



Referral Business Entry Point
EIA Policy Section (EPBC Act)
Approvals and Wildlife Division
Department of the Environment, Water, Heritage and the Arts
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Proto Resources and Investments Ltd, Mining, Near Barnes Hill, and Mount Vulcan and Ironstone Hills, Barnes Hill Nickel Laterite Project – Reference Number: 2009 / 5121

The Tasmanian Conservation Trust believes that the above project will have very significant and unacceptable impacts on several threatened species listed on the schedules of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the proposed mitigation and off-set strategies are inappropriate for such highly threatened species and the application should be refused as totally unacceptable pursuant to section 74B(1)(b) of the EPBC Act.

If you are not prepared to reject this project now on the basis that it is unacceptable, given the status of the species involved and the level of impacts likely, we recommend you ensure the most comprehensive and rigorous assessment possible is made by the proponent and the requirements under *Agreement Between the Commonwealth and Tasmania regarding Environmental Impact Assessment* (the Bilateral Agreement) are adhered to strictly. If the project proceeds through the Tasmanian assessment process, the TCT will participate in these processes and provide feedback to you regarding its progress in relation to threatened species and our other concerns. After the assessments are complete, if we have any concerns regarding the assessment process or the likely impacts we will urge you to not grant approval.

Impact of mining operation

We note that while the proponent has submitted completed assessments of impacts from mineral exploration (Attachment 2) and mining infrastructure (Attachment 3) no assessment has been provided detailing impacts of the actual mining operation. The project description in the 'Referral of proposed action' form makes it clear that virtually the entire 210 ha of the mining area will be developed as an open cut mine to excavate the nickel and cobalt deposits. Although an assessment of the actual mining operations is

yet to be done, the proponent states in the 'Referral of proposed action' form that "Impact will probably occur over the entire mine area" (page 8). We assert that the mining proposal will require the total removal of all native vegetation in the mining area causing the destruction of all specimens of the threatened plant species found there.

The 'Referral of proposed action' form submitted by the proponent states that the operations within the mine area "will impact" (page 8) the following EPBC Act listed plant species:

- *Epacris virgata* (critically endangered)
- *Tetratheca gunnii* (endangered)

The TCT believes that no level of impact on endangered and critically endangered EPBC Act listed species is acceptable and the mining proposal in its current form will have very significant impacts and should be deemed unacceptable. Off-sets and mitigation strategies are totally inappropriate for such highly threatened species and approval should only be considered if the project can be changed to ensure no impacts on the listed species.

We note the statement in Attachment 2 that "*Tetratheca gunnii* is likely to be one of the most endangered species in Tasmania. It may be at a high risk of extinction if the causes of decline cannot be reversed" (page 13). Given this statement we cannot fathom why destruction of any individual plants of this species could be considered. The *Tetratheca gunnii Recovery Plan 2001-2005* says there are only 250 mature individual plants in existence and all are found in a small area of habitat the near to the mining proposal.

We also have concerns that a number of EPBC Act listed threatened fauna species have suitable habitat within the mining area and the proponent admits the possibility of some impact on habitat of spotted-tailed quoll, Tasmanian devil, eastern barred bandicoot and green and gold frog (Referral of proposed action form, page 8)

Impact of mine infrastructure

The 'Referral of proposed action' form also states that the mine infrastructure "has been moved further west to reduce the potential impact" (page 7) and implied in this statement is some level of impact on threatened flora and fauna. Of particular concern is the high probability of *Phytophthora cinnamomi* being introduced to populations of threatened plants species outside of the mining area.

Purchase of Dans Hill Conservation Area with Australian Government funds

The proposed operation 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* (page 9) 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 claims this acquired land is now part of the Dans Hill Conservation Area and part or all of it is within the proposed mining area.

We hope that the Australian Government shares our concern that areas of land purchased under the PFRP should have their values, for which they were acquired, conserved in perpetuity. We urge the Australian Government to refuse approval for any activities which impact significantly on values (particularly threatened species) for which the land, now within the Dans Hill Conservation Area, was purchased and reserved.

While we are not certain of the contractual arrangements in place at the time the land was purchased (we are investigating this situation), we believe the Tasmanian Government are obliged to ensure purchased areas are conserved in perpetuity. We urge the Australian Government to investigate the purchase of land under that PFRP, which was included in the Dans Hill Conservation Area, and ensure the Tasmanian Government is strictly adhering to PFRP funding conditions and requirements under the National Reserve System Strategy 2009-2030 and previous versions.

If this proposal is given approval, the TCT suggests that the proponent should be required to repay to the Australian Government the purchase price of the land.

Yours sincerely,

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

Peter McGlone
Director