



tasmanian conservation trust inc

General Manager
West Tamar Council
PO Box 59
Beaconsfield Tas 7270

Email: wtc@wtc.tas.gov.au

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Submission regarding the Development Proposal and Environmental Management Plan for the Proto Resources Barnes Hill nickel laterite mine project

The TCT's responses to the Development Proposal and Environmental Management Plan (DPEMP) for the Proto Resources Barnes Hill nickel laterite mine project will focus on the impacts on biodiversity.

In response to improved knowledge from more recent surveys and presumably also from public pressure, Proto Resources has significantly amended the original proposal. Proto Resources has reduced the area to be mined and the infrastructure has been located to avoid or minimize impact on important biodiversity values. Of particular note is that the project has been changed to now have no direct impact on known populations or individuals of the critically endangered *Tetratheca gunnii*.

The company is to be commended for these changes to the project however we believe there is more than can be done to reduce the impact on important vegetation and we urge the proponent to make a greater investment to protect *T. gunnii*.

Clearance and conversion and fragmentation of native vegetation

Appendix G, Table 1, page 12, identifies that 45.51 ha of native vegetation will be cleared for the proposed mine and infrastructure. While it is proposed that this vegetation is rehabilitated, and any rehabilitation is preferable to none, the full ecosystem cannot be replaced and therefore the vegetation values will be seriously degraded. Clearing of forest followed by rehabilitation can be considered as clearing and conversion. While much of the forest proposed to be cleared for the mine and infrastructure is not threatened Appendix G, page 39, states that 'Oldgrowth trees with hollows are common throughout the forested areas and large logs are occasional throughout'. Much of these

Floor 2, 191 Liverpool Street, Hobart TAS 7000 Australia

p (03) 6234 3552 f (03) 6231 2491 e tct6@bigpond.com ABN 63091 237520

oldgrowth values will be lost and possibly cannot be replaced for hundreds of years.

Recommendation: The TCT recommends that the proponent be required to commit to acquisition of additional areas of vegetation as off-sets and/or invest more into research and conservation works for *T. gunnii* (discussed below).

It is noted that mining is relatively concentrated in two main areas which will limit the fragmentation of uncleared vegetation.

Private Forest Conservation Program

The DPEMP makes no statement regarding the portion of the current Dans Hill Conservation Area which is proposed to be mined and was purchased using Australian Government funds under the Private Forest Conservation Program in 1999-2000. While the area of purchased land that is now proposed to be cleared for mining is much less than originally proposed and will involve no clearing of *T. gunnii*, the issue must be addressed. In particular, it has not been established whether the purchase of land under the Private Forest Reserve Program occurred under a contract which included conditions limiting or prescribing use of the land.

In 2010 the former Australian Government minister Peter Garrett informed the TCT in writing (copy attached) that he would ask his department to investigate whether there were any conditions of the purchase of the land in question. A new minister was appointed soon after this and we have never received a reply to know if such an investigation was undertaken and if so what was found.

Recommendation: The TCT recommends that a condition be applied to the proposed development which prohibits any clearing of vegetation within that part of the Dans Hill Conservation Area which was acquired with Australian Government funds under the PFRP until it is determined whether any conditions were placed on the land purchase and if so that the mine be altered to be consistent with them.

Threatened native vegetation communities

Appendix G, Table 1, page 12 states that there will be 0.6ha of *Eucalyptus ovata* woodland cleared (0.1 ha for the mine and 0.5ha for roads). There is no explanation provided for why the mining operation could not have avoided this small patch of a threatened vegetation community. Similarly we cannot see why the road could not have been diverted to avoid the *E. ovata*.

Recommendation: The TCT recommends that no *E. ovata* be cleared and that the road and mining area be altered to ensure its total protection.

Threatened fauna habitat

Table 4, page 41, Appendix G acknowledges that there is potential nesting and/or foraging habitat for Tasmanian devil and tiger quoll (no dens found), masked owl (no birds recorded) and Grey goshawk (no nests recorded) within the project area.

Threatened flora

Epacris virgata (EPBC Act endangered, TSP Act vulnerable),

Of all the threatened species found in the mining lease area it appears that only *Epacris virgata* would be impacted directly by any element of the mine development. This is certainly an improvement on the original proposal.

The proposed mining activities will destroy 2% of the local population of *Epacris virgata* (70,000 plants and 15.1 ha) and this is unacceptable. The proposed off-set is good, albeit not yet secured, and has the potential to reserve other values as well as this species. However, no loss of endangered species is acceptable and all populations should be protected rather than subject to off-sets.

Tetratheca gunnii (EPBC Act critically endangered, TSP Act endangered)

The project has been altered to avoid any direct impact on known populations and this commitment is commendable. However the project will result in destruction of 10ha of potential habitat i.e. areas which may contain seed stored in the soil or areas suitable for ex-situ populations. For a critically endangered plant species retention of all potential habitat with a view to expanding natural range or increasing it through plantings is vital.

While we commend the proponent on committing to a range of conservation measures for *T. gunnii* (establishing 5 ex-situ populations, funding development of a recovery plan, funding of protective fencing and purchase of land as a off-set) we believe that more should be done by the proponent in an attempt to offset the lose of 10ha of *T. gunnii* potential habitat plus the lose of other values which are not off-set (see above).

We are concerned that even with the best will in the world current knowledge is fundamentally inadequate to ensure any recovery program could succeed for this poorly understood and critically endangered species.

Recommendation: We recommend that an additional commitment be made to fund a comprehensive research program aimed at improving knowledge and conservation techniques for *T. gunnii* including: propagation techniques, population and restoration ecology, ex situ storage of germplasm and in situ conservation and translocation. We understand that some research on *T. gunnii* is currently occurring at the Royal Tasmanian Botanical Gardens (RTBG) with the support of the specialists from the Threatened Species Section within the Department of Primary Industries, Parks, Water and Environment but resources are currently inadequate. We also understand that specialists at the University of Tasmania could assist with research on *E. gunnii*, particularly with studies on genetics of the species.


We have obtained advise from relevant experts on the priority research areas and have identified the costs, personnel and resources required. Prior to a decision being made regarding this development, we would appreciate an opportunity for the TCT and relevant experts from RTBG and DPIWPE to provide a detailed *T. gunnii* research program proposal to Proto Resources and regulators. We hope to obtain Proto Resources' agreement to fund a program of priority research required and that this could be included as a condition of the approval for the development.

Assessment of proposed offsets

The offset, if successfully delivered, would involve purchase and reservation of 105 ha of private land which includes 87ha of native vegetation. This would protect twice the numbers of *Epacris virgata* destroyed by the project as well as securing populations of *Spyridium obcordatum*, includes 30-40ha of potential habitat for the *Tetratheca gunnii*, one active Tasmanian devil den and 4.5ha of *Eucalyptus ovata* forest.

Recommendation: The TCT recommends that a condition be applied to the proposal that no areas containing threatened vegetation or threatened plant species can be cleared until the private land proposed as the offset is purchased or an other area with equal or superior values is purchased.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter McGlone', written in a cursive style.

Peter McGlone
Director