

Montrose Environmental Group inc.

Regn. No. A0018558J

PO Box 7, Montrose, Vic. 3765 Phone 9728 5841

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EPBC Act Referrals Section
Approvals and Wildlife Division
Department of the Environment and Heritage
GPO Box 787
CANBERRA ACT 2601

By email to epbc.referrals@deh.gov.au

Public Comment on EPBC Referral 2005/2003 – Expansion of Montrose Quarry

We contend that the EPBC referral above does not fulfil the basic requirements of technical rigour and completeness, to the extent that it significantly understates the significance of the habitat to be removed and the consequences of the removal. The referral should be returned to the referrer to redress the deficiencies.

The deficiencies are as follows:

- In the site description in Section 3.2 and in the text concerning listed threatened species in Section 4.1, the referral fails to acknowledge that the proposal would remove not only Herb-Rich Foothill Forest but also some Grassy Forest, an ecological vegetation class (EVC) that is listed as regionally Vulnerable. The presence of this EVC in good ecological condition (habitat score >50/100) is recognised in a report by Boral's own consultants, Ecology Australia. The referrer's comment in Section 4.1 about the 'relative abundance across the region of Herb-rich Foothill Forest' cannot be said of Grassy Forest.
- Section 4.1 of the referral lists fourteen listed threatened species and wrongly states that none of them is present. (The list appears at first sight to contain fifteen species, but *Pseudomys fumeus* is listed twice under different common names.) The Grey-Headed Flying-Fox is an occasional visitor to the quarry area and even Boral's own consultants, Ecology Australia, have stated in a report to Boral (part of which is reproduced in the referral) that there is a 'moderate likelihood of occurrence' of this species in the quarry expansion area.
- The list just mentioned does not include the Kilsyth South Spider-Orchid, which appears on the list of threatened species generated by the DEH internet search tool for the EPBC Act. This orchid's only known population is approximately 1½ km away. If the referrer believes this Critically Endangered species is under no threat, the referral should make this case.
- The quote just cited goes on to refer to 'the understanding that what is to be removed is of low quality'. This is not true in the context of either the Grassy Forest or the Herb-Rich Foothill Forest. Appendix E of the referral indicates that the average habitat score in 'polygon

A' is 0.49, which could hardly be regarded as 'low quality', and more recent scoring by Boral's consultants (and our own) in the Grassy Forest within polygon A yields a high score of approximately 0.63. Of course, one might argue that the habitat for a particular threatened species might be 'low quality' even if the habitat score is high, but the referral does not address the habitat needs of any of the individual species.

- In the context just discussed, the referral only considers the vegetation that is proposed to be removed. The referral fails to recognise the effects on abutting high-quality habitat (habitat scores 0.72-0.73, according to Appendix E of the referral). We believe the referral should address the effects of bringing quarrying next to high-quality habitat, e.g. by noise disturbance and the effects of groundwater drawdown (which is still being studied by Boral's consultants). This applies to both threatened species and migratory species (particularly Satin Flycatchers and Rufous Fantails, which are known to be seasonally in the area and which may breed in the high-quality vegetation).
- The referral only addresses a small proportion of the total number of threatened and migratory species that are listed in the referral. If the referrer believes the remaining species are under no threat, the case for this should be made. Incidentally, one species missing from the fauna list in the referral's Attachment C is the Spine-Tailed Swift (a listed species), but we note that it is an extremely mobile, aerial species.
- 'Attachment C' to the referral claims to be a list of all vertebrate fauna recorded in the area directly affected by the proposed action, but it is missing all mammals and a substantial number of birds. It appears a page is probably missing.
- 'Attachment E' is an obsolete list. It excludes Grassy Forest and fails to recognise the presence of high quality habitat within polygon A (habitat score approximately 0.63).
- All though it is not a matter of any importance, the site description in Section 3.2 is erroneous in reporting that Mountain Grey Gums occur in 'the extension area'. The closest occurrence of this species is on Mt Dandenong, where rainfall is substantially greater.

We acknowledge Dr Graeme Lorimer's technical expertise in the preparation of this submission.