

The Hon. Sussan Ley
Minister for the Environment
Parliament House
Canberra ACT 2600

6 September 2019

Dear Minister

Clearing of Vegetation at Kingvale Station

Thank you for the opportunity to brief you on 19th August about the concerns we hold for the clearing of vegetation on the Kingvale Station in the Normanby catchment of Cape York Peninsula.

We also welcome your, and the Queensland Environment Minister's, release of the Great Barrier Reef Water Quality Report Card. We note that the report card gives a D score to the Normanby catchment in regards to grazing. This score is equivalent to a 'poor' rating.

The 2025 target for the Normanby catchment is 90% of land in priority areas under grazing should be managed using best management practice systems for water quality outcomes (soil, nutrient and pesticides). The Report Card finds that progress to target is 30.1%, hence the D score.

Key management practices that contribute to sediment pollutant levels are gully, pasture and streambank management. The Report Card gives a D score against each of these management practices, given their poor rate of adoption on grazing lands in the catchment.

It is highly likely that clearing of vegetation on Kingvale Station will exacerbate sediment runoff to Princess Charlotte Bay. We therefore urge you, on the basis of this new information, and the World Heritage Committee's decision urging Australia "to accelerate efforts to ensure meeting the intermediate and long-term targets of the [Reef 2050] plan, which are essential to the overall resilience of the property, in particular regarding water quality"¹, to reject the Kingvale Station proposal.

We fully support the investment of additional funds to rehabilitate degraded and highly eroded grazing properties in the Normanby catchment, to improve the quality of inshore habitats in Princess Charlotte Bay.

Yours sincerely

s11C(1)(a)

Director of Strategy

On behalf of: Australian Marine Conservation Society, Environment Council of Central Queensland Inc., The Wilderness Society and Australian Conservation Foundation

¹ World Heritage Committee 41COM 7B.24.



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Wednesday, 18 September 2019

Golden-shouldered Parrot Recovery Team
c/- Olkola Aboriginal Corporation
P.O. Box 523 Westcourt Qld 4870

To: The Honourable Susan Ley
Minister for Environment
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600
email: Minister.Ley@environment.gov.au
cc: andrew.mcnee@environment.gov.au

RE: Proposed clearing of vegetation at Kingvale Station, Queensland (Lot 1 on Survey Plan 280074) (EPBC 2016/7751)

Dear Minister

I am writing on behalf the Golden-shouldered Parrot Recovery Team, which has carriage of the Golden-shouldered Parrot Recovery Plan, regarding the potential impact of proposed clearing on Kingvale station on the Endangered Golden-shouldered Parrot and its commensal moth, the Endangered Antbed Parrot Moth.

Summary

In summary, we submit that:

- (a) The proposed clearing should not be permitted until it has adequately demonstrated that it will not have **significant impact/s** on the following matters of national environmental significance:
 - The **Golden-shouldered Parrot** *Psephotus chrysopterygius* (now *Psephotellus chrysopterygius*¹), which is Endangered under the *Environment Protection and Biodiversity Conservation* (EPBC) Act 1999 and the *Queensland Nature Conservation* (NCA) Act 1992 http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=720
 - The **Antbed Parrot Moth** *Trisyntopa scatophaga*, which is also Endangered under the EPBC Act 1999 and NCA Act 1992 https://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=84159

- (b) The proposed development areas include and/or adjoin potential nesting habitat for the Golden-shouldered Parrot, based on regional ecosystem mapping; and the Department has concluded that “impacts potential arise in relation to ... Golden-shouldered Parrot (*Psephotus chrysopterygius*) – Endangered” (see *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* Paragraph 10.2).
- (c) To the extent of our knowledge, the proposed development areas have never been surveyed for either species.
- (d) The proponent has disregarded the potential for Golden-shouldered Parrot to occur in or near the proposed development areas, despite a Protected Matters search indicating that this species or species habitat is “likely to occur within area”.
- (e) Neither the proponent nor the Department has considered the potential for the development to impact the Antbed Parrot Moth, despite its close association with the Golden-shouldered Parrot, and a Protected Matters search indicating that this species or species habitat is “likely to occur within area”.
- (f) The proponent does not appear to have included any on-ground assessment to determine whether either species occurs in the proposed development area, relying instead on a desktop assessment based on the nearest known nesting record.
- (g) Presence or absence of the Endangered Golden-shouldered Parrot in areas likely to be affected by the proposed development can only be established using on-ground surveys of potential nesting habitat.
- (h) Should any Golden-shouldered Parrot nests be found in areas likely to be affected by the proposed development, then it is also highly likely that the Endangered Antbed Parrot Moth also occurs in these areas. Absence of this species can only be confirmed by demonstrating an absence of Golden-shouldered Parrot nesting activity in these areas. Presence of the species can only be confirmed by inspection of any successful Golden-shouldered Parrot nests found in these areas.
- (i) The Department has not required that the proponent demonstrate the species absence from the proposed development areas (see *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* Paragraph 10.25-10.34)
- (j) The proponent has not proposed any avoidance or mitigation measures that will reduce the impacts to the species from the proposed action (see *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* Paragraph 10.33)
- (k) The single mitigating action recommended by the Department, i.e. “maintain a 100 m buffer from the edge of all watercourses and natural wetlands” (see *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* Paragraph 10.34) is inadequate as potential Golden-shouldered Parrot nesting habitat is far more extensive; nesting parrots are known to feed up to 3 km from nest sites during the breeding season²; parrots are known to travel up to 20 km from nesting habitat in the non-breeding season.

