Stephen Jenkins
Director
EnviroRisk Management
PO Box 183
Lara VIC 3212

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Re: New Chiltern Quarry – impacts and mitigation for FFG and EPBC-listed species and communities

Our Ref: Job# 7594

This letter provides additional information on the likely and potential impacts of the proposed New Chiltern Quarry on species and communities listed under Victoria's *Flora and Fauna Guarantee Act 1988* (FFG Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and details proposed mitigation measures for these species and communities.

EPBC-listed species likely to occasionally use habitats within the land affected by the proposed New Chiltern Quarry

- Two species, Swift Parrot and Regent Honeyeater, have been identified as likely to use woodland habitats within the New Chiltern Quarry (the study area) (Biosis Research 2009a). Several additional species were considered to have the potential to occur in the study area but are now considered unlikely to be present following targeted surveys (see below).

EPBC-listed communities affected by the proposed New Chiltern Quarry

- One listed community, *White Box – Yellow Box – Blakely's Red Gum grassy woodland and derived native grasslands* occurs within the study area (Biosis Research 2009b).

FFG-listed species and communities known or likely to occur in the study area

The study area supports species and communities listed under the FFG Act. Most of the study area is private land where permit provisions of the FFG Act do not apply. However, public land will be impacted by the proposal as at least some quarry infrastructure will intersect at least three road reserves. This will not apply if CEMEX are successful in acquiring these road reserves.

- Five listed species and one listed community have been recorded from the study area (Biosis Research 2009a):

<u>Listed species</u>

- Narrow Goodenia (R, Wood)
- Barking Owl (R, Wood)
- Hooded Robin (R, Wood)
- Speckled Warbler (R, Wood)
- Black Falcon (O, Wood, Past)

Listed communities

- Victorian Temperate Woodland Bird Community (R, Wood)

While not recorded, a further 17 species are considered likely to use habitats on the site on a regular or occasional basis:

- **Swift Parrot (M, Wood)**
- **Regent Honeyeater (M, Wood)**
- Little Egret (O, Wet)
- Intermediate Egret (O, Wet)
- Great Egret (O, Wet)
- Freckled Duck (O, Wet)
- Blue-billed Duck (O, Wet)
- Grey Goshawk (R, Wood)
- White-bellied Sea-Eagle (O, Overfly)
- Square-tailed Kite (O, Wood)
- Powerful Owl (R, Wood)
- Turquoise Parrot (R, Wood)
- Painted Honeyeater (M, Wood)
- Diamond Firetail (R, Wood)
- Brush-tailed Phascogale (R, Wood)
- Squirrel Glider (R, Wood)
- Brown Toadlet (R, Wood)

Key R = Resident
M = Migratory visitor
O = Occasional visitor
Wood = Woodland
Wet = Wetland
Past = Pasture
Species in **Bold** are listed as threatened taxa under the EPBC Act.

A number of species originally considered to have potential to inhabit the site (Biosis Research 2009a) are now considered unlikely to be present based on targeted surveys or other recent information that suggests they are unlikely to be present. Targeted survey was undertaken for Golden Sun Moth, Pink-tailed Worm-lizard and Striped Legless Lizard (All EPBC-listed and FFG-listed). These species were not detected and are now considered unlikely to be present.

Crested Bellbird is now extinct in the Chiltern district and thus is not expected to occur in the study area (D. Ingwerson, Birds Australia, pers. comm.). After a re-appraisal of the habitat present and local distributional information, Grey crowned Babbler and Chestnut-rumped Heathwren are not considered likely to use the site (D. Ingwerson, Birds Australia, pers. comm.). Similarly, a review of the habitat requirements of Bandy Bandy suggests it is unlikely that it would occur on the site. As such, there is not expected to be any direct impacts from the proposed quarry on any of these species.

