

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:49 AM
To: Phil Barker
Subject: FW: Comment: Prosser Plains Raw Water Scheme Tasmania (EPBC 2017/7927)

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Ben Waining <benwaining@gmail.com>
Sent: Wednesday, 15 August 2018 1:33 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Comment: Prosser Plains Raw Water Scheme Tasmania (EPBC 2017/7927)

To whom it may concern,

I am writing to provide comment on the proposed action by the Glamorgan Spring Bay Council to construct and operate a 3000 megalitre capacity water storage on the Tea Tree Rivulet.

My concerns are related specifically to the risks posed by this development to the population viability of the critically endangered swift Parrot.

The swift parrot has been listed as critically endangered under the EPBC Act. The conservation advice issued by the Threatened Species Scientific Committee, established under the EPBC Act lists habitat loss and alteration as one of the key threats facing the survival of the Swift Parrot.

The proposed removal of known swift parrot habitat is an action that will have a direct impact on this critically endangered species. The proposed offsets do not alleviate this impact, as it still remains that there would be a net loss of available habitat if this dam proposal was to go ahead. It is further noted with concern that the offset areas are not finalised.

To further endanger a critically endangered species for the purposes of installing a dam shows a fundamental disregard for the sustainable management of our land. The GSBC are entrusted as the planning authority to make decisions that provide for the best outcome for all, including the environment and the species that inhabit that environment. An alternative approach to supplying water for commercial interests must be found that does not involve the further endangerment of our threatened species.

yours sincerely

Ben Waining.
Land owner in the GSBC municipality.

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:46 AM
To: Phil Barker
Subject: FW: Comments Re: Prosper Plains Raw Water Scheme, Tasmania

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Gary Whisson <garywhisson@gmail.com>
Sent: Wednesday, 15 August 2018 4:59 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Comments Re: Prosper Plains Raw Water Scheme, Tasmania

Dear Phil,

Please find attached my comments on the *Prosser Plains Raw Water Scheme*.

I recognise that in future years the Orford region will be in need of an expanded water resource, both because of the growing population pressures, but also a likely increasingly unreliable rainfall - with or without servicing the Tassal requirements for fresh water.

My comments and concerns are confined to issues of avoidance of impacts on significant terrestrial environmental values. As your reports clearly demonstrate, clearing the proposed Twamley Dam site to provide for the proposed water supply will necessarily cause the loss of environments that meet the criteria as Matters of National Environmental Significance under the *EPBC Act* (1999).

Where possible significant impacts on Threatened species and Threatened Ecological Communities should be avoided. While Environmental Offsets are proposed that meet EPBC Act requirements, offsets necessarily result in the progressive additional loss of the Threatened Ecological Communities and Threatened Species Habitat. That is they still represent a net environmental impact that should only be acceptable if other potential options are not available.

While not identified as a Threatened Species or Ecological Community, it should also be recognised that the Twamley Dam will result in the clearing of some 20ha of *Eucalyptus viminalis* Grassy Forest and Woodland (DVG). This community is extensively cleared and highly under reserved, less than half of the JANIS criteria for 15% reservation relative to the original extent of the community. The TasVeg mapping referred to in the report notes that only some 6% of the DVG Forest type is reserves State wide, and some 6.5% in the SE Bioregion of Tasmania. It is noted, significantly that the TasVeg mapping only records the extent of Forest type relative to the mapped extent of existing remaining vegetation. As you will appreciate this will necessarily lead to the above percentages being a significant over estimation of the actual proportion of these vegetation types reserved relative to their original extent. This species also provides feeding habitat for Swift Parrots.

As such, the proposal to provide additional raw water resources to the Orford supply should have considered or presented potential alternative options in greater detail so that a judgement as to costs relative to environmental impacts can be made.

I understand that Hobbs Lagoon - an existing water resource that Tassal has available to use has been identified as a potential alternative water resource, but is not specifically referred to in this report. As an existing water resource, this option would presumably not require extensive clearing of threatened vegetation communities, nor the associated impacts on breeding and foraging habitat of Endangered Fauna species.

The Proposed Twamley Dam site is within the catchment of the existing of the Lower and Upper Prosser Dams, as such it does not provide access to an additional water catchment, only serves to provide additional storage capacity within the catchment of the Prosser Dams, that can be released when needed. The option of raising the height of the existing Prosser River dams. likely to be a much lower environmental impact alternative is briefly discussed and the argument is presented but effectively dismissed on the grounds that this is a higher cost option. No cost comparison is presented. It is noted that the proposed Twamley Dam option is a "no or minimal cost" option because the GSBC is offering to bear the costs (at significant impact to Council Dept). The significance of this statement in determining the Twamley Dam as a lower cost option has not been explained and should be clarified.

Regards

Gary Whisson

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:47 AM
To: Phil Barker
Subject: FW: Comments regarding the Prosser Plains Raw Water Scheme Tasmania (EPBC 2017/7927)
Attachments: Comment_Prosser Plains Raw Water Scheme Tasmania.doc

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
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admin@northbarker.com.au
62 319788

From: Bec Donaldson <R.Donaldson@murdoch.edu.au>
Sent: Wednesday, 15 August 2018 2:39 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Comments regarding the Prosser Plains Raw Water Scheme Tasmania (EPBC 2017/7927)

Dear Sir/Madam

Please find attached my comments regarding the Prosser Plains Raw Water Scheme Tasmania (EPBC 2017/7927).

I look forward to these concerns being considered, to ensure no additional impacts on critically endangered swift parrot populations.

Thankyou for this opportunity.



R
Dipl

Donaldson

BSc

(Hons)

r.donaldson@murdoch.edu.au

North Barker Ecosystem Services
163 Campbell Street
Hobart
Tasmania 7000

14 August 2018

To Whom it May Concern

Thank you for the opportunity to provide comments regarding the proposed *Prosser Plains Raw Water Scheme Tasmania (EPBC 2017/7927)*.

The Referral documents associated with the proposed development (including expert opinions) identify unambiguously that the proposed action will have significant impacts on critically endangered swift parrots and their habitat. Given that regardless of three successive Recovery Plans, swift parrots are still declining rapidly towards extinction, and given that this decline is due largely to insufficient habitat and continued loss of remaining habitat, it is essential that no further habitat is lost.

Below please see several concerns and points regarding the proposed dam: (1) The need to recognise that offsets which preserve *existing* habitat, to which swift parrots already has access, mean that the action still represents **a net loss of habitat, at a time of critical endangerment for the species. Such offsets are blatantly insufficient to 'offset' the destruction of important habitat caused by the proposed development.** Similarly, any proposed offsets or mitigations involving planting new habitat would not be sufficient to mitigate net loss of habitat in the time frames necessary for swift parrot recovery. (2) The need to consider Cumulative Impacts. (3) The need to consider impacts related to loss of future breeding trees. These points are expanded below.

Referral documents agree regarding the significance of the impacts on swift parrots

Document A of Referral documents, *PPRWS Referral*, under the heading "Offset", states:

The EPBC significant impact criteria indicate that this impact is likely to be significant. The criteria that are met are the "likelihood" to: 1. lead to a long term decrease in the population 2. reduce the area of occupancy of the species 3. adversely affect habitat critical to the survival of the species 4. modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline. 5. Interfere with the recovery of the species.

Referral document containing *Expert opinion from Birdlife Tasmania* states:

I concur with the report's conclusions that the area to be impacted is significant Swift Parrot habitat:

- *...loss of the habitat is likely to cause a significant impact as per the EPBC assessment criteria,*
- *...loss of the habitat in the area under evaluation will disrupt the breeding cycle of a population and modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline, and*
- *...the habitat is an important feeding habitat that supports breeding in the area.*

Referral document containing *Expert opinion from the FPA* states:

The inundation footprint supports a large area (22 ha) of E. ovata forest – this is considered to be a large area of this community in eastern Tasmania and a large area of potential and significant foraging and nesting habitat for the swift parrot. Combined with the presence of a E. ovata and E. globulus foraging habitat and nesting habitat in the vicinity there is little doubt on the potential significance of the area for swift parrot breeding.

The loss of 22 ha of E. ovata forest, including occasional E. globulus and potential nesting hollows is likely to meet the EPBC significant impact criteria:

Under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 the following significant impact criteria are likely to be met for the swift parrot: 'An action is likely to have a significant impact on a critically endangered or endangered species if there is a real chance or possibility that it will: • adversely affect habitat critical to the survival of a species and • modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.

Concerns regarding the proposed Offsets

Document A of Referral documents, *PPRWS Referral*, under the heading "Offset", states:

Under the EPBC the predominant need for an offset is due to the loss of Swift Parrot habitat... The proponent is undertaking a search for suitable habitat to offset the impact in accordance with both the WMA requirements and the EPBC offset policy. In this case suitable habitat will be in a SPIBA, preferably the Wielangta SPIBA... The preliminary results of the EPBC offset metric requires: 70 ha of swift parrot black gum habitat that is in similar condition to be protected under formal protection for the period of the impact (permanent).

It is important to note that such proposed offsets will NOT appropriately mitigate the loss of important swift parrot habitat. Specifically, any offsets involving purchase and protection of land containing habitat for swift parrots represent only *existing* habitat, to which swift parrots already have access – so will not compensate for the loss of habitat associated with this development.

Similarly, it may be of future use to note that any proposed offsets or mitigations involving planting additional habitat would NOT mitigate the loss of important habitat in either the short or medium term – and these time frames are the critical ones for swift parrot recovery or extinction. Swift parrots are continuing to decline due largely to a lack of habitat at present, with additional important habitat continuing to be lost. Planting additional habitat is important, but the long time-lag before ecological benefit (i.e. before planted species are mature enough to provide viable habitat) means that retention of all remaining important habitat is critical.

The importance of considering Cumulative Impacts

It is important to consider cumulative impacts when assessing potential impacts of developments on swift parrots. Existing legislation and Referrals/assessment processes often do not adequately or effectively address the critical issue of cumulative impacts of many small (often non-referred) land modification actions on threatened species populations. Cumulatively, these actions may involve loss of extensive areas of foraging, breeding and/or corridor habitat used by threatened species. The cumulative impacts of clearing a large number of smaller-scale areas of habitat may therefore represent actions that, together, are likely to:

(1) modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

(2) interfere substantially with the recovery of the species.

This is an important point for threatened species population viability and for land modification applications.

The importance of considering impacts related to the loss of future breeding trees

The loss of breeding habitat is a stated Key Threatening Process for swift parrots. It is important to reject any claims that the removal of trees which may not yet contain hollows used for breeding – but which have the potential for viable hollows – has no impact on threatened species breeding habitat (especially if the trees are already large, or already possess hollows). Instead, when trees are considered for removal, the potential for each tree to act as a breeding tree in the medium-term future should be taken into consideration. There is a critical shortage of breeding trees for swift parrots, therefore the removal of potential future breeding trees must be of serious concern for species recovery. The swift parrot Recovery Plan identifies the lack of suitable breeding habitat as a major threat to the species' survival. This requires the identification of trees that are

potentially important for supporting breeding in the future; and the maintenance of those trees as future breeding habitat over the medium and long term.

For any potential breeding trees identified on this development site, the absence of evidence of current use does not mean that the trees have not been used as breeding trees and will not be used in the future. Critically, nor does the lack of evidence of recent use diminish their value as potential future breeding trees, particularly if they are larger, older trees with existing hollows, and particularly given the identified need in the Recovery Plan for more breeding trees if the species is to recover.

Given the immediate and severe threat to the viability of swift parrots from the lack of hollow-bearing trees, and the cumulative impacts of the loss of many smaller areas of habitat that represent current and future hollow-bearing trees, it is important to retain all remaining habitat that is suitable for future swift parrot breeding, to ensure breeding habitat succession.

The evidence and arguments presented above emphasise that ongoing habitat loss is the main driver of the swift parrot's continuing decline. The clearing of additional hectares of quality habitat is not consistent with the key objectives within the species' Recovery Plan. Further, given the predicted short timelines to extinction for this species if nothing is done to halt their decline, it would be misleading to justify the clearing of important habitat by citing offsets that involve pre-existing habitat (or any mitigations involving planting of additional habitat to replace destroyed habitat over the long term). Unless something is done to help the species avoid extinction now, any reference to "the long term" is meaningless for swift parrots.

The loss of additional important habitat for a critically endangered species - whose current decline is driven by a lack of habitat - is clearly in opposition to Tasmania's and the nation's conservation goals. Given these concerns, no such action should proceed.

Thank you again for the opportunity to provide comment on this referral.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Donaldson', with a stylized, cursive script.

R Donaldson BSc (Hons) Dipl.
r.donaldson@murdoch.edu.au

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:10 PM
To: Phil Barker
Subject: FW: Critical wildlife habitat should not be destroyed for a golf course

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Anne Watson <anne.watson@utas.edu.au>
Sent: Tuesday, 14 August 2018 9:46 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Critical wildlife habitat should not be destroyed for a golf course

Good morning

I am extremely concerned that the Glamorgan/Spring Bay Council plans to inundate critical bird breeding habitat, just to supply water for a private golf course and a polluting fish farm.

This is a very poor proposal. We need to do all we can to protect our endangered bird species, not destroy their habitat for private profits.

Please do not support this project

Regards

Dr Anne Watson

BSc (Hons) PhD
Freshwater Ecology Group
School of Biological Sciences, University of Tasmania
Locked bag 55, Hobart Tas 7001
Ph (03) 6226 2633
M: 0421 069677
E: annew@utas.edu.au

University of Tasmania Electronic Communications Policy (December, 2014).

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Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:10 PM
To: Phil Barker
Subject: FW: Don't pull a swift

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: paul www <tigertasmania@hotmail.com>
Sent: Tuesday, 14 August 2018 12:07 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Don't pull a swift

Contributing to the extinction of a species , do you really want that tag around your necks?

Get [Outlook for Android](#)

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:10 PM
To: Phil Barker
Subject: FW: Don't sacrifice the swift

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

-----Original Message-----

From: Josephine Murray <jomurray2007@gmail.com>
Sent: Tuesday, 14 August 2018 10:47 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Don't sacrifice the swift

Hi there,
I received a missive this morning saying that Swift Parrots are in danger of losing 20 hectares of vital breeding and feeding habitat to supply water to Tassal and a golf course in Glamorgan/Spring Bay??
Please let the Council know that I object strongly!
Yours sincerely
Josephine Murray
499 Bream Creek Road
Bream Creek TAS 7175

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:09 PM
To: Phil Barker
Subject: FW: Glamorgan Spring Bay Council Prosser Plains Raw Water Scheme (PPRWS) Tea Tree Rivulet Dam - public comment

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Amanda S. <kastar.taz@gmail.com>
Sent: Monday, 13 August 2018 7:05 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Glamorgan Spring Bay Council Prosser Plains Raw Water Scheme (PPRWS) Tea Tree Rivulet Dam - public comment

To whom it may concern.

I refer to the report prepared by North Barker, 14 March 2017 and wish to make a submission as an Australian Citizen and ratepayer of the GSBC on the preliminary documentation that will be used to assess the proposed action under the EPBC Act. After having viewed the Barker report I'm very concerned about possible detrimental effects on the flora and fauna, with which I have some familiarity, whilst I am less knowledgeable about other aspects. As a ratepayer I will not be complacent about my hard-earned wages being used to facilitate the operation of a for-profit business, especially if it means that what I really do value, ie: the natural environment, flora and fauna, of the East Coast, are adversely affected. I don't have time to go into much detail but note that the report shows there are legitimate reasons for concern about some specific vegetation ecosystems (eg Poa grassland and Eucalyptus ovata forest) and a significant number of animals.

Of immediate concern is the Swift parrot (Endangered TSPA / Critically endangered EPBC). I endorse the Comments by Dr Eric J Woehler, Convenor BirdLife Tasmania in his letter on this matter, dated 19 October 2017.

It should be noted that some years ago a court case was initiated by a private citizen in order to try to protect the Swift parrot by opposing further logging in the Wielangta forest near Orford - also in GSBC area. Although the Federal Court judge found in favour of the applicant, the case became very prolonged when the Tasmanian and Australian governments poured taxpayers' money into having the decision overturned. As a result the Swift parrots lost a substantial portion of suitable habitat and the species was plunged into further decline. Once again it's only through the efforts of private citizens and charities funded by them that any real effort has been made to save this bird from extinction through the provision of such aids as nesting boxes.

Inconsistent categorisation of species as to degree of endangerment is a major block to proper legislation and enforcement. This is illustrated by the decisions about the vulnerability of the Swift parrot: *Endangered* (TSPA) but ***Critically endangered*** (EPBC). The Barker report provides many other examples.

Unrealistic belief in the ability to accurately identify all the factors affecting species and to predict long-term outcomes.

Australia has a history of deliberately-introduced species creating environmental havoc and too little concern shown for native species, which have been an integral and necessary factor in the development of this country's delicately-balanced biodiversity over millennia.

While we may laugh at the idea that we would now allow the likes of the Thylacine to become extinct, those who want to continually alter natural environments are not behaving much differently from our recent forbears who facilitated that extinction. Anyone who thinks humans can really predict the outcome of constant human pressure on habitats combined with introduced species, climate change and a myriad of other factors is guilty of hubris.

The Barker report looks very scientific and probably is so, but only within the dubious definitions and parameters which legislation and regulation have provided. There is a grave danger that its conclusions tend to minimise the possible impact of the dam construction on the many species of plants and animals which the report has already admitted are in various categories of vulnerability. In most such cases there is no irrefutable basis for suggesting that the vulnerable species will be safe from adverse effects if the dam proceeds. There are too many uncertainties and unknowns, partly due to lack of both time and survey opportunities, and partly due to the reality that the science involved is not yet sufficiently exact. For that reason, the optimism about some of the species seems to be hopeful guesswork.

Outdated data. North Barker's *Botanical Survey and Fauna Habitat Assessment* is dated 14th March 2017, and is presumably based on data gathered well before that date. It can therefore be concluded that some of the findings are even less accurate now than when the research was conducted. By the time the submissions have been assessed it will be more than 18 months since the report was issued. Who knows what further degradation to habitats has incurred since then from illegal woodhooking and other activities, as well as major weather events embedded in a changing climate?

In conclusion: Clearly my concerns are shared by many citizens and by at least some of our Senate representatives, who are right now looking into Australia's faunal extinction crisis, including many of the concerns I've expressed. **I urge you to consider carefully the points set out *verbatim* (below) for the Senate inquiry which is still running and which is very pertinent to fauna issues in the Tea Tree Rivulet Dam proposal.**

No doubt that inquiry will consider such matters as the inconsistent classification of vulnerable species at state and federal levels. Those inconsistencies throw serious doubt on any decisions which might further threaten the habitats of those species.

I further urge you to stay any permission for this project until, at the very least, you have examined the conclusions of this important inquiry into:

Australia's faunal extinction crisis

On 27 June 2018, the Senate referred the following matter to the Environment and Communications References Committee for inquiry and report by **4 December 2018**:

Australia's faunal extinction crisis, including:

- a. the ongoing decline in the population and conservation status of Australia's nearly 500 threatened fauna species;
- b. the wider ecological impact of faunal extinction;
- c. the international and domestic obligations of the Commonwealth Government in conserving threatened fauna;
- d. the adequacy of Commonwealth environment laws, including but not limited to the Environment Protection and Biodiversity Conservation Act 1999, in providing sufficient protections for threatened fauna and against key threatening processes;
- e. the adequacy and effectiveness of protections for critical habitat for threatened fauna under the Environment Protection and Biodiversity Conservation Act 1999;

- f. the adequacy of the management and extent of the National Reserve System, stewardship arrangements, covenants and connectivity through wildlife corridors in conserving threatened fauna;
- g. the use of traditional knowledge and management for threatened species recovery and other outcomes as well as opportunities to expand the use of traditional knowledge and management for conservation;
- h. the adequacy of existing funding streams for implementing threatened species recovery plans and preventing threatened fauna loss in general;
- i. the adequacy of existing monitoring practices in relation to the threatened fauna assessment and adaptive management responses;
- j. the adequacy of existing assessment processes for identifying threatened fauna conservation status;
- k. the adequacy of existing compliance mechanisms for enforcing Commonwealth environment law; and
- l. any related matters.

The closing date for submissions was 13 August 2018.

On 8 August 2018, the Committee agreed to extend the date for the receipt of submissions to **10 September 2018**.

Please acknowledge receipt of my submission, with any queries you may have.

Yours sincerely,

A. Stark (Australian taxpayer and GSBC ratepayer)

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:10 PM
To: Phil Barker
Subject: FW: Glamorgan Spring Bay Council Water storage facility

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Kaylyn Sutherland <kaylyns@utas.edu.au>
Sent: Tuesday, 14 August 2018 9:26 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: RE: Glamorgan Spring Bay Council Water storage facility

Gday- EIS UTAS student here.

There are many potentially negative impacts within the flora/fauna report that would deem this project unsuitable for the location. There are many listed legislative implications within the report also that would lend evidence to why this project SHOULDNT be given approval.

Mitigating this sort of damage, I believe, would be near impossible. Implementing an injured animal protocol is inhumane and ridiculous when talking about bulldozing trees and just "moving" trashed animals.

I dont think it is particularly ethical to be helping TASSAL DESTROY MORE NATURAL ENVIRONMENT given the current social climate surrounding the company. Also- creating a water holding facility to help irrigate a golf course while destroying critical habitat and vegetation is particularly unconscionable.

Please reconsider the proposal due to the massive negative impacts it would certainly cause.

kind regards,

KS.

Bellerive, TAS, 7018

University of Tasmania Electronic Communications Policy (December, 2014).

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Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:48 AM
To: Phil Barker
Subject: FW: Hanitat swift parrot

Kind regards,

Alison Leake

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North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: mdemange <mdemange@bigpond.com>
Sent: Wednesday, 15 August 2018 2:32 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Hanitat swift parrot

To whom it may concern,
Please consider these beautiful birds when proposing this dam. It will damage an important habitat for the swift parrots.
Guarding the habitat for future generations is of utmost importance
Regards
Maria Demange

Sent from my Samsung Galaxy smartphone.

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:10 PM
To: Phil Barker
Subject: FW: Land Clearing

Another for you?

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Graham McLean <gjm@twe.travel>
Sent: Tuesday, 14 August 2018 9:16 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Land Clearing

I understand the Council plans to clear about 20 ha of land for Tassal and a golf course.

I also understand that this land is a Swift Parrot breeding site.

I can only say – how could you contemplate clearing this land under these circumstances? Do you have any sense of the importance of this site?

I urge you to find another site that's less damaging to this endangered species.



Regards
Graham McLean
TASMANIAN WILDERNESS EXPERIENCES
ABN 65 632 316 265
Base Camp Tasmania
959 Glenfern Road
GLENFERN TAS 7140

LOCAL CALL 1300 882 293
PHONE 03 6261 4971
FAX 03 6261 2786
MOBILE 0414 238 458
SAT PHONE 0424 211 209
EMAIL info@twe.travel
WEB www.twe.travel



TWE's Climate Change Policy seeks to mitigate the effects of carbon emissions arising from our transport services. Accordingly we donate \$0.10 per litre of our fuel purchases to Greening Australia to support their Biodiverse Carbon Restoration Projects in Tasmania.

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:48 AM
To: Phil Barker
Subject: FW: Objection to Prosser Plains Raw Water Scheme 3000ML dam

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Karen Rowell <karennova@hotmail.com>
Sent: Wednesday, 15 August 2018 2:00 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Objection to Prosser Plains Raw Water Scheme 3000ML dam

To whom it may concern.

I wish to record my formal objection to the Glamorgan Spring Bay Councils proposal for a 3000ML dam. I disagree with this proposal.

Under the Environmental Protection and Biodiversity Conservation Act the project requires full assessment and approval. Tabled reports to Council including the 'Flora and Fauna Habitat Assessment - Prosser Plains Raw Water Scheme' demonstrate that approval of this proposal will have far reaching implications for the future of multiple endangered species. This includes an iconic species of special note the Swift Parrot. Sanctioning this development contributes further to denial of habitat for this species and pushes it ever closer to extinction.

Surely Tassal has expanded enough without the habitat of such an iconic bird being further threatened by such shortsighted and commercially driven interests.

