

## **WHY WE SHOULD SAVE STRADDIE – More detailed reasons**

North Stradbroke Island (NSI) is the only sand island off the south-east coast of Queensland not protected against the environmental devastation of sand mining. It is the closest of these islands to the major population centre of Greater Brisbane, which has an ever-increasing need of public green space for its citizens, who would benefit greatly from ending sand mining and declaring National Park.

Like the other great sand islands, NSI is rich in flora and fauna and has beautiful, fragile landscapes formed over thousands of years. There are fresh water lakes, some rainforest, other old growth forests, woodlands and a number of other ecologically significant vegetation communities. There is a large variety of native fauna. The birdlife is abundant and varied, with at least 244 species known to either inhabit or visit the Island. Some flora and fauna are rare and endangered. Significantly, the island has a genetically distinct koala, found nowhere else (see point 9 below) and parts of the island are RAMSAR listed – an international convention for the protection of wetlands, to which Australia is a party.

Most of us have not even seen many of these special features. Although mining is taking place currently in three areas, mining leases cover over half of the island and the public is locked out of these areas under threat of prosecution. As a result the mining devastation has been taking place out of public sight – until revealed by the graphic photos on pages 2 & 3 of the Courier-Mail on 15 August, 2009 and on the television news that night.

### **EXPIRED LEASES PRESENT A UNIQUE OPPORTUNITY TO END SAND MINING**

There is a growing alliance of local and regional community groups, supported by national conservation organizations, concerned about the future of North Stradbroke Island.<sup>1</sup> The goal is to end sand mining on the island. There is a unique opportunity to do so. About 20 of the mining leases have expired or are expiring soon, including leases currently being mined. Some expired more than two and a half years ago and some are large in area eg ML's numbered 1117 and 1121. Applications to renew the expired leases are before the Government. The Mineral Resources Act 1989, peculiarly permits mining to continue on an expired lease, until a decision is made on an application to renew. Who else in our society enjoys such a benefit?

Few would deny that, in all the circumstances, it would be environmentally irresponsible to renew these expired leases – which equates to granting fresh leases to mine. An important focus of our campaign therefore is on the expired mining leases and ensuring that none of these are renewed and in particular leases numbered 1117, 1119 & 1120 which are essential to the continuation of the so-called ‘Enterprise’ mine. Some of the Courier Mail photos depicted this mine and its devastating impact.

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<sup>1</sup> Including Friends of Stradbroke Island, Queensland Conservation Council, Community Alliance for Responsible Planning (CARP) Redlands, Fraser Island Defenders' Organization, Moreton Island Protection Committee and Wildlife Preservation Society of Qld, supported by the Wilderness Society, Australian Marine Conservation Society and Australian Conservation Foundation.

If the applications to renew these leases are refused, especially ML 1117, it will be a significant outcome for the environment. This is because substantial areas of old growth forests , woodlands and the ancient dunes which support them, will be saved from destruction. Despite ML 1117 having expired in 2007, mining is taking place 24/7. Each day, the destruction of ancient sand dunes continues to a depth of up to 100 metres. This is below the level of the water table, despite the risks to the Island's aquifer and despite previous mining company damage to the Island's lakes and wetlands.

What about continued mining on the unexpired leases? The Government can stop mining on NSI entirely, if it chooses to do so. There is a recent precedent for cancelling mining leases in fragile coastal areas. In 2003 the Government cancelled sand mining leases at Shelburne Bay in North Queensland because it wanted to protect the fragile environment.<sup>2</sup> More recently, by analogy, it canned a previously approved Rainbow Shores development proposal at Inskip Point because it wanted to protect the sensitive coastal environment.

Unimin Australia Limited, which owns and controls all sandmining on NSI recently was charged with two criminal offences relating to it unlawfully removing non-mineral sand and selling it illegally for substantial profit to the landscape and building construction industries.<sup>3</sup> This has been occurring for many years according to documents filed in the Supreme Court. The Mining Leases only legally entitle Unimin to remove the mineral, high grade silica sand, used primarily in glass manufacturing for its chemical properties.

All of the non-mineral sand it illegally removed should have been used to rehabilitate the mined areas in accordance with its obligations under the Mining Leases and Environmental Authorities to mine. Unimin seriously breached those obligations.