Impacts to EPBC and FFG-listed species and communities

EPBC-listed White Box – Yellow Box – Blakely's Red Gum grassy woodland and derived native grasslands community

The design of the proposed quarry and its associated infrastructure would result in the loss of 15.91 ha of native vegetation including about 12.42 ha of Grassy Woodland and 2.56 ha of Valley Grassy Forest. As both of these Ecological Vegetation Classes are identified as members of the EPBC Act listed community about 15 ha of White Box – Yellow Box – Blakely's Red Gum grassy woodland and derived native grasslands community would be impacted. This represents about 19% of the 92.3 ha of this community identified within the proposed Work Authority (WA).

Defining the combination of Grassy Woodland and Valley Grassy Forest as this EPBC Act listed community, DSE mapping identifies that approximately 237,000 ha of the Northern Inland Slopes bioregion supported this community pre-1750 (DSE unpublished data). This mapping also indicates that approximately 7.4% of this vegetation remains although there is no data on the condition of that vegetation. The 15 ha proposed to be impacted therefore represents a small fraction of a percent of these EVCs remaining within the bioregion. However, the proportion of the listed community impacted within the bioregion cannot be determined as specific condition criteria need to be met to define the community. Most of the remaining vegetation classified as Grassy Woodland or Valley Grassy Forest on private land (10,200 ha of the 17,400 ha mapped) is likely to be too degraded to be defined as White Box – Yellow Box – Blakely's Red Gum grassy woodland. Similarly much of this vegetation on public land is also likely to be so degraded that it could not be classified as the listed community.

FFG-listed Narrow Goodenia

Populations of Narrow Goodenia have been observed at eight locations within minor drainage lines on the southern side of the main ridgeline. An estimated 2100 plants were observed in and around soaks and springs. Four of these populations may be influenced indirectly by the extraction of rock as the upper catchment of the minor drainage line which they inhabit will be removed. These populations represent about half of the total estimated population within the WA.

The catchments of the other four populations will not be impacted by rock extraction. Other indirect impacts associated with the broader change in land use could include increased competition from weeds or the accumulation of ground cover biomass.

DSE's 2007 Flora Information System supports 144 records of Narrow Goodenia largely concentrated around Euroa, the Warby Ranges and the Chiltern Mt. Pilot National Park. An unknown proportion of these records are results from population monitoring from the same locations (i.e. this species is not recorded from 144 different locations). Records occur in both public and private land.

The Action Statement for this species (Berwick 2003) identifies nine known major locations, with a total of twenty-four sites, comprising some thirty-two populations. While many populations have not been subject to census, the known population in Victoria is dominated by a single population on private property near Chesney Vale (100,000 plants) and one in the Warby Ranges (10,000 plants). Six other populations are identified as supporting about 1000 plants with another 8 populations of hundreds of

plants. The population of 2100 plants within the Eames property is therefore one of the larger known populations in Victoria.

FFG and EPBC-listed woodland birds and the FFG-listed Temperate Woodland Bird Community

1. Species that primarily use resources provided by overstorey trees (Barking Owl, Swift Parrot, Regent Honeyeater, Grey Goshawk, Square-tailed Kite, Powerful Owl, Painted Honeyeater).

- The proposal will lead to a loss of 38 large old trees that provide potential foraging and nesting resources for these species;

- The loss of 12.42 ha of Grassy Woodland, 0.9 ha of Box-Ironbark Forest and 2.56 ha of Valley Grassy Forest (17% of woodland and forest habitat in the Work Authority). Note that this includes areas where trees and shrubs are either absent or rare and as such these areas do not constitute optimal habitat for these species.

- Disturbance to remaining habitat in the form of noise, dust and light resulting from quarry operations.

Note that the distribution of Regent Honeyeater in the Chiltern-Mt Pilot National Park has declined dramatically over recent decades and there are now fewer than several pairs observed within the park in any given year. Most records from the park from 2007 onwards have been from areas north of the township of Chiltern, well away from the proposed New Chiltern Quarry site. While this does not preclude the possibility that this highly mobile species would use land within or adjacent to the proposed New Chiltern Quarry, it does demonstrate that there has been a dramatic reduction in the local population. Consequently, if woodland resources within and adjacent to the affected land are used by the species, they likely to be used less frequently and by fewer individuals.