Regards

Karen Rowell
11 Loina Street
New Town 7008

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:49 AM
To: Phil Barker
Subject: FW: Proposed dam near Orford

Kind regards,

Alison Leake

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North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Silent Faerie <photographique-noire@live.com.au>
Sent: Wednesday, 15 August 2018 11:56 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Proposed dam near Orford

To whom it may concern,

I'm writing to let you know I don't support the construction of a dam in Swift Parrot habitat near Orford.

This bird is critically endangered, one step from extinction, and destroying its home will push it further towards non-existence.

Please change these absurd plans, consider the ramifications of our wildlife.

Regards,

Rowiina Howard

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:51 AM
To: Phil Barker
Subject: FW: Prosper Plains Raw Water Scheme EPBC 2017/7927

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

-----Original Message-----

From: Ward and Cathy Doe <ward.doe@bigpond.com>
Sent: Wednesday, 15 August 2018 9:10 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Prosper Plains Raw Water Scheme EPBC 2017/7927

I oppose this development as it destroys 21.65 hectares of swift parrot habitat. As this species is endangered and heading toward extinction (because there is no effective plan to protect its habitat) any further blows cannot be sustained.

It is particularly galling that this at the behest of industrial fish farming which has already impacted so negatively on Tasmanian waterways.

Regards
Cathy Doe
398 Argyle St
North Hobart

Sent from my iPad

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:49 AM
To: Phil Barker
Subject: FW: Prosser Plains Raw Water Scheme

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Mark Johnston <markjohnstontas@gmail.com>
Sent: Wednesday, 15 August 2018 1:21 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Prosser Plains Raw Water Scheme

I wish to comment on this proposed action

The construction of this dam will have considerable negative environmental impacts and should not be permitted to proceed.

Negative impacts include:

- the clearance of 52 ha and subsequent loss of biodiversity and habitat
- interference with the existing water systems
- loss of habitat for the endangered swift parrot and numerous other native flora and fauna

The beneficiaries of the dam include a golf course and a fish farm along with added water security for nearby townspeople. However the people only require an allocation of 200ML of the 3000ML dam.

A golf course does not warrant the building of a new dam - there is no shortage of golfing opportunities in Tasmania.

Neither does the fish farming industry warrant the building of a new dam that involves the destruction of 52ha of habitat. The fish farming industry is already profitable. There is a biological limit to further expansion of the industry in Tasmania in coastal and estuarine environments which has already been breached.

The drinking water requirements of the local population could be secured with a less destructive project.

The negative impacts of the scheme will be irreversible. Habitat cannot be replaced.

Thank you for the consideration of this application

Mark Johnston

34 Montagu St Lenah Valley TAS 7008
Ph 0409 601 934

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:50 AM
To: Phil Barker
Subject: FW: Prosser Plains raw water scheme

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

-----Original Message-----

From: Katherine Denney <katherineldenney@gmail.com>
Sent: Wednesday, 15 August 2018 9:43 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Prosser Plains raw water scheme

Please don't allow this to go ahead.

We Tasmanians already live in the shadow of the extinction of the Thylacine. Let's not be responsible for the driving another species off the planet forever. The swift parrot needs protecting and that means its habitat must be protected too.

Thank you.

Regards,
Katherine Denney

Sent from my iPhone

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:53 AM
To: Phil Barker
Subject: FW: Prosser Plains Raw Water Scheme Tasmania

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Amanda Thomson <holsum6@bigpond.com>
Sent: Wednesday, 15 August 2018 8:46 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Prosser Plains Raw Water Scheme Tasmania

I would like to voice my opposition to the proposed construction of a 3000 megalitre capacity storage dam/water scheme on the Prosser Plains. Specifically my opposition is due to the inundation of the critically endangered Eucalyptus ovata community, together with loss of Eucalyptus globulus and Eucalyptus viminalis resulting in significant impact on the survival of the critically endangered Swift Parrot. This is unacceptable.

Further risks which I find untenable but classified as 'low risk' are any risk to seagrass beds and the Giant Kelp Marine Forests, which both support breeding habitat and feeding nurseries for other marine animals. 'Low risk' is not enough.

I opposed the fish farm location and I oppose this dam construction with all their extensive destructive effects.

Amanda Thomson
Taroona

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:46 AM
To: Phil Barker
Subject: FW: Prosser Plains Raw Water Scheme
Attachments: Prosser Plains Raw Water Scheme objection 15 August 2018 Churchill.docx

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Jennie Churchill <jenniechurchill29@gmail.com>
Sent: Wednesday, 15 August 2018 4:48 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Prosser Plains Raw Water Scheme

Please find attached a letter objecting to the Prosser Plains Raw Water Scheme Tasmania (EPBC 2017/7927).

Regards

Jennie and Rob Churchill

Jennie Churchill
0419 417 856
jenniechurchill29@gmail.com

Jennie and Rob Churchill
658 Dolphin Sands Road
(PO Box 641)
Swansea TAS 7190

North Barker Ecosystem Services
163 Campbell Street
Hobart TAS 7000
Email: admin@northbarker.com.au

To whom it may concern

Re Prosser Plains Raw Water Scheme Tasmania (EPBC 2017/7927)

We wish to strongly object to the proposal by Glamorgan Spring Bay Council to construct and operate a 3,000 mega litre capacity water storage on the Tea Tree Rivulet 14 kms from Orford, Tasmania.

This relates to the notice published pursuant to Section 95A (3) of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

This dam will flood 22 hectares of already threatened Eucalyptus ovata and other diminishing woodland habitat of the critically endangered Swift Parrot. While permitted under the EPBC Act, the offsets proposed to compensate for the loss of this habitat do NOT provide additional habitat, we understand they are offsets on already existing Swift Parrot habitat.

There is no gain for the species, just more loss of critical habitat.

The Swift Parrot, like so many other Australian plant, animal and bird species, is heading to extinction. It is an iconic Tasmanian East Coast bird that will now struggle further. Why? Through the construction of a dam that will support two commercial enterprises – Tassal salmon farming and an already financially struggling, failed golf course.

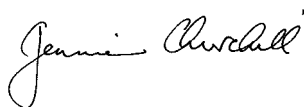
The consulting ecologist Dr Phil Bell states clearly in his expert opinion report:

It is my opinion that the loss of 22 ha of E. ovata forest, including occasional E. globulus and potential nesting hollows is likely to meet the EPBC significant impact criteria:

Under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 the following the following significant impact criteria are likely to be met for the swift parrot: 'An action is likely to have a significant impact on a critically endangered or endangered species if there is a real chance or possibility that it will: • adversely affect habitat critical to the survival of a species and • modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.'

This is another clear example of the short term, indeed complete lack of, planning consistently demonstrated by Glamorgan Spring Bay Council. It adds another nail in the coffin to the magnificent environment and natural beauty of the Glamorgan Spring Bay municipality, the East Coast and brand Tasmania.

Kind regards



Jennie Churchill



Rob Churchill

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 7:13 PM
To: Phil Barker
Subject: FW: Public Comment: Proposed Dam - <https://gsbc.tas.gov.au/community-projects/major-projects/#tab-1>

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Allegra Biggs Dale <allegra01@ozemail.com.au>
Sent: Tuesday, 14 August 2018 6:00 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Public Comment: Proposed Dam - <https://gsbc.tas.gov.au/community-projects/major-projects/#tab-1>

To whom it may concern

With Council's visions in mind, we trust you will honour your commitment to 'Be responsible for our environment,' as stated in GSP's Vision below.

Ultimately in our view, council should/must object to such a dam, given report by NorthBarker Ecosystem Services - Botanical Survey and Fauna Habitat Assessment 14 March 2017.

The build of such a substantially, sized dam would impact endangered species as listed within the report, particularly the Swift Parrot that is now listed as Critically Endangered.

Habitat loss today means flora and fauna is at great risk, as such its up to us as humans to ensure their survival and we all have the power.

All councils have the responsibility to ensure our protected species are given a chance for survival, this is but one opportunity.

Thanking you in advance to being a council that adheres to your intent and words, 'be responsible for our environment'.

Allegra Biggs Dale and Adrian John Dale
Bruny Island

Our vision

In 2020 Glamorgan Spring Bay will:

- Be proud of our inclusive community.
- Be responsible for our environment, health, education, heritage and the arts, with a diverse progressive and prosperous economy.
- Offer of an attractive lifestyle, in a beautiful place.

■

Shane Wells

From: Alison Leake
Sent: Tuesday, 21 August 2018 4:43 PM
To: Phil Barker
Subject: FW: Referral: Prosser Plains Raw Water Scheme, Tasmania (EPBC 2017/7927)
Attachments: TEA to GSBC & North Barker re EPBC 2017 FINAL 20-8-2018.pdf; TEA on Eucalyptus ovata Forest and Woodland in Tasmania EPBC Listing Process Part One FINAL 15-2-2017.pdf

Importance: High

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

-----Original Message-----

From: TEA Inc <Tea@antmail.com.au>
Sent: Monday, 20 August 2018 4:48 PM
To: Alison Leake <ALeake@northbarker.com.au>; david <david@freycinet.tas.gov.au>
Cc: Tiffeny.Horwood@environment.gov.au; EPBC Referrals <epbc.referrals@environment.gov.au>; admin <admin@freycinet.tas.gov.au>
Subject: Referral: Prosser Plains Raw Water Scheme, Tasmania (EPBC 2017/7927)
Importance: High

Dear Sir or Madam

Please find our attached submission attached on the GLAMORGAN SPRING BAY COUNCIL/Water Management and Use/Twamley Road, Buckland, TAS, 7190/Tasmania/Prosser Plains Raw Water Scheme matter. (EPBC 2017/7927)

Please note this submission incorporates our previous (and incomplete) submission sent to the EPBC at Environment Australia. However if you require it EA has our permission to pass it on to the proponent and their agent.

Thank you for agreeing to accept our late submission.

--

Sincerely
Andrew Ricketts
Convenor
The Environment Association (TEA) Inc.
PO Box 261
Deloraine 7304

PO Box 261 Deloraine Tasmania 7304

Email Tea@antmail.com.au.

15th February 2017

The Director
Ecological Communities Section
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601
Email: epbc.nominations@environment.gov.au

COMMENT ON DRAFT CONSERVATION ADVICE

**Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers
Gum (Eucalyptus ovata / E. brookeriana) Ecological Community**

Originally

Eucalyptus ovata Forest and Woodland in Tasmania

PART ONE (Public)

The Environment Association (TEA) Inc is a not for profit, volunteer based, regional, environment, community association and a stakeholder in this process. TEA has a long-term interest in environmental and social outcomes in our region, Northern Tasmania, particularly in forest conservation and forestry issues.

The Environment Association has worked in the public interest since its inception in 1990. As one of only two rural based environment centres in Tasmania, The Environment Association (TEA) is a long-term independent stakeholder in any resolution to the complex and divisive forestry conflict in Tasmania.

TEA is not represented by any other conservation organisation, formally or informally and has no affiliation with any political party or organisation.

Please find our submission below, which provides evidence, comment and opinion on the proposal to list as Critically Endangered the Ecological Community title: Eucalyptus ovata Forest and Woodland in Tasmania which we consider both vital and overdue. Thank you for providing the opportunity to make submission on this important matter.

Regarding Matters of Privacy and Confidentiality

TEA has chosen to divide this submission into two parts, the first part (this part) is provided as a public submission and the second part is provided confidentially, dealing with a range of sensitive matters, mainly over private land.

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Introduction and Opening Remarks

TEA appreciates the opportunity to make comment on this important matter. TEA has been concerned and alarmed over the plight of *Eucalyptus ovata* Forest and Woodland in Tasmania since the start of the Regional Forest Agreement when the vegetation community was known by a different name (Shrubby *Ovata/Viminalis* forest) and clearly included the *E. viminalis* species. Indeed Forestry Tasmania still calls it by that name, even in 2017.

Whilst we often comment on matters of State and National significance, our area of greatest geographic knowledge is the central north of Tasmania. Within that area the extent and condition of *Eucalyptus ovata* Forest and Woodland, a forest vegetation community of the lowlands, has significantly declined both in area and in biophysical naturalness with significant losses of such forest with functional old growth character. We use the RFA term biophysical naturalness to refer to the forest's Condition.

The most prevalent land use activity, which impacts on Tasmanian *Eucalyptus ovata* Forest and Woodland, is forestry. It is not the only detrimental land use however. We discuss in our submission other land uses such as urban developments, shopping centres and light industrial areas, that is urban growth and sprawl, clearance for agriculture and clearance for further inundation by dams, both of the farm type and major dams on public land and even clearance for rural residential use, which in some cases has consumed this Threatened vegetation community.

Currently and significantly, as well as unacceptably, an RFA exemption for the forestry Land-Use applies to such EPBC listings regarding forestry in Tasmania unless the forestry activity is for, or involves Land clearing. It can be argued such a listing (at the Critically Endangered level) of this Ecological Community would not be happening after 20 years of RFA driven forestry, if the RFA was achieving ecologically sustainability, something to which the EPBC Act commits. And if the Comprehensive Regional Assessment was any good. That is if it could be relied upon.

TEA contends development does not succeed ecologically when it logs, degrades and clears such threatened and highly depleted (the old growth component) forested ecologies and we remain strongly opposed to the Tasmanian Regional Forest Agreement in its current form, especially with its current set of exemptions including the EPBC one. Recently, (December 2016) we have strongly opposed what we see as a faulty and unintelligent RFA extension proposition.

TEA has read the Commonwealth's draft Conservation Advice (incorporating listing advice) in preparation for Listing as a Critically Endangered Ecological Community the 'Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (*Eucalyptus ovata* / *E. brookeriana*)' and our comments in this submission deal with a number of matters in that advice, as well as providing information regarding the reality of the ecological community.

Our submission raises a number of important relevant matters in relation to the proposed listing as described in the Draft Conservation Advice. We especially

consider additional solutions, which may be necessary to urgently address the plight of this Ecological Community and the species, especially the fauna which constitute its whole.

TEA has a range of concerns about this EPBC listing and seeks it be strengthened please, in a variety of ways prior to the Conservation Advice being presented to the Minister for a decision.

It is our hope our submission will have the effect of improving and strengthening the Commonwealth's EPBC listing, thus better protecting this Ecological Community.

TEA has contacted the Ecological Communities Section in the Department of the Environment and Energy and has been given helpful and timely assistance in regards to our enquiries. We appreciate this is a complex matter. Ecological issues are often complex but even so should not be needlessly simplified in our view.

TEA's experience with certain parts of this ecological community leads it to agree that: The Ecological Community (EC) 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)' is irrefutably subject to ongoing decline both in extent of area and in biophysical naturalness (Condition) as well as in contiguity. That is, we consider the EC is afflicted by processes which increase fragmentation of the remnants because surrounding forest, which may not be Listed (as Vulnerable or Threatened on the State list) or regarded as a Priority Habitat under Local Government Planning Schemes (or again exempted under the myriad of illogical and unacceptable forestry exemptions) and can be removed and/or severely compromised (in life support terms) under the rules.

Indeed the summary on the Commonwealth website paints a dire picture of this Ecological Community:

"The forest now exists as mostly small, scattered fragments that are further impacted by weed invasion, changes to natural drainage and altered fire regimes. The loss of forest tree cover has contributed to serious problems of salinity, erosion and altered habitat for native animals."

TEA considers this very basic summary of the state of the situation for this EC to be correct.

Because the Ecological Community is proposed to be listed as Critically Endangered, TEA considers that a Recovery Plan should be developed. We also consider that the development of a Recovery Plan should not hinder or delay the Listing of the EC but rather be produced after the Listing has had Ministerial support and been enacted.

TEA makes the offer to discuss any of the issues we have raised, to answer any questions you may have and to take Commonwealth (and indeed Tasmanian) staff into the field to illustrate our concerns and issues.

TEA Completely Supports the Proposed Conservation Status, being: Critically Endangered

Notwithstanding our stated concerns over any aspects of the proposed listing, TEA has adopted a position based on our in depth knowledge of the issue to strongly support the Listing of Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community in the EPBC category of Critically Endangered.

This Listing should definitely be progressed both with urgency and as a matter of the highest priority.

Regarding the existing Ecological Community containing *E. ovata* with *Callitris oblonga* subsp. *oblonga* South Esk pine, the ‘*Eucalyptus ovata* – *Callitris oblonga* Forest’ we strongly support the proposal in the Draft Conservation Advice of it being included in the Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community. The rarity and threats to this vegetation community, as well as the potential for confusion, make the need to include it imperative. We could never understand the original State listing and considered it to be grossly inadequate and indeed almost misleading.

Answers to the Commonwealth’s Questions

In its consultation document, the Commonwealth asked a series of questions. We have provided our response to each question.

Question One

“Does the draft description in the draft conservation advice clearly and accurately describe the proposed ecological community?”

NO. Whether this “proposed ecological community” is indeed one ecological community is at issue. Why is it only a proposed ecological community?

Is it accurately described? Originally it was termed: ‘*Eucalyptus ovata* Forest and Woodland in Tasmania’ and now it is: Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community.

TEA is far more conversant with *E ovata* dominated forest than *E. brookeriana* and has not been to King Island to look at the *E viminalis* / *E globulus* wet forest. We have looked at *E. brookeriana* both in the west of the island and in the Eastern Tiers and perceive limited correlation. We are thus somewhat hesitant but have not been involved in what has obviously been an evolving discussion.

During this process we have become aware that there is a Black Gum Group¹. The Black Gum group is described in this paper as: *SUBGENUS Symphyomyrtus*, *Series Ovata* (*Black Gum Group*) and include:

E. barberi L. Johnson & Blaxell

¹ The natural distribution of *Eucalyptus* species in Tasmania by K.J. Williams and B.M. Potts

E. brookeriana A.M. Gray

E. ovata Labill.

E. rodwayi R. Baker & H.G. Smith

There is a peer-reviewed paper linking the dry ovata vegetation communities with the wet brookeriana. We would prefer to understand the ecological arguments and contentions more fully but now accept the above connection unreservedly.

However the writer is quite clear the lowland occurrences of *E. rodwayi* should most probably be included as often the *E. rodwayi* occurs with the *E. ovata* and both the understorey and the whole landscape context can be homogenous, valley floor, riparian forest. Additionally, *E. rodwayi* and *ovata* hybridise where they occur in proximity to each other. In some bioregions there is a very small amount of *E. rodwayi*, for example in Northern Slopes it may be mapped at about 30 Ha which is clearly not correct but it is rare and an indicator of cold frosty sites.

Is the description and mapped area spatially accurate? TEA claims the mapping provided, even in an enhanced digital form to be inadequate and incomplete.

In our view, there are also parts of other Tasmanian vegetation communities, which form a part of this Ecological Community and indeed some unidentified parts of vegetation communities may easily have more relevance than some of the parts already included, in ecological terms.

TEA argues that if you insist on creating an EPBC Ecological Community from Tasmanian forest vegetation communities, those that contain explicit listings of *E. ovata* are to our mind more likely to have relevance to the conservation of 'Eucalyptus ovata Forest and Woodland in Tasmania'.

In particular we are concerned about the RFA vegetation community known as Damp Sclerophyll Complex (DSC), the full name being: *E. viminalis* / *E. ovata* / *E. amygdalina* / *E. obliqua* damp sclerophyll forest²

In 2015 DSC was termed: "Eucalyptus amygdalina - Eucalyptus obliqua damp sclerophyll forest"³

The fact is that significant areas of mapped DSC under TASVEG III remain supporting vegetation containing *E. ovata*. Indeed locally there is a patch of DSC with *E. rodwayi*, as well as *E. dalrympleana* and *E. delegatensis* in addition to *E. viminalis* / *E. ovata* / *E. amygdalina* / *E. obliqua*.

There was never a clear and consistent approach to the mapping of DSC under the RFA's CRA. There remain substantial tracts mapped, which contain useful areas with character that fits the EPBC's Ecological Community. In truth there will also be areas mapped as DSC, which do not.

Another vegetation community, which has not been well mapped in the lowlands, is *E. rodwayi* forest, which can also occupy valley floor land, sometimes in a co-

² Tasmanian Regional Forest Agreement Between The Commonwealth Of Australia & The State Of Tasmania November 1997

³ General veg reserve report June 2015 including threatened communities.xls

dominant way with Shrubby E. ovata forest. It can also have all the appearance of Shrubby E. ovata forest but sometimes the E. rodwayi may be a little better drained and perhaps a little more frost prone.

Much the same could be said of E. pauciflora forest on sediments when the frost hazard is higher and sometimes of Inland E. amygdalina forest where it occupies the poorer drained valley floor in a matrix with the E. ovata. On eastern slopes towards the bottom of the slope the E. viminalis and the Shrubby E. ovata forest will merge.

On Dolerite talus especially, one can find E. ovata on hillsides where the drainage irregularities (which are known) can promote conditions for small patches of E. ovata dominated woodland, as a drainage soak like riparian headwater condition is created by the geology and this often has the species listed in the Ecological Community. A good example is on Christmas Hills on State Forest. Such places were never mapped under the RFA, which often means their context gets degraded even if they are retained. They represent a challenge and are important for conservation of the Ecological Community and it leads TEA to strongly support the critical aspect of the retention of the small patch sizes in the Condition threshold clauses. Generally when such interesting vegetation anomalies occur on private land they are destroyed or in any case have been removed under the RFA.

The complexity of the vegetation continuum can easily be exploited by those wishing to develop at all costs, to the detriment of the viability of the Ecological Community. That is a challenge for the administration of such Critically Endangered Ecological communities. Whilst we have been commenting on vegetation we are always mindful this is meant to be an Ecological Community and yet it could so easily become merely a surrogate for certain restrictive types of vegetation.

Question Two

“If not, how should it be amended to help with on-ground identification and management?”

The real question should perhaps be: How can on-ground identification and management be improved?

Two issues, identification and management should not be confused but if one has not identified it how can one manage it competently? Please see our section on the inadequate TASVEG mapping, including of E. ovata. Obviously, if it is not identified that is a different problem as to how it may be managed. Almost all management in Tasmania, other than for secure conservation purposes, results in a diminution or complete removal.

How should this Ecological Community be amended?

We have discussed this aspect above and elsewhere in our submission.

Question Three

“Are the lists of characteristic species accurate? If not, what should be added or removed?”

TEA considers the Engaeus species to be terrestrial. We thus dispute the statement on page 28 of the Draft: *“As they are not primarily terrestrial species, they are not listed in Table 4”* The Commonwealth needs to list all the Threatened or Endangered Engaeus spp in the terrestrial list. Please do not forget Engaeus granulatus, which is Tasmania listed but missed out on the Commonwealth’s Listing and Recovery Plan. Tasmania is a particular world biological hotspot for Engaeus and Ovata is often good Engaeus habitat.

Streams flowing through such forests are a part of the ecological community surely, especially when what we are often referring to is riparian forest. How could one exclude the streams and other wet areas from an Ecological Community, which is obviously based around moist and wet valley floor environments? This particular problem of the seeming avoidance of stream biota (that is a reliance on terrestrial species) perplexes us considerably, as it is too narrow when the species cohabit. It is not supported.

Question Four

“The draft conservation advice outlines several TASVEG vegetation communities that correspond to the ecological community (these are outlined in the draft advice). Do you agree with these corresponding units - should any be added to, or deleted, from the description, or do you have any relevant extra information on these?”

NO. TEA does not agree with the listed TASVEG vegetation communities in the Draft Conservation Advice forming the sole basis of the Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (Eucalyptus ovata / E. brookeriana) ecological community.

To be explicit the several TASVEG vegetation communities listed in our view DO NOT fully correspond to the ecological community, which actually exists in reality.

TEA has a number of concerns including reliance on any mapping of the Ecological Community based on the current mapped TASVEG III vegetation communities, which have been selected in the Draft Conservation Advice.

TEA considers that there is more forest supporting Eucalyptus ovata dominated vegetation than is mapped by TASVEG including the TASVEG vegetation communities, which are mentioned in the Draft Conservation Advice.

That fact also means that E. ovata forest was not identified before being destroyed in some instances. TEA can take the Commonwealth to places in Tasmania, which have been cleared after the PNFEP ban and can demonstrate via a site visit the undeniable presence of E. ovata, now dead and lying in windrows.