It has been charged with an offence under the Integrated Planning Act and an offence under the Environmental Protection Act. Both charges allege in essence carrying on a business without the requisite permit / registration. Unimin has not yet been charged with stealing the sand or with the offence of causing serious environmental harm as a consequence. Nor has it yet been charged with taking and selling the sand without a Forestry Act permit – it has not disputed that it did not have a permit, which is essential under the Forestry Act. Such a prosecution would appear to be very straight forward. Further charges are expected to be laid.

By its apparent irresponsible actions, the company has shown it is not a fit and proper corporation to be trusted to mine on NSI. In any case, all of its profits go overseas, ultimately to a family in Belgium, via a series of multi-national corporate structures.

The Government has the opportunity to act in the best interests of all Queenslanders by ending mining and declaring the Island National Park.

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<sup>2</sup> See section 418C Mineral Resources Act 1989 ( inserted by amendment in 2003 ).

<sup>3</sup> Reported by the Courier Mail 5 December, 2009 p.7 The charges are yet to proceed in court but Unimin has already admitted taking the sand and selling it during recent Supreme Court proceedings it brought attempting to legitimise its actions. On 30 November, 2009 the Court rejected Unimin's legal arguments and the criminal charges were laid on 4 December.

Although damage has been done by mining, much of the island remains unravaged. But it is in danger and needs our collective assistance. It is time to save Straddie. These are some reasons for doing so:-

## **REASONS TO END SAND MINING ON NORTH STRADBROKE ISLAND**

### **1. Save old growth forests, woodlands and everything else in the path of the mines.**

Sand mining is extremely destructive. For example, at CRL's so-called 'Enterprise' mine, . ( CRL is a fully owned subsidiary of Unimin ). the mine path is up to 100 metres deep and hundreds of metres wide, as seen in some of the Courier-Mail photos. Every day - the mine operates 24/7 - ancient sand dunes are being churned up.

Almost everything in the mine path is completely destroyed. This includes old-growth forests, woodlands and other vegetation, the land form that sustains them and complex ecosystems. The dunes have evolved over thousands of years – some are up to 150,000 years old - and have unique layered soil and hydrological structures. Most of the knocked down trees and other vegetation are burnt.

The sand dune formations are not replicated in the 'rehabilitation' programs. Apparently, this is too costly. At best reforested areas may take hundreds if not thousands of years to return to similar growth and complexity as they were before being mined. More than likely they will never be the same.

This is an immense cost. The minerals extracted by CRL, for example, make up less than 1% of the devastated land form.<sup>4</sup>

### **2. Hydrology – the extensive aquifer must be protected, not put at risk.**

Stradbroke Island was formed by the deposition and erosion of dunes over thousands of years. The geomorphology is complex with the island composed of indurated layers of various porosities and disposition. The mechanism of water moving through these layers is not fully understood, nor the effect of this hydrological system on flora and fauna appreciated.

Sand mining in the past has caused the draining of and damage to several perched lakes and wetlands. More importantly the miners, particularly in recent times, make no attempt to replicate the original geomorphology in their post mining rehabilitation. Instead they reinstate a homogenous landform which has very different hydrological characteristics. The unknown long term consequences of sand mining on hydrology is disregarded.

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<sup>4</sup> CRL 'fact' sheet distributed to the island communities in 2007 in the lead up to CRL's unsuccessful application to the Redland City Council to expand it's mining operations to include exporting sand from the island for construction use. The Council unanimously rejected the proposal in August, 2007.

### **3. We need more National Park for Greater Brisbane.**

The Bligh Government recognises the acute need for more national parks and public open green space. As Premier Anna Bligh points out on her website, South East Queensland has only 19 % public green space compared to Greater Sydney's 49 %! Her government has committed to creating extensive additional national parks.

See <http://www.thepremier.qld.gov.au/tomorrow/environment/index.aspx> and [http://www.thepremier.qld.gov.au/tomorrow/environment/land\\_conservation.aspx](http://www.thepremier.qld.gov.au/tomorrow/environment/land_conservation.aspx)

The island needs the protection afforded by National Park status to ensure that significant flora and fauna are protected, habitat corridors are maintained and extended and public access is made available to Stradbroke's beautiful landscapes in an ordered and well-managed way, which ensures that the Island is protected and preserved for future generations.

At the moment mining and mining leases dissect the island and prevent this from happening. Currently, over half of the island is locked up under mining leases. The public is excluded under threat of prosecution. There are also substantial areas of unallocated state land from which the public is excluded.

