



Mr Brian Millard
Tablelands Regional Council
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15 July 2009

Via Email: brianm@trc.qld.gov.au

Re: Development Permit Application #MCU/08/0018

I have been directed by the State Council of the Wildlife Preservation Society of Queensland (Wildlife Queensland) to submit comments on the above development permit application.

Wildlife Queensland is one of the longest established and most respected wildlife-focused conservation groups in Queensland. With over 3500 supporters spread across numerous branches throughout Queensland, Wildlife Queensland is a strong voice for our wildlife and its habitat.

Wildlife Queensland is apolitical. Our aims include;

- Preserve the flora and fauna of Australia by all lawful means
- Educate the community in an understanding of the principles of conservation and preservation of the natural environment
- Discourage by all legal means, the possible destruction, exploitation and unnecessary development of any part of the natural environment
- Encourage rational land use and proper land planning of existing and future development, and the use of the natural environment and its management

Wildlife Queensland is strongly opposed to this development for a number of reasons discussed throughout this submission. Wildlife Queensland would like to stress that although comment or recommendations are delivered this should not necessarily be viewed as support for any aspect of the application. Furthermore if Wildlife Queensland elects not to comment on a topic or aspect, this should not be construed necessarily as support for the view presented.

For convenience and the purpose of this submission Wildlife Queensland will refer to the three documents submitted for the development application as **a**, **b** and **c**

- a.) Development Permit Application # MCU/08/0018 EPA Reference #326381
Response to Information Request - Bruce Weir Extractive Industry Site Based Management Plan – Version 1 – May 2009
- b.) Development Permit Application #MCU/08/0018 EPA Reference #326381
Trackjob #IC0608CNS0002 (P&E) Response to Information Request - Bruce Weir Extractive Industry Operations Plan – Version 1a – 14/04/2009
- c.) Development Permit Application #MCU/08/0018 ELVAS Case #2008/005526
File 3MBA/000575 Trackjob #IC0608CNS0002 (P&E) - Bruce Weir Extractive

Industry Response to Information Request – Report on how the Development Permit application meets the Concurrence Agency Policy for Material Change of Use as it relates to Clearing Vegetation for an Extractive Industry

General Comment

Wildlife Queensland has considerable concerns about the potential environmental and social impacts of this development. This development has the potential to lead to the destruction and disturbance of habitat used by species of National Environmental Significance listed under the *Environmental Protection Biodiversity Conservation Act 1999*. Through discussions with local community members Wildlife Queensland is of the understanding that the development has the potential to significantly impact the local community and indigenous groups. Wildlife Queensland considers an extensive process of community consultation is needed to resolve some of the communities concerns.

By the companies own statement the plan does not provide all information requested by the EPA (now a component of DERM). The company assumes that there is sufficient detail on which to make a decision by EPA even when numerous questions are left unanswered. Wildlife Queensland believes that this is inappropriate and unacceptable. Currently the Queensland Government has legislation before the house to “raise the bar” on the quality of applications that can be accepted by an assessment manager. The intention is to ensure a better quality of application upfront thus reducing time spent on information requests. Wildlife Queensland advocates that if the application does not provide all information requested than this application should be deemed non compliant and be refused.

Key changes to the *Vegetation Management Act 1999* (VMA) are also under consideration. The proponent TERM, therefore as a good corporate citizen should give due consideration to the future intent of this legislation.

1.0 Introduction (Document a.)

According to the documentation the subject area is not deemed to be a key resource area. Obviously there are other values that rate higher than this purpose. Consideration must therefore be given to the other values and not be destroyed for material that is available else where.

1.2 Scope of the Plan (Document a.)

As discussed previously Wildlife Queensland believes that the development application should not be considered until a complete scope of the plan is submitted. Wildlife Queensland is concerned that should the Development Application limited to a closed-water cycle be approved, pressures will be brought to bear for future approvals for processing by open-water cycle when the full impact on environmental values has not been adequately considered. The following statement from Document a. supports these concerns “TERM acknowledges that the Plan and Development Permit will need to be amended prior to commissioning a secondary extraction method and/ or processing material by an open-water cycle.”