The RFA's Comprehensive Regional Assessment mapping and assessment was a fairy tale event of dubious merit. There remains a CRA legacy, which cannot be overlooked by the Commonwealth. The Commonwealth should negotiate specific actions and funding commitments to address the State's inaccurate mapping of vegetation components of the Commonwealth's new Critically Endangered Ecological Community.

TEA has repeatedly witnessed poor mapping under the Tasmanian Government's TASVEG III system and give some examples in our Section 2. The Tasmanian Government has perhaps failed to properly support this mapping system with adequate resources. We discuss this crucial issue in more depth further on in our submission and make a series of further important criticisms and recommendations.

Question Five

“Is the description (particularly the key diagnostic characteristics) sufficient to differentiate the ecological community from other ecological communities in Tasmania? If not, how should it be modified?”

NO. Probably not. Has the Ecological Communities Section of the Department of the Environment and Energy and under the EPBC determined the full range and extent of the other ecological communities in Tasmania?

Let's be clear here. It started with 'Eucalyptus ovata – Callitris oblonga Forest', then the nomination of 2013 was for 'Eucalyptus ovata Forest and Woodland in Tasmania' and now you are suggesting the Ecological Community should be: 'Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (Eucalyptus ovata / E. brookeriana) Ecological Community'. It has been a moveable feast.

TEA does not entirely blame anyone for such a situation but we all need to be mindful of the consequences of getting it wrong.

It is actually worse than this because when you go back to the RFA and before to the floristic vegetation community classifications, which predate the Comprehensive Regional Assessment, such as the work done by the Forestry Commission in support of the their Nature Conservation Regions (forming the basis of IBRA 4) and of work done under the Recommended Areas for Protection (RAPS) process which used those larger number of vegetation communities. The Commonwealth can consider some of this nuance by reading the North Barker report.⁴

Some of those floristic communities may well prove to associate with the Ecological Community, such as sedgy E amygdalina, which may in fact turn out in some instances to be E. rodwayi.

⁴ Eucalyptus Ovata Forest And Woodland: Extent, Distribution And Conservation Assessment Report To CARSAG 2002 September 2002 by © North, Barker and Associates – Ecosystem Services, 2001.

Question Six

“The assessment includes condition thresholds that help to determine when the patches of the community may be too degraded to be considered as nationally significant. Are the condition thresholds suitable for identifying patches of the ecological community that are of sufficient quality to warrant national legal protection? If not, how should they be modified?”

If Condition (of parts the Ecological Community) is an issue of concern in terms of significance then a greater focus within the Draft Conservation Advice would have been on the decline in what we term Biophysical Naturalness, or what you term Condition.

If forests of low Condition are considered not worthy of being Nationally Significant then surely it is essential within this Critically Endangered Listing of the Ecological Community that the Commonwealth takes the appropriate steps to stop the decline in the condition of all instances of the EC.

TEA is very concerned about the Draft’s Condition Thresholds and indeed the imputation of the concept, which is tantamount to: ‘because it is or has become degraded it can be destroyed’ which suggests that simply because a patch is degraded it is somehow less significant. In TEA’s view, this is both wrong and inadequate.

The last of the vegetation that Governments will try and save in the public interest, ultimately will be those that are already degraded by processes that cause it to be warranted to be saved. This issue should be not about the degradation itself but whether the Ecological Community has sufficient life support values as a functioning ecology to warrant retention and if not whether those areas should be subject of restoration.

By the way, TEA views the activity of restoration as being far less of a priority (and far more expensive and less satisfactory) than in-situ conservation of the native stand which with in-perpetuity protection should remain the priority. Although we concede the importance of restoration may rise as climate change impacts on vegetation communities.

Eucalyptus ovata forest often occurs in small patches, sometimes very small, so it raises the question as to what an Ecological Community should encompass or whether it simply a fancy name for a vegetation community such as described in TASVEG III.

The half Hectare patch size lower limit will mean small patches of the Ecological Community will likely be removed and the matrix of the forest, which occurs in some places across northern Tasmania, in any case will be diminished. Bear in mind that sometimes the vegetation, which has the character, identified in the Draft can occur in slithers of riparian valley floor, especially fragile in upland valleys where forestry Codes of Practice, for example, offer no respite from degradation and fragmentation. If in forest used for forestry one simply clears around the retained stand, as has occurred in the past, the retained stand becomes degraded by wind and the new edge, which exposes it. Those small patches may actually be refugia, which need the remainder of the forest context to survive.

So if you wish to have “Condition” as a disallowance of EPBC relevance and if you consider Condition to be a relevant consideration for Land use administration purposes (obviously including forestry) then it would surely be reasonable that the Commonwealth, after the Listing stage, conducts an assessment, as a matter of urgency into both the identification of the Listed Community and the Condition of the remaining extent, including its surrounds and ecological context and surrounding land use as well. Bear in mind that this is a community, which occurs as a part of the matrix. The writer would start with all the ground truthed areas, those assessed for reservation, those actually reserved and the forest practices plans done under the RFA.

This Ecological Community, apart from a few rare remnants, is absolutely the most diminished part of the forested matrix. Whenever trying to conserve the most diminished part it is perhaps counterproductive to allow the removal of the degraded sections or patches. After all, they may even contain important germ plasm and biodiversity. One needs proper assessment including the invertebrates.

Further, if a section of *E ovata* has, for example, a weed problem that is causing concern and impacting on Condition, surely the logical solution is to weed it, not to destroy the vegetation community it.

Further, if vegetation can cease to be Nationally Significant because of its poor condition or its fragmented quality and size, those aspects become a standard which any landowner who wants to avoid a nationally significant label for his or her bush can aspire to achieve. This last issue requires a strategy.

Question Seven

“The key threats to the ecological community are detailed in Appendix C. In your opinion, are the key threats currently affecting the ecological community, or threats likely to affect the community in the future, adequately identified? If not, please provide details.”

The Key Threats TEA identifies share commonality with the Commonwealths but we have added some, which we consider, may be relevant to the Minister’s decision and some are clearly underlying threats. Our list is:

- Climate Change.
- The view that *Homo sapiens* have dominion over other species.
- The lack of an up to date and relevant National Forest Policy for Australia.
- The Tasmanian Regional Forest Agreement and lack of EPBC oversight for forestry.
- Tasmania’s Comprehensive Regional Assessment – the inadequacy thereof.
- The lack of an ongoing, adequately funded, conservation pathway for Private Land.
- The lack of Federal oversight regarding illegal logging within Australia.
- The philosophy of *laissez-faire*.

- Tasmania's TASVEG III mapping.
- Tasmania's Forest Practices System.
- Tasmania's Resource Management Planning System.
- The Tasmanian Government Policy For Maintaining A Permanent Native Forest Estate.
- Tasmania's lack of understanding and use of ESFM.
- Tasmania's Threatened Species system and legislation.
- Tasmanian community attitudes on Private Property Rights.
- Tasmania's long-standing attitudes and battle with nature.
- Woodchipping.
- Logging (native forest forestry extraction).
- A lack of incentive and means to Conserve in situ the Ecological Community and other important elements of the forest generally.
- Land Clearance.
- Grazing in forest and woodland.
- Dams and the recently streamlined dam approval process.
- Ignorance of the value of the services provide by natural systems.
- Offsets under the EPBC.
- Genetic Pollution of in situ E ovata germ plasm.
- Persecution of Listed fauna species, which inhabit the Ecological Community.
- Poisoning impacts for carnivores within the Ecological Community.
- Relocation of Listed fauna spp. out of the Ecological Community.
- Widespread illegal firewood poaching within the Ecological Community including in Secure RFA Reserves.
- Various other Biosecurity Issues.
- All Land use activities, which cause a decline in the Condition (Biophysical Naturalness) of the EC.
- The poor use of fire including fuel reduction burning in secure RFA Reserves.
- In summary, it is humans and our lack of care and foresight.

Later we discuss some of the above in more detail.

Question Eight

“Are you aware of additional data or other clear evidence of these threats and their likely impacts on the ecological community in the immediate, medium or long-term future?”

YES. We are willing to provide additional information and undertake field trips to show the Commonwealth. See enclosed documents listed at the end of the submission. Remove the RFA Exemption in regards to the EPBC Act for this Critically Endangered Ecological Community.

Question Nine

“The draft conservation advice concludes that the ecological community merits listing as Critically endangered. What do you propose is the appropriate conservation category for the ecological community, and the reasons supporting this? If you propose an alternative conservation status please provide supporting evidence for why it applies to this ecological community.”

TEA entirely supports and considers it to be entirely appropriate to list this Ecological Community under the Commonwealth’s EPBC Act as ‘Critically Endangered’.

Indeed, this Listing is long overdue and should have been listed at the time when its plight was well known, that is surely about 1996 or 1997. Our submission provides additional reasons and information that gives more impetus and a greater imperative to List as ‘Critically Endangered’ not less.

Question Ten

“Do you have any further comments or information about the ecological community that should be considered for the Conservation Advice?”

YES, please read the rest of our submission.

Inadequacy of the Stated Conservation Objective in the Draft Conservation Advice

The stated Conservation Objective in the Draft Conservation Advice is:

“The objective of this conservation advice is to mitigate the risk of extinction of the Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (Eucalyptus ovata / E. brookeriana) ecological community, and help recover its biodiversity and function, through:

- *protecting it under the Environment Protection and Biodiversity Conservation Act 1999, particularly to avoid further vegetation clearance; and*
- *implementing priority conservation and research actions set out in Section 4.”*

TEA considers the above wording of the Conservation Objective in the Draft Conservation Advice to be inadequate and has come to that conclusion especially because of the following realities, circumstances and reasons:

1. The above draft wording will not facilitate the prevention of further Decline of the Ecological Community by activities, which diminish condition or the area extent of the forest. It will not prevent further Fragmentation of the Ecological Community nor prevent further decline in the Biophysical Naturalness (that is The Condition) of the Ecological Community. The Commonwealth's definition of Condition effectively embodies fragmentation because it deals with the minimum patch size.
2. The term "mitigate the risk of extinction" to our mind is not adequately defined for the purposes of ensuring the survival of the Ecological Community. The term is not sufficiently specific even though this is a Listing at the Critically Endangered level. We sought advice on this aspect and were advised: *"The requirement for a Conservation Advice is that it include information about "what could appropriately be done to stop the decline of, or support the recovery of, the species or community.""*
3. The draft Conservation Objective is not adequate to mitigate, contain or reduce the levels of human impact on the Ecological Community.
4. The phrase *"to mitigate risk of extinction"* in the draft Conservation Objective is not adequate to curb actions which may cause significant impact on a part of the Ecological Community. Terms such as *"significant reduction"* and *"significant adverse effect"*, are used in the Biodiversity Convention, but no definition of these terms is provided in the EPBC, or in the draft Conservation Advice.
5. There is no proposal to mitigate the process of the decline towards extinction, apart from some control over land clearing.
6. The wording in the Draft's Conservation Objective is not conducive to enforcement or control at the local level in any meaningful manner other than perhaps in regards to land clearance. TEA considers this to be inadequate.
7. The hazard of the further decline in the Biophysical Naturalness⁵ (that is The Condition) of the Ecological Community has not been adequately considered in the Conservation Advice draft document. A decline in Biophysical Naturalness of the Ecological Community is degradation of the EC and that decline is a decline in the life support capacity of the EC and for the species present, which comprise the EC.
8. The domination of private land tenure in regards to the unreserved component of this Ecological Community is a highly concerning

⁵ (Commonwealth's RFA) Biophysical naturalness rating scheme (see enclosure)

reality for the above draft Conservation Objective. This salient matter has not been adequately dealt with in the Draft Conservation Advice.

9. The unreserved component Ecological Community has obviously not been accurately assessed or mapped and in regard to both public or private land this includes its component Vegetation communities in terms of this draft Conservation Advice.
10. The spatial extent of this Tasmanian Ecological Community has unfortunately not been accurately established, even on public land. TEA requested specific data over the land tenure extent of unreserved extent of the Ecological Community from both the Commonwealth and the State recently and did not receive anything.
11. The degree to which past land use under the RFA has diminished both the condition and extent of the Ecological Community has not recently been adequately studied and quantified. Some would term this the degradation of habitat. Yet under an RFA business as usual extension proposition (that is the current proposition), the process of diminution and decline would continue, even if this Ecological Community's Critically Endangered Listing proceeds in its current form with the above Conservation Objective. Under the RFA's CRA the Biophysical Naturalness scale (Enclosed), assessment and mapping all showed clearly that past logging had degraded and diminished forest environments. Indeed the RFA's Biophysical Naturalness table of values itself shows how logged forest has a lower biophysical naturalness and that equates in rough terms to some aspects of the Commonwealth's term, 'Condition'.
12. The Commonwealth's description of the Ecological Community is likely to be subject to significant opinion, dispute and interpretation regarding its extent, quality and character and possibly inclusions by State and Local Government agencies. That may impact upon and degrade the opportunity for enforcement.
13. The fragmented nature of the Ecological Community is surely beyond dispute and it means that retention of the remnant alone, even with a limited buffer, may not solve its decline and viability, bearing in mind there is a number of fauna species listed within the Ecological Community which utilise the matrix of vegetation in their preferred landscape. The degree of the dependence of any (especially fauna) species on the Ecological Community as a whole has not been adequately established.
14. The presence of the Condition Threshold 'exit' clauses in the Draft Conservation Advice (pages 17 to 23) when no up to date, either independent or Government controlled assessment over Condition (Biophysical Naturalness) has occurred across the landscape in Tasmania since the RFA's CRA in 1996, provides a pathway for developers who consider that for their purposes they need the (patch of) vegetation gone. Logging reduces the Condition, degrades the

patch then under the rules it can be removed entirely. This strategy currently occurs repeatedly.

15. In Land Use terms there is a relentless downward pressure brought about by the ever-present growth driven approach. TEA has a well-developed perception of an over riding favouring of development over conservation when it comes to private land certainly at the local and state levels of Government. The environment has no means of protecting itself against development. The lack of adequate actions in Section 4 of the Draft Conservation Advice.
16. The lack of inclusion of the principles and actions in Section 5 of the Draft Conservation Advice.
17. The misunderstanding of the nature of the Conservation Advice for decision makers that only some sections of the advice should be considered relevant considerations in decision making terms. Under EPBC All of the Conservation Advice is to be a consideration.

We can see that quite a bit of effort has been expended over this Draft EPBC Conservation Advice and are heartened by the proposed Listing.

TEA considers that most of the above shortcomings should preferably be addressed now at the Draft EPBC Conservation Advice stage. Perhaps however some of the issues could be addressed in a Recovery Plan process.

However, that effort will not address nor does it better recognise the degree of development pressure and social antipathy towards Government controls, especially from the Commonwealth, which are alive and well, festering away in Tasmanian rural communities.

It is our view that there are, notwithstanding the above problems, significant and important gains to be made by listing the Ecological Community and especially the primary focus of the 'Eucalyptus ovata Forest and Woodland in Tasmania'.

TEA recommends the Conservation Objective on page 4 of the Draft Conservation Advice be rewritten and strengthened so as to deal more certainly and more firmly with the slow but inexorable process of extinction that would seem to be embalmed in our artificial economic structure of modern development and land use practice, which is overseen by Governments.

Revised Conservation Objective for the Draft Conservation Advice Proposed

TEA strongly recommends the following modified and more comprehensive statement.

"This conservation advice creates obligations for the Commonwealth of Australia, The State of Tasmania and Local Governments to:

A. As a matter of National Significance, stop the decline, avoid significant degrading impacts upon and support the recovery, of the Ecological Community, of

Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (Eucalyptus ovata / E. brookeriana).

And

B. As a matter of National Significance, mitigate the risk of extinction of the Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (Eucalyptus ovata / E. brookeriana) ecological community, and help recover its biodiversity and function, by the following means:

- *Protect it using all the powers of the Environment Protection and Biodiversity Conservation Act 1999.*
- *Mitigate, contain and reduce the level of human impact on the Ecological Community.*
- *Prevent further vegetation clearance of the Ecological Community.*
- *Prevent the further decline in Condition of all instances of the ecological community.*
- *Prevent the further fragmentation of the ecological community within its surrounding landscape.*
- *Implement priority conservation and research actions set out in Section 4.*
- *Implement conservation and research actions set out in Section 5.*
- *Create viable pathways for private landowners to conserve and protect the ecological community in perpetuity.*

At some stage, the Commonwealth has to recognise that the RFA has been a failure on many levels. Indeed, it has failed over and over and over in its pathetic 20- year history.

Some Legal Aspects of a Conservation Advice.

Conservation advice

“Conservation advice is a statutory but less formal means of providing information on the key threats to listed species and communities and action that needs to be taken to protect them. In most cases conservation advice will be provided by the Threatened Species Scientific Committee.

Under the Environment Protection and Biodiversity Conservation Act 1999, a conservation advice is created to facilitate the recovery of an ecologically threatened community.

The aim of conservation advice is to provide guidance on strategies for immediate recovery as well as information of existing threats and how these can be abated.”

Section 266B of the EPBC Act 1993 sets out what a conservation advice should contain. Whilst this is set out, the guidelines themselves are fairly broad, and do not require the creation of concrete plans or a logical framework as to how conservation strategies could be effectively implemented. This does allow for flexibility but equally means that advices can become lax and in some cases merely extend to provide information rather than practical management strategies.”⁶

Benefits of Conservation Advice

“Simpler and less-time consuming to implement

Mandatory for all listed species

Engage and involve the local community and concerned individuals

Can also engage larger bodies such as local council, Government agencies and NGO’s

Potential for hands-on, practical as well as flexible conservation strategies

Potential for covering a wide scope of conservation strategies; ranging from minor monitoring programs to large scale protection or action plans”⁷

The Description of the Ecological Community and its Extent

In 2002 North, Barker and Associates - Ecosystem Services, was commissioned to produce a report to the CARSAG on ovata forest and woodland.

“The current project concludes that there are known to be about 11 500 ha of E. ovata forest and woodland in Tasmania. This forest occurs predominantly in relatively small patches, particularly in comparison to the forest types it is associated with. The rarity and often small scale of distribution has, ironically, lead to its continued clearance because small patches have been considered to be either not viable or so small as not to matter in terms of its conservation.”

“1 400 separate patches of less than 100 ha each comprise 65% of the known area of E. ovata forest and woodland.”⁸

⁶ Advice provided by the Tasmanian EDO to TEA.

⁷ Advice provided by the Tasmanian EDO to TEA.

⁸ Eucalyptus Ovata Forest And Woodland: Extent, Distribution And Conservation Assessment Report To Carsag 2002 September 2002

The Draft's Decision to NOT Recommend a Recovery Plan – Opposed by TEA

Under the EPBC, Section 146K states:

“Approvals relating to listed threatened species and ecological communities

(1) This section applies if the approval relates to a listed threatened species or a listed threatened ecological community.

(2) The Minister must not act inconsistently with:

(a) Australia's obligations under:

(i) the Biodiversity Convention; or

(ii) the Apia Convention; or

(iii) CITES; or

(b) a Recovery Plan for the species or community or a threat abatement plan.

(3) The Minister must have regard to any approved conservation advice for the species or community.”⁹

The Recommendation to Avoid Creating a Recovery Plan is thus of considerable concern to TEA and we wish to take this opportunity to oppose that recommendation and urge a reconsideration of that recommendation.

To make it clear we think a Recovery Plan can be created after the Listing has occurred and that a good Recovery Plan could assist in dealing more effectively and transparently with the many threats, which this ecological community faces. The complexity of the Listing of this Ecological Community, in itself, demands a Recovery Plan in our view. After all, the Ecological Community has a range of Listed Species, which are to a greater or lesser extent, dependent on the Community and significantly some of which are listed in their own right. That one factor would suggest a Recovery Plan is indicated.

We have sought some advice on this issue:

“Recovery Plans set out the research and management actions necessary to prevent further decline and support the recovery of, listed threatened species or threatened ecological communities. The aim of a Recovery Plan is to maximise species' or communities' chances of long-term survival in the wild of a threatened species or ecological community. In essence, recovery plans state what must be done to protect and restore important populations of threatened species and habitat, as well as how to manage and reduce threatening processes. Recovery plans aim to achieve this by providing a planned and logical framework for key interest groups and responsible government agencies to coordinate their work to improve the plight of threatened species and ecological communities.”

⁹ Environment Protection and Biodiversity Conservation Act 1999

“Recovery Plans are comprehensive management tools that enable recovery activities for threatened species to occur within a planned and logical framework. Recovery Plans describe key threats and identify specific recovery actions and can be for either single or multiple species, or based on a region.”

Section 270 of the EPBC Act comprehensively sets out what a Recovery plan should contain. For example, a recovery plan should set out the objectives, criteria as well as the relevant actions needed to meet these criteria. Section 7.11 of the EPBC Regulations 2000 sets out additional details that should be included in a recovery plan. It provides for the creation of a logical and practical framework that is to be implemented and reviewed on a yearly basis.

“S 270 Content of recovery plans

(1) A recovery plan must provide for the research and management actions necessary to stop the decline of, and support the recovery of, the listed threatened species or listed threatened ecological community concerned so that its chances of long-term survival in nature are maximised. ?

(2) In particular, a recovery plan must (subject to subsection (2A)):

(a) state the objectives to be achieved (for example, removing a species or community from a list, or indefinite protection of existing populations of a species or community); and ?

(b) state criteria against which achievement of the objectives is to be measured (for example, a specified number and distribution of viable populations of a species or community, or the abatement of threats to a species or community); and ?

(c) specify the actions needed to achieve the objectives; and

(ca) identify threats to the species or community; and

(d) identify the habitats that are critical to the survival of the species or community concerned and the actions needed to protect those habitats; and

(e) identify any populations of the species or community concerned that are under particular pressure of survival and the actions needed to protect those populations; and ?

(f) state the estimated duration and cost of the recovery process; and ?

(g) identify:

(i) interests that will be affected by the plan’s implementation; and ?

(ii) organisations or persons who will be involved in evaluating the performance of the recovery plan; and ?

(h) specify any major benefits to native species or ecological communities (other than those to which the plan relates) that will be affected by the plan's implementation; and

(j) meet prescribed criteria (if any) and contains provisions of a prescribed kind (if any). “

(2A) A recovery plan need only address the matters mentioned in paragraphs (2)(d), (e), (f), (g) and (h) to the extent to which it is practicable to do so.

(3) In making a recovery plan, regard must be had to:

(a) the objects of this Act; and

(b) the most efficient and effective use of the resources that are allocated for the conservation of species and ecological communities; and

(c) minimising any significant adverse social and economic impacts, consistently with the principles of ecologically sustainable development; and

(d) meeting Australia's obligations under international agreements between Australia and one or more countries relevant to the species or ecological community to which the plan relates; and

(e) the role and interests of indigenous people in the conservation of Australia's biodiversity.”¹⁰

A Recovery Plan imposes stronger obligations. We favour that strategic position in this case. It may also be an opportunity for better explanation, as well as stronger more strategic enforcement.

TEA would concede that funds could be spent on other initiatives but some solutions which would not cost much in dollar terms, such as removing the RFA's EPBC exemption, could have a far reaching effect. Quashing the RFA exemption may be more significant in its outcome. Both would be progress of course.

Commonwealth funds should definitely go toward a Private Land Conservation program for reserving *E ovata* and *brookeriana* forests, especially when it has a viable ecological context. The price one pays for secure protection depends on the difficulty with which development can proceed anyway. If it is easy to develop the conservation task will be both harder and more expensive.

¹⁰ Tasmanian EDO advice to TEA

Environment Protection and Biodiversity Conservation Regulations 2000

Regarding Section 7.09 Identification of critical habitat

“(2) The Minister must, when making or adopting a Recovery Plan, consider whether to list habitat that is identified in the Recovery Plan as being critical to the survival of the species or ecological community for which the Recovery Plan is made or adopted.”

TEA considers that all mapped extent of the three nominated vegetation communities should form critical habitat for the nominated Ecological Community.