2. Species that primarily use understorey vegetation (Hooded Robin, Speckled Warbler, Turquoise Parrot, Diamond Firetail)

- The loss of 14.64 ha of Grassy Woodland, 0.9 ha of Box-Ironbark Forest and 2.6 ha of Valley Grassy Forest (17% of woodland and forest habitat in the Work Authority). Note that this includes areas where key habitat requirements for some of these species are either rare or absent (e.g. fallen timber, shrubs, leaf litter etc.) and as such may not constitute optimal habitat for some of these species.
- Disturbance to remaining habitat in the form of noise, dust and light resulting from quarry operations.
- Fragmentation of habitat by roads and infrastructure.

Woodland Mammals (Brush-tailed Phascogale, Squirrel Glider)

- The proposal will lead to a loss of 38 large old trees that provide potential foraging and den resources for Brush-tailed Phascogale. Neither species has been confirmed as occurring on the site. It is unlikely that Squirrel Glider would make significant use these trees as they are quite isolated and is more likely to use the connected habitat within the road reserves;

- The loss of 12.42 ha of Grassy Woodland, 0.9 ha of Box-Ironbark Forest and 2.56 ha of Valley Grassy Forest (17% of woodland and forest habitat in the Work Authority). Note that this includes areas where trees and shrubs are either absent or rare; such areas do not constitute optimal habitat for these species.
- Disturbance to remaining habitat in the form of noise, dust and light resulting from quarry operations.
- Fragmentation of habitat by roads and infrastructure.

Brown Toadlet

This species has not been recorded on the site (no targeted survey has been undertaken) although general surveys were conducted when the species would be expected to be calling. However these surveys were done when potential habitat was dry.

If present, this species is most likely to inhabit Creekline Grassy Woodland which occurs along the drainage lines running off the central ridgeline. The proposed development of the quarry does not impact directly on this habitat and is not expected to significantly alter the hydrology of these drainage lines.

Wetland birds

There is very little habitat for these species within the study area and is comprised of constructed dams that are generally of low habitat value (Biosis Research 2009a). None of these species are likely to use the study area regularly or in large numbers. The resources present are common in the local area. The proposed quarry will include two new dams with a total capacity of 15 ML. These dams may actually provide better habitat for FFG-listed duck species such as Hardhead and Blue-billed Duck. As such, impacts to these species are likely to negligible and may actually be beneficial to some species.

White-bellied Sea-Eagle and Black Falcon

These species probably fly over the various habitats within the study area occasionally (the Black Falcon may be a more regular visitor) but generally speaking the study area is not considered to provide outstanding habitat for either of these species and impacts to these are expected to be low. There will be a loss of grassy foraging (and possibly nesting) habitat for Black Falcon.

Impacts of noise, light and dust on FFG-listed species and the EPBC-listed Swift Parrot and Regent Honeyeater

The impact of noise light and dust as a result of the quarry's operations on FFG and EPBC-listed species is unclear. Disturbance associated with the proposed quarry may have the potential to negatively affect fauna. Disturbance is a non-physical type of habitat alteration associated with human activity, and may take the following forms:

- visual and noise: from people, machinery; vehicle traffic and general quarrying activities;
- noise, ground vibration and air blast: from quarry blasting operations;
- dust; and
- artificial light.

Some of these are likely to be associated with each other and/or with particular components of the construction and operation of the New Chiltern Quarry.

General visual and noise impacts to listed species and communities

The specific impact to individual species and communities is unknown so impacts of these forms of disturbance are discussed in general terms.

There is the potential for disturbance to listed species and communities associated with the visual aspects of the quarry. The presence of people, machinery, traffic and infrastructure could all affect the behaviour listed fauna, particularly birds, and their use of adjacent areas.