1.3 Life of the Plan (Document a.)

The following statement causes considerable concern for Wildlife Queensland:

“Amendments to the Plan will be required from time to time to ensure it remains compliant with the Development Permit and that it remains relevant to any changed or unforeseen circumstances.”

This statement indicates that there is a clear intention of the company not to comply. Wildlife Queensland can appreciate that changed or unforeseen circumstances may require changes to comply with approval however that is not what is stated here.

2.1 Regional Significance of the Proposed Extractive Industry (Documents a &b)

The documents state that: “The reserve of medium to coarse sand within the region is limited. The limited reserve is the result of restricted access (i.e occurrence in environmentally sensitive areas, distance from market, residential encroachment etc) not limited occurrence.”

As discussed previously the ability of TERM to supply a ‘complete’ development application was constrained by time and resources. Did their time and resource constraints therefore also prevent them from investigating more suitable sites?

3.2.5 Potentially Harmful Sediments (Document a.)

Wildlife Queensland is not assured by the statement “extraction is unlikely to disturb potential acid sulphate soils, aerate horizons containing iron sulphides or mobilise significant concentrations of acid.” The release of acid sulphate soils and other contaminants into the waterway would cause huge environmental impacts and have the potential to destroy surrounding agricultural and indigenous communities that rely on clean water for their livelihood. These communities require assurance that they will have access to clean water. Should the Development Application be approved it must be conditioned that no acid sulphate soils are disturbed. Details of the monitoring program need to be submitted and approved by the relevant authorities prior to granting any approval.

3.3.2.3 Secondary Extraction Method (Document a.)

The secondary extraction method is still to be determined. Once again lack of detail makes comment impossible. Pressures may be brought to bear for future approvals for processing by open-water cycle when the full impact on environmental values has not been adequately considered

3.3.4 Clearing (Document a.)

The documents states that “The land for the processing and stockpiling facility is devoid of woody vegetation.” Although the land may appear to be devoid of woody vegetation, flora surveys must be undertaken to ensure no vulnerable or endangered plant species are put at risk.

3.3.5 Processing and Stockpiling

The document states that “The quality of most products likely to be produced from the raw sediment would be enhanced by washing.” further information is required on the quantity of water required for washing and how this impacts annual flow rates.

4.0 Sensitive Sites (Document a.)

Action must be taken to ensure there is no potential impact on the environmental values of the Walsh River from the facilities and processing site. There is no discussion of the potential impact to surrounding agricultural land which must be addressed.

4.2.3.2 Water Quality (Document c.)

Further information is required to assess the potential impacts to the quality of water. Baseline data is needs and scientifically sound monitoring procedures implemented to examine upstream and downstream impacts.

4.2.3.3 Aquatic habitat (Document c.) **4.2.3.4 Terrestrial Habitat** (Document c.)

The following statement is untrue and misleading “The extractive industry will ...significantly increase the volume and quality of aquatic habitat provided by the weir.” This extractive industry may have the potential to increase the volume of water at the weir, however this will not necessarily increase aquatic habitat.

A number of species of national environmental significance listed under the *EPBC Act 1999* (Appendix 1) use the terrestrial and aquatic habitats of proposed development. Some of this habitat is critical to maintaining life cycle processes for these species. The development and ongoing operational aspects associated with the subject development represents a serious and detrimental negative impact to these species. Caution should be taken to protect these species. Should approval be given no disturbance should occur if there is any animals nesting. If clearing does occur a spotter catcher must be present to ensure animal welfare issues are adequately addressed.