For 20 years, successive Labor Governments have proposed extensive National Parks for the island. In 1990, parliament was informed that at least 50% of the island was to become National Park.<sup>5</sup> Since that time, the population of greater Brisbane has more than doubled and is growing fast. Yet, the area immediately around Blue Lake remains the Island's only National Park ( a relatively small area of about 500 hectares –less than 2% of the Island- declared in the early 1960's!). It is time to end sand mining and declare the entire area currently under mining leases to be part of an even larger National Park taking in all other available land. This will result in the vast majority of the island becoming National Park.

It is true that mined land needs further regeneration and reforestation. However this does not prevent it being declared National Park. The Nature Conservation Act 1992, envisages that such land in need of protection is able to be designated as 'national park ( recovery)', until it is considered ready to become 'national park' without the qualification.<sup>6</sup> In the meantime, it would have all of the usual protections of a National Park, with the additional benefit of a regeneration plan.<sup>7</sup>

It is acknowledged that there is a more than decade old unresolved native title claim over parts of the Island. This could be resolved, at least partially, in the same manner as has occurred in other parts of Australia, where the rights of indigenous owners have been recognized and National Parks have been declared with co-management by government and traditional owners.<sup>8</sup> Such an arrangement could

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<sup>5</sup> See Darryl Briskey's ( then member for Redlands) maiden speech to parliament – Hansard 8<sup>th</sup> May, 1990, at page 1151

<sup>6</sup> Nature Conservation Act 1992, eg sections 19A & 29. See also Schedule 2A of the Regulations for examples of declarations of National Parks (recovery).

<sup>7</sup> Nature Conservation Act 1992, Division 3A, sections 42A- 42F.

<sup>8</sup> In the Northern Territory and North Queensland for example

work well on Stradbroke, with indigenous involvement in low impact eco-tourism enhancing the future for the island and employment opportunities for all.

#### **4. The NSI mining leases on Brisbane's doorstep are a blast from the past**

Mining leases on NSI were granted in a bygone era –

- politically, by a Bjelke-Petersen national party Government with, presumably, very different attitudes to the environment;
- culturally, when public perception of and attitudes to mining in fragile environments were quite different;
- geographically, when NSI was much further from the major population centres. Redlands was still a rural area yet to undergo urbanisation and Brisbane was of much smaller dimensions. Now the Island is on the doorstep of a substantial population which is ever increasing in line with current Government policy.

#### **5. Create an economy based on preservation not destruction**

It's time to replace the temporary, ever-dwindling number of jobs in a destructive industry, with permanent jobs arising out of converting to an economy based upon National Parks and low impact, well managed eco-tourism. Already, more people on the island are employed in tourism, hospitality, accommodation and retail jobs than in mining.<sup>9</sup>

Currently, Unimin employs about 250 people for its NSI mining operations. Only approximately half of those reside on the island. By 2013, according to a company announcement by its subsidiary CRL, if mining continues, one of the mines, 'Yarraman', is scheduled to be mined out, resulting in half of the workforce losing their jobs.<sup>10</sup>

There is opportunity for growth in Stradbroke's eco-tourism. However, if mining continues to destroy the island's natural assets, the attraction of the Island to tourists diminishes, thus destroying future permanent jobs for short term jobs and profits going overseas.

Recently, the Queensland Conservation Council, in conjunction with the management of the Tangalooma Resort on adjacent Moreton Island, issued a media release which supported the contention that the future of the island lies with eco-tourism.<sup>11</sup> By way of example, Tangalooma employs 300-400 people, depending on the season, and has annual earnings in excess of \$20 million. If a similar authentic resort were to be established on NSI, it has the potential to replace all of the temporary jobs in mining with many more permanent jobs in eco-tourism.

The term 'eco-tourism' is sometimes misunderstood and misused. We don't mean Great Keppel Island style housing estates under the guise of eco-tourism ! We mean

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<sup>9</sup> 2006 Census.

<sup>10</sup> CRL's company announcement to the Australian Securities Exchange on 13<sup>th</sup> May, 2009.

<sup>11</sup> Media release dated 24 August, 2009 – see QCC website for details.

low impact, well managed, nature based tourism. We envisage that it would largely revolve around walking tracks throughout the National Park – we also see the opportunity to link two of the great sand islands of the world – Stradbroke and Moreton . Walk from the top of Moreton to the bottom, then a barge link to Stradbroke, then walk from the top of Straddie to Jumpinpin and even on to South Stradbroke Island - or any part. This could be Greater Brisbane's Great Walk!