- (l) Therefore we conclude that the following actions are required to avoid adverse impacts on these species:
- i. No clearing should be permitted until thorough Golden-shouldered Parrots nest surveys are undertaken of the potential Golden-shouldered Parrot nesting habitat (as identified by Regional Ecosystem map units) of the proposed development areas on Kingvale, and of a 3 km buffer around these areas;
 - ii. Nest surveys should be undertaken by people recognised by the Golden-shouldered Parrot Recovery Team as having adequate experience in Golden-shouldered Parrot surveys, using protocol developed by the Recovery Team;
 - iii. Should any active or recently-used nests of Golden-shouldered Parrots be found in the proposed development areas or within the 3 km buffers, then:
 - iii (a) no clearing should be permitted within 3 km of the mapped Regional Ecosystem polygon within which the nest has been found;
 - iii (b) follow-up surveys should be undertaken to assess use of feeding areas within these Regional Ecosystem polygons season in a 10 km buffer around around in suitable habitat; and
 - iii (c) 3 km buffers left around any feeding activity identified.

Background

The Golden-shouldered Parrot is listed as Endangered under the EPBC Act (1999) and is still declining at a rate of about 5% per decade. A new Recovery Team has been formed to secure this species' future. It is led by Traditional Owners responsible for the land on which the parrot lives, and for the parrot itself. The Golden-shouldered Parrot is a totem to the Olkola People, to whom it is known as Alwal. Kingvale station is on the Traditional Lands of the Olkola people. The recovery team also includes pastoral landholders and scientists. The analysis in the submission has been prepared by Dr Gabriel Crowley, who serves as a scientist on the Golden-shouldered Parrot Recovery Team, and is recognised as one of the foremost scientific experts on the species.

The Antbed Parrot Moth is listed as Endangered under the EPBC Act (1999). This moth only breeds in the nests of Golden-shouldered Parrots³. Therefore, the fate of this species is entirely dependent on the fate of the parrot. Conservation of this species is therefore of utmost concern to the Golden-shouldered Parrot Recovery Team.

Proposed Action

The proposed action is to clear vegetation for cropping in five areas on Kingvale station. We contend that the proponent has not demonstrated that this action will not have adverse impacts on the Golden-shouldered Parrot and the Antbed Parrot Moth. We also contend that the avoidance and mitigation action proposed in the *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* are inadequate. We recommend that additional conditions (surveys and avoidance and mitigation measures) be met before this this development application can be considered for approval.

Golden-shouldered Parrot *Psephotus chrysopterygius* (Endangered)

Context of Kingvale station in relation to Golden-shouldered Parrot nest records

Kingvale station lies between two known remnant subpopulations of Golden-shouldered Parrots (Fig. 1), a species that was once more widespread². Songlines of Indigenous people on Cape York Peninsula indicate that these two remnant sub-populations were once

continuous⁴. The nearest known Golden-shouldered parrots are 30 km to the north-west of Kingvale. None of the area between Kingvale and these nests has been surveyed for Golden-shouldered Parrots. Kingvale is also in an “Area of interest” that has good potential for Golden-shouldered parrot nesting activity, based on location of nest records in relation to non-floodplain landforms (Fig. 1). A Protected Matters search indicates that Kingvale station is within the area in which the species or its habitat is likely to occur.