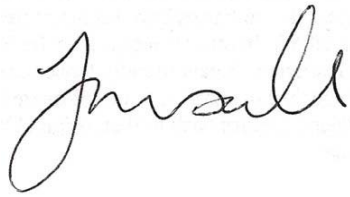
The aquatic and terrestrial habitats must be thoroughly sampled and baseline data established in order to determine and monitor future impacts.

Recommendations:

- The applications must provide all information requested for an application to be considered.
- Due consideration should be given to the future intent of the current changes to the VMA
- As the area is not deemed a key resource area consideration must be given to the other values and not be destroyed for material that is available elsewhere.
- A detailed investigation of other more suitable sites is required.
- Should the Development Application be approved it must be conditioned that no acid sulphate soils are disturbed. Details of the monitoring program need to be submitted and approved by the relevant authorities prior to granting any approval.
- Flora surveys must be undertaken to ensure no vulnerable or endangered plant species are put at risk.
- The potential impact to surrounding agricultural land must be addressed.
- Baseline water quality data is needs and scientifically sound monitoring procedures implemented to examine upstream and downstream impacts.
- Caution should be taken to protect species protected under EPBC Act.
- If approval is granted no disturbance should occur if there is any animals nesting of nationally significant species and a spotter catcher must be present to ensure animal welfare issues are adequately addressed during clearing.
- The aquatic and terrestrial habitats must be thoroughly sampled and baseline data established in order to determine and monitor future impacts.

Wildlife Queensland would like to thank you for considering our comments. Should clarification of any issues be required initial contact should be with me.

Yours Sincerely

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

Fiona Maxwell

Community Conservation Officer

Wildlife Preservation Society of Queensland

Cc:

Hon Steven Robertson MP Minister for Natural Resources, Mines and Energy

naturalresources@ministerial.qld.gov.au

Hon. Kate Jones MP Minister for Climate Change and Sustainability

ccs@ministerial.qld.gov.au

Hon. Peter Garrett AM, MP Minister for Environment Heritage and the Arts via fax

Appendix 1.

List of Threatened Species under EPBC Act 1999

Common Name: Red Goshawk

Scientific Name: *Erythrotriorchis radiatus*

Conservation Status: Vulnerable nationally (*Environmental Protection Biodiversity Conservation Act 1999*), Endangered in Queensland (*Nature Conservation Act 1992*)

Common Name: Squatter Pigeon

Scientific Name: *Geophaps scripta scripta*

Conservation Status: Vulnerable nationally (*Environmental Protection Biodiversity Conservation Act 1999*), Vulnerable in Queensland (*Nature Conservation Act 1992*)

List of Migratory Species under EPBC Act 1999

Family Accipitridae

Brown Goshawk *Accipiter fasciatus*

Red Goshawk *Erythrotriorchis radiatus*

Grey Goshawk *Accipiter novaehollandiae*

Crested hawk *Aviceda subcristata*

White-breasted Sea Eagle *Haliaeetus leucogaster*

Wedge-tailed Eagle *Aquila audax*

Eastern Osprey *Pandion cristatus*

Black Kite *Milvus migrans*

Black-shouldered Kite *Elanus axillaris*

Whistling Kite *Haliastur sphenurus*

Brahminy Kite *Haliastur indus*

Family Anatidae

Pacific Black Duck *Anas superciliosa*

Grass Whistle Duck *Dendrocygna eytoni*

Water Whistle Duck *Dendrocygna arcuata*

White-eyed Duck *Aythya australis*

Australian Wood Duck *Chenonetta jubata*

Green Pygmy Goose *Nettapus pulchellus*

Magpie Goose *Anseranas semipalmata*

Black Swan *Cygnus atratus*

Grey Teal *Anas gracilis*

Family Charadriidae

Masked Lapwing *Vanellus miles*

Banded Lapwing *Vanellus tricolour*

Family Falconidae

Brown Falcon *Falco berigora*

Family Scolopacidae

Eastern Curlew *Numenius madagascariensis*

Genus *Grus*

Brolga *Grus rubicunda*