We also recognize the need for low impact transport – eg the use of bicycle tracks. This could be facilitated, for example, by implementing plans drawn up a few years ago for cycle paths linking Point Lookout, Dunwich and Amity Point. We acknowledge the importance of low impact accommodation areas using state of the art environmentally sensitive construction methods and implementing best practice in the provision of energy and waste disposal. We also recognize the role of indigenous people in creating world-class, conservation-based tourism.

In the interim, many people could be employed in the regeneration of the mined areas on the island. The rehabilitation obligations of the miners continue after mining ceases. It is a primary condition of their leases and like any contractual obligation can be enforced after the lease ends. In addition, the government holds substantial multi-million dollar financial assurances to use in the event the miners do not honour their obligations to rehabilitate.<sup>12</sup>

Finally, if required, there is also Anna Bligh's 'green army', which could provide temporary jobs and further assistance with rehabilitation and regeneration. <sup>13</sup>

## **6. Preserve the island's remarkable bio-diversity**

The island is universally acknowledged as having incredible diversity in flora and fauna. The need to protect this biodiversity for future generations has been government policy for years. As recently as 16 March 2009, a letter from Premier Anna Bligh stated –

*"The Bligh Government recognises that Stradbroke Island is a valuable natural asset to the people of south east Queensland. The Bligh Government also recognises that this is an area that needs to be protected and preserved for future generations."*<sup>14</sup>

## **7. Citizens' rights before miners' rights**

Our opposition to sand mining on Stradbroke is specific. We are not adopting a general anti-mining position. But, it is one thing to mine in outback Queensland. It is quite another to lock up half of NSI under mining leases and to mine a fragile environment within a short distance of the large and ever-increasing population

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<sup>12</sup> For example in CRL's case it is \$29.1m – Environmental Audit Statement, 2009 Plan of Operations.

<sup>13</sup> [http://www.qld.alp.org.au/\\_dbase\\_upl/GREENCORPS%20POLICY.pdf](http://www.qld.alp.org.au/_dbase_upl/GREENCORPS%20POLICY.pdf)

<sup>14</sup> The letter was written on the Premier's behalf by her senior policy advisor and sent to those who emailed the premier about CRL's plans to extend its sand mining operations to exporting sand from the island for construction purposes. The letter also stated that the Bligh government supported the Redland City Council's rejection of CRL's proposals.

centres on the doorstep of Stradbroke, particularly when, as acknowledged by the Premier on her website, we have an ever-increasing shortage of public green space for the enjoyment of our citizens.

## **8. The global context – ‘think globally act locally’**

In 1990, Darryl Briskey, the ALP member for Redlands, after announcing the Goss government’s intention to declare 50% of the Island National Park , also said this-

*“We must not forget that ultimately the environment sustains all life. If we do not act quickly to protect it, our quality of life will deteriorate and, eventually, continued environmental destruction will mean an end to humanity.”<sup>15</sup>*

We now know much more about the consequences of human actions and we ignore the need to preserve and protect the environment at our peril. The responsibility for government to take the lead here is now much more acute than it was in 1990. Protecting and preserving Stradbroke Island should be high on the agenda.

In the pre-election letter written to Stradbroke Islanders on 16 March, 2009. (see footnote 14 ) the Bligh Government again acknowledged the need to protect and preserve the Island for future generations. We do not suggest that declaring NSI National Park is going to solve the environmental challenges facing the world. However we have a responsibility to do what we can where we can - ‘think globally, act locally’. We encourage and expect the Bligh Government to act on its stated policy. Queenslanders have been waiting a long time !

## **9. Protect the unique Island koala**

Island koalas are genetically different from mainland koalas, having been isolated for up to 8000 years. Genetic data indicates that Stradbroke Island has the only naturally occurring island population. Other island populations have been introduced. This means that the Stradbroke koala population is of very high conservation value.

Koalas require large old trees for shelter and numerous trees per animal for feeding purposes. There has been limited research so far.<sup>16</sup> More needs to be done. The continued destruction of old growth forests, woodlands and ancient dunes through mining is clearly a threat to the island’s unique koala population.