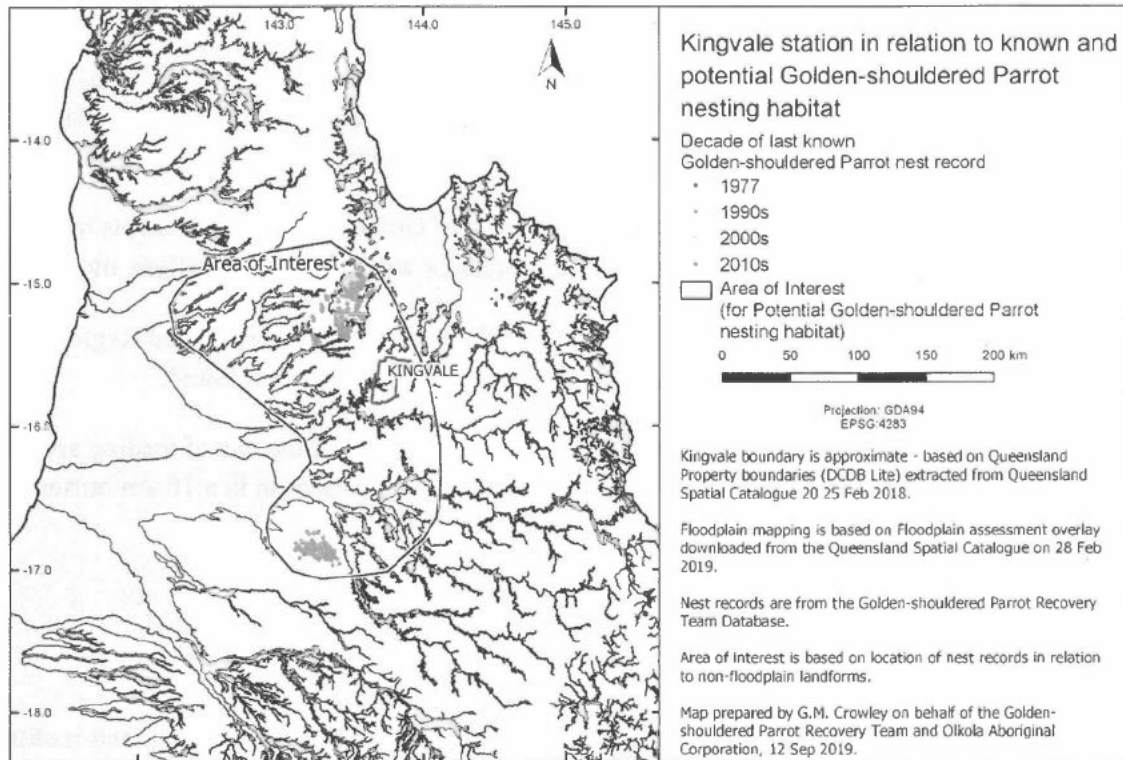


Fig. 1. Kingvale station in relation to known and potential Golden-Shouldered Parrot nest sites

Occurrence of species in the proposed development areas

To the best of our knowledge, surveys for Golden-shouldered Parrots have never been undertaken on Kingvale station. In the absence of surveys, the best surrogate for Golden-shouldered Parrot occurrence is Regional Ecosystem that have been identified as suitable for nesting habitat, as listed in Garnett and Crowley (2002)² and Crowley *et al.* (2004)⁵. These habitat types were identified by matching on-ground vegetation communities with Regional Ecosystem descriptions available at the time⁶, rather than intersection with Regional Ecosystem mapping (Version 3.0), which at the time poorly matched on-ground habitat. Improvements in mapping (now at Version 11)⁷ has allowed identification of nesting habitat by intersecting known nest locations with Regional Ecosystem units. For identification of potential nesting habitat on Kingvale, we used all Regional Ecosystems originally identified by Garnett and Crowley (2002)² and Crowley *et al.* (2004)⁵ as suitable nesting habitat. This identified 1,328 ha of potential nesting habitat on Kingvale station. We then included the Regional Ecosystems identified by intersecting known nest locations with the latest Regional Ecosystem mapping⁷. This increased the area of potential nesting habitat for Golden-shouldered Parrots on Kingvale station to over 32,371 ha (Fig. 2, Table 1).