Extent of the ecological community protected in existing reserves

TEA considers that *E. ovata* requires 100% reservation because there is less than 10% remaining as assessed in preparation for the RFA, which provided the opportunity to knock it down with relative impunity. In late 2016 the Commonwealth’s draft Conservation Advice stated:

*“DPIPWE (2015) provides information for how much of the Black gum – Brookers gum forest/woodland ecological community directly occurs within conservation tenure, as at June 2015 (Table 3). About seven thousand hectares or 32% of the estimated current extent for the three key TASVEG components are protected within some form of conservation tenure, but only 7% is within dedicated formal public reserves. Some components are better represented in reserves. For instance 20% of DOW – *E. ovata* heathy woodland is currently protected in dedicated formal public reserves. However, DMW – Midlands woodland complex is very poorly represented in reserves, with none in dedicated formal public reserves and less than one percent of its entire remaining extent afforded some form of protection”*

Table 3 of the Commonwealth’s draft Conservation Advice represents a deficiency dilemma in EPBC advice terms because, although The Minister, the department (and ourselves) has been given the land tenure data of the formal and informal reserves (by Tasmania), we (all of us) do not have the up to date land tenure data of the unreserved land by TASVEG III vegetation community. This spatial land tenure data is a critical and relevant consideration in formulating the degree to which any particular strategy may be considered appropriate, or pertinent or would simply be strategically or economically pursued. The absence of Land tenure data from the draft Conservation Advice means a key Relevant Consideration is absent.

Table 3:

“Table 3. Extent (ha) of the Black gum – Brookers gum forest/woodland ecological community protected under various land use designations in Tasmania, by component TASVEG units.

Reserve type	Key TASVEG units				Associated TASVEG units		
	DOV	DOW	WBR	Sub-total	DMW	DKW	WGK
PUBLIC LAND							
Dedicated formal reserves	737.8	108.1	808.9	1 654.8	0	90.5	46.3
Other formal reserves	1 122.4	208.0	944.7	2 275.1	1.8	246.2	68.6
Informal reserves - public land	801.3	0.6	568.3	1 370.2	1.8	0	258.4
<i>Total – public land</i>	<i>2 661.5</i>	<i>316.7</i>	<i>2321.9</i>	<i>5 300.1</i>	<i>3.6</i>	<i>336.7</i>	<i>373.3</i>
PRIVATE LAND							
Private sanctuary	38.8	0	35.8	74.6	0	0	0
Conservation covenant (NC Act) – perpetual term	1 116.2	7.7	149.0	1 272.9	5.4	87.8	352.2
Conservation covenant (NC Act) – variable term	10.0	0	0	10.0	0	0	0
Indigenous protected area	1.6	0	0	1.6	0	0	0
Stewardship & management	4.5	0	9.2	13.7	2.1	0	0

agreements							
Other private property reserves	235.4	4.7	311.9	552.0	0	0	0
<i>Total – private land</i>	<i>1 406.5</i>	<i>12.4</i>	<i>505.9</i>	<i>1 924.8</i>	<i>7.5</i>	<i>87.8</i>	<i>352.2</i>
Total – all reserve tenures	4 068.0	329.1	2827.8	7 224.9	11.1	424.5	725.5
Estimated extent remaining	14 611.1	528.7	7279.3	22 419.1	1 353.6	580.5	1 381.2
Proportion protected (%)	27.8	62.2	38.8	32.2	0.8	73.1	52.5

“Source: DPIPW (2015).

Legend: NC Act refers to the Tasmanian Nature Conservation Act 2002.

Vegetation units as identified under TASVEG v3.0 DOV = *Eucalyptus ovata* forest and woodland;

DOW = *Eucalyptus ovata* heathy woodland;

WBR = *Eucalyptus brookeriana* wet forest;

DMW = Midlands woodland complex;

DKW = King Island eucalypt woodland; and

WGK = *Eucalyptus globulus* King Island forest.

Note: The key TASVEG units are almost entirely dominated by *E. ovata* or *E. brookeriana*. The associated units DMW, DKW and WGK are dominated by other eucalypt species that are not part of the national ecological community. Values for these units may therefore overestimate the proportion of the national ecological community but are taken to be indicative of patterns for the ecological community.”

The issue of the avoidance of Land Tenure specific information in the Draft Conservation Advice.

In terms of *E. ovata* forest, this is an Ecological Community largely on private land.

The mapping of the Ecological Community in the Draft Conservation Advice provided no cadastre, so it becomes far harder for the public, or indeed The Minister for that matter, to assess the degree to which private land is involved. Most unwise in our view.

TEA strongly believes the State of Tasmania has both the capacity and the ability to map the land tenure of all parts of the EC or the component Vegetation Communities individually. For Tasmania the tenure layer is just a click away. TEA also strongly believes the State of Tasmania has both the capacity and the ability to also provide the Commonwealth with data refined by Land Tenure. Indeed we argue this is a critical aspect of developing proper conservation advice to the Minister for this long overdue listing as Critically Endangered.

Another reason for having a Recovery Plan process as that process would allow for the data and ground truthing to be done and would represent a means of an update on the Conservation Advice.

It has been claimed the tenure-based information does not exist. This fallacy worried TEA and the writer considerably, to the extent that we went back in time looking for the data, which we considered was surely obtained from and hence available to governments. And we consider we have found it. This data can be found in part in the report: 'Eucalyptus Ovata Forest And Woodland: Extent, Distribution And Conservation Assessment Report To CARSAG 2002', September 2002 by © North, Barker and Associates - Ecosystem Services, 2001. Other data we are providing on Land Tenure by IBRA 5 by vegetation community and OG community will also be found in our confidential section, Part 2.

TEA would accept North, Barker and Associates' data should be updated, but so do many things in regards to land information in Tasmania.

There is no doubt the Tasmanian Government has tenure data and no doubt the land data system of Tasmania has the capacity to generate that data.

Lack of Accuracy of TASVEG III Mapping and the Consequences

There are numerous inadequacies in the vegetation mapping termed TASVEG III. They particularly affect vegetation communities such as *E. ovata* (DOV) because it occurs in much smaller patches and perhaps because it does not have a single identifiable form.

The mapped extent of *E. ovata* is not correct potentially by a significant margin and thus ongoing decline would seem very likely, almost inevitable without urgent attention to this deficiency. The incorrect mapping makes the sorting easy.

This Commonwealth Ecological Community does not have a readily identified mapped extent. That is a major shortcoming – very worrisome. Already there is little

old growth E. ovata left and yet it continues to be logged – a very bad recipe for the Critically Endangered Swift Parrot. The recognition of the use of E. ovata by the Swift Parrot has been belated we claim because it is still being logged. Hopefully it is not too late.

The ground truthing, which was done in the State and paid for mainly by the Commonwealth under the RFA, has to a large degree, not been incorporated into the latest version of TASVEG, version III. The avoidance of the use and incorporation of ground truthed information into data sets and mapping is most unfortunate and is strongly criticised.

The consequences are that the mapping cannot be relied upon to define the EC.

It is our view that dealing with E. ovata and the other listed vegetations in this Critically Endangered Ecological Community requires the operation of the precautionary principle and a precautionary approach under the EPBC.

The very small amount of RFA mapped Old Growth Forest remaining of the Ecological Community

This aspect is highly concerning. TEA strongly agrees the ovata tree makes hollows slowly and that the old growth component is both rare and depleted. But not all old growth forest has been identified. Sometimes old growth ovata trees occur in very small patches and the current rules proposed in the Conservation Advice may ensure their ongoing demise.

Lack of recognition of the nature of functional Old Growth forest under a Tasmanian RFA.

The RFA/CRA's restrictive assessment of old growth forest approach was obviously adopted to limit the amount of reservation of old growth forest in the RFA. There seems to now be few old growth stands of any size. That alone is a reason for Listing the EC as Critically Endangered.

It was a part of a clear and long standing goal to liquidate the mature ecological primary forest of Tasmania under forestry, which gained greater purpose during the Lemnathyme and Southern Forests Commission of Inquiry and which was also reiterated in the Forest and Forests Industry Strategy of 1991 and again in the RFA.

Since the RFA, a significant amount of E ovata, which was in natural condition at the start of the RFA, has been selectively logged and its Condition has been diminished. The extent of that diminished Condition of those logged stands should be evaluated. A decline in Condition usually means a decline in life support of the ecology. That diminished Condition is another reason for Listing the EC as Critically Endangered.

Importance of the Mapping of the Ecological Community and the vegetation components thereof

Mapping of vegetation on which the EC is based is highly important yet it remains deficient. RFA Vegetation Community mapping formed the basis of the TASVEG system used today as version III.

“The mapping of the RFA forest communities was based on Photo Interpretation (PI) polygons produced by Forestry Tasmania. The production of those polygons was based on 20 000 and 42 000 aerial photographs. Using the 20 000 photographs polygons of 3 ha minimum size were mapped while polygons of 5-10 ha minimum size were mapped from 42 000 photographs. The polygons captured areas of similar forest structure and not necessarily the RFA community types. During the CRA process, adjacent PI polygons of E1-E2 or E3-E5 forest were dissolved into single larger polygons. Each of these larger polygons was then coded using the predominant RFA community. No new polygons were created during the coding process. The metadata for this mapping process indicates that all polygons greater than 25 ha were coded. Smaller polygons were dissolved into surrounding polygons.”¹¹

The Characteristic, Fragmented and Discontiguous Matrix of E ovata Dominated Forest in Tasmania

The writer was one of those to recognise the lack of adequacy of the vegetation mapping in the RFA's CRA. During the CRA process in 1996 volunteering for the Reedy Marsh Conservation Group, we commissioned a scientist, Dr Phil Cullen to remap the vegetation in Reedy Marsh because it was obviously wrong.

E. ovata presents challenges for mapping and conservation because of its fragmentations and small patch size within the forest matrix and sometimes of course within the agricultural landscape. These are two separate problems for any who wish to conserve these elements of biodiversity.

Since the RFA, Eucalyptus ovata, including Old growth E. ovata trees, especially in the agricultural landscape but also in forested situations has been removed, sanctioned in some instances by the Forest Practices Authority and by Forestry Tasmania. The rules still allow it to be pillaged. Dams have removed significant tracts as well. An excellent local example is the Meander Dam, which we opposed.

Regarding the difficult problem of patch size of E. ovata, which can be either very small or even very narrow (or both) but nonetheless highly significant to retain in the landscape.

North Barker stated in 2002:

“...that by far the most common patch size of E. ovata forest and woodland is less than 5 ha in size (964 of 1423) and accounts for about 14% of the

¹¹ Forestry Tasmania 1997 in North Barker

mapped extent. There are relatively few (34 of 1432) patches mapped that are greater than 50 ha in size but these account for 35% of the mapped extent.

A feature of the natural distribution of E. ovata forest and woodland is its common occurrence as small patches in a natural mosaic of other native vegetation. Many of these small patches have not been mapped and often exist within other extensive mapping units e.g. DSC and the E. pulchella complex (P).

This exposes them to potential clearance because these forest types are afforded less protection under the RFA (15%) as they are not Rare, Endangered or Vulnerable communities.

The patch size distribution is biased away from the natural distribution by the inclusion of small remnant stands that are the result of vegetation clearance. The condition of such remnants is likely to be compromised by exposure to edge effects associated with cleared land, eg weed invasion, dieback and impacts of grazing. Patches of less than 5 ha are more likely to be exposed remnants than larger patches are.

While small exposed remnants are less likely to be ecologically viable in the long term, small patches in a continuous forest mosaic are viable forest entities in their own right. Their mere existence is proof of this. As such, no lower limit of area should be set for the protection of patches of E. ovata vegetation in a continuous forest mosaic. Rather, the protection of small patches in a continuous forest mosaic should be an aim of the strategy to conserve E. ovata forest in its natural context.

Benefits of this strategy include the maintenance of habitat diversity for fauna and the capture of the all-important ecotones between communities.

...It is clear from data a higher proportion of smaller remnants are in poorer condition compared to the proportion of larger remnants in poor condition. In the drier Northern Midlands, in particular, a significant portion of the extent of Eop is over introduced pasture and is of diminished conservation value.”¹²

Threats - Some more Detail

Climate Change

Climate Change is not a process that occurs separate from the actions of humans in its impact on the natural environment.

Decreases in, or changes to the pattern of rainfall will increase the demand for on farm and regional water storages potentially threatening relictual, as well as other stands of the vegetation types. We have seen this with the Meander Dam and on The Avenue.

¹² Eucalyptus Ovata Forest And Woodland: Extent, Distribution And Conservation Assessment Report To Carsag 2002 September 2002 by © North, Barker and Associates - Ecosystem Services, 2001.

The changes in pest and disease pattern in the emerging climate currently trending to exceed 2°C. are expressing themselves with *Eucalyptus viminalis*. The external and internal protective mechanisms of all plants are under threat making the retention of large UNDISTURBED intact areas of all forest types necessary. The contiguous nature of the vegetation types referred to and intensive forms of human activity make forestry and land clearing of large areas threatening processes of the highest order.

Expressing in detail the impacts of climate change is problematical as Tasmania is still within the tolerance range for vegetation at $<+1^{\circ}\text{C}$ increase whilst in mainland Australia they have just moved into the unstable zone of $>+1.5^{\circ}\text{C}$. where the interaction between and within organisms begins to move beyond what we are used to. This means ecosystem changes, a precursor to collapse, or from danger to catastrophe for the non-human living things. Our turn follows.

However, it follows that wherever forms of a species or community express themselves as outside the norm or that the community or species extent is limited by climate now, that as the climate changes so will the locus of those species or communities as well as their form, if not indeed their reproductive viability or individual survival. It is not possible to separate the climatic and edaphic factors in nature.

You can try it in a horticultural situation and so we can grow species outside of their natural range. They may not produce viable seed, they may have the form of their parents and they are often smaller and occasionally bigger. It evidences the above as much as it gives hope that plants may evolve to cope.

The really maddening thing is that the changes are delayed by mature and maturing plants, whose longevity and tolerances may mask the impacts until we have a catastrophic event.

This is a given or we would have tropical forests at the poles.

The lack of an up to date and relevant National Forest Policy for Australia.

The 1992 National Forest Policy Statement for Australia remains inadequate both as a foundation for the Regional Forest Agreements which followed and in terms of our International Obligations over biodiversity and threatened species conservation. It is especially inadequate regarding private land conservation and in finding a balance between private land rights to develop and the public interest obligations Governments have to protect nature for future generations and its intrinsic rights to survive.

The lack of an ongoing funded conservation pathway for Private Land

The lack of an ongoing funded conservation pathway under the Regional Forest Agreement or under some other Bilateral Agreement for Private Land and for private landowners in Tasmania who need a viable, in-perpetuity conservation protection

alternative to development. This would include both individuals and corporations such as Forico.

The lack of Federal oversight regarding illegal logging in Australia including Tasmania, including within the Ecological Community.

The Federal Government has a strong position over international illegal logging but takes no interest in illegal logging within the States of Australia. Illegal logging is a Threat to the Ecological Community: Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community.

The philosophical position of laissez-faire is inappropriate in a world where natural systems are in decline, as evidenced by this assessment.

Tasmania's TASVEG III mapping system.

Perhaps a significant comment on the adequacy of this mapping comes from the 16-9-2016 letter from DPIPWE Secretary, Whittington, to Tasmanian Planning Commissioner, Alomes, dealing with mapping avoidance by the State of Tasmania. (Enclosed) The letter unsatisfactorily states:

“...however on ground validation by ecological experts, who can incorporate additional consideration including the condition of the community and other values may be needed. Updated releases to TasVeg are made available when there has been a sufficient body of data to warrant a new release.”¹³

There is an abundance of data, which has not been entered onto TASVEG and yet the Commonwealth paid for much of the ground truthing in the RFA private reserves program which ground truthed extensively.

The validation by ecological experts is required because TASVEG is regarded by science as only about 60% accurate. Tasmania's unwillingness to have an updated and ground truthed mapping product makes land use unsustainable and threatens the effective conservation of Ecological Communities such as 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community'

A critical action, which should pre-date any renewal of the RFA, is the complete overhaul of TASVEG III to include all ground truthed vegetation assessments. There must be thousands of them.

¹³ Letter from DPIPWE Secretary, John Whittington, to Tasmanian Planning Commissioner, Greg Alomes, dated 16-9-2016, titled 'Draft State Planning Provisions – Codes'

Forestry in Tasmania does not have an independent development assessment and approval process.

Tasmania's Forest Practices System and its self-regulatory 1985 vintage legislation ostensibly administered by the Forest Practices Authority are manifestly deficient.

Forestry is conducted under Forest Practices Plans (FPP), under the Forest Practices Act and must comply with the Forest Practices Code (FPC).

Forestry land use is also regulated to a minor extent under the Land Use Planning Appeals Act [LUPAA] and local government planning schemes to varying but in any case declining extents. This shemozzle is a major recipe for conflict and TEA asserts must be a priority for resolution. The forestry system, we assert and claim, disadvantages the conservation of the Critically Endangered EC and this section of our submission should be regarded in terms of a warning for the Commonwealth.

A Forest Practices Plan (FPP) must ostensibly be consistent with the Forest Practices Code (FPC). But 'The Code' is not a very precise enforceable document giving a litany of weaselling 'ifs', 'buts', 'shoulds' and 'maybes'. Often the FPC is not based on science. TEA claims it often does not protect the public and it does not protect neighbours' amenity. Our claim that it allows environmental harm is easily supported.

Under the Forest Practices Act 1985 there is an unjust situation where there are no appeal rights for citizens against a Forest Practices Plan (FPP) (unless you are an aggrieved logger) and that ordinary people have no right of input into a Forest Practices Plan. Usually a neighbour or other person won't even know that one is written. Until it is too late that is, when it is finalised and beyond negotiation. That is the way the unsustainable Tasmanian forestry system is designed.

We have long argued the Local Government Councils have a duty of care to put in place mechanisms that address that gross shortcoming. It is important that The Commonwealth recognise this unjust situation. There are practically no conflict resolution mechanisms in the FP Act over FPPs and no mediation provisions in the Act either.

Both the State and LG Councils must be aware that the forestry notification system called the "Good Neighbour Charter" has no appeal rights either. It just looks like consultation but is, in effect, a publicity sham. It is no substitute for a proper newspaper or digital notification system such as could easily be included with a Discretionary status in the new Planning Schemes, especially must be mandated over the proposed logging of Critically Endangered Ecological Communities, such as this one.

When a Forest Practices Plan (FPP) is created under the Forest Practices Act, there appears no obligation to a person requesting such a plan to be provided a copy of the plan. Indeed a Forest Practices Plan is not even lodged with the Forest Practices Authority, just the cover sheet. So there is NO assessment of the Plan by the Forest Practices Authority.

Remember that such FPP plans are usually drawn up by an employee of the logging or processing company, certified by that same employee (if they qualify) and overseen again by the employee.

Such FPO (officers) seek expert advice from the industry funded Forest Practices Authority, if the computer program and manual or the mapping and the guidelines tells them to do so. That is in part based on a set of presumptions on what is expected to be present on the site in ecological terms. It is unacceptable to TEA and should be to the Commonwealth too.

Such FPP (plans) are often complex and detailed. Whilst most forestry companies will show you a plan on the bonnet of a car, (usually only after repeated requests) they mostly seek to reduce one's knowledge of their operation by withholding a copy of the plan and denying such a request.

This unfortunate and scurrilous behaviour is just another of the many, many good reasons for making forestry a Discretionary Use in the Rural Zone of LG Planning Schemes and, of course, by adjusting the new but so far unreleased State Planning Provisions to allow for that status. With any proposed logging of Critically Endangered Ecological Communities, such as this one, there should be no exemptions from public scrutiny and rights of objection and appeal.

If one writes to the Forest Practices Authority (FPA) one will often be sent off to talk with the developer, thus there is no third party dispute resolution at all. Indeed often, their unjust forestry system generates an additional dispute. Hardly sensible or fair land use planning. Indeed, we argue this is intentional.

Generally, the FPA will not give you a copy of the FPP either; indeed, it will claim it does not have one, but merely the cover sheet and their own reports on the matter. All of this is completely unacceptable and intolerable in 2017.

Just imagine if the Commonwealth or even a Local Government Council behaved in such a way. LG Councils and the TPC have at their disposal a remedy and process for all of these problems and could act responsibly and more independently in such matters. The FP Act could be amended to allow for appeals, of course, but right now, the RFA should be amended before it is extended.

Forestry is a dangerous land use activity full of multiple risks to both people and the environment and to consign it to a 'Permitted With or Without Permit' status in Local Government (LG) Planning Schemes under LUPAA, whilst being cognisant of the extended conflict over this land use, is socially irresponsible of Governments in our view.

Planning over forestry, on private land especially, is still in the dark ages. We advocate that Commonwealth oversight of all aspects of proposed logging of Critically Endangered Ecological Communities, such as this one, is essential, if it genuinely wants to stop its decline.

Virtually all (but not all) forestry operations (on all land tenures) have a Forest Practices Plan but these are often inaccurate, inadequate or do not consider important cultural and environmental issues. The 'in accordance with a Forest Practices Plan' exemption words in most of the LG planning scheme are tantamount to complete avoidance and abrogation of development assessment because Council does not scrutinise the forestry plan in a Permitted Without Permit situation under LUPAA. Even if they were to scrutinise the FPPs, most councils don't have anyone with the expertise to make a proper assessment of these plans especially the ecological values.

All Forest Practices Plans (FPP) need copious diligent expert scrutiny and independent assessment should be essential. We urge that with any proposed logging development, impacting on Critically Endangered Ecological Communities, such as this one, The Commonwealth performs that role and ensures there is a genuine independent expert assessment of forestry in Critically Endangered Ecological Communities.

Planning Directive 1 (PD-1) and the State Planning Provisions, which malfeasantly mandates certain policy positions, actually seemingly and unacceptably prevents Forestry being regarded and classified as 'Discretionary'. Something better than this inadequate provision is urgently required in Tasmania for Critically Endangered Ecological Communities.

The current Permitted Use (with or without a Permit) status of forestry in many LG planning schemes including the upcoming Tasmanian Planning Scheme provides virtually no opportunity to stop, constrain or modify any forestry developments in Rural Resource Zones, the place where most forestry occurs and the place, which contains most of this Critically Endangered Ecological Community.

TEA believes this planning largess is unjust and unacceptable and must change. Currently there is no democracy around forestry under the Forest Practices Code (FPC) as there is no right of appeal under the Forest Practices Act 1985 and thus the FPC and FP Act simply do not support social and intergenerational equity. Combined with the EPBC exemption for forestry the listing of *E. ovata* and *brookeriana*, as a Critically Endangered Ecological Community is rather hollow.

The implication of the Permitted Use (without a Permit) status of Forestry under the tutelage of the RMPS's Planning Directive (PD) No-1 and its associated State Planning Provisions is that the LG Councils and especially its disadvantaged rate paying community also has little knowledge of, or protection from, the forestry activities in the Council area.

Combined with the Natural Assets Code, which exempts forestry and which, in any case, is underpinned by inadequate (40% wrong) vegetation mapping courtesy of TAS VEG III, the whole recipe is virtually a complete abrogation. The people of the municipality now have no right of redress through the Land Use Approvals Process (LUPAA) where Forestry is not 'Discretionary'. Governments have seemingly conspired to nullify the important and valuable community right to defend both ones place and the environment. Now we think that is stupid.

Forestry, in effect, ceases to become a part of the Tasmanian RMPS sustainable development system entirely and TEA regards that the Forest Practices Act 1985 cannot meet any claim for sustainable development, as there is no social justice.

LUPAA is avoided (by way of the Permitted status) because, we argue, the industry does not have the confidence to be involved in any fair and reasonable system of sustainable development and the Tasmanian Planning Commission (TPC) either has no conscience or any understanding of the public interest.

Under a Regional Forest Agreement with its EPBC Exemption the deleterious activities of Native Forest Forestry (diminishing Condition) and Plantation Forestry (often with its clearance and conversion problem) cannot claim any sustainability

until (along with the retention of ecological capital) people have the fundamental right of objection and appeal together with proper independent systems of development assessment which the Forest Practices Act avoids.