Noise associated with the proposed quarry will come from extraction processes such as blasting and from other sources such as machinery, vehicles and people. Activities of woodland birds, such as foraging, breeding and roosting may be affected by noise and visual disturbances. There are energetic consequences of disturbance for some birds that are potentially deleterious. Where noise is predictable or regular, and is not associated with actual danger, many birds, including woodland birds, tend to habituate to the noise regime.

The proposal will take into account the placement of infrastructure associated with the quarry to minimise potential visual disturbance impacts. Such infrastructure includes a rock crushing plant, administration buildings and associated parking, access road for haul trucks and the access track around the quarry pit. The visual and noise impacts of the proposed quarry are expected to be largely confined to those associated with operations at the active quarry face. Most of such quarry activity, including machinery, haulage of rock and other vehicle movements take place below surface ground level (in the quarry pit) and are therefore not generally visible to fauna in significant habitats that are to be retained or that are off-site (e.g. the Chiltern-Mt Pilot National Park). However, there is expected to be some occasional activity at ground level around the quarry perimeter and of course trucks will be using the haul road to ferry rock.

Artificial light

Increased artificial lighting is a likely consequence of the proposed quarry. Artificial light has the potential to disturb some sensitive wildlife species and detrimentally change their behaviour. Negative effects on bats and birds are documented in the literature.

Quarrying and crushing activity will be confined to daylight hours, however night lighting will be used around parts of the quarry for security purposes. Artificial lighting will be centred on the area where crushing and processing of rock takes place and around administration buildings. Lighting is expected to be minimal and subsequently any impacts are also expected to be minimal.

Dust

Dust is an inevitable component of most quarrying activities. The operation of the existing Chiltern quarry entails the production of dust from rock crushing, blasting, movement of trucks and machinery. Spread of dust is likely to be influenced by wind. If left unmanaged, dust has the potential to cover native vegetation and wildlife habitats and reduce air quality. The most important potential effect on FFG-listed species and communities and the Swift Parrot and Regent Honeyeater is the deleterious impact that

could be caused by smothering of vegetation comprising indigenous vegetation communities.

Other possible impacts to FFG-listed species and communities and the Swift Parrot and Regent Honeyeater, as identified by Biosis Research (2009a) include:

- Increased human disturbance to areas of native vegetation.
- Increased disturbance to sensitive fauna species.
- Accidental loss of or damage to retained vegetation during the construction and operation of the quarry.
- Reductions in population size of some regionally significant flora species.
- Reduction in viability of retained habitat.

Potential indirect impacts include the following:

- Weed-invasion, rubbish dumping or accidental damage during construction, and associated edge effects.
- Loss of any retained vegetation as a result of changed environmental conditions, particularly through weed invasion or altered hydrology.
- Altered fire or other disturbance regimes associated with increased human activity.
- Reduced viability of some fauna species on the site in the longer term due to reductions in population size and reduced habitat area.
- Degradation of habitat values in the local area due to incremental loss of remnant vegetation.

Mitigation measures for EPBC & FFG-listed species and communities

Minimising vegetation losses

The proposed extraction area is based on the distribution of the underlying rock resource and in that context this resource cannot be extracted without the corresponding loss of native vegetation. Therefore, as the quarry would be established to extract the existing rock resource it is not possible to avoid some clearing of the native vegetation present.

The proposed infrastructure has been concentrated in the area of land south of Forrest Lane and otherwise surrounded by undeveloped road reserves as this area is dominated by Predominantly Introduced Vegetation and is largely down slope of existing stands of remnant trees and other native vegetation. These areas were chosen for the development of infrastructure to avoid the clearing of patches of remnant native vegetation.

Native vegetation loss will also be minimised through the restricted size of the quarry (the resource is more extensive and a larger quarry is plausible on the site) and the strategic placement of associated infrastructure to avoid the better quality areas of native vegetation.

The loss of native vegetation within the proposed extraction limit would occur progressively over the 50 to 80 year life of the quarry. All native vegetation/ fauna habitat would be protected from disturbance until the relevant stage for extraction is required. Many trees will therefore be retained for a number of decades and as such will continue to provide habitat for FFG and EPBC-listed species and communities.