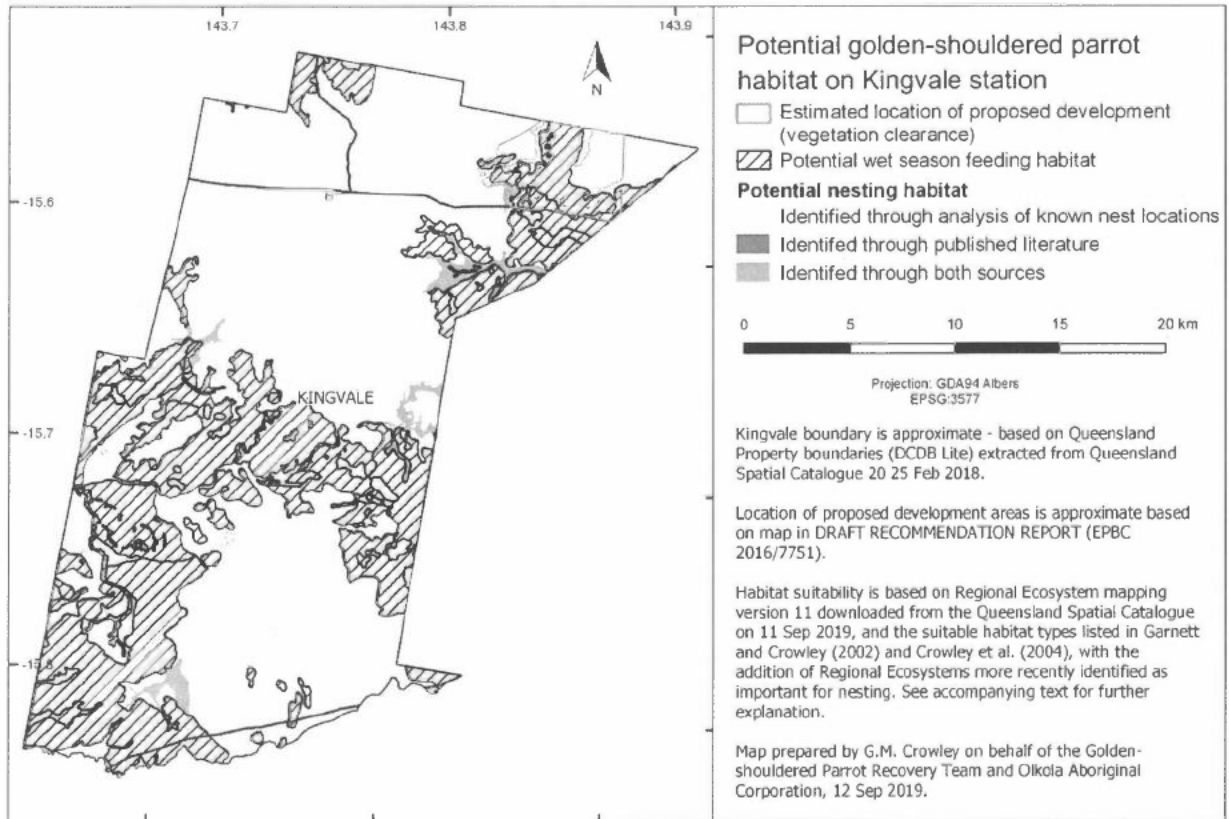


Fig. 2. Map of potential Golden-Shouldered Parrot habitat on Kingvale station

Table 1. Area of potential nesting habitat Golden-Shouldered Parrot habitat on Kingvale station

RE (Version 11)	Description	Source		RE (Version 3)	Area (ha)
		Published literature ^{2,5}	Nest location analysis		
3.3.49	<i>Melaleuca viridiflora</i> +/- <i>Corymbia clarksoniana</i> low open woodland on floodplains and alluvial plains	✓	✓	3.3.42	661
3.3.50	<i>Melaleuca</i> spp. woodland on swamps on floodplains and non-floodplain landforms	✓	✓	3.3.50	255
3.3.56	<i>Aristida</i> spp. and/or <i>Eriachne</i> spp. tussock grassland in drainage depressions	✓		3.3.56	2
3.5.39x1	Low woodland to low open forest of <i>Thryptomene oligandra</i> and <i>M. viridiflora</i> +/- <i>Neofabricia mjoebergii</i> +/- <i>Acacia torulosa</i> +/- <i>Grevillea pteridifolia</i>	✓		3.3.33	410
3.3.10	<i>M. fluviatilis</i> and/or <i>M. argentea</i> woodland or <i>M. saligna</i> or <i>M. dealbata</i> woodland fringing watercourses		✓	N/A	534
3.3.24	<i>Eucalyptus leptophleba</i> +/- <i>Erythrophleum chlorostachys</i> woodland on riverine levees and floodplains		✓	N/A	341
3.3.31a	<i>Eucalyptus tetradonta</i> woodland +/- <i>Corymbia clarksoniana</i> +/- <i>Erythrophleum chlorostachys</i>		✓	N/A	9
3.3.48a	<i>M. saligna</i> low open woodland		✓	N/A	118
3.5.36a	<i>E. tetradonta</i> , <i>C. nesophila</i> woodland		✓	N/A	5
3.5.37a	<i>E. tetradonta</i> ± <i>C. clarksoniana</i> woodland		✓	N/A	192
3.5.39	<i>E. tetradonta</i> and <i>C. nesophila</i> woodland on sandy gently undulating rises and low hills		✓	N/A	5,672
3.11.7	<i>E. cullenii</i> , <i>C. clarksoniana</i> woodland		✓	N/A	7,344
3.11.11	<i>C. stockeri</i> +/- <i>E. tetradonta</i> woodland on hills and erosional surfaces		✓	N/A	8,073
3.12.10	<i>E. cullenii</i> +/- <i>C. clarksoniana</i> woodland or <i>E. chlorophylla</i> woodland on granitic ranges		✓	N/A	5,045
3.12.42	<i>E. tetradonta</i> woodland on low to undulating granite hills		✓	N/A	3,710
Total					32,371

For identification of potential wet season feeding habitat on Kingvale station, we used all Regional Ecosystems identified by Garnett and Crowley (2002)² and Crowley *et al.* (2004)⁵ as suitable wet season habitat. This identified 19,000 ha of potential wet season feeding habitat (Fig. 2, Table 2). It should be noted that this habitat, even if suitable, is only likely to be important to the parrots if it is within 3 km of potential nesting habitat², and that intersection of feeding locations with updated mapping has not been used to reclassify wet season feeding locations.