## **10. Devastation occurring on expired mining leases**

Unimin currently is mining on expired mining leases adjacent to Eighteen Mile Swamp in the middle of the island. CRL calls the mine ‘Enterprise.’ Others refer to it as “Devastation south” to distinguish it from “Devastation north” ( which Unimin calls ‘Yarraman’ ) At both sites, mining is occurring in areas which have never been mined ( at Yarraman some previously mined areas are also being re-mined ) and

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<sup>15</sup> Hansard, 8/5/90, p. 1150

<sup>16</sup> Some research has been carried out under the direction of Frank Carrick from the University of Queensland.

which have outstanding flora and fauna values and dunal landforms formed over tens of thousands of years, some over 150,000 years.

The mining companies have no ‘right’ to renewal of expired leases. The Government has an unfettered discretion to refuse, and in fact may not renew unless the Minister is satisfied of each of a number of factors - in particular that the public interest will not be adversely affected by renewal. Even if the Minister personally is so satisfied, the Governor-in-Council (in a case such as this, effectively this means the cabinet) still has an unfettered discretion to grant or refuse applications to renew.<sup>17</sup>

It is apparent that refusal of the applications to renew these expired leases is the only honourable course, particularly given the Government’s policy to protect and preserve the Island.

## **11. Areas being mined are zoned ‘Conservation’ in the Planning Scheme**

The Redlands Planning Scheme, approved and gazetted by the State Government in 2006, designates that most of the Island is zoned ‘conservation’, including the areas being mined by Unimin.

It is somewhat bizarre to think that the State Government continues to allow these areas to be mined having approved of the suitability of their zoning as ‘conservation’. However, it would be inexcusable for the Bligh Government to facilitate the further destruction of ‘conservation’ areas by renewing expired leases, particularly given that Unimin has been exposed as not being a fit and proper company to mine on NSI.

Sand mining and the devastation it causes is the antithesis of ‘conserving.’ On the other hand, declaring National Park would demonstrate a genuinely held view that the Island..... “*needs to be protected and preserved for future generations.*”<sup>18</sup>

## **12. Its Stradbroke’s turn**

Despite the less acute global environmental reasons for doing so, the Liberal/ National Party Government under Malcolm Fraser stopped sand mining on Fraser Island in the 1970’s. Similarly, sand mining has been stopped on Moreton Island, Cooloola and at Shelburne Bay in North Queensland, where the then ALP Government cancelled sand mining leases via an amendment by Parliament to the Mineral Resources Act.<sup>19</sup> These responsible government actions recognised the very special significance of these coastal fragile areas. NSI too has been widely recognized for its special environmental significance. Enough damage has been done. It is time to stop sand mining on Stradbroke Island ! This is a wonderful opportunity for the Bligh Government to enhance its environmental credentials.

## **WHY WE NEED TO ACT NOW**

We appreciate that this may be a long campaign. However, it can be successful. North

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<sup>17</sup> Mineral Resources Act, section 286A.

<sup>18</sup> Quoted from the letter from the Premier dated 16 March, 2009 – see footnote 14.

<sup>19</sup> See section 418C of the Mineral Resources Act 1989.

Stradbroke Island is on the doorstep of a large population which is increasing at a very rapid rate as a result of current government policy. Most people are concerned about the decline in their public quality of life in recent years and understand that it has been brought about by a combination of rapid population growth and a lack of infrastructure to support it. A related issue is the limited public open green space. As referred to earlier, the Premier's website acknowledges that already there is an acute shortage of such areas and a need for more national park. Our area has 19% compared to Greater Sydney's 49 % public green space. Melbourne is also well ahead on 33%. If the Government does not make a serious effort to correct the imbalance, it risks suffering at the ballot box in South East Queensland for this reason alone.

In addition, now that the damage being caused on NSI under this Government's watch has been exposed by the Courier-Mail and commercial television news, the Government's environmental credentials are at risk. People in the Greater Brisbane area and beyond generally are aware of and interested in the Island and most people have stayed on or visited the Island to surf, fish, enjoy the beaches, birdwatch or just relax in the peace and quiet. They care what happens and are likely to follow closely the decisions made that effect it. This is why the Government may recognise the need to stop sand mining and act on its policy of 'protecting and preserving the Island for future generations'.

NSI is a standout option for national park if the Government is genuine about wanting to improve public amenity. It is accessible to the greatest concentration of Queensland's population. It can be reached by public transport.

The State already legally owns the vast majority of land on NSI. By ending sand mining and, in consultation with the native title claimants, dedicating all of the available area as National Park, it will assist the Government to solve the public green space shortage and demonstrate that it does care about the environmental destruction being caused on a daily basis on the Island and has acted to save Straddie and its fragile, special environment from further damage.

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