

Minister: For Information

Brief No: B11/343

Division: Heritage Division



EMERGENCY LISTING FOR THE TARKINE

Timing: 14 March 2011. Prior to the EPBC Act referral decision due 17 March 2011.

Recommendations:

1) Note that:

Noted/Please discuss

- a) An EPBC Act referral has been received by the department from Shree Minerals for proposed mining activity within the boundary of the formerly listed Tarkine national heritage place.
- b) Officials have reviewed the national heritage values recommended by the Australian Heritage Council in the affected area and concluded that there is not likely to be an impact on rainforest, wilderness, Indigenous, fossil or karst values.
- c) However there is likely to be an impact on aesthetic values.
- d) The issue is whether this impact is a significant adverse impact.
- e) Officials have concluded from a desktop analysis that there is not likely to be a significant adverse impact on the aesthetic values.

2) Note that the likely impacts of the proposed mine would not pose a threat to national heritage values sufficient to meet the requirements for emergency listing of the Tarkine.

Noted/Please discuss

Minister's signature:

Date:

Tony Burke

10.3.11

Minister's comments:

Key Points:

- Shree Minerals Ltd holds an exploration licence located on the north-western boundary of the former National Heritage List place, the Tarkine. That licence was granted under Tasmanian legislation.
- The department has received a referral from Shree Minerals Ltd under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for a proposed open pit iron-ore mine. A decision on the referral is due on 17 March 2011; however the department is considering seeking further information from the proponent, which would extend the due date. The department's initial examination of the referral suggests that it may have a significant impact on a number of listed threatened species and migratory species (including the endangered Tasmanian devil).

- Under s.158A of the EPBC Act, a 'listing event' must be disregarded if that event occurs after a referral decision. This means that, if the Tarkine is not emergency listed before a referral decision is made on the Shree Minerals project, any subsequent national heritage listing of the Tarkine would not legally affect the Shree Minerals decision.
- The Tarkine was removed from the National Heritage List in December 2010 as you decided to allow the listing to lapse to allow for further consultation. At the time we advised that you could re-emergency list if necessary.
- The announcement by Shree Minerals Limited has prompted reports that conservationists are calling for the Tarkine to be included in the National Heritage List under the emergency listing provisions of the EPBC Act.
- The EPBC Act provides for you to include a place in the National Heritage List under emergency listing provisions (ss.324JK and 324JL) if you believe:
  - that the place has or may have one or more national heritage values; and
  - that any of those values is under threat of a significant adverse impact; and
  - that the threat is both likely and imminent.
- The Australian Heritage Council has concluded that the Tarkine has national heritage values.
- A desktop study of the lease area has indicated that the proposed mine threatens the aesthetic national heritage value. While the impact on the aesthetic value is likely to be locally significant, it is only a small area within the Tarkine and the impact is confined to the boundary and therefore not likely to have a significant adverse impact on the place as a whole.

**Issues/Sensitivities:**

- The aesthetic value of the Tarkine relates in part to it having areas of a wild, undisturbed character that are remote and highly natural. The proposed mine would have an impact on this aesthetic value. A waste dump which is likely to be up to 40metres above ground level is proposed for a relatively high area within the largely flat scrubby landscape and therefore visible for some distance.
- There may be further mining developments within or close to the boundary of the lapsed Tarkine National Heritage Listed place. These may trigger further calls for emergency listing. The cumulative impact of all of these proposals could become significant.
- The Australian Heritage Council will commence further assessment of The Tarkine in July 2011 with a view to providing you with a recommendation by the end of September 2011.

**Media and Handling:** Public affairs will liaise with your office to develop media materials as required.