Table 2. Area of potential wet season feeding habitat based on Regional Ecosystem mapping and habitat types listed as suitable Golden-Shouldered Parrot wet season feeding habitat in Garnett and Crowley (2002)² and Crowley *et al.* (2004)⁵

Regional Ecosystem (RE) (Version 11)	Description	Former RE (Version 3)	Area (ha)
3.3.20	<i>Corymbia clarksoniana</i> or <i>C. polycarpa</i> woodland on stream levees	3.3.20	194
3.3.49	<i>Melaleuca viridiflora</i> +/- <i>C. clarksoniana</i> low open woodland on floodplains and alluvial plains	3.3.42	661
3.3.50	<i>Melaleuca</i> spp. woodland on swamps on floodplains and non-floodplain landforms	3.3.50	255
3.3.56	<i>Aristida</i> spp. and/or <i>Eriachne</i> spp. tussock grassland in drainage depressions	3.3.56	2
3.5.37a	Woodland of <i>Eucalyptus tetradonta</i> and <i>C. stockeri</i> +/- <i>Erythrophleum chlorostachys</i> +/- <i>C. clarksoniana</i>	3.5.7	192
3.5.39	<i>E. tetradonta</i> and <i>C. nesophila</i> woodland on sandy gently undulating rises and low hills	3.5.7	5,672
3.11.7	<i>E. cullenii</i> and <i>C. clarksoniana</i> woodland on low metamorphic hills and rises	3.11.7	7,344
3.12.10	<i>E. cullenii</i> +/- <i>C. clarksoniana</i> woodland or <i>E. chlorophylla</i> woodland on granitic ranges	3.12.10	5,045
Total			19,366

Accurate mapping and assessment of the potential Golden-shouldered Parrot habitat in the proposed development areas (A3-A5) on Kingvale station was not possible, as accurate maps of the proposal were not available in digital form. However, enough detail was provided in the map on page 5 of *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* to allow these areas to be approximately mapped in relation to potential Golden-shouldered Parrot habitat. The resultant map in Fig. 2 shows 3,200 ha of potential Golden-shouldered Parrot nesting habitat and approximately 2,700 ha of potential Golden-shouldered Parrot habitat in or near the development areas. The map also shows that the proposed development areas are either entirely within potential nesting and wet season feeding habitat, or within a 3 km buffer of such habitat.

Of the Regional Ecosystems found in the vicinity of Areas A3-A5, REs 3.3.49 and 3.5.39x1 (previously mapped as 3.3.33) as are considered Critical for breeding². If Fig. 2 is an accurate depiction of the proposed development areas, then these areas include Critical nesting habitat for the Golden-shouldered Parrot. Other Regional Ecosystems in these areas that have more recently been identified as nesting habitat may also be Critical to the species, but have not yet been assessed.