Because the Forest Practices System provides no proper and transparent development assessment and only provides for complaint (which is usually resented) and not a proper appeal it does not provide for any sustainability in the cultural sense or in the ecological one either. One can write a letter and the Forest Practices Authority can basically ignore it, or worse pass it on to the loggers, thinking with some sort of deranged idiocy that that is justice.

And the EPBC with its dubious RFA exemption in relation even to Critically Endangered Ecological Communities fails to uphold the public interest of the matter.

Forestry Forest Practices Officers (FPO) with little or no formal training over ecology make judgements as to what vegetation community exists and which species are present.

The Forest Practices System does not work with sufficient probity or competence. Indeed Currently there are only two FPA enforcement officers for the whole state. In fact, for most of 2016, there was only one. Forestry is full of rotting in our view.

The RFA exemption for forestry should be abolished especially in instances such as this Critically Endangered Ecological Community.

Currently in many instances with forestry, there is no independent Tribunal to review the decision of the industry or the Forest Practices Authority or to hear one's appeal against either. It is an atrocious situation that does not deserve a Commonwealth EPBC exemption.

Threatened Fauna Issues and Tasmania's Resource Management Planning System

The upcoming Tasmanian Planning Scheme would allow the destruction of threatened fauna habitat even within this Critically Endangered Ecological Community, thus denying intergenerational equity and reducing ecological capital.

There is not even proposed to be statewide mapping provided for Councils for what is currently termed Priority Habitat. These areas within this Critically Endangered Ecological Community can easily be re-described and are under threat and even with current State Listing are being eroded, degraded and destroyed for a range of land uses. Local Government Councils are complicit in that it knows about these important natural values yet is not seeking to protect them.

Tasmania and the Ecological Community mapping contains a large swathe of key habitat for threatened and rare fauna species. [See RFA map Indicative Areas Key Fauna Habitat for Rare and Threatened species]¹⁴ (Enclosed).

¹⁴ Tasmania Comprehensive Regional Assessment, National Estate Values, Indicative Areas, Key Fauna Habitat for Rare and Threatened Species (Criterion B1) January 1997 (Map at 1:1 250 000)

TEA considers additionally National Biodiversity Targets [see National Objectives and Targets for Biodiversity Conservation] are not being met and threatened species habitat continues to be destroyed rather than protected. Despite the state strategy and legislation, that function has been handed over to the FPA [see Threatened Species Strategy for Tasmania].

Tasmania's Resource Management Planning System and the 29 Local Government Planning Schemes under the 3 Regional Land Use Strategies and their replacement with a so-called Statewide Planning Scheme with increased Permitted Use pathways will make conserving key elements of nature such as this Critically Endangered Ecological Community harder. Permitted pathways and less controls but likely more complexity is the recipe.

The lack of State Policies over a range of important issues affecting native vegetation is a major shortcoming.

Tasmanian community attitudes around and asserting Private Property Rights.

This issue is interesting and undoubtedly affects any regulation, which is seen as interference over use of one's own land. It is often the case when you quiz someone that they express resentment of Government land use controls, especially over their perceived right to develop. In the Tasmanian context, there is little tolerance in the traditional rural community for halting development regardless of the consequences. This can express regardless of who the landowner may be and can include Government type proposals such as cable car proposals up Mt Wellington or World Heritage plans. But there is a clear Private Property Rights philosophy expressed in traditional rural communities and those same communities often have a similar proprietorial approach to nature, which may be on their property. The expression of such perceived rights can be extremely vehement in some cases. Any reliance by Governments on pure volunteerism, such as expressed in the NFPS over private land for example, must be tempered by the presence of such unhelpful attitudes. There is a requirement for firm and clear laws in Tasmania over public interest issues such as land clearance and retention of Listed Ecological Communities, which may not be well understood by the private property rights lobby.

Tasmania has long standing conservative and disdainful historical attitudes regarding what it sees as its battle with nature.

For some Tasmanians this has become almost a pathological hatred of nature. The back-country character of Tasmania, its island aspects, which limit opportunity and change and the amount of nature, along with the costs of separating agriculture from the wildlife in a place where funds are often limited, all contribute to a characteristic, negative relationship of elements of the rural community with nature. Persecution by some people of some of the important Listed fauna species, which inhabit the Ecological Community, especially the top order predators is known anecdotally.

Woodchipping

Eucalyptus ovata chips well; it usually has little rot and is light in colour. It is slow growing and dense. Forestry in Tasmania continues to woodchip E. ovata forest.

It was woodchipping, which drove the forestry industry to lobby the Commonwealth to remove its oversight and nullify the Export Control Act.

Without woodchipping this Ecological Community would irrefutably be more secure. Nothing durable comes out of woodchipping this Ecological Community.

The Commonwealth could make it illegal to woodchip this Critically Endangered Ecological Community that would assist its survival immeasurably.

A lack of incentive and means to Conserve

There is no adequate conservation means, should a private landowner not willingly wish to conserve. Tasmania has no budget and purportedly no funds to conserve private land carrying the upcoming Critically Endangered Ecological Community. TEA argues the State Government also has no interest in such matters. In a conservative community such as Tasmania, developing a range of programs and incentives is vital. This will almost certainly necessitate Commonwealth funding.

Land Clearance

TEA agrees that this is a Key Threat. There is no adequate or dedicated land clearance legislation in Tasmania.

Land clearance in Tasmania is undertaken for a range of eventual uses and the resultant, almost concomitant fragmentation and diminution of the extant area of forest and reduction in the size of patches. Those uses include forestry plantations, clearance for agriculture, and removal of remnants for irrigated agriculture, [dams and even entire pivot systems which need bare paddocks] and urban expansion in all its forms. Both Eucalyptus ovata forest and probably brookeriana, are also cleared for dairy farming.

Current controls on land clearing occur under the Forest Practices Act 1985 and Forest Practices Regulations 2007. The controls remain inadequate and grossly unsatisfactory in our view. The continuing decline and failure of the Tasmanian Government Policy For Maintaining A Permanent Native Forest Estate, including the latest version dated 30 June 2016, is of considerable concern to TEA, and is especially relevant to private land.

The commitments given under the RFA and other bilateral agreements were delayed, delayed and delayed again and there simply seems little commitment to this fundamental land use control.

Land Clearance is a key threatening process under EPBC and rightly so. Without better land clearance legislation in Tasmania, land clearance will continue to be

poorly administered under the Forest Practices Act 1985 and Forest Practices Regulations 2007.

The current rules are mostly useless for small patches of E ovata.

“Under the Permanent Native Forest Estate Policy, broad-scale clearing and conversion of native forest on private land is to be phased out by 1 July 2016, pending a review of the policy during 2016. Clearing and conversion of native forest on private land will not exceed 40 hectares per property per 12 consecutive month period.”¹⁵

Regarding Land Clearance we refer the Commonwealth to the paper by Bradshaw who in 2010 states:

“The patterns of deforestation and forest degradation in a country well-known for its relatively low forest cover globally indicate that major shifts in environmental policy are required. While state and national legislation to protect forests came into force throughout the 1990s and 2000s in most parts of Australia, the legacy of deforestation means that a business-as-usual attitude will be insufficient to prevent further extinctions.”¹⁶ (Enclosed)

TEA considers that whilst this paper may not have a strong up to date focus on Tasmania it is nonetheless correct.

Section 19(1AA) of the Forest Practices Act allows the FPA to authorise clearing and conversion of threatened native vegetation communities in various circumstances. This should be amended to prevent clearing and conversion in all but emergency circumstances.

We make the point that when the Ecological Community is not adequately identified and mapped one does not know how much has been lost. You can assert the FPO who wrote the plan correctly identified the vegetation but that is not always the case and the reasons for that being the case are several.

Grazing in forest and woodland

This is unregulated and can easily degrade E. ovata patches. Indeed sometimes, it is purposely done for that reason.

Dams and the dam approval process.

Many potential dam sites carry E. ovata. Not always mapped of course and once submerged it has truly gone.

¹⁵ Information on land clearing controls in Tasmania, Forest Practices Authority, 30 Patrick Street, Hobart 7000

¹⁶ Little left to lose: deforestation and forest degradation in Australia since European colonization by Corey J. A. Bradshaw

The Dams approval process has been streamlined by the Tasmanian Liberal Government and in any case, there has been a massive expansion of dams both on farm, in stream and for public irrigation schemes in the period of the Tasmanian RFA. The attendant degradation of catchments is inevitable. Because the Ecological Community is so often a riparian one, the watered down Tasmanian dams' approvals and controls process should be scrutinised by the Commonwealth in listing this EC. Bear in mind the Commonwealth has been putting money into Tasmanian irrigation schemes.

TEA favours greater controls over dam approvals. We acknowledge the previous process had in some cases long delays but the current processes are tantamount to an inadequate assessment.

Offsets under the EPBC.

This is surely an absurd idea. TEA considers Offsets to be a useless abomination.

When there is only 10% of the 1750 extent left who is going to guarantee that the Objective "to mitigate the risk of extinction" is being pursued by way of the destruction under the Commonwealth's poorly conceived Offset system of more of the remaining extant? An oxymoron.

We have seen no assessment of the EPBC Offsets, which have resulted in the removal of Threatened and Vulnerable vegetation. Have the offset funds or arrangements resulted in other forest being conserved in all cases? Are the offsets secure?

Genetic Biodiversity and Pollution of *E. ovata*

The genetic diversity of the *E. ovata* and indeed it may be said about many eucalypts is an issue is complex. Who is going to assess whether forest claimed and even mapped as *E. ovata* is actually *ovata* in genetic terms? Remember the difficulty Tasmania had in trying to prove the presence – or absence - of foxes in Tasmania by way of testing scats?

The genetic diversity of the Eucalypt components of this EC should be recognised in the Conservation Advice. These are plants, which can cross-pollinate and hybridise. We consider the genetic proof, which may apply to a stand or patch, could further complicate the conservation of this EC.

Genetic pollution of *E. ovata* occurs by way of the introduction of the exotic Victorian species *E. nitens* in the establishment of artificial forestry plantations, which are in proximity to the naturally occurring, stands of *E. ovata* forest and woodland.

Contrary to advice the Commonwealth had prior to the RFA (from a group of Emeritus Professors, who were engaged by the Commonwealth), which was to not put intensive farmed tree plantations up against the secure reserve system, that is exactly what happened after the JANIS criteria watered down their

recommendations. Now we have *E nitens* planted in proximity to supposedly securely reserved *E ovata* forest. Those plantations were inevitably established using land clearance and the reliance on 1080 poison. It was a simple recipe, which disadvantaged nature. These sorts of problems should have taken Governments to a more strategic design of the forest estate, not just the reserves but also the whole estate.

Poisoning including secondary poisoning impacts for carnivores especially those, which are, listed species occurring within the Ecological Community.

1080 poison is still used legally in Tasmania despite decades of community condemnation and demands of both the state and federal governments to ban its use. The reduction in its use caused by the demise of MIS forestry companies is very welcome. It should be banned forthwith.

Relocation of fauna species including and especially Listed fauna spp. Out of the Ecological Community

This is done usually by PWS and DPIPWE officers of Listed species, often upon a request from the public. Animals are relocated to another area often into an entirely different EC. This is in fact also a Biosecurity Issue. It is perhaps viewed the relocation is preferable to persecution.

Tasmanian Government Priority over Threatened Species including some of those listed in the Ecological Community.

“The Threatened Species Section (TSS) of the Department of Primary Industries, Parks, Water and Environment (DPIPWE) was contracted by Tasmania’s three NRM groups to prioritise threatened species recovery actions.”¹⁷ (Enclosed)

The NRS and other conservation mechanisms under the RFA are intended to ensure that Endangered and Threatened Species do not become extinct. We assert this is failing. This document places a priority on the conservation of Listed Species in Tasmania, flora and fauna. In List 1 of the report are all the Listed Species in order: “Rank indicates the order in which projects should be initiated in order to minimise extinctions.”

The ranking is from one to 171 with 171 being the lowest priority. TEA has extracted from the list those species from 161 to 171. These seemingly are regarded as the lowest of the very low:

161 *Litoria raniformis* Green and Golden Frog

¹⁷ Prioritisation of Threatened Flora and Fauna Recovery Actions for the Tasmanian NRM Regions. Threatened Species Section, Department of Primary Industries , Parks, Water & Environment, Nature Conservation Report 10/03, June 2010

- 162 *Brachionichthys hirsutus* *Spotted handfish*
 163 *Galaxiella pedderensis* *Pedder Galaxias*
 164 *Beddomeia launcestonensis* *Hydrobiid Snail (Cataract Gorge)*
 165 ***Haliaeetus leucogaster*** ***White-bellied Sea-Eagle***
 166 ***Pseudomys novaehollandiae*** ***New Holland Mouse***
 167 ***Sarcophilus harrisii*** ***Tasmanian Devil***
 168 *Niveoscincus palfreymani* *Pedra Branca Skink*
 169 *Prototroctes maraena* *Australian Grayling*
 170 *Galaxiella pusilla* *Dwarf Galaxias*
 171 ***Dasyurus maculatus maculatus*** ***Spotted-tailed Quoll***

The embolden species names represent those listed in the Commonwealth's Critically Endangered Ecological Community. So, of the bottom 10 State of Tasmania's Threatened Species priorities, there are 5 listed as occurring within the EC. TEA has no faith or confidence in the State of Tasmania to manage threatened species adequately. NONE.

TEA considers this 2010 State prioritisation as to be nothing more than a recipe for extinctions. Read it for yourself and note the key carnivore fauna priorities in the list which include species listed in the Commonwealth's EC.

The Commonwealth cannot rely on Tasmania to conserve its unique but threatened wildlife.

TEA urges the Commonwealth to also read the Tasmanian Auditor-General Special Report No. 78 - Management of threatened species.¹⁸ (Enclosed) This was presented to the Tasmanian parliament in 2009. For example, it says:

“Six hundred and seventy four threatened species have been listed and provided with legislative protection under the Threatened Species Protection Act 1995 (TSPA). However, despite the existence of habitat data in various systems and documents, no comprehensive listing of the important habitats of threatened species has been prepared. Consequently, there were gaps in the approach to habitat management.”

And

“Only 18% of 674 listed species had a completed listing statement as required by the TSPA.”

And

“At a species level, there was no structured approach to cataloguing important habitats and planning for their management or recovery. Consequently, despite protection of large areas of Tasmania, it was not

¹⁸ AUDITOR-GENERAL SPECIAL REPORT No. 78 Management of threatened species, March 2009 Presented to both Houses of Parliament in accordance with the provisions of section 30 of the Audit Act 2008, By Authority: Government Printer, Tasmania

possible to conclude as to the adequacy of protection of all important habitats.”

And

“Only 28 of 177 threatened wildlife species were being monitored and a recent review by DPIW had concluded the monitoring program was ad-hoc and lacked clear guidelines as to which species should be monitored. A priority ranking scheme had just been introduced, but at the time of the audit most Priority One wildlife species were still unmonitored.”

“Although, the Tasmania-wide vegetation mapping program (TASVEG) included baseline vegetation data, there was little systematic monitoring of individual habitats.”

This 89-page report makes useful reading. TEA thinks it is worse than the Auditor General considers it to be. TEA especially draws your attention to the list of Recommendations (2009 ones) contained on page 6 of the report.

The identification of Critical Habitat for Threatened Species is almost completely avoided in Tasmania.

Widespread Illegal firewood poaching, (wood hooking) especially including within secure public conservation reserves containing the EC in Tasmania.

Illegal firewood poaching occurs within areas of E. ovata forest and allied vegetation communities, which should be included in the EC. Across Tasmania, wood hooking is widespread and the illegal activity affects many vegetation communities including this EC.

Sometimes, indeed often, this is in old growth forest because old growth forest has dead trees (standing and fallen), which do not need drying. Thus in the autumn and winter time there is a supply of standing dry wood, which some see as being there just for the taking. There is little attempt by Forestry Tasmania to prevent this and prosecutions rarely take place. When so little old growth remains such problems deserve more attention. I am told by Parks & Wildlife their legislation is not easy in terms of getting prosecutions.

Legislation over this activity needs to be made much better, including deterrent fines and more achievable procedures for regulators and land managers. Tasmania has a history of such petty crime dating back to convict times.

The RFA and other Reserves remain sitting duck targets of illegal activity when inadequately signposted. However, in converting the Forest Reserves (managed by FT) into Conservation Areas under Parks signage is, belatedly, being improved.

Various other Biosecurity Issues

These include the Introduction of soil born diseases and some pernicious weeds such as Gorse, which definitely infects and if not addressed harms the Condition of E. ovata forest. Gorse naturally prefers the same environment as E. ovata. Tasmania has limited resources devoted to weed control.

There is also an avoidance of the issue and a refusal by some Local Governments to even employ weed officers.

The State's Weed Act provides for control and penalties yet Gorse, for example, remains rampant across the forested parts of the State as well as on farmland. This includes E ovata forest. Yet penalties could be but usually are not applied.

TEA claims E. ovata Condition worsens because the State is delinquent over Weeds.

Inappropriate Fire Regimes.

TEA considers it correct that the Conservation Advice lists Inappropriate Fire Regimes as a key threat. We do not agree this sort of wet and riparian refugia, which are often a characteristic of the Ecological Community, should be burnt and fuel reduced. Increasingly in Tasmania we are seeing larger and larger fuel reduction burns, which include such forest communities.

In our view strategic fire, fuel reduction proposals and planning, seeking to protect towns communities and infrastructure has trouble with the relevant consideration of due regard for the natural values of the Reserves especially Listed fauna, such as the Spotted Tailed Quoll and Tasmanian Devil.

Secure reserves are being targeted rather than production forest even though they claim a tenure blind approach. The writer long ago decided that the wildlife in public conservation Reserves should not be Napalmed.

Fuel reduction burning is a risky activity, which on a large scale will irrefutably harm wildlife, including Threatened Species listed within the EC, as well as other consequences, including noxious smoke pollution and escaped fires.

A preferable solution where possible is for people living in proximity to forest and for forestry plantation companies to be better prepared.

Tasmanian Regional Forest Agreement Relevance and Issues

TEA considers the Tasmanian Regional Forest Agreement to be highly relevant as a threat to the survival of the Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (Eucalyptus ovata / E. brookeriana) Ecological Community.

Please read our December 2016 submission to the State and Commonwealth titled: 'The Tasmanian Regional Forest Agreement Extension Proposition An Under Sufferance Introductory Public Submission' on the RFA renewal. (Enclosed)

TEA considers the FPA's Duty of Care arrangements that seek only 5% conservation from logging of Vulnerable vegetation, in this case a Listed vegetation already 90% depleted and under an RFA target aiming for 100% of the remnant to be conserved, is completely and utterly inadequate. Indeed, it is such a farce as to be abhorrent.

These poor forestry and land clearance standards are relevant especially to private land, because the State is committed under the RFA to reserving *E. ovata* at 100% on public land.

The current State commitment to reserving private land carrying *E. ovata* vegetation is shown by the demise of Protected Areas on Private Land (PAPL), which operates only in moribundus through a partnership with the Tasmanian Land Conservancy.

Ever since the Forest Conservation Fund finished (about 2010) and some years later when the Commonwealth failed to renew the State's Protected Areas on Private Land (PAPL) conservation funding, there has been no adequate conservation pathway for the private landowner whose land carries *E. ovata*. PAPL did not pay compensation but simply facilitated the creation of reserves donated by willing volunteer private landowners. Now the State cannot even manage this program.

The problem is that there is no viable funded conservation alternative, which competes with woodchipping and land clearing. The result is that a significant percentage of the *E. ovata*, now about to become Critically Endangered continues to be pillaged and becomes ecologically a cadaverous vestige, one of diminished Condition for several decades and mostly unusable for several of the key Listed Species, EPBC and or State listed in the EC.

Now, as already discussed and evidenced, Tasmania does not have a good record in dealing with Threatened Species, even though one of Tasmania's extinct species is celebrated on Tasmanian Government letterheads.

Just imagine, we only have 10% of the 1750 extent remaining of the EC. Tasmania is down to the last 10% of this important ecology, occupying some of the most sensitive riparian landscape and yet forestry practices claims a sustainable approach by allowing logging of that last 10% whilst conserving a mere 5 % of that remainder. Five percent of the remaining 10%, that is half a percent of the remaining unprotected EC across the private landscape that would be added to the reserve estate under sustainable forestry should it latch onto the remaining EC land.

TEA understands there is a paper by an FPA employee evaluating the Duty of Care provisions of the FPS system, which asserts a larger percentage is achieved, that being 15% but that is in a situation where land clearance is continuing to occur and continuing to fragment and furthermore our understanding is it includes land which must be set aside anyway under the Forest Practices Code. Even if the 15% were sustained and shown to be valid and always applied to Threatened and Vulnerable communities, it remains a pitiful and grossly negligent contribution by Government regulators to a Critically Endangered Community. This situation and the Duty of Care set-aside percentage urgently needs to change and be substantially improved for this EC and all others in such a parlous state.

Because the RFA conservation target for the *E. ovata* component of this EC is 100%, both State and Commonwealth should obviously as a priority develop funded

programs so that private landowners can find economic pathways that are an alternative to onerous donation to the public good and which have some reasonable degree of viability as a replacement for woodchipping. In some instances, funds should be available to purchase land carrying this EC, simply because of landowner antipathy to conservation outcomes.

Has Tasmania, which is committed to reserving *E. ovata* (DOV) at 100% on public land, under the RFA actually done so? TEA can claim with 100% reliability that it has not. TEA can take Commonwealth officers out into the field and show *E. ovata*, which is not protected informally, formally or by prescription, and which in some cases is not even mapped as *E. ovata* – all on public land.

Commonwealth and Tasmania Seeking To Extend The Tasmanian Regional Forest Agreement – Salient Issues for the Critically Endangered Ecological Community

RFA Assessment Premise Faulty

The Tasmanian Regional Forest Agreement is built upon the premise that the assessments done (in 1996 and 97) and the other matters put in place under the RFA, as such would be sufficient to mitigate the adverse effects of forestry operations across Tasmania so as to meet out international obligations and to ensure matters of National Interest under the EPBC Act and have been sufficiently mitigated to ensure that forestry operations in Tasmania can continue with the ongoing exemption from the Commonwealth's EPBC oversight. TEA considers that premise faulty.

The Environment Association (TEA) Inc asserts that the Tasmanian RFA does not achieve sufficient protection regarding matters of National Interest under the EPBC Act and thus consider an exemption should not continue.

The Environment Association (TEA) Inc asserts that EPBC Listed Species are not sufficiently protected by the Tasmanian Regional Forest Agreement. Indeed that fact is indisputably evident from a range of events and listing upgrades during the 20 years of the RFA.

RFA Renewal Process Deficient and Incompetent

Tasmania is the first of several upcoming renewal attempts for Regional Forest Agreements (RFA) across several states and regions. The Tasmanian RFA however has a complex array of failures and deficiencies which either stem from its inability to further the Objectives of the National Forest Policy Statement or which have arisen because of the rorting of the agreement itself. The community conflict, which has arisen over rapacious, poorly conceived logging of prized places, or the scarring of places of great natural beauty and over a range of other health and amenity issues across Tasmania indicates failure. TEA's preliminary RFA process concerns are:

The RFA Extension Comment period was a miserable and unjust 23 working days in total and of course, it was held at Christmas time 2016. After 19 years of a pathetic

failure of an RFA, performance there was a measly 23 working days to make comment.

The three venues identified for RFA extension consultation (Burnie, Huonville and Scottsdale) were backwaters of intellectual prowess – and hardly convenient for a majority of stakeholders and interested parties, regardless of one’s particular interest. Those places deserved a voice but not at the expense of other centres, obviously such as Hobart and Launceston or indeed others. An intrinsically short-sighted and deficient consultation strategy! Indeed Huonville and Scottsdale are merely small and probably declining country towns, which accordingly only give a minimal opportunity to relatively few people from the broader Tasmanian community to be briefed and have a meeting with Governments. It was a disgrace. It meets no standards.

Launceston for example is home to several forestry companies as well as the major conflict over the Gunns Tamar pulpmill proposal for the Tamar valley, yet no RFA meetings were held in Launceston. Tasmania’s largest city was not given an RFA meeting opportunity, despite the absurd proposal to cover Macquarie Wharf in logs. Such manipulative exclusions are dumb, scurrilous and will result in an RFA without a skerrick of social license.