Offsetting native vegetation losses

Unavoidable vegetation losses will be offset in line with the like-for-like prescriptions outlined by Victoria's Native Vegetation Management – A Framework for Action (NRE 2002). The offset areas identified will also be considered by DEWHA for their ability to satisfy the draft guidelines for offsets under the EPBC Act. The proposed New Chiltern Quarry has identified about **80 ha** of native vegetation in three areas to generate a like-for-like Net Gain outcome for the habitat hectare component of the offset prescriptions within the broader Eames property. This vegetation will be incorporated into the WA for this quarry. This includes about **70 ha** of vegetation classified as White Box – Yellow Box – Blakely's Red Gum grassy woodland. For the EPBC Act listed community, this provides a managed offset about 4.7 times the size of the area of vegetation proposed to be cleared. Offset requirements are detailed in a native vegetation offset management plan (Biosis Research 2009b) but includes actions relating to biomass management, weed control, enhancement plantings to re-introduce understorey species and pest animal control works.

Offset sites to cater for Large Old Tree (LOT) losses have also been identified within the broader area of land CEMEX will lease from the Eames property, including two road reserves (Biosis Research 2009b). The implementation of this offset plan generates habitat hectare offsets and protection for at least **177** Large Old Trees and up to **291 LOTs** and 191 Medium Old Trees (dbh >52.5 and <70 cm). This accounts for 60% of the prescribed LOT protection (**296** LOTs) prescribed to compensate for the unavoidable losses of **38** LOTs associated with the New Chiltern Quarry (Biosis Research 2009b).

The actions identified in the proposed management plan (Biosis Research 2009b) are aimed at permanently protecting and improving the quality of native vegetation remnants. These improvements are expected to result in increases in habitat quality for FFG-listed species and increased security of existing LOTs that are a critical component of Swift Parrot and Regent Honeyeater habitat. The proposed offset sites include more contiguous sections of woodland habitat on the more fertile surrounding lower slopes. Regent Honeyeater seems to prefer this type of habitat (Menkhorst 1999). The plan also includes control of the Red Fox within the offset areas, broader Eames property and on adjacent landholdings. This species is likely to prey upon FFG-listed mammals and some FFG-listed birds that occur or are likely to occur in the study area. Control of this predator is expected to benefit populations of these FFG-listed species.

The offset plan (Biosis Research 2009b) also recommends the placement of 38 (the same number as LOTs proposed to be lost) suitably designed and maintained nest boxes in areas of retained and managed native vegetation, which will provide additional den sites for the Brush-tailed Phascogale and Squirrel Glider and hollow-nesting birds such

as the Turquoise Parrot. These will be placed within the offset areas and/or within the neighbouring Chiltern-Mt Pilot National Park (subject to negations with DSE and Parks Victoria) where hollows are a scarce resource. All three species have been recorded using nest boxes in the Chiltern area and the local population of these species can be expected to benefit from these boxes. These nest boxes will be monitored annually and maintained in a manner which allows their use but target species.

Any trees lopped or removed in association with the development of the quarry will also have the coarse woody debris placed within areas of retained vegetation to increase the cover of this valuable ecological resource. Any existing coarse woody debris within the extraction zone will also be moved into the offset site, if deemed appropriate. Coarse woody debris is an important habitat component for many of the birds in the Temperate Woodland Bird Community and for the scansorial Brush-tailed Phasogale and ground-dwelling Brown Toadlet.

CEMEX Australia are in discussions with Birds Australia with a view to sponsoring a research program aimed at establishing the level of Woodland Bird activity within a rehabilitated Chiltern quarry with a particular focus on Regent Honeyeater and Swift Parrot numbers and the suitability of the improved habitat. The research program will extend into the proposed native vegetation off-set habitat adjacent the National Park on the proposed new Chiltern quarry site.