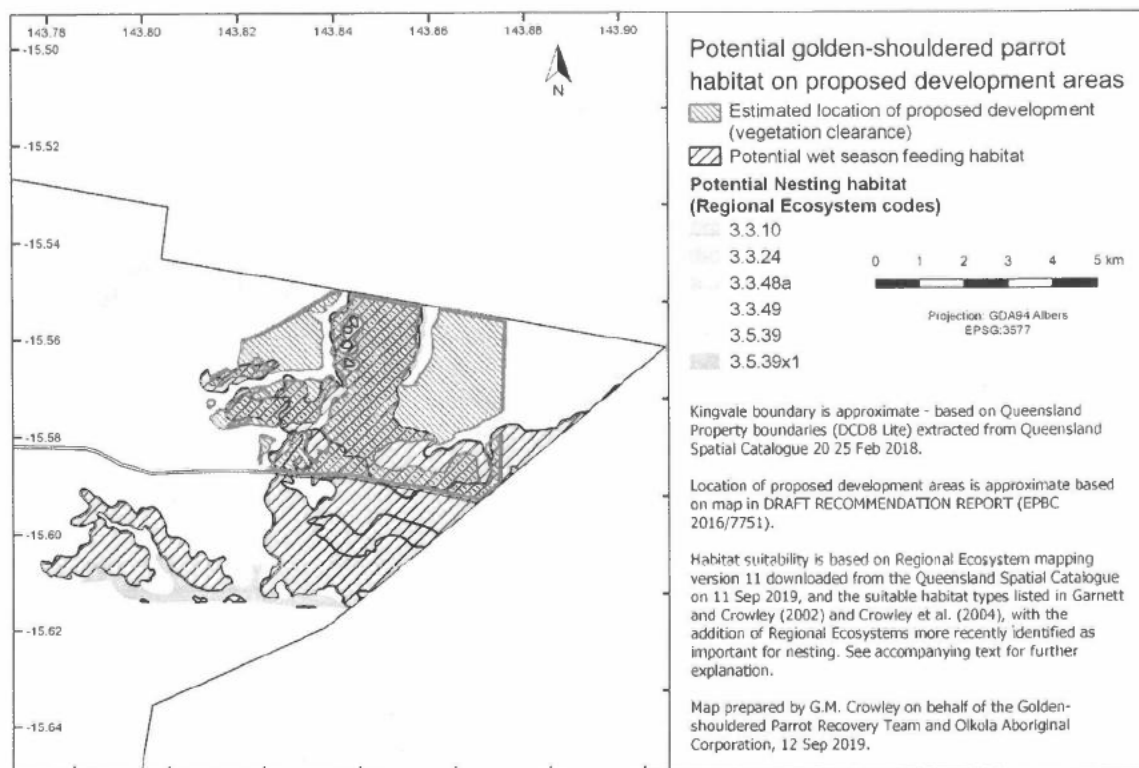


Fig. 3. Map of potential Golden-Shouldered Parrot habitat in proposed development areas on Kingvale station

From this analysis, we conclude that

- Kingvale station includes substantial areas of potential Golden-shouldered Parrot nesting and wet season feeding habitat
- About 4% of the potential nesting habitat and all the potential wet season feeding habitat could have been identified from comparison of the Regional Ecosystems present on the property with the habitat descriptions available in Garnett and Crowley (2002)² and Crowley *et al.* (2004)⁵.
- The proposed development areas are entirely within either potential Golden-shouldered Parrot nesting and wet season feeding habitat, or a 3 km buffer around such habitat.
- Preliminary mapping shows that the development areas to include Regional Ecosystems that has been identified as Critical nesting habitat to Golden-shouldered Parrots.
- A survey for Golden-shouldered nest sites is required in all proposed development areas, and in a 3 km buffer around these areas before the presence or absence of Golden-shouldered Parrots can be confirmed.

Potential impact of vegetation clearance and cropping on the species

The *Recovery plan for the Golden-shouldered Parrot (Psephotus chrysopterygius) 2003-2007*² states that “Critical habitat should not be cleared” and lists clearance as the “management

practices most likely to degrade critical habitat” (p. 41). To date, very little of the habitat occupied by the Golden-shouldered Parrots has been cleared.

The *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* Paragraph 10.31) correctly identifies that “Clearing of vegetation and planting of sorghum as part of the proposed action will remove termite mounds that has the potential to be used for breeding.” It would also remove critical food plants. Cropping would also replace these critical foods, notably Cockatoo Grass (*Alloteropsis semialata*). Loss of nest sites (termite mounds) and wet season foods are listed as significant threats to the Golden-shouldered Parrot)^{2,5}. Nesting habitat and wet season feeding habitat are considered Critical habitat for the survival of the Golden-shouldered Parrot².

If the proposed development proceeds before surveys for Golden-shouldered Parrots have been undertaken, then vegetation clearance and cropping have the potential to have an adverse impact on the species by reducing wet season feeding habitat and nesting habitat (at least some of which is considered Critical to the species’ survival).

Furthermore, if the proposed development proceeds and Golden-shouldered Parrot nesting activity, then vegetation clearance and cropping will have an adverse impact on the species by reducing wet season feeding habitat and nesting habitat (at least some of which is considered Critical to the species’ survival).

Adequacy of proposed impact avoidance and mitigation activities

The proponent has not proposed any avoidance or mitigation measures that will reduce the impacts to the species from the proposed action (see *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* Paragraph 10.33).

The single mitigating action recommended by the Department, i.e. “maintain a 100 m buffer from the edge of all watercourses and natural wetlands” (see *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* Paragraph 10.34) is inadequate as potential Golden-shouldered Parrot nesting habitat is far more extensive; nesting parrots are known to feed up to 3 km from nest sites during the breeding season²; parrots are known to travel up to 20 km from nesting habitat in the non-breeding season.