There was not even a proper background briefing paper to the RFA extension process. This is highly incompetent. The five yearly reviews of the RFA have not identified all the shortcomings and failures.

This RFA consultation fails almost all of the standards set out in the Australian Government’s ‘Best Practice Consultation’ Guidance Note of July 2014. (See attached)

National Reserve System Owners not considered Stakeholders

Clearly not all the stakeholders were contacted and advised of the RFA extension process. For example, there would be well over 600 RFA Private Forest Reserve stakeholders out of the 807 in Tasmania who should have been contacted. Those private landowners made a significant commitment to the National Reserve System under the current RFA, yet it seems they are not regarded as RFA stakeholders – the Tasmanian Government even has their addresses and covenant details in a mailing list. This is a disgrace. Quite a few of those Reserve owners would have reserves containing the Critically Endangered Ecological Community.

The Existing Tasmanian RFA has Failed

TEA admits to a solid disdain of the existing Tasmanian RFA and is aggrieved by its myriad of failures. The process of the extension or renewal of the RAF should have been identified and described around the time of the third five yearly review of the RFA. We are now coming up to the fourth 5 yearly review, yet there is no proper description of the process. It is a sham and a malfeasance.

Anyone with an interest in Tasmania's forests, their ecology or in forestry will know that the Tasmanian Regional Forest Agreement has invariably been unsuccessful, repeatedly and in many respects, often providing outcomes, which are in nobody's interest including the industry itself.

Conflict over forestry continues. It continued throughout the full length of time of the Tasmanian RFA. There was the Tasmanian Community Forest Agreement and the Tasmanian Forest Agreement, both came to fruition within the context of the RFA and intrinsically depict within themselves some degree of the RFA's abject failure.

Forestry Tasmania, an RFA failure.

Talking of RFA failures: Forestry Tasmania in a letter dated 29th September 2016 (tabled in the Tasmanian Parliament) has declared it cannot return to trading in the black, that it will continue to make a loss for several years, that it cannot easily or sustainably supply the contracted or legislated wood volumes and that it has had to reduce its workforce and that it cannot afford to maintain its road network. In other words, the business model does not work and will not work into the future. The sums just do not add up! It seems as if it is okay for Governments to be intolerant of a car industry which requires support but they are prepared to continue to subsidise forestry so it can continue to destroy Tasmania's native forests including forests containing threatened species and ecological communities. This irresponsible behaviour should end now. This sort of problem is relevant to any EPBC exemption.

State Forestry Minister Aims to trash amount of National Reserve System

Talking of failures: The State Forestry Minister, Guy Barnett's recent foolish proposal to trash a significant amount of National Reserve System informal public reserves in Tasmania is an international disgrace. The current Tasmanian Government under Rebuilding the Forest Industry Act 2014 (RFIA) set aside about 400,000 Ha of the TFA forests (originally to be reserved under the TFA) at least until 2020. Some of that area was actually already informally reserved under the RFA and some of it had in fact been set aside for reservation pursuant to the 1988 MOU into Woodchip Exports. An unidentified amount of the 400,000 Ha of Future Timber Production Zone (FTPZ) land contains the Critically Endangered Ecological Community: 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)'. For example, about 30% of the TFA area East of Brushy Rivulet in Reedy Marsh would be *Eucalyptus ovata* and some would be *E. rodwayi*. That area has the character of the Ecological Community and even though it also has other vegetations, the fauna relies on the matrix, not just the *ovata* forest. A full assessment should be done and the Critically Endangered Ecological Community conserved on public land right now. It is indisputably an RFA commitment.

Now the very same Tasmanian Liberals who conceived the Rebuilding the Forest Industry Act 2014 are reneging – it seems they cannot be trusted to even honour their own legislation. In fact the ecological values were determined not by the TFA, (the precursor to the RFIA) but by the Independent Verification Group, (IVG) established

by (State and Comm.) Governments. TEA has included a number of IVG reports and maps because they will assist with information that will improve outcomes for the Ecological Community. These are listed in the documents section at the rear of the report. We tend those because the RFA's CRA was unsatisfactory and is out of date. These sort of problems make the listing of the Critically Endangered Ecological Community: 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)' highly important.

Importantly about 160,000 to 180,0000 of the forest before the TFA was already Informally Reserved as part of the Comprehensive Adequate and Representative (CAR) reserve system under the RFA because it was determined to have significant values for biological diversity, in 1997 and which science determined needed to be reserved as CAR reserves for the National Reserve System. Some of these Informal Reserves contain significant amounts of the Critically Endangered Ecological Community. The trouble is that State Forest Minister Mr Barnett wants to log these areas.

National Forest Policy Statement (NFPS) Replacement Needed

There should be no automatic rollover of RFAs, or of rolling RFA periods. Rather and more importantly, there should be a preliminary process to create a new National Forest Policy (NFPS) to replace the almost 25-year-old NFPS that properly supports climate change mitigation and our Kyoto Protocol commitment. The Montreal Protocol commitment should also be fully incorporated.

Tasmanian Private land Reality

Thirty Percent of Tasmania's forests are on private land. Almost 100,000 Ha is reserved mainly via about 800 in perpetuity covenants but in some cases by a limited period covenant.

On the other hand, over 400,000 Ha of private forest has been securely dedicated and set aside for logging as Private Timber Reserves (PTRs), a form of easement on the title. That is there is over four times as much private logging (PTR) areas dedicated as private conservation reservation ones.

The trouble with that recipe is that many threatened ecologies and vegetation communities are found mainly on private land.

There are also currently no adequate means of further private land protection in Tasmania and none planned under an RFA Extension. TEA disputes that there is any adequate private land conservation program in operation in Tasmania presently.

Private Land Solutions

The main trouble is people can make money out of destroying nature but find it difficult to find an income stream for conserving and protecting nature. Conservation cannot compete in the current economic system with extraction or even with land clearance conversion and subsequent use.

The Commonwealth is left with some broad options:

1. Make development in critical places like this Critically Endangered Ecological Community firstly much harder and secondly more expensive,
2. Make the secure in-perpetuity conservation (protection) of ovata/brookeriana economically palatable,
3. Ensure all occurrences the Critically Endangered Ecological Community are identified and mapped on both public and private land. Achieve one statewide mapping system and one IBRA standard for the State. The Commonwealth should have some say over updates etc and which must be used consistently by Local Governments.
4. Give reserve owners (Including companies such as Forico) a price and a system for selling their carbon, which is securely reserved. (Note the enclosed map of Gunns forest estate) and note they (the new owner Forico) own a significant amount of native forest some 70,000 Ha or more.¹⁹
5. Bring Local Government in as an active partner in conserving this EPBC Critically Endangered Ecological Community on private land. Presently only 16 of the 29 Tasmanian Local Governments have conservation covenant incentive schemes and the numbers are falling. That is against Australia's National Biodiversity Strategy, which has an objective: The following is a key focus of Australia's Biodiversity Strategy. *"1.1 Mainstreaming biodiversity ? By 2015, achieve a 25% increase in the number of Australians and public and private organisations who participate in biodiversity conservation activities."* Local Government could have a range of roles of course.

New Private Reserve Program

Under the Tasmanian RFA, Governments have failed to adequately reserve and conserve adequate areas of the most endangered forested places. TEA considers a new RFA Private Reserve program should be established and funded as matter of urgent priority. If there is no financial incentive to conserve forest then the opportunity to gain monetarily by way of extraction and liquidation of critical elements of the private forest estate is unwisely inevitable.

If the current generations are not given some incentive to conserve their private forests, the future ones will find the life support capacity for some species has irrevocably diminished with attendant costs.

The problem of private land logging is that the upcoming Tasmanian Planning Scheme is adopting an open slather approach to forestry on private land (via Permitted Use without Permits) in the rural parts of Tasmania.

¹⁹ Gunns Limited Map of their Tasmanian Forest Management Unit Date: 15/4/2011 Author: H. Nermut

It achieves this ill-conceived deregulation through a number of exemptions under the pretence that a Certified Forest Practices Plan is sufficient and adequate. Yet when one looks into the self regulatory Forest Practices System one finds it is inherently exposed to rotting and facile self regulation which amounts to a lack of rigor.

The concept of self-regulation is inherent in the Forest Practices Act 1985. In rural locations, people who are concerned about a current or planned forestry operation have very few rights including no rights of appeal. It is this sort of illogical favouritism, which increases community frustration and conflict over forestry. A genuine assessment of developments and a right of appeal over forestry is something basic but long overdue in Tasmania.

The Commonwealth Government has had a high profile opposition to illegal logging as long as it oversees illegal logging. Logging in Tasmania often fails to meet the Code and the Act, and hence is illegal, yet the Commonwealth have not raised their widgie little finger to rein in the malfeasance .

Currently in Tasmania land clearance for farming can become a Controlled Action under the Commonwealth's EPBC Act. However, clearfell clearance for forestry under the Tasmanian RFA, unfairly, is not eligible as a Controlled Action under the EPBC Act. It does not make sense.

A Controlled Action assessed by the Commonwealth as a matter of National Significance should apply to the logging of the Critically Endangered Ecological Community and should also, , apply to Nationally Listed Species.

Indeed there is no purpose-designed modern Tasmanian legislation controlling land clearance, an issue of National Significance. Land clearance is currently regulated through the Forest Practices System ostensibly regulated by the ex Senator Colbeck's advisor, Peter Volker, who is now installed as the Chief Forest Practices Officer of the FPA.

Ongoing Logging of Critically Endangered species habitat

Logging of threatened species habitat continues in Tasmania in an almost completely unregulated manner. This includes the logging of habitat of the critically endangered Swift Parrot, which also lives in the E. ovata vegetation community, which is in the process of becoming listed as a component part of this Critically Endangered Ecological Community. TEA has long had a battle to have the E. ovata forest in Northern Tasmania regarded as habitat of the Swift Parrot.

Increased Listings Caused by RFA Forestry

Under the Tasmanian RFA the number species requiring to be Listed as Threatened Fauna species in Tasmania has significantly and undesirably increased, an issue of National Significance itself and an obvious failing of the logging and land clearing activities under the Tasmanian RFA.

In forestry operations, Threatened Species are not managed and controlled by the Threatened Species Section of the Dept. but under a letter of convenience, by the

Forest Practices Authority, where open slather self-regulation and assessment prevails.

The Tasmanian Government even opposed the listing of the Eastern Quoll but thankfully, the Commonwealth listed it recently. Tasmania has an abominable record regarding threatened species with a colonial attitude, which has earned it the moniker: The Thylacine killers. Tasmania is the last refuge for the Eastern Quoll.

Managed Investment Schemes Impacts

Forestry during the RFA period and under the 2020 Plantations Vision established Managed Investment Schemes (MIS), which subsequently failed economically, and consequently the MIS companies went into liquidation with the consequence investors lost, some lost all their life's savings. The Commonwealth, shamefully, still has not rid Australia of the MIS atrocity but should do so under a new RFA.

Those MIS Plantations in Tasmania irresponsibly displaced farmland and caused the conversion of high conservation land including the Critically Endangered Ecological Community: 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)'. Quite a bit of that clearance and conversion was not successful, resulting in failed plantations. *E. ovata* forest likes it moist to almost wet under foot and the exotic plantation tree, *E. nitens*, which can pollute the *ovata* germ plasm hates wet feet. There is thus quite an amount of cleared former *ovata* forest where the plantations have failed and where restoration of the low-lying land and riparian land would be beneficial.

Tasmania's unique scenic and cultural heritage

In Tasmania, there is a bigger opportunity for forests to be retained to form a part of Tasmania's unique scenic and cultural heritage attractiveness necessary to enhance the satisfaction of tourism experience and that includes some occurrences of the Ecological Community. No visitor comes to Tasmania to peruse the charred stumps of a recent sub moronic clearfell. The Forest Practices Code clearly does not protect landscapes adequately from scarring and the Forest Practices Authority even got rid of their landscape expert. He was always a pariah; The Forestry Commission's old landscape manual is completely out of date.

Commission of Inquiry (A Royal Commission) into the RFA

Indeed there are so many problems with the Regional Forest Agreement in Tasmania – including the rorting of the Forest Practices System, the logging and destruction of Threatened Species habitat, the collapse of MIS Plantations, the failure to halt land clearance to name just a few, that there should be a Commission of Inquiry (A Royal Commission) into both the RFA and its associated, outdated, mid 1990s' style Comprehensive Regional Assessment.

Much of the RFA is out of date and its renewal would have far reaching consequences. The RFA pre-dates the EPBC Act for example. Many of the aspects of a Comprehensive Regional Assessment were done seeking to satisfy National Estate legislation, which was abolished by John Howard around 2004.

Vegetation Mapping faulty

Tasmania's vegetation mapping even today is regarded as only about 60% accurate and hence places, which may be Threatened Forest Vegetation which make up the Commonwealth's Critically Endangered Ecological Community may not be so mapped. Thus they may be destroyed, under the rules, simply because the mapping is inaccurate. This deficiency has continued despite new information, which has irresponsibly not been incorporated into the Tasmanian TASVEG III system by the Tasmanian Government agencies.

Carbon Commodity Solutions

Australia has established no price on carbon, the Liberals opposing a carbon tax, yet without compromising their election mantra the Liberal Government could easily find a way to simply agree that carbon was indeed a commodity, which could be traded.

Carbon is a commodity, which can be traded. Coal is carbon. It is not too hard! There is good carbon, living carbon and there is coal – carbon! The current RFA is highly deficient when it comes to the crucial issue of forests and carbon sequestration. This may be particularly relevant to owners of private land, who may look for new income streams in a changing world and who happen to own some of the Commonwealth's Critically Endangered Ecological Community. Trouble is in the main the Commonwealth doesn't own it but needs to retain it for future generations, for its intrinsic values, for its National Significance. It is simple really.

Carbon trading has significant potential as a solution for forest conservation, including for the Critically Endangered Ecological Community: 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)'.

Only 2% of Tasmania's forest is reserved private native forest

One can see from the State Growth, Forestry Fact Sheet of December 2016 that, out of the 3,412,000 Ha of forest in Tasmania 22% is unreserved native forest on private land and only 2% of the total forested area of Tasmania is reserved native forest on private land. Yet, our concern is that many of the most threatened ecologies including this Critically Endangered Ecological Community are found in far greater amounts on private land.

Conclusion

One cannot blame the foxes or the cats or the aborigines or even the weeds, for the ongoing demise of this now Critically Endangered Ecological Community.

Whilst there seems to be about 10% of the Ecological Community remaining, perhaps right on the threshold for a Critically Endangered listing, the situation is that there are a number of ongoing factors and historical behaviours at play which exacerbate the problems of adequate conservation of this EC in Tasmania, one of Australia's most recalcitrant and conservative hollows and thus it is hard to foresee that the current process of decline of the Ecological Community will abate.

It is always worth remembering that Tasmania is remote, isolated and poor, with a lower living standard, lower education standard and shorter life expectancy. As a consequence doing nothing, by default, entrenching and adopting a laissez-faire approach regarding this Ecological Community, the status quo is not likely to bring much-needed change.

The Commonwealth Government should thus take a stronger interest in Tasmania and refine its interests towards its National and International Obligations.

The fact substantial areas are reserved in the TWWHA part of Tasmania is laudable but it will not ensure that the threatened and endangered aspects of nature such as this Critically Endangered Ecological Community, which is primarily on Private Land, will survive without a firm status as Critically Endangered, without a solid Conservation Advice and preferably with a Recovery Plan.

END

Included Documents

The following documents support and are a part of our submission.

Document Title	File Name
Eucalyptus Ovata Forest And Woodland: Extent, Distribution And Conservation Assessment Report To CARSAG 2002 September 2002 by © North, Barker and Associates – Ecosystem Services, 2001.	Ovata final.pdf
CARSAG Report To Chief Forest Practices Officer On Review Of Forest Community Thresholds, 6 February 2001	CARSAG advice to FPB 6 Feb 01.doc

Document Title	File Name
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IVG FOREST CONSERVATION REPORT 9A Report to Professor Jonathan West, Chair of the Independent Verification Group, February 2012,	IVG_conservation_9A_ENGO.pdf

Document Title	File Name
by Peter B. McQuillan, School of Geography & Environmental Studies, University of Tasmania, Private Bag 78, Hobart. Tasmania 7001.	
Tasmanian Forest Agreement Verification: Indicative assessment using currently available remotely sensed imagery of forest disturbance in the areas proposed to be reserved under the Intergovernmental Forest Agreement. - Report to the Independent Verification Group, 23 rd December, 2011 by Dr Michael Lacey and Dr Arko Lucieer	IVG_conservation_11_landcover.pdf
An IVG Map showing: Area Regenerated on State Forest since 1960 and plantations on all Tenure s (current) by C&N Consulting 2012	IVG_conservation_FigX_regen_on_state_forest-since_1960.jpg
Table 3.1 Biophysical naturalness rating scheme	BN Table 3.doc
A field key to Tasmanian species of eucalypts by F. Duncan, Forestry Tasmania	tas_eucalypt_key.pdf
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Monday 20th August 2018

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EPBC Reference Number 2017/7927

**GLAMORGAN SPRING BAY COUNCIL/Water Management and
Use/Twanley Road, Buckland, TAS, 7190/Tasmania/Prosser Plains Raw Water
Scheme**

Dear Glamorgan Spring Bay Council, (The Proponent)

The Environment Association works on Land Use Planning matters in Tasmania and has done so for a long time. We also work on Biodiversity, including Threatened Species and Ecological Communities, as well as other regional environmental issues.

We found out about this EPBC Referral only on the 13th August so because of those constraints, this representation and comment is brief, as we understand the due date for comments to be the 15th August 2018. In general, our view is that a 10-day public comment period is an unsatisfactorily short period for such a complex and extensive

set of documentation. That said, we requested an extension of time which the Department kindly granted until 20 August.

Firstly, therefore we would like to thank Ms Horwood, Director Assessments Victoria and Tasmania, Assessments and Governance Branch | Environment Standards Division of the Department of the Environment and Energy for the extension of time.

“With regards to your request for an extension of time to make another submission, the Department will allow you an extension to provide a submission until 5 pm on Monday 20 August 2018, and the proponent has agreed to include that submission in their response to the Department about how they have addressed public comments. This additional submission must be sent directly to the proponent, and you’re welcome to copy in the Department if you wish.”

We are writing to respond and make representation over the proposed dam on Tea Tree Rivulet on the private property, Twamley, which appears to be titled: ‘Prosser Plains Raw Water Scheme’. We term this the proposal in our representation. It is the EPBC Action, which has been referred.

We note the document: PPRWS-Referral-20170516-Signed.pdf is dated 21st April 2017, signed by the General Manager of Glamorgan Spring Bay Council. Thus there could have been a much earlier release of information to the public and easily a much longer public comment period. That would be sensible and fairer.

We wish to state clearly that The Association considers the dam proposal (the Action in EPBC terms) would have a Significant Impact on matters ostensibly protected by the EPBC Act.

We also consider that despite any administrative State or Commonwealth guidelines and standards, which may have been created, aiming to always allow development to proceed, that the removal of the 53 Ha of high quality Swift Parrot habitat cannot be mitigated or absolved by way of Offsets, no matter how generous or beguiling they may at first appear.

In making this submission we have considered the Commonwealth’s EPBC Act Policy Statement 1.1, Significant Impact Guidelines.

We consider that under this proposal there are specific Matters of National Environmental Significance, (MNES) that is, matters which must be protected under the EPBC Act.

“The matters of national environmental significance are:

- listed threatened species and ecological communities;*
- migratory species protected under international agreements;*
- Ramsar wetlands of international importance;*
- the Commonwealth marine environment;*

- *World Heritage properties;*
- *National Heritage places; and*
- *nuclear actions*".¹

In relation to the proposal for a dam at Twamley, there are listed threatened species and ecological communities and migratory species, which are pertinent MNES.

Further, we consider there are MNES, which in any sane country, with a responsible Environment Minister, which would now be protected under the EPBC Act These are very relevant to the proposal but remain unfinalised, despite a lengthy period of time and despite the advice of the scientific panel. We specifically refer to the unwarranted delay in the EPBC Listing of: Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community - originally known as *Eucalyptus ovata* Forest and Woodland in Tasmania.

The disgusting thing about the EPBC administrative offsets proposed is they are not considering what is soon to be Critically Endangered *E ovata* forest. Pathetic!!! TEA considers the critically endangered *E ovata* forest to be Critically Endangered.

There is over 21 Ha of *E ovata* forest on the valley floor of Tea Tree Rivulet, a tributary of the Prosser River. We have been reliably informed by Dr Phil Barker of North Barker Ecosystem Services that most of the *E. Ovata* forest is in excellent condition with a significant amount of old growth *ovata* trees in the forest proposed to be removed for inundation.

One wonders if the delay of the Critically Endangered Listing may be to allow this and other such proposals to be carried out in advance of the Listing.

Critically Endangered Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum Ecological Community

The Commonwealth should be aware we have been working on *E. ovata* issues for a long time.

Our Association made comment on the EPBC Listing (as Critically Endangered) of: Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community on the 15th February 2017. TEA considers the repeated delays in adopting the recommendations of the Scientific Advisory Committee over this important matter to be an act of bad faith.

The Association's comment (the public section) on the EPBC Listing as Critically Endangered of: Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community on the 15th February 2017 and the Listing which should proceed, is, we argue a relevant

¹ EPBC Act Policy Statement 1.1 Significant Impact Guidelines, Matters of National Environmental Significance, May 2006 E N

consideration in determining the national significance of this dam development proposal.

We enclose a copy of our February 2017 comment on this Ecological Community. It is a relevant consideration because a significant amount of E. Ovata, over 21 Ha, is present on the proposal site.

For over 20 years The Commonwealth, through the 1996 Tasmanian Comprehensive Regional Assessment has known that E. ovata forest was more than 90% depleted but has failed to list the vegetation as an ecological community - more than two decades of wilful and irresponsible avoidance.

Our Association considers the ongoing and deliberate avoidance of a decision by the Federal Environment Minister is a matter of bad faith.

Our Conclusion: This proposal should not proceed – Against the National Interest

The Association has formed the view, after reading a substantial amount of the material supplied via the Glamorgan Spring Bay Council website that this proposal should not proceed. That is, very simply, the dam should not be built. No EPBC approval to build the dam should be given.

Accordingly, we do not support the remedy, which is seemingly proposed, that of an offset arrangement aiming to mitigate the loss of approximately 22 ha of critically important habitat for the Critically Endangered Swift parrot. That 22 ha of important habitat also happens to be Eucalyptus ovata forest. This ecological community however is not listed under the Threatened Species Protection Act as Critical because of the Minister's seemingly deliberate and delinquent delay. We accept that there are occasions where the remedy of offset protection, which allows the destruction of MNES could be used in instances where the vegetation concerned is not listed as either Critically Endangered or Threatened. We have considered the use of the tool in this situation and concluded that it is not appropriate.

The administrative tool of Offsets has ostensibly been used in Tasmania for dams, which carry Eucalyptus ovata the forest and our understanding is that the solution of preserving, say a four or five times area to offset the loss has not worked. The specific example, which we would rely upon is the Meander Dam. Our understanding is that the completion of the acquisition of offset protection remains unfulfilled, years down the track. In the meantime more and more of this Threatened Vegetation Community is logged and sometimes cleared.

Specifically, in the Twamley dam proposal, whilst an offset proposal is on the table to engage other private landowners elsewhere in offset reservation covenants and whilst that land would be relatively (but not completely) securely reserved, we have concluded that the real issue is whether such a perilously depleted ecological community such as E ovata should continue to be depleted and whether the range of threatened species likely and almost certainly present, including the critically

endangered, migratory bird, the Swift Parrot, likewise should be allowed to continue to be depleted. Where does such a process end?

