compliance issue, Dr Stock’s reports, particularly in combination, call for the Federal government’s urgent intervention before the Enterprise mine causes any further significant environmental impacts to off leases areas and in particular to Ramsar protected areas in close proximity to this sand mine.

We are a small environment group which would struggle now to bring a Federal Court action to require a multi-national mining company to comply with Federal environment protection laws. We currently lack the required finances. We therefore request you to use your ministerial powers, including those under section 70 of the EPBC Act to ensure that North Stradbroke Island’s fragile environment is protected from further damage to Ramsar protected areas and to the habitat of EPBC Act listed species.

Yours sincerely

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President

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