

How-to-guide

How to use the 'Have Your Say' portal to make public comment on MMG's South Marinoak/Pieman Road Referral.

To get to the portal, click on the link below:

https://haveyoursay.awe.gov.au/public-comments-on-epbc-act-referrals/survey_tools/referral-epbc-2021-9079

Filling out the web form:

Questions 1 & 2 are just your name and email.

1. Name *

10/255

2. Email address *

Question 3 Asks whether you consider that the referred project is a controlled action. Under the Environment protection and Biodiversity Act 1999 (EPBC Act) the term 'controlled action' means an action that could have an impact on a Matter of National Environmental Significance (MNES). In this case, threatened species like the Masked Owl, Tasmanian Devil and Spotted tailed Quoll are MNES, as is the Brookers Gum as a threatened forest community. You should answer 'Yes'.

3. Do you consider this is a controlled action? *

Yes

No

Question 4 seeks your reasoning as to why the referred project should be considered a controlled action. This is where we suggest that you copy and paste our pro-forma submission, which is on the next page.

4. Provide reasons for why you believe this is/is not a controlled action.

Copy and paste our submission guide here

500 words maximum

There is a 500 word limit to this question (although you can add appendices at a later question).

We have prepared a proforma answer to this question that you can cut and paste into the webform, or you can prepare your own. Due to the word limit, we have used some acronyms and jargon (such as MNES - Matter of National Environmental Significance, or EIS - Environmental Impact Statement). Rest assured where we have used these they have an established meaning under the EPBC Act. Our proforma is on the next page.

The Minister has three key options of how to deal with the referral.

1. She could decide that the referred project is not likely to impact on MNES and therefore is not a controlled action requiring assessment. This is what MMG wants.
2. She could decide that the referred project is likely to impact on MNES, and will therefore a controlled action requiring an assessment under the EPBC Act.
3. She could decide that the referred project is likely to impact on MNES, is therefore a controlled action, and that those impacts are such that the project is clearly unacceptable. This prohibits the project proceeding outright. This is BBF's position.

The argument for why this project is a controlled action is the only matter the Minister can consider at this point in the process.

If you choose to write your own answer, remember that the Minister can only consider matters allowed under the EPBC Act, In this case that is Commonwealth listed threatened species and ecological communities. State listed threatened species, non-listed species, carbon values and landscape values cannot be considered.

The referral represents a significant impact on an area containing numerous MNES. The proponent withdrew the elements of this referral from referral 2021/8909, avoiding the need to provide a full EIS. This referral relies on data already deemed insufficient to make a determination on preliminary documentation, along with just four days additional survey work.

The proponent under-represents the footprint as being 14.88ha. Figure 2 shows, the various works are spread over an area encompassing the 285 hectares project area from referral 2021/8909. Impacts of 6m wide roading, or 10m²/25m² cleared drill pads represent fragmentation of a relatively intact landscape and increased risks of erosion, drying, fire, disease, weeds, and degradation of values that are to be assessed in referral 2021/8909.

The proponent attributes Brooker's gum, but have only assessed known occurrences. Given numerous impact sites, the proponent should have surveyed these at a minimum. For the identified areas, a 30m buffer is insufficient and unlikely to protect sites from disease, drying and increased risk of fire.

An eagle nest within 1km line of sight of proposed tracks and 500m of proposed tracks and works sites highlights the risks to this species. The companies proposed management plan avoiding works during the breeding season ignores the fact that the roading and tracks created will be used to access the site for this proposal, but also for referral 2021/8909 facilitating long-term unmitigated impacts.

The proponent asserts that habitat is sub optimal for Tasmanian Devil and Spotted-tailed Quoll despite only four days of surveying, and having identified both scats and tracks on roadways within the site. Assertions that Devils were using the roadway as dispersal routes ignore the question of dispersal to where? Three flanks of this area being bounded by the Pieman and Huskisson River impoundments, it is unlikely that animals were merely passing through. Denning or foraging remain the likely reasons for animals identified in the area. The proponent's recommendation for post-approval surveys should not take the place of informed assessment of complete referrals.

Masked Owl is known to be present on the site and it's surrounds. Members of the public were camped on the access road from December 2020 to May 2021 and heard calls throughout this time. The limited time dedicated to surveys of masked owl in the area is surprising given their admission that the project area is critical habitat.

Given the distinct and known locations of proposed works, it is unfathomable that the proponent has not conducted vegetation surveys of each of these sites. This demonstrates the same disregard for the EPBC Act that led them to proceed with illegal and unapproved works at this same site between May and July 2021. It is impossible for the Minister to be satisfied that there is no impact, or to determine the level of impact in the absence of survey data from the impact zone.

The flaws in the referral are fatal. No case can be made to accept this referral as complete. The referral must be declared clearly unacceptable.

**If you are having trouble copy/pasting this, you can find an alternative text version on our website.
https://www.bobbrown.org.au/tt_mmg_eis**

Question 5 is where you can add appendices if you wish (they already have anything the proponent has submitted).

5. Do you have any attachments you wish to upload to support your feedback?

Yes

No

You can upload up to 5 documents

Questions 6,7 & 8 are the usual confidentiality and privacy declarations (when they may release your submission).

6. Is your response confidential?

No

Yes, all of it

Yes, part of it

7. Confirm that you have read and understand this privacy notice. *

Yes

8. Confirm that you have read and understand this declaration. *

Yes

Submit

**These processes can be daunting, but we hope this guide helps you
in having your voice heard.**

Please feel free to share your submissions with us, or let us know if you
have any questions or concerns

scotte@bobbrown.org.au