Indeed, we consider offsets as they are currently relied upon in the system predicated on development at any cost, to be a scam. It's a business model for some, perhaps but not a viable one for the Swift Parrot, nor the *E. ovata* forest. We make some general points:

- Already natural systems are fully occupied.
- Regardless of the biophysical naturalness (and in this case it is a natural area of some considerable quality) nature ensures a space in an ecosystem is not empty for long.
- Therefore, in the more complex relationships in forests every space is in use at some time through the season provided the users are present.
- Breeding hollows are in use during breeding but may be out of use, or used by others animals at other times,
- Whilst there continues to be argument about vacant niches and that each ecosystem is a discrete complex the reasons for nesting hollows for the Swift Parrot (*Lathamus discolor*) may be vacant or empty are the availability of food nearby or the number of species extant.
- Therefore an offset may not provide for a species feeding or breeding requirement in any or all years or the disturbance may tip a family group over the edge if their currently successful breeding is disturbed by a need to relocate and re-establish.
- Insufficient recruitment and an ageing population can see a rapid decline in a species population.

Importantly one can see from the mapping provided by North Barker Ecosystem Services in the document: 'Additional information required for preliminary documentation Prosser Plains Raw Water Scheme, Tasmania (EPBC 2017/7927)', that the patches and extent of *Eucalyptus ovata* in the Prosser catchment and Buckland Basin are small and extent is minimal. This means that finding an offset of *E ovata* appears highly improbable and that choosing *E Globulus* would be pursued instead. This is an unsatisfactory form of offset where the critically endangered *Eucalyptus ovata* forest is destroyed and instead of reserving other *Eucalyptus ovata*, the proposition of an alternate surrogate is to reserve Blue Gum Forest, because it is argued that this too is Swift Parrot habitat. This is a very simplistic view of the critical role, which *E ovata* plays in the survival of the Swift Parrot.

TEA notes there has been significant concern expressed over the administrative mechanism of EPBC Offsets:

The Australian Senate held an inquiry into offsets under the EPBC Act a few years ago – the submissions to that, the final report and the government's response to the report has some germane recommendations:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Environmental_Offsets

Not specific to offsets, but the National Audit Office, has reviewed EPBC Act compliance and enforcement activity and found it wanting. The follow up report noted significant improvement, but still not an exceptional track record of compliance work.

<https://www.anao.gov.au/work/performance-audit/managing-compliance-environment-protection-and-biodiversity-conservation-act>

<https://www.anao.gov.au/work/performance-audit/monitoring-compliance-epbc-act-follow>

TEA is concerned over such deficiencies.

In answer to the question: What would have to be done by way of contract to guarantee an offset covenant actually proceeded after the Action was approved?

Our advice received regarding the operation and surety of Offsets is:

“The offset conditions would need to be well drafted, both to establish a performance based condition (that is compliance requires achievement of the offset, not just trying to achieve it) and to require compliance monitoring and reporting to demonstrate maintenance. If the condition was not complied with, action could be taken.

The guidelines require permanence, so the tenure arrangements for the offset land would need to be secure – e.g freehold land with a conservation covenant that required Fed Minister approval to revoke or amend, reserved land with a maintenance contract.

A significant security bond should also be required, and returned only upon proof that the offset was established / maintained.”²

Because of the associated plethora of other threatened and listed species also likely to inhabit the site we consider there is an overriding imperative to conserve this private land in its natural condition and to pay an adequate recompense to the landowner for a secure in perpetuity reservation of the forest on the dam proposal site.

In coming to a position over the retention in natural condition of the Twamley site, we have considered the meaning of significant impact in EPBC terms.

“What is a significant impact?

A ‘significant impact’ is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. You

² Jessica Feehely, Senior lawyer EDO Tasmania 20-8-2018

should consider all of these factors when determining whether an action is likely to have a significant impact on matters of national environmental significance.”³

Indeed the proponent’s chosen consultants, North Barker Ecosystem Services, who have not only been engaged by the proponent Glamorgan Spring Bay Council, but who would probably manage any offset arrangement and who are the mailing address for comments in the EPBC process, but actually consider their report that a significant impact is likely to occur. It is just their remedy of an Offset is flawed and we consider will not work. It will not halt the decline of the species.

Offsets have been shown to be farcical. We can see that recommendations of the Senate Inquiry over them have not been implemented.

Referral

It is clear the proposed action has been referred to the Department of Environment and Energy under the EPBC Act. The General Manager of Glamorgan Spring Bay Council signed the referral on 21 April 2017. Birdlife Tasmania has stated that the referral, in fact, was written by North Barker Ecosystem Services.

It appears the referral process is based on a self-assessment. The EPBC guideline states:

“Your self-assessment should be as objective as possible and based on sufficient information to make an informed judgement.”⁴

We note that the latest report of North Barker Ecosystem Services was edited by persons engaged by Glamorgan Spring Bay Council, possibly with the express task of ensuring a compliant consultant. Please see

We note the assessment to include:

“3. Are there any proposed measures to avoid or reduce impacts on matters of national environmental significance (and if so, is the effectiveness of these measures certain enough to reduce the level of impact below the ‘significant impact’ threshold)?

4. Are any impacts of the proposed action on matters of national environmental significance likely to be significant impacts (important, notable, or of consequence, having regard to their context or intensity)?”⁵

³ EPBC Act Policy Statement 1.1 Significant Impact Guidelines, Matters of National Environmental Significance, May 2006 E N

⁴ EPBC Act Policy Statement 1.1 Significant Impact Guidelines, Matters of National Environmental Significance, May 2006 E N

⁵ EPBC Act Policy Statement 1.1 Significant Impact Guidelines, Matters of National Environmental Significance, May 2006 E N

As already stated TEA considers that an offset reservation of other existing Swift Parrot habitat is absolutely not sufficient as a measure certain enough to reduce the level of impact below the 'significant impact' threshold.

We consider that in the EPBC referral document completed by Glamorgan Spring Bay Council and in particular, section 8 - proposed alternatives, that alternatives have not been adequately considered. This is discussed further on.

TEA has discovered that the Water License on the GSBC website (and hence for referral) is incomplete and invalid. NB There is no expiry date for example. We cannot understand how the water license allocation can be made when there is no application for a dam to be built. This seems not logical unless the dam is actually not needed at all. However importantly the referral document at 1.15.1 states:

*"The pipeline can be constructed and operated independently of the dam."*⁶

The pipeline is not a part of this Referral but information is included. This is a referral for the dam on Twamley.

And at 1.16.1 it says:

*"The users could potentially operate without the dam with an alternative water source."*⁷

We think this is probably true. The question is, how many alternatives (water sources) actually exist and what are the pros and cons of each alternative? Have these alternatives been documented and considered? Why is this information not part of the assessment process?

TEA has discovered that the Dam Works Permit on the GSBC website (a part of the Referral documentation) is on a form and using a process some 3 years out of date. It perhaps looks like a Permit Application but is not. It is not even signed.

TEA has determined from DPIPWE that there is no Application for the Tea Tree Rivulet Dam on Twamley in Tasmania, which DPIPWE has received as of up to this date.

So, EPBC appear to be doing a Controlled Action when other fundamentals are not yet finalised or decided.

Specific Listed Vegetation

It is clear the proposal site has very high conservation values, which should be conserved and indeed protected.

We quote from the North Barker Ecosystem Services report titled and dated: Glamorgan Spring Bay Council, Prosser Plains Raw Water Scheme (PPRWS), Tea

⁶ Glamorgan Spring Bay Council Referral 21-4-2017

⁷ Glamorgan Spring Bay Council Referral 21-4-2017

Tree Rivulet Dam, Botanical Survey and Fauna Habitat Assessment, dated 14th March 2017.

“Threatened vegetation

Poa grassland is listed on the EPBC as endangered. The clearance of this area is likely to cause a significant impact.

The clearance of Eucalyptus ovata forest from the dam footprint represents a constraint on the proposal. E. ovata has been nominated to be listed as a threatened ecological community on the EPBC Act 1999. The listing is proposed to be critically endangered and the Scientific Committee under the EPBC has recently concluded a public comment period on the proposed listing.

E. ovata is listed on the Tasmanian Nature Conservation Act 2002 as threatened vegetation. The significance of the impact and consequent requirements for offset will be dictated by the dam assessment process. No areas of E. ovata suitable for offset are present on the balance of the property.”⁸

The Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (Eucalyptus ovata / E. brookeriana) Ecological Community is over 90% depleted since 1750. In its old growth form, this community is even more depleted.

It has been well known over 20 years both to the Tasmanian Government and the Commonwealth Government that Eucalyptus ovata forest is well over 90% depleted.

This ecological community forms both foraging habitat and nesting habitat for the Critically Endangered Swift Parrot. The Parrot has become steadily more critically listed (at both State and Commonwealth levels) since the 1997 Regional Forest Agreement. Habitat for the Swift Parrot continues to be degraded and destroyed, seemingly without adequate regard for the future of this species. It seems that not only is this the Tasmanian way but the Commonwealth remains also complacent.

Because the Proposal area proposed for clearance and inundation includes E viminalis and where there is E ovata as an old growth component (apparently we are told (pers comm P Barker 13-8-2018) is in excellent condition), it is regarded by TEA as being important habitat for the listed Swift Parrot species.

The high quality of the condition of the Eucalyptus ovata and viminalis forest is a relevant consideration.

Specific Listed Species

We comment on which aspects of the proposal would impact on matters (e.g. a particular listed species or heritage value).

⁸ North Barker Botanical Survey and Fauna Habitat Assessment, dated 14th March 2017

Our concerns relate primarily with the impacts of the proposal to build a dam and the associated impoundment, which together if the project proceeds, would remove the natural environment on the valley floor surrounding Tea Tree Rivulet on the private property of Twamley. The proposed dam is sited just downstream from the confluence of the tributary Stoney Rivulet and this confluence would be flooded, as would several other minor streams.

Swift Parrot (*Lathamus discolor* – critically endangered)

We quote from the North Barker Ecosystem Services report titled and dated: Glamorgan Spring Bay Council, Prosser Plains Raw Water Scheme (PPRWS), Tea Tree Rivulet Dam, Botanical Survey and Fauna Habitat Assessment, dated 14th March 2017.

“Swift parrot (Endangered TSPA / Critically endangered EPBC)

About 21.65 ha of swift parrot foraging habitat is present as E. ovata forest in the lower reaches of the dam footprint. Some nesting habitat is present in oldgrowth eucalypts in the dam footprint. The habitat is within a SPIBA (swift parrot important breeding area). The loss of the habitat is likely to cause a significant impact according to the assessment criteria of the EPBC. The project will require referral to the Commonwealth minister for assessment.”

...

“Criteria 5 and 6 • disrupt the breeding cycle of a population and • modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline are judged to be met for the swift parrot.

The black gum habitat is a forage resource that supports breeding success and is within a SPIBA. The loss of breeding habitat is identified as a key threatening process.”

“The dam footprint supports 21.65 ha of black gum forest and woodland and occasional blue gums. This is an important early breeding season forage resource.”⁹

There are potential nesting hollows in mature and old growth trees. However, detailed evaluation was not undertaken.”¹⁰

From the document: Additional information required for preliminary documentation Prosser Plains Raw Water Scheme, Tasmania (EPBC 2017/7927) dated 15th December 2017.

“The habitat is characterised by three facies of E. ovata forest and woodland.

⁹ North Barker Botanical Survey and Fauna Habitat Assessment, dated 14th March 2017

¹⁰ Glamorgan Spring Bay Council PPRWS Referral 21-4-2017 p21

1. *E. ovata* sedgy forest

2. *E. ovata* grassy woodland

3. *E. ovata* grassy shrubland. This is regenerating vegetation that has been repeatedly burnt in the agricultural management regime.”¹¹

So, the site has a diversity of *E. ovata* forest, not just one homogenous sort of forest at all.

*“The impact of the construction of the dam and inundation of the land is the loss of all of the habitat in the dam footprint. The direct impact of the Action is the loss of foraging and some potential nesting habitat which is practically irreversible.”*¹²

The following statement is considered to be a wake up call to Minister Frydenberg who has so far failed this Ecological Community.

*“However, the protection of the conversion of DOV and DGL to plantation as a result of the Tasmanian RFA has limited the loss of habitat. Notwithstanding this limitation, patches of DOV and DGL may have been selectively or entirely logged with the intention to regenerate. This treatment, however, effectively removes the foraging and nesting habitat from these stands for decades, while they regenerate.”*¹³

And

“The contribution of the Action to the cumulative impact is unknown and effectively unpredictable. The potential of a cumulative impact of foraging and nesting habitat loss is to decrease breeding success by limiting the forage resource that supports the breeding effort in adjacent nesting habitat.”

TEA views the Precautionary Principle should apply.

Tasmanian devil (*Sarcophilus harrisii* - endangered)

It is welcoming that the Tasmanian devil has been identified occupying the site.

Wielangta stag beetle (*Lissotes latidens* - endangered)

We have no experience with this species. This site from the mapping would be an outlier and so it should be investigated more thoroughly.

¹¹

¹² North Barker Ecosystem Services 2017, p42

¹³ North Barker Ecosystem Services 2017, p42

“No methodical advice is provided on the SPRAT database and neither Conservation Advice nor a Recovery Plan exists.”¹⁴

Temperate Lowland Poa grassland (endangered ecological community) - (subset of Tasveg GPL)

TEA considers all lowland grasslands to be of critical value.

“....not all Tasveg GPL mapping units meet the condition criteria that define the Temperate Lowland Grasslands ecological community listed on the EPBC. As a result the extent of the listed community in Tasmania is not known. The EPBC policy statement includes a map which illustrates patches of grassland that are likely to be the listed ecological community. This map depicts grasslands in the immediate vicinity of the Action.”¹⁵

“Conclusion: The impact of the Action is considered to be significant based on EPBC significant impact criteria.”¹⁶

We are not surprised by this valid conclusion from the proponent’s consultant.

Spotted-tailed Quoll (*Dasyurus maculatus maculatus*) – Vulnerable

There are varying opinions over the numbers of spotted tailed quolls in Tasmania. We have used Dr Belcher in the past for his expertise on the animal and a decade ago he considered there to be in the range of 3000 to 6000 animals in Tasmania, representing 50% of the Australian population.

The important things to remember about the Spotted-tailed quoll is that it is a top order predator and thus very important for the normal functioning of the ecological system.

The Spotted-tailed quoll is an obligate carnivore and will inevitably feed in areas where there is a good population of small animals. The most productive land in the vicinity of the Twamley dam proposal site is the valley floor forest. This is proposed to be permanently cleared, permanently alienated from its current habitat function and permanently inundated.

We consider the valley floor habitat to be of critical importance for the survival of the Spotted-tailed quolls in the general area. So the impact of the removal of the habitat for the primary food sources for the Quolls should not be underestimated. Indeed, it may be that such a favoured refugia, as Tea tree Rivulet and Stoney Rivulet would obviously provide, supports and enables a higher population density than has been

¹⁴ North Barker Ecosystem Services 2017, p 40

¹⁵ North Barker Ecosystem Services 2017, p45.

¹⁶ North Barker Ecosystem Services 2017, p45.

estimated. Were the dam to proceed, as forecast, the population of the EPBC listed Quoll would almost inevitably decline in the local area.

We are not surprised that cameras on tracks have not recorded the Spotted-tailed quoll. Quolls are somewhat shy and secretive animals and will usually choose an undercover route rather than proceeding down a track for example.

The degree the site is used by the STQ should be subject to genuine investigation by someone expert in Quolls. The State listing of Rare is a joke. This species should be listed at the State level as Vulnerable in our view.

Eastern quoll (*Dasyurus viverrinus*) – Endangered

We do not have experience with this species.

We note is a relatively recent listing under the EPBC and note the lack of state listing.

Given the location of the site, we would expect it to be present.

Eastern barred bandicoot (*Perameles gunnii*) – Vulnerable

The very massive decline of this species in some parts of the State is very concerning. Remaining strongholds (and we would expect this site to be one), should be conserved.

Wedge-tailed eagle (*Aquila audax subsp. fleayi*) – Endangered

“Findings: There are five records of eagle’s nests within +/-5 km of the dam footprint.”¹⁷

There is no doubt that Wedge-tailed eagles hunt within the valley floor forest, such as at Tea tree Rivulet. The proposal to remove some 3 km of riparian, forested habitat would likely impact species such as the Wedge-tailed eagle.

Whilst there is a research that characterises the location of nests and hence influences searching for nests, it must be stated that eagle’s nests occur sometimes in the most un-likely places.

Masked owl (*Tyto novaehollandiae castanops*) - Vulnerable

Tasmanian Masked owls are Australia’s largest owl. The tree hollows, which support masked owls need to be large and thus the trees need to be large and old.

¹⁷ Glamorgan Spring Bay Council PPRWS Referral 21-4-2017 p19

“A masked owl habitat model indicates that the habitat is in core habitat range and the habitat present along the rivulet is mapped as high maturity (potentially suitable for nesting) reflecting our observation of old growth trees (Figure 6).”¹⁸

In our experience tracking down masked owls is a time-consuming business and that the habitat model should not be discarded simply because no owl calls were recorded. Owls are not adequately considered in the Forest Practices system esp. re clearance such as this proposal.

Natural Resource Management Strategy for Southern Tasmania | 2015–2020

“GOAL: The region’s Natural Landscapes are managed appropriately in order to maintain ecosystem services and biodiversity values, and asset managers are aware of projected climate change effects and, where necessary, facilitate adaptation of species, communities and ecosystems.”¹⁹

The dam proposal (The Action) is against the Southern Regional NRM Goal, even with a successful implementation of administrative EPBC sanctioned offsets.

Salmon Farming – Private Water Uses

It is stated that the Salmon farmer, Tassal, needs fresh water to wash salmon for disease management purposes in its new Oakhampton site. We accept that fact.

Salmon is an exotic species to Tasmania. TEA’s understanding is (pers. Comm. from a GSBC Councillor) Tassal was prepared to consider a number of alternative dam sites to gain access to sufficient water. They were also prepared to pay for a dam but Tassal was also prepared to allow the Council to build the dam.

This proposal for a dam on Twamley is clear evidence that economic considerations outweigh conservation, even when it is multiple Matters of National Significance and even when the economic beneficiary are simply private companies such as Tassal.

Catchment Issues – Prosser and Tea tree Rivulet

TEA is not intending this section covers all the catchment issues in the area.

TEA notes that TasWater has a web page on the water supplies for Triabunna and Orford. See: <https://www.yoursay.taswater.com.au/orford-and-triabunna/faqs#question35122>

In that web document it states:

¹⁸ Glamorgan Spring Bay Council PPRWS Referral 21-4-2017 p20

¹⁹ Natural Resource Management Strategy for Southern Tasmania | 2015–2020 p18.

“The Prosser Plains Raw Water Scheme includes a proposed dam on the Tea Tree Rivulet, within the property known as Twamley. This is a Glamorgan Spring Bay Council Project, not a TasWater Project. If approved however, the Twamley Dam could form part of the overall solution to the area’s bulk drinking water supply. Council has allocated TasWater 200 megalitres from either the Twamley Dam or Hobbs Lagoons for the Orford Water Treatment Plant, enough to supply Orford for a year.”²⁰

The comments above suggest some uncertainty - a lack of resolution in strategic terms over water management. The State water agency is actually managed by a Board made up of Local Government.

The Prosser catchment is 686.9 sq kms in size.

Tea Tree Rivulet is 50.65 km sq.

Surely, in such a circumstance there are other options. However we note:

“The ‘Prosser Catchment’ actually incorporates four hydrological sub-catchments that are not directly linked plus Maria Island. These sub-catchments are the Prosser and Sandspit Rivers and Maclaines and Eighty Acre Creeks plus numerous coastal streams. The mainland part of the Catchment extends from Boltons Bluff in the north to Cape Bernier in the south and Levendale in the east.

This official Prosser Catchment boundary was designated as such for administrative purposes by the State government department (DPIPWE) responsible for water management planning. This boundary is also adopted by Glamorgan Spring Bay Council (GSBC) for overall catchment planning.”²¹

There is a strategy document: DPIWE ‘Environmental Management Goals for Tasmanian Surface waters Glamorgan-spring bay Catchments October 2005, Glamorgan Spring Bay Council’, which outlines Community Water Values for Glamorgan-Spring Bay Catchments. Relevant to the proposed Action:

“Maintain platypus in the Tee Tree rivulet (most rivers).

Maintain Swan Galaxia, yabby and all native aquatic species.

Protection of habitat such as large woody debris.

Protection of native riparian vegetation for, at a minimum, class 1 streams (as per forest practices code).”

The dam proposal, if implemented would fail those objectives.

There is also a draft catchment plan which has an objective:

²⁰ See: <https://www.yoursay.taswater.com.au/orford-and-triabunna/faqs#question35122>

²¹ Review of the PROSSER CATCHMENT PLAN February 2017

“For the NRM strategy to: - protect and restore where feasible, all endangered plant communities in the Catchment. - follow priorities established for the various vegetation communities.”²²

The dam proposal, if implemented would fail those objectives.

The Proponent: Glamorgan Spring Bay Council

Glamorgan Spring Bay Council is one of Tasmania’s 29 Local Governments. It serves only some 4,400 residents and is situated on the east coast of Tasmania. Main towns are Bicheno, Triabunna and Swansea. Yes, you read correctly this is a local government serving only 4,400 residents.

Although this cannot be assessed, this Association has formed a perception of inappropriate influence, because others also have a perception there has been undue influence over Council’s decision to go into debt to build a dam for the benefit of Tassal. Normally, such infrastructure is developed by TasWater or by Tasmanian Irrigation not by a local government. This is not a farm dam.

This dam if constructed would have an impoundment of over 2 kms long on Tea Tree Rivulet and over a kilometre long on Stoney Rivulet and would remove significant Listed natural values of National Significance.

We can perceive no adequate or comprehensive evaluation of alternatives by the proponent Glamorgan Spring Bay Council. Discussed further on.

However, we understand there are in fact alternatives and further we understand that those alternatives may avoid the destruction of an area, the Twamley dam proposal site, which indisputably has values of National Significance.

The proponent is a Municipal Council, which has decided to enter the dam building business. We argue that there is no rational, logical reason for Glamorgan Spring Bay Council to be building dams on private land within its Municipality.

Does GSBC have a decent record? We are not aware of any specific incidents to indicate that GSBC has not complied with environmental requirements or otherwise been responsible for environmental harm.

Does the planning process for the dam involve LUPAA and GSBC as a Planning Authority at all? The Referral suggests GSBC has a role in planning terms. However were a dam permit to be issued, no planning permit is required.

However, TEA considers the reference from Section 6.1 in the Referral is misleading. The intention of the referral is not to explain Council’s role as a planning authority generally, rather than in relation to this particular action.

²² PROSSER CATCHMENT MANAGEMENT PLAN DRAFT - June 2002, Prepared for the Glamorgan Spring Bay Landcare Management Committee. Funded by the Natural Heritage Trust

The situation regarding a Planning Authority being the Proponent may not constitute a formal Conflict of Interest. We note GSBC has adopted in this case a policy of getting external consultants to assess applications where Council is the proponent. But, that won't be the case in relation to any dam permit or water licence – the decision will be made by the Minister, not Council.

There is no disclosure or documentation on the Council website related to the 'Prosser Plains Raw Water Scheme', to provide information over the business relationship with the Turveys, the owners of Twamley.

We cannot perceive whether there is an adequate and proper legal arrangement between Mr Derek Turvey and Glamorgan Spring Bay Council over this dam proposal. We consider this to be insufficient, potentially malfeasant and in any case not in the public interest.

Our perception is that the proponent Glamorgan Spring Bay Council has entered into an extraordinary arrangement to undertake an expensive water scheme for the principal benefit of Tassal, a golf course and probably the Turvey family. In doing so the proponent is proposing to knock down and remove permanently natural values which are known to be Matters of National Significance. Fancy knocking down Swift Parrot habitat for some extra water for the local golf course. Amazing!

Glamorgan Spring Bay Council – Probity Concerns

The Twamley property is owned by Derek Francis Turvey. Both his wife and his daughter happen to work for Glamorgan Spring Bay Council. It cannot be assessed, at this stage, what influence Derek Francis Turvey, his wife Lona Turvey (GSBC Community Development Officer) and his daughter Angela Turvey (GSBC Executive Officer) may have had on the Council's decision to embark on the building of a dam on the Turvey's land carrying natural values of National Significance.

