



tasmanian conservation trust inc

Director
Environment Protection Authority
GPO Box 1550
Hobart Tas 7001

15 January 2010

Email: John.Gorrie@environment.tas.gov.au

Dear Mr Gorrie,

Draft Guidelines for the preparation of a Development Proposal and Environmental Management Plan for Proto Resources and Investments Ltd Barnes Hill Project Beaconsfield, Tasmania

Reservation status and appropriateness of development

Section 3.1 (a) requires "information on land tenure and property boundaries of the proposal site" but this is totally inadequate.

The TCT recommends the guidelines also require the proponent to determine whether the proposal is sited in reserved land (either in in-part or entirely). If so, the proponent should also be required to determine whether the proposed activities are legally permitted in the relevant reserve category or categories and, if so, under what circumstances.

The TCT is gravely concerned the Proto Resources proposal is sited primarily in the Dans Hill Conservation Area and we assert the type of mining proposed is not consistent with the values and purposes of a conservation area as defined in Schedule 1 of the Nature Conservation Act 2002 (Attachment 1),

The "purposes of reservation" for a conservation area as stated in Schedule 1, allows for the "sustainable use of the natural resources of that area of land". The TCT asserts that, given the type of mining proposed and the values which exist in the Dans Hill Conservation Area, the proposal cannot possibly be construed as sustainable.

The mine is therefore not legally permitted in a conservation area and therefore should not even be proposed to the Environment Protection Authority.

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Surveys for threatened species

Even in normal circumstances, the most exhaustive surveys possible should be required to ensure all threatened plant populations are located.

Given that most of the Dans Hill Conservation Area has recently been burnt in wildfire, it is essential the guidelines be amended to require the proponent to do surveys for the next four years to ensure that germinating plants (including potentially new populations of known species and new species) are detected and to determine if existing populations have survived being burnt.

This is particularly important for *Tetratheca gunnii*. This species germinates after fire and an absence of appropriate fire may have resulted in many populations only being present as seeds in the soil. Therefore many populations may not have been detected in previous surveys. Some populations have failed to produce seed for many years and therefore the fire may have eradicated these populations.

Some of the threatened species known within the mining area are slow to germinate or difficult to locate until they have grown and flowered or have been severely browsed, e.g. *Tetratheca gunnii*, therefore the TCT recommends the surveys be required for four years following the fire.

This may appear an exceptional requirement, but it is important to remember the Proto Resources proposal will have impacts on a number of highly threatened species and it is vital the EPA has a complete understanding of the distribution and current status of these species. One species which will be impacted, *Tetratheca gunnii*, is nationally listed as critically endangered, is only found in the Dans Hill Conservation Area and the immediate surrounding area and botanical experts have recognized this species as probably Tasmania's most threatened plant species.

Tasmanian Government policy for maintaining a permanent forest estate, December 2009

The December 2009 'Tasmanian Government Policy for Maintaining a Permanent Forest Estate' (Attachment 2) states that "Broad scale conversion of native forest on public land has now ceased" (page 1). The TCT believes that the mining operation proposed by Proto Resources would result in the "conversion" of native vegetation on public land on a broad scale (area proposed to be cleared is estimated by Proto Resources at about 200 hectares) and therefore would be in contravention of that policy.

The guidelines must include a requirement for the proponent to assess the proposal in relation to the December 2009 'Tasmanian Government policy for maintaining a permanent forest estate'.

Purchase of parts of Dans Hill Conservation Area with Australian Government funds

The Proto Resources proposal would involve mining in the Dans Hill Conservation Area, which was created in 2003 specifically to conserve populations of *Tetratheca gunnii* and other threatened plant species. The *Tetratheca gunnii* Recovery Plan 2001-2005 (page 9 – Attachment 3) states that land near Barnes Hill was purchased in 1999 to protect *Tetratheca gunnii* populations with Australian Government funding through the Private Forest Reserve Program (PFRP), with the intention of including this land in the CAR reserve system. The TCT has obtained copies of land titles and records from the PFRP which prove that approximately

half of the proposed mining area was acquired specifically for the conservation and reservation of *Tetratheca gunnii* (Attachment 4).

- The guidelines must include a requirement for the proponent to assess the proposal in relation impacts upon the interests of the tax payers of Australia, who funded the land purchase, and whether the purchase cost should be repaid.
- Also, the proponent should assess whether lose of values secured through this purchase, e.g. *Tetratheca gunnii*, will impact on commitments given by the State or Australian Governments, such as the Strategic Plan for the PFRP.

Yours sincerely

Peter McGlone
Director

Attachment 1: Schedule 1 of the Nature Conservation Act 2002.

Attachment 2: Page 1, 'Tasmanian Government Policy for Maintaining a Permanent Forest Estate'

Attachment 3: Page 9, '*Tetratheca gunnii* Recovery Plan 2001-2005'.

Attachment 4: 'TCT map showing the area within the Dans Hill Conservation Area, purchased in 1999-2000 to protect threatened plant species and is proposed to be mined'.