Appropriate avoidance actions should include

- Surveying of potential Golden-shouldered Parrot nesting habitat (as identified by Regional Ecosystem map units) of the proposed development areas on Kingvale, and of a 3 km buffer around these areas to identify any nesting activity by the species. Golden-shouldered Parrots and their nests are difficult to find. Therefore, these surveys should be undertaken by people recognised by the Golden-shouldered Parrot Recovery Team as having adequate experience in Golden-shouldered Parrot surveys, using protocol developed by the Recovery Team;
- In the event that any active or recently-used nests of Golden-shouldered Parrots be found in the proposed development areas or within the 3 km buffers, then further avoidance measures are required, as follows:
 - no clearing should be permitted within 3 km of the mapped Regional Ecosystem polygon within which the nest has been found;
 - follow-up surveys should be undertaken to assess use of feeding areas within these Regional Ecosystem polygons season in a 10 km buffer around around in suitable habitat; and
 - 3 km buffers left around any feeding activity identified.

- In the event that no Golden-shouldered Parrot nesting activity is found, then no further avoidance or mitigation measures will be required for this species.

Antbed Parrot Moth *Trisyntopa scatophaga* (Endangered)

Occurrence of species in the proposed development areas

The Antbed Parrot Moth is entirely dependent on the Golden-shouldered Parrot, as it lays its eggs in the nest of the parrots, and the larvae feed on the faecal material in the nest³. Therefore the moth cannot persist in an area unless the parrots are nesting in that area. To the extent of our knowledge, no surveys have been undertaken in or near the proposed development areas for either species. Surveys for Golden-shouldered Parrot nesting activity in the proposed development areas (and within a 3 km buffer area) will be required to determine whether conditions exist for the Antbed Parrot Moth. If any nests are found, then they should be inspected for signs of Antbed Parrot Moth activity.

Potential impact of vegetation clearance and cropping on the species

The most critical threat to the Antbed Parrot Moth is any decline of the Golden-shouldered Parrot³. If the proposed development proceeds before surveys for Golden-shouldered Parrots and Antbed Parrot Moths have been undertaken, then vegetation clearance and cropping have the potential to have an adverse impact on the species through its adverse impact on Golden-shouldered Parrot.

Similarly, if the proposed development proceeds after Golden-shouldered Parrot nesting activity or Antbed Parrot Moth activity have been confirmed, then vegetation clearance and cropping will have an adverse impact on the species through its adverse impact on Golden-shouldered Parrot.

Adequacy of proposed impact avoidance and mitigation activities

The proponent has not proposed any avoidance or mitigation measures that will reduce the impacts to the species from the proposed action (see *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* Paragraph 10.33).

Appropriate avoidance and mitigation measures for this species are the same as those for the Golden-shouldered Parrot.

Conclusion and Recommendations

We conclude that

- The proponent has not adequately demonstrated that the proposed development will not have adverse impacts on the Golden-shouldered Parrot and the Antbed Parrot Moth
- The proponent has not provided measures that will avoid or mitigate adverse impacts on these species; and the avoidance and mitigation measures proposed in *DRAFT RECOMMENDATION REPORT (EPBC 2016/7751)* are inadequate.
- Surveys are required to establish the presence or absence of these two Endangered species.
- In the event that Golden-shouldered Parrots nesting activity (with or without Antbed Parrot Moth activity) is found in or around the proposed development areas, then development (vegetation clearance and cropping) should be prohibited in the Regional Ecosystem polygons within which the nests were found, as well as from a 3 km buffer around these Regional Ecosystem polygons.

References

1. Provost KL *et al.* 2018. Resolving a phylogenetic hypothesis for parrots: implications from systematics to conservation. *Emu - Austral Ornithology*. **118**:7-21. doi: 10.1080/01584197.2017.1387030
2. Garnett ST & Crowley GM 2002. *Recovery plan for the Golden-shouldered Parrot (Psephotus chrysopterygius) 2003-2007*. (Queensland Parks and Wildlife Service, Brisbane). <http://www.environment.gov.au/node/15778> [Accessed 11 May 2018]
3. Threatened Species Scientific Committee 2016. *Conservation Advice Trisyntopa scatophaga antbed parrot moth*. (Department of the Environment and Energy, Canberra, Australian Capital Territory).
4. Golden-shouldered Parrot Recovery Team 2019. *Draft golden-shouldered parrot recovery plan 2019-2029*. (Olkola Aboriginal Corporation, Cairns).
5. Crowley GM *et al.* 2004. *Management guidelines for Golden-shouldered Parrot conservation*. (Queensland Parks and Wildlife Service, Cairns). www.firescape.com.au/wp-content/uploads/2012/10/Management-Guidelines-GSP-Conservation.pdf [Accessed 23 May 2018]
6. Neldner VJ 1999. 'Cape York Peninsula'. pp. 3/1-3/85 in Sattler and Williams *The Conservation Status of Queensland's Bioregional Ecosystems* (Environmental Protection Agency, Brisbane).
7. Department of Environment and Science 2018. Biodiversity status of 2017 remnant regional ecosystems - Queensland. <http://qldspatial.information.qld.gov.au/catalogue> [Accessed 11 Sep 2019]

Yours sincerely,

s11C(1)(a)

