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Proposed Lauderdale Quay Development Draft Integrated Impact Assessment Statement: Elaboration on previous arguments in relation to the endangered spotted handfish

The Tasmanian Conservation Trust (TCT) is strongly opposed to the Proposed Lauderdale Quay Development (the development) and urges the Resource Planning and Development Commission (RPDC) to recommend to the State Government that it not be given approval to proceed.

We will make a representation at the RPDC hearings on 15 July 2009 but will focus on the spotted handfish. This document contains points we intend to raise in relation to the handfish. We believe these are simply elaborations of arguments made previously in our written submission on the Draft Integrated Impact Assessment Statement. Time permitting we will quickly state our other concerns as raised in our written submission.

The spotted handfish (*Brachionichthys hirsutus*), is listed as a threatened species under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and its conservation status is endangered. This species is also listed as an endangered species in Tasmania under the Threatened Species Protection Act 1995 and is listed as critically endangered on the World Conservation Union (IUCN) Red List of Threatened Species. The report by Aquenal states that the species is endemic to Tasmania and is currently known only from the lower Derwent Estuary. The report identifies only three populations occupying a total area of less than 3 km².

The TCT has stated in the past and still believes that given its limited distribution, low rate of breeding and the existence of on-going threats in the River Derwent, the spotted handfish may become the first recorded example of a marine fish going extinct due to human actions.

Just last October there was an example of a development by the Hobart City Council at Sandy Bay Beach releasing sediment into the river that covered spotted handfish eggs.

With this species, such avoidable impacts cannot be condoned and this example serves as a warning to us.

The proposed Lauderdale marina will involve movement of very large amounts of sediments and it is vital to find out if this has the potential to affect the spotted handfish.

The *Marine and Estuarine Ecology Report* prepared by the consultant Aquenal (Appendix T1) summarises the known threats to the handfish and notes that many of these would be exacerbated by the development, i.e. habitat modification or loss through siltation, pollution from storm water and sewage, elevated nutrients that result in loss of habitat through algal growth and re-suspension of heavy metals in sediments. The report states “Dredging and re-suspension of heavy metal contaminated sediments in the Derwent Estuary have been specifically identified as threats that may hinder the recovery of the spotted handfish” (page 217).

The Aquenal report also recommends the impact assessment consider a range of potential impacts on Ralphs Bay and the spotted handfish including determining environmental tolerances for the spotted handfish.

The Aquenal report provides sufficient evidence to support the conclusion that the proposed development would adversely impact on the population of the spotted handfish found closest to the development site and possibly the other populations found in the River Derwent.

The TCT believes the risk to the handfish population closest to the development over the long term from construction and operation of the development is so high that this population would be virtually assured of extinction and there would be no possibility of reintroduction. This risk is unacceptable and should not be permitted.

Given these concerns and that Aquenal were employed for their expertise in assessing the impact of developments on marine species, the report makes the startling admission that “Information on the extent of marine environmental disturbance during construction and operation of the development was not available at the time of performing the study” (page 207).”

Given the likely impacts from the development on the hand fish, we are astonished that Aquenal were not given, or in fact, were not required, to have access to information from other consultants performing the assessments on marine environmental disturbance. Furthermore, we would have expected there to be an explanation provided as to why this did not occur.

If it is determined that the evidence provided by Aquenal and through public submissions is not sufficient to prevent the development from proceeding, then we strongly recommend a repeat of the study by Aquenal or other suitably qualified and independent consultant while having full access to information on the extent of marine environmental

disturbance during construction and operation of the development. Following this, a report must be produced and provided to the RPDC and released for public comment.

Without this additional assessment we cannot see how the proposed mitigation measures and off-sets for the handfish can be justified and we do not support them. The people with the expertise employed to assess the impacts on the hand fish did not have access to information that would allow them to fully assess the key potential impacts and the people who designed the mitigation and off-set measures appear not to have expertise in marine species. We also do not know the level and nature of impacts that are likely in order to determine whether the mitigation measures and off-sets are appropriate. Critically, the Aqueenel's recommendations for additional assessments specific to the spotted handfish have not been implemented.

The *Environmental Off-sets Strategy* (Appendix W) prepared by consultants Cardno Lawson Treloar recommends a range of mitigation measures and the principle two that relate to the handfish are:

- “1. During construction the site would be isolated from Ralphs Bay by a bund wall, established using a cutter-suction dredge and double silt curtains, to minimize the potential for large scale release of sediments into Ralphs Bay.”
- “7. A vessel transit lane (VTL) would be established in Ralphs Bay to keep boat movements as far away from the Spotted handfish colony located in the north of Ralphs Bay. (page 7)”

It is also proposed to provide financial payments as off-sets for the Spotted handfish. These are:

- \$25,000 for the potential establishment and management the boating exclusion zone in Ralphs Bay.
- \$100,000 toward the implementation of the spotted handfish recovery plan.

The *Environmental Off-sets Strategy* fails to refer to any reports that provide the required analysis or studies relating to the spotted handfish to justify these mitigation and off-set measures. Curiously, the strategy does refer two reports that appear quite irrelevant. The strategy states that:

“Detailed coastal process and water quality investigations (Cardno, Lawson and Treloar 2008a,c) indicate that this Spotted handfish colony is not likely to be adversely affected by the dredging and earthworks that will be carried out to construct the Lauderdale Quay development nor any alternations to water qualities that may occur during operational phases of development.” (page 26)


We have looked in some detail at these two reports (Appendices L1 and M2) and both fail to reference the Aqueenel report and both fail to provide any specific analysis and/or recommendations regarding the handfish. It appears that both also fail to mention the spotted handfish.

The *Environmental Off-sets Strategy* also fails to provide any analysis of any other reports relating to sediment and water quality (relevant reports include Appendices H,

M1, M4) and how they may relate to the spotted handfish. Further more Appendices M1 and M4 fail to reference the Aquanel report and Appendices H, M1, M4 fail to provide any specific detailed analysis and/or recommendations regarding the spotted handfish. It appears that they also fail to mention the spotted handfish.

In conclusion, we urge the RPDC to act on our recommendation and require that an additional, thorough and independent study be done in relation to the likely impacts of the Lauderdale marina proposal on the spotted handfish. We believe that failure to do so would make it impossible to argue that this matter of national environmental significance had been appropriately assessed and the recommended mitigation and off-set measures were appropriate. As it stands we believe the Lauderdale marina proposal would most probably be in contravention of the EPBC Act.

Yours sincerely,

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

Peter McGlone
Acting Director