We cannot perceive whether or not there is an adequate and proper legal arrangement between Derek Turvey and Glamorgan Spring Bay Council over this dam proposal. We consider this to be insufficient, potentially malfeasance and in any case not in the public interest.

Although this cannot be assessed, this Association has formed a perception of inappropriate influence, because others also have a perception there has been undue influence over Council's decision to go into debt to build a dam for the benefit of Tassal and of course the landowner.

At the very least this claim should be investigated. Bear in mind Tasmania does not have an Independent Commission Against Corruption.

TasWater Process Seemingly not Followed

Development Applications

When any development application is made to Council, requesting a planning permit, the application is referred to TasWater in accordance with the Water and Sewerage Industry Act 2008. The developer is required to submit a Concept Servicing Plan showing how the development will be served by water and sewerage hydraulic services.

TasWater must then either:

- Ask for further information in respect to the application within 7 working days. Where further information is sought the 'clock stops' and the time-frame recommences when satisfactory additional information is received
- Respond within 14 calendar days stating that there is no objection to the granting of the permit
- Respond within 14 calendar days stating that there is no objection to the granting of the permit subject to conditions specified by TasWater
- Respond within 14 calendar days stating that TasWater objects to the granting of a permit along with the reasons.

Once satisfied with the information, TasWater will issue a "Submission to Planning Authority Notice" (SPAN) to council and this will form an attachment to the planning permit that may be issued by council.

TasWater states:

"Does TasWater support the Twamley Dam proposal?"

TasWater is providing in-principle support for the project and is working with all parties to ensure the long-term sustainability and efficiency of this dam, and that it is operated in an equitable manner.

Initially, TasWater was concerned about potential transmission losses of water along the Prosser River during flow from the proposed Twamley Dam and TasWater's Lower Prosser Dam. Those initial concerns are being addressed, to ensure no detrimental impacts on the reliability or quality of TasWater's supply.

*In addition, Glamorgan Spring Bay Council agreed to allocate 200 megalitres of water to the Lower Prosser Dam for use as drinking water, if the Twamley Dam is approved and built. As TasWater's only concern is the security and safety of the water supply, this back-up allocation provides additional security for our customers."*²³

That is Glamorgan Spring Bay Council is giving TasWater 200 megalitres. Aren't they generous!!!

²³ At <https://www.yoursay.taswater.com.au/orford-and-triabunna/faqs#question35122>
FAQs downloaded off the website on 20th August 2018

Glamorgan Spring Bay Past Concerns with Local Government Office

“Glamorgan-Spring Bay Council

In the period April to June 2015 the Director of Local Government received a number of complaints regarding the governance and operational performance of the Glamorgan-Spring Bay Council (the Council).

The Director subsequently undertook an investigation into the complaints which, in part, alleged non-compliance with the Local Government Act 1993 (the Act).

In addition to this, the investigation included an independent audit of the Council's financial practices, policies, procedures, delegations, procurement, human resource management and information technology practices and processes by Deloitte Touche Thomatsu.

The majority of the issues considered by the independent audit arose out of concerns that the Auditor-General had raised about the Council in his Report of the Auditor-General No. 7 of 2014-15.

In December 2015 the Director provided his investigation report to the Council - Director of Local Government Report to the Glamorgan-Spring Bay Council December 2015. The report recommended that the Council could improve its governance and operational performance in four main areas, namely; conduct and agenda of council meetings, adherence to Council policies, financial systems and processes, and human resource management.

On 19 May 2017, the Director of Local Government requested an update from the Council on the Council's current progress with the implementation of the recommendations from the report.

Council endorsed a response at its July 2017 Ordinary Meeting of Council. The Glamorgan-Spring Bay Council Endorsed Response to the December 2015 Report is available to download.”²⁴

It is considered by some residents the matters raised have not been sufficiently actioned by Council.

²⁴ http://www.dpac.tas.gov.au/divisions/local_government/investigations/glamorgan-spring_bay_council

Alternative Solutions Not Pursued by Proponent: Glamorgan Spring Bay Council

We can perceive no adequate or comprehensive evaluation of alternatives by the proponent Glamorgan Spring Bay Council. This is a major failing.

However, it is stated:

“There are other water developments proposed for the region but they are insufficiently advanced to be considered here because they may not eventuate.”²⁵

We consider that in the EPBC referral document completed by Glamorgan Spring Bay Council and in particular section 8 - proposed alternatives, that alternatives have not been adequately considered. This is discussed further on.

Further, we believe there may be sound and viable alternatives, which would avoid the destruction of some 53 ha of native forested vegetation, including the habitat for the critically endangered Swift Parrot.

North Barker Ecosystem Services has stated:

“A major issue for the provision of reliable water supply to the coastal region of SE Tasmania is unreliable local rainfall - this results in many creeks being ephemeral. Therefore only those creeks or rivers with large catchment areas can be considered for a new winter-take water licence required for this project's proposed water demand of 1000ML pa.”²⁶

TEA does agree that the general area of Orford and Buckland has lower rainfall when compared with the Western part of Tasmania. Between 1970 and 2017 there has been a drop mapped by BOM in the area in the amount of 40 mm of precipitation. However, in the Australian context the rainfall of the area is over 600 mm per annum.

In a national context the area is mapped in the Australian Water Resources Assessment 2012 as *“Uniform 500 mm to 800 mm.”²⁷*

It has been suggested that Tea Tree Rivulet is an ephemeral stream. On the lower reaches this may be true. It may also be that the upper reaches retain water year round but it does not flow down the stream bed.

There are commentators in Tasmania (remote from our Association) who consider that one of the alternatives that should be on the table, for a more drought proof water supply for this East Coast area is the extension of irrigation pipe work from the Derwent catchment.

Regarding that notion, the South East Irrigation Scheme for the Client: Tasmanian Irrigation, currently much has been constructed now.

²⁵ North Barker Ecosystem Services 2017 p 44

²⁶ Glamorgan Spring Bay Council Referral dated 21-4-2017

²⁷ Australian Water Resources Assessment 2012 p14.

“From the TasWater connection at Granton, the pipeline crosses the Derwent River and passes through Brighton to a 200ML ‘holding dam’ at Campania to ensure 365 day supply. Further distribution occurs through 86km of pipeline throughout the Coal River valley region.”²⁸

This already piped water is not that far away.

We have already seen the Coal River Dam run dry. The Coal River Dam in general terms is in the same area climatically and geographically in fact as the proposed Twamley Dam. The fix for the coal River Dam is the south-east irrigation scheme. Hard to understand why a dam would be built in an area, which is known to have a relatively low rainfall combined with a significant climate variability.

The proponent is a Municipal Council which has decided to enter the dam building business. We argue that there is no rational, logical reason for Glamorgan Spring Bay Council to be building dams on private land within its Municipality.

However we understand there are alternatives and further we understand that those alternatives may avoid the destruction of an area, which has values of National Significance.

One such area, of which we have been apprised is Hobbs Lagoons. Hobbs Lagoons can be found on Placenames Tasmania website. Hobbs Lagoons: A collective group of lagoons consisting Charlies Lagoon (11421X), Big Lagoon (11418J), and Yorkys Lagoon (11454S).

<i>Nomenclature Number:</i>	<i>1413J</i>
<i>Place Name:</i>	<i>Hobbs Lagoons</i>
<i>Stage:</i>	<i>Confirmed</i>
<i>Feature Type:</i>	<i>Water Body</i>
<i>Name Type:</i>	<i>Name</i>
<i>Status:</i>	<i>Normal</i>
<i>Locality:</i>	<i>Stonehenge</i>
<i>Municipality:</i>	<i>Southern Midlands</i>
<i>Background:</i>	<i>Card Reference: NM001413# Hobbs Lagoons: A collective group of lagoons consisting Charlies Lagoon (11421X), Big Lagoon (11418J), and Yorkys Lagoon (11454S).</i>
<i>Description:</i>	
<i>Reference Files:</i>	<i>External File Reference: L/469</i>
<i>Official:</i>	<i>Official</i>
<i>Feature Notes:</i>	<i>Meeting 178: Approved from Names on Woodsdale Map Sheet Appendix No. 9/178 - previous decision.²⁹</i>

²⁸ hazellbros.com.au/wp-content/uploads/2015/10/2014-SE-Irrigation-Scheme.pdf

²⁹ Place Names Tasmania website, from Nomenclature Board records

Hobbs Lagoons feeds into the Bluff River, a tributary of the Prosser River with a confluence at Buckland. Hobbs Lagoons would probably supply a similar volume of water and does not come with the attendant loss of those Nationally Significant Values of the Critically Endangered matters: *E ovata* and Swift Parrot habitat.

A public process, which considers alternatives is required.

Information in the Referral is Misleading or Incorrect

The Association considers the information in the referral is misleading or incorrect. Below is an explanation of the various matters of concern. Below we state the reasons why and provide correct information.

On the Invitation for Public Comment titled: PROSSER PLAINS RAW WATER SCHEME TASMANIA (EPBC 2017/7927) the following is in error.

The address of Glamorgan Spring Bay Council, is given erroneously as 9 Melbourne Street, Triabunna, Victoria, 7190.

The person requested to receive comments is not Glamorgan Spring Bay Council but rather: North Barker Ecosystem Services, 163 Campbell Street, Hobart, Tasmania 7000. Section 95 of the EPBC Act is quite specific about where the representations and comments should go. We claim this to be a breach of The Act.

The referral title misleads in a geographic sense. The title was obviously developed by the proponent or the proponent's agent. The title being - PROSSER PLAINS RAW WATER SCHEME TASMANIA. There is no such place as 'Prosser Plains'.

Geographically the proposed dam on Twamley is quite a long way (several kilometres) from Prossers Plains. NB The correct name is actually Prossers Plains. Indeed the proposed Twamley dam is also outside of and to the south of the area known as Twamley Flats, which finish well north of Charlies Hill, adjacent to the proposed Twamley dam wall. Such names are formal names determined by the Nomenclature Board and now available on the Place Names Tasmania website: <https://www.placenames.tas.gov.au>

Twamley Road does not reach the development site. It is accepted that Twamley Road serves the property Twamley and that the proposal is within the property Twamley.

The problem with giving the wrong geographic name, is that it is not clear to the uninformed where the development is proposed to occur. It is misleading. It is erroneous.

But in this case the Prosser Plains Raw Water Scheme is perhaps so named because a range of other water developments are proposed which would involve Prosser Plains but simply not discussed in the referral for the Twamley dam because it may detract from the perception of this development being an imperative.

Let's be clear: This dam development proposal is not the only option. A more strategic process, which at the minimum seeks to avoid and minimise impacts on MNES should be mandated.

Conclusion

Our Association has formed the view, after reading a substantial amount of the material supplied via the Glamorgan Spring Bay Council website and other material including various documents outlining shortcomings in the Offset administrative system that this proposal with its concomitant reliance on the dubious offset mechanism should not proceed. That is, very simply, the dam should not be built.

No EPBC approval to build this dam in a relatively dry part of Eastern Tasmania should be given. The primary reasons but not the only reasons are the MNES.

As you can see this matter is far more complex than simply making comment on the Matters of National Environmental Significance.

TEA naturally considers our concerns to be valid and serious.

We have discussed in a preliminary way the probity and financial probity matters with the Auditor General's Office in Tasmania.

We feel we will need to seek further legal advice over the matter.

The Association also considers there is some information in the referral which is misleading or incorrect or simply a lack of some information in some cases.

I wish to restate our opposition to the 'Prosser Plains Raw Water Scheme' where it is proposing to build a dam at Tea Tree Rivulet on Critically Endangered E. ovata habitat for the Critically Endangered Swift Parrot in its current form. That is, in the current proposed location and also considering the underlying development propositions of the alienation of a number of other natural values, which are also of National Significance.

In terms of National Significance both the ecological community and all aspects of the EPBC threatened and listed species should be subject to a more rigorous assessment.

Because of the associated plethora of threatened and listed species we consider there is an overriding imperative to conserve this land and to enter into negotiations and pay an adequate recompense to the landowner for a secure in-perpetuity reservation of the forest on the subject land.

We would seek an opportunity to inspect the proposal site on the private property Twamley over this matter.

I restate, TEA is opposed to this 'Prosser Plains Raw Water Scheme' Plan and its clear underlying development-centric intent brought through Glamorgan Spring Bay

Council, in the circumstance where it has been convinced to take on a dubious and unsustainable water scheme development for a specific private purpose.

We trust the Commonwealth will carefully consider this representation, which is made in good faith, considering the objectives of the EPBC Act and the obvious public interest of the matter. We also hope The Commonwealth can understand we have no confidence that Glamorgan Spring Bay Council nor its consultants can possibly have the neutrality or integrity to decide on this matter, which is a public interest matter in the national interest.

I would very much welcome a response to our representation, considering the objectives of the EPBC Act and the obvious public interest of the matter.

Principal author: Andrew Ricketts, Convenor

The Environment Association (TEA) Inc is a not for profit, volunteer based, regional, environment, community association and a stakeholder in this process. TEA has a long-term interest in environmental and social outcomes in our region, Northern Tasmania, particularly in forest conservation and forestry issues.

The Environment Association has worked in the public interest since its inception in 1990. As one of only two rural based environment centres in Tasmania, The Environment Association (TEA) is a long-term independent stakeholder in any resolution to the complex and divisive forestry conflict in Tasmania.

TEA is not represented by any other conservation organisation, formally or informally and has no affiliation with any political party or organisation.

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:11 PM
To: Phil Barker
Subject: FW: Submission Glamorgan Spring Bay Council Prosser Dam
Attachments: Prosser EPBC.docx

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Philip Cocker <philip@et.org.au>
Sent: Tuesday, 14 August 2018 4:04 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Submission Glamorgan Spring Bay Council Prosser Dam

Thank you for the opportunity to make a submission re the Prosser Dam proposal. Please find our submission attached.

--

Philip Cocker
Strategy Director
Environment Tasmania.



14th August 2018.

Glamorgan Spring Bay Council Prosser Dam EPBC Act assessment (ref 2017/7927)

Thank you for the opportunity to comment on this project and the documentation and research of the area that has been collated. What is very clear from the expert advice from Mr Bell and Mr Wohler is that the proposed project is likely to have a significant impact on the critically endangered swift parrot. At a time when the survival of this species is so threatened and the expert advice is that the proposed project will have significant impact upon them then this project should not proceed.

The habitat pressures on the swift parrot are well documented and due to its foraging behaviours require careful attention to ensuring adequate zones of suitable habitat and forest. Given the pressures identified through illegal behaviours particularly wood gathering then it is critically important where evidence is provided of planned damage to the species that it be heeded. To quote "In the face of the continuing loss of feeding and nesting habitats of Swift Parrots, all remaining habitat must be seen as critical habitat for the species, even if it is used only once in a decade or less. The remaining habitat must be protected for future use"

We are talking about direct action to save a critically endangered species and precaution should be applied in any activity with known impacts. I note the physical survey was conducted over 9 days and is not an argument against the more detailed expert advice on the species movements and behaviours.

We agree with the report's conclusions that the area to be impacted is significant swift parrot habitat and that loss of that habitat would be significant as per the EPBC criteria.

In short we believe this project will abet the decline of this species and should not proceed on that basis alone and that the area in question should receive protection.

Yours sincerely,

Philip Cocker

Strategic Director Environment Tasmania.

philip@et.org.au 0419554066

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:09 PM
To: Phil Barker
Subject: FW: Swift retribution

I'm assuming this is one for you.

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Michael Buky <mcbuky@gmail.com>
Sent: Tuesday, 14 August 2018 9:07 AM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Swift retribution

Dear Council

I am appalled to have discovered that you intend to clear land that is the habitat of the Swift Parrot.

This would be an act of vandalism by any standards, but to do it for a golf course is an act of ecocide.

I appeal for you to change your approach to environmental sanity and to recognise nature is, and has always been, more important than humanity's designs.

Sincerely

--

Mike Buky
317 Montumana Road
Rocky Cape
Tasmania 7321
Australia

Shane Wells

From: Alison Leake
Sent: Tuesday, 14 August 2018 5:08 PM
To: Phil Barker
Subject: FW: Twamley dam project

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

-----Original Message-----

From: Steve and Maryjean <maryjeanwilson@bigpond.com>
Sent: Friday, 10 August 2018 7:46 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: Twamley dam project

Very short time frame for comment on the above!!

I have scanned the documentation provided on the GSBC website and there appears to be at least one glaring omission - an estimate of the effect of further reduction in flow of the Prosser on the river mouth. Clearly Council's investment in the recent stabilisation of sand was done in anticipation of the current proposal. There remain a series of questions which require attention or answers

- 1 What is the proposed offtake from the catchment? This includes Solis and Tassal.
- 2 How will this effect downstream flow (ie below the existing dam).
- 3 What effect will this have on the mouth with the current works and if these fail in the next few years?

Regards

Steve Wilson

Sent from my iPad

Dr Peggy James
23 Alanwood Rd
Howden TAS 7054

15 August 2018

Dr Philip Barker
North Barker Ecosystem Services
163 Campbell St
Hobart TAS 7000

Dear Dr Barker,

Re: EPBC 2017/7927 Prosser Plains Raw Water Scheme

I am writing to express my objection to the construction of the proposed Prosser Plains Raw Water Scheme – with or without any biodiversity offsets – on the basis of its adverse impact on the critically endangered Swift Parrot. I regret that I only became aware of the invitation to comment on the proposal's preliminary documentation today, hence the brevity of my submission on the matter.

I note that the referral documentation prepared for the project indicates that the project, which will remove 21.65 hectares of pre and early breeding season foraging habitat and potential nest hollows in the Wielangta Swift Parrot Important Breeding Area, will in fact have a significant impact on the Swift Parrot. The documentation suggests that likely impacts include a long-term decrease in the population, adverse effects on habitat critical to the survival of the species, adverse effects on habitat to the extent that the species is likely to decline, and interference with the recovery of the species. I note too that the independent advice of Dr Eric Woehler from Birdlife Tasmania supports this conclusion.

From a planning perspective, it is unfortunate that strategic planning has not thus far been able to ensure proper protection for Swift Parrot habitat, and thereby prevented this project from reaching the application stage. Serious habitat loss and a range of other serious adverse social and environmental impacts frequently take place through an incremental process associated with project-by-project assessments. In short, irreversible harm takes place through the process of 'death by a thousand cuts'. It is therefore imperative that, in the case of a critically endangered species such as the Swift Parrot, the finding that a project will cause significant harm unequivocally leads to the rejection of the project.

Such a firm implementation of environment-related laws can have positive impacts beyond the immediate objective of protecting the environment – and such is the case in this instance. The applicant indicates that an alternative to the proposed dam exists in the form of the use of, or incrementing, existing water licences by enlarging existing dams. The key barrier to its adoption is said to be the extra cost involved in upgrading the existing dams to meet current engineering and compliance standards. However such an upgrade will increase the resilience of water infrastructure in the Glamorgan Spring Bay area in the face of extreme weather events and climate change

– an important planning and land use governance objective in its own right. Firmly enforcing biodiversity laws in this instance can therefore help to not only protect biodiversity, and in particular the Swift Parrot, but also prompt better land use governance. Insofar as the water is largely required by private businesses, including Tassal, the applicant has the option of exploring cost recovery options if necessary.

In relation to the suggested biodiversity offset to compensate for the loss of Swift Parrot habitat, it should be noted that the effectiveness of such offsets is still open to question – a very serious matter in the context of their proposed use in relation to a critically endangered species. A recent report prepared by members of the Australian Panel of Experts on Environmental Law identified a range of risks and problems associated with using biodiversity offsets, such as projects commencing prior to obtaining offset sites, lack of long-term security of offset sites, and the possibility of entrenching rather than reversing the downward trajectories of species.¹ They argue that the risks and problems associated with biodiversity offsets are not well understood or managed, and emphasise the need for great caution in their use. In the light of this, it seems clear that biodiversity offsets should not be used to allow habitat destruction in relation to a critically endangered species such as the Swift Parrot – they should not be experimented upon. To do so would be at odds with the precautionary principle and the goal of sustainable development.

In closing, I would simply urge you to seriously consider the matters that I have raised above, and recommend the rejection of the proposed Prosser Plains Raw Water Scheme.

Yours sincerely

Peggy James

BA MSc (Macquarie University), PhD Planning and Urban Development (UNSW)

¹ D. Farrier, L. Godden, C. Holley, J. McDonald and P. Martin, *Terrestrial Biodiversity Conservation and Natural Resource Management: Technical Paper No. 3*, Australian Panel of Experts on Environmental Law, Melbourne, 2017, pp. 20-21.

Shane Wells

From: Alison Leake
Sent: Friday, 17 August 2018 9:46 AM
To: Phil Barker
Subject: FW: submission
Attachments: TWS Submission - North Baker.pdf

Kind regards,

Alison Leake

Accounts
North Barker – Ecosystem Services
163 Campbell Street
Hobart TAS 7000
admin@northbarker.com.au
62 319788

From: Vica Bayley <vica.bayley@wilderness.org.au>
Sent: Wednesday, 15 August 2018 4:29 PM
To: Alison Leake <ALeake@northbarker.com.au>
Subject: submission

Please find attached a submission on the Prosser Plains Raw Water Scheme

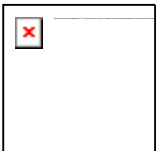
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Vica Bayley
Tasmanian Campaign Manager
The Wilderness Society (Tasmania) Inc.

ph: (03) 6224 1550
mob: + 61 (0)400 644 939

130 Davey St,
Hobart, 7005

www.wilderness.org.au



North Barker Ecosystem Services,
163 Campbell Street, Hobart
Tasmania 7000

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15 August 2018

Submission: Prosser Plains Raw Water Scheme

To whom it may concern.

I write with regards the abovementioned referral and comment on the Preliminary Documentation proposed for submission to the Commonwealth for assessment under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Wilderness Society does not support this proposal based on the unacceptable impact it would have on a range of environmental and cultural heritage values. In-stream dams are widely acknowledged as an antiquated, destructive and wasteful form of water harvest and storage.

Additionally, this proposal is driven by the notion of water supply to various project that in themselves are of dubious environmental standard and social acceptance, namely the Solis Golf Course and Tassal's Okehampton Bay aquaculture development.

We note that water allocations proposed for uptake by agricultural users are unsubscribed and there is no analysis as to the potential users, suitability of agricultural land, uptake location or method or delivery route.

Irrespective, the proposed dam subject to this referral and deemed a controlled action should be withdrawn by the Glamorgan Spring Bay Council due to the demonstrable negative impact it will have on important natural and Aboriginal heritage values.

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While advice on the impacts of the proposed development appear well reported and understood, documents pertaining to the proposed mitigation actions are incomplete and offer little confidence in the efficacy of those actions.

Specifically, the *Construction and Environmental Management Requirements* remains incomplete. This is acknowledged in the early paragraphs of the document.

While the Wilderness Society rejects the notion that offsetting the destruction of important habitat deemed significant for a nationally listed threatened species is in any way an acceptable or credible conservation strategy, we note that few specifics are provided with regards the threats afforded the offset 'study' locations. They appear not to be Private Timber Reserves and should never be approved for logging or clearing.

There is no question as to the significance of the native vegetation on the proposed site. However you look at this scenario, the swift parrot permanently loses both nesting and foraging habitat. Expert advice is that the species cannot afford this impact.

Given the acknowledged loss of ovata and globulus forest (90% and 70% lost respectively) it is highly likely that the task of identifying and securing a 70ha offset in the Wielangta Swift parrot Important Breeding Area, offering the same foraging and breeding tree mix will be an impossible task.

Notwithstanding the illegitimacy of offsets as a conservation strategy, its 'success', at the very least in meeting policy objectives etc, hinges on identifying and securing appropriate land. This should be done in advance of the submission of preliminary documentation for assessment.

We reject the notion that the loss of swift parrot habitat and poa grasslands can be successfully offset.

We note also the destruction of two sites of Aboriginal Heritage significance under this dam. As Tasmania struggles with reconciliation and our shared history, the loss of such

sites under an illegitimate and discredited dam is truly lamentable and an indictment on the proponent.

Yours sincerely,



Vica Bayley
Tasmanian Campaign Manager
The Wilderness Society