Chairman
Golden Shouldered
Recovery Team

24 September 2019

The Hon Sussan Ley MP
Minister for the Environment
Department of the Environment
GPO Box 787
Canberra ACT 2601

Copy to: Andrew McNee, Assistant Secretary, Environment Standards Division,
Assessments and Governance Branch

By email only: Minister.Ley@environment.gov.au;
andrew.mcnee@environment.gov.au

Dear Minister

**Clearing of vegetation at Kingvale Station, Queensland (EPBC 2016/7751):
Submission by the Golden-shouldered Parrot Recovery Team and Oikola
Aboriginal Corporation**

1. We confirm that we act for the Environment Council of Central Queensland (ECoCeQ).
2. We refer to the application for approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) to clear native vegetation at Kingvale Station, Queensland (EPBC 2015/7751) (Proposed Action). We also refer to our meeting with the Minister at Parliament House on 19 August 2019, which was attended by s11C(1)(a), President, ECoCeQ (by telephone) and s11C(1)(a), Solicitor, EDO NSW (in person).
3. Our client wishes to express its thanks once again for the opportunity to meet and discuss the Proposed Action with the Minister and Mr McNee.

Background

4. At that meeting, we referred the Minister to our letter sent on behalf of ECoCeQ to former Minister Price, dated 1 April 2019. In that letter, we responded to the Proponent's response to public comments and raised a number of concerns arising out of it. Among others, we raised our client's concern that the assessment of the likely impacts of the Proposed Action on threatened species (bats) was inadequate. In doing so, our client relied on the submission made by s11C(1)(a) and s11C(1)(a), both relevantly qualified bat experts.

5. During the meeting, the Minister enquired as to whether our client held similar concerns about impacts assessments that had been undertaken in regards other listed species. The writer advised the Minister that our client had not obtained or reviewed expert evidence that would warrant raising such concerns. However, the writer emphasised that this should not be taken as an indication that the impact assessments (as reported in the Draft Recommendation Report, exhibited for public comment in early 2018) were adequate but simply as a reflection of our client's limited resourcing and capacity to commission expert opinion. Other participants at the meeting followed by indicating that they held concerns as to the adequacy of the impact assessments reported in the exhibited Draft Recommendation Report.

Submission by the Golden-shouldered Parrot Recovery Team

6. Our client is aware that the Minister has recently received a submission from the Golden-shouldered Parrot Recovery Team (care of the Olkola Aboriginal Corporation) in regards to the likely impacts of the Proposed Action on the Golden-shouldered Parrot and the Antbed Parrot Moth.
7. We are instructed that the submission comments on the adequacy of the impact assessments referred to in the 2018 Draft Recommendation Report. We note that the analysis in the submission was prepared by Dr Gabriel Crowley, a scientist on the Golden-shouldered Parrot Recovery Team and one of two authors of the *National Recovery Plan for the Golden-shouldered Parrot (Psephotus chrysopterygius) 2003-2007*.¹
8. We are instructed that it raises several concerns with the adequacy of that assessment and makes the following recommendations:
 - i. *No clearing should be permitted until thorough Golden-shouldered Parrots nest surveys are undertaken of the potential Golden-shouldered Parrot nesting habitat ...;*
 - ii. *Nest surveys should be undertaken by people recognised by the Golden-shouldered Parrot Recovery Team as having adequate experience in Golden-shouldered Parrot surveys, using protocol developed by the Recovery Team;*
 - iii. *Should any active or recently-used nests of Golden-shouldered Parrots be found in the proposed development areas or within the 3 km buffers, then:*
 - a. *no clearing should be permitted within 3 km of the mapped Regional Ecosystem polygon within which the nest has been found;*
 - b. *follow-up surveys should be undertaken to assess use of feeding areas within these Regional Ecosystem polygons...; and*
 - c. *3 km buffers left around any feeding activity identified.*

¹ <https://www.environment.gov.au/node/15778>.

Request that the Minister require further impact assessment

9. We are instructed to request that the Minister adopt the recommendations of the Golden-shouldered Parrot Recovery Team. It is our client's position that this course of action is necessary to ensure that:
- (a) the Minister is able to make a fully informed decision on whether to approve the Proposed Action, bearing in mind any likely impacts on the Golden-shouldered Parrot and the Antbed Parrot Moth; and
 - (b) in the event that the Minister makes a decision to approve the Proposed Action, that the action is approved subject to conditions that accord with the recommendations of the Golden-shouldered Parrot Recovery Team.
10. If the Minister has any questions about the content of this letter, please contact the writer on (02) s11C(1)(a) or by email s11C(1)(a)@edonsw.org.au.

Yours sincerely,
EDO NSW

s11C(1)(a)

Solicitor

Enclosure: Letter from Golden-shouldered
Parrot Recovery Team to Minister
Ley dated 18 September 2019