Disturbance (light, noise, dust)

Establishment of an earthen noise and visual bund wall is planned for the north-western boundary of the WA area. Bunding will reduce visual and noise impacts on fauna off-site, particularly fauna habitat along Forrest Lane. It will reduce disturbances emanating from operations on ground level and provide additional attenuation to those from below the surface level. The potential for disturbance caused by the construction of bund walls can be managed by ensuring that it is undertaken during the summer season when Swift Parrot and Regent Honeyeater are not likely to be present in the vicinity. Hours of operation of the quarry will be between 0700 and 1800 hrs EST so noise impacts to nocturnal fauna such as Brush-tailed Phascogale, Squirrel Glider and Barking Owl will be minimal.

It should be noted here that birds generally become habituated to certain anthropogenic disturbances that are not actually associated with danger. These include blasting from quarries (Biosis Research unpublished data), human presence, vehicular traffic and artificial light. For example, both the Regent Honeyeater and Swift Parrot are frequently recorded in highly disturbed urban environments with very high levels of human presence and Regent Honeyeater is recorded as breeding in urban areas (Higgins 1999; Higgins et al. 2001; pers. obs.) suggesting these species can and do become habituated to anthropogenic disturbances. There are numerous records of the Swift Parrot within 1 km of the existing Chiltern Quarry (Atlas of Victorian Wildlife database, 2007 version, DSE).

Dust suppression occurs within the existing Chiltern quarry and takes the form of watering down roads, equipment, and the crushed rock itself. The primary mitigation measure would be to continue to implement dust management strategies within all parts of the New Chiltern Quarry that generate dust. Activities that generate dust have been sited away from ecologically sensitive areas (outside offset areas) to reduce deleterious impacts. GHD prepared an air quality report for the predicted levels of dust produced by the New Chiltern Quarry (GHD 2009) and CEMEX has specified a best practice

water use regime for the new quarry. GHD (2009) concludes that the levels of dust will be well below prescribed limits for surrounding residences as outlined in Mining and Extractive Industries Protocol for Environmental Management (Mining PEM), suggesting that impacts to surrounding vegetation and fauna habitat from dust will also be relatively low. CEMEX will prepare a Dust Management Plan (DMP), in accordance with the recommendations outlined in the GHD (2009) report, which will include measures to keep dust at minimal levels, thereby reducing impacts to surrounding vegetation and habitats.

Dust from activities of quarrying itself and that generated by trucks on haul roads will require active suppression. This management will be required throughout all stages of the proposed quarry development. Establishment of earth bunds and maintenance of a buffer zone between active quarrying activities and sensitive fauna habitats off-site (see above) will assist in the prevention of dust having negative impacts on these habitats.

It may be necessary to curtail operations that cause high levels of air-borne dust during periods when strong wind might blow dust toward areas of managed native vegetation and this should be incorporated into the DMP.

Artificial lighting throughout the proposed development will be kept to the minimum. Lights will be kept as close to the ground as is practical. All artificial lighting will be designed and sited so that light spill to ecologically sensitive areas does not occur. In order to minimise potential impacts of altered behaviour on FFG and EPBC-listed species and communities, stationary light sources will be shielded so that they minimal impact to habitat for such species. Hours of operation of the quarry will be between 0700 and 1800 hrs EST and lights will not be used in the quarry pit after dark. Minimal night lighting will be used for security purposes around the works depot, stockpile areas and crushing plant.

Narrow Goodenia

All the eight known occurrences of this species occur within four minor drainage lines on or below a historical contour drain which is below the proposed extraction limit. While this artificial structure is not considered to have a significant impact on the subsurface hydrology, any changes to the overall hydrology of these catchments is not expected to impact significantly on the Narrow Goodenia. URS (2009) indicate that two of these minor drainage lines which support 4 of the 8 areas of Narrow Goodenia will not be impacted by the new quarry. Another two occurrences within another minor drainage line will only be subject to minor changes in the catchment with a decline in catchment area of between 7% and 23%. Altogether these six occurrences represent 61% of the estimated population of this species within the Work Authority.

The eastern most population (sub-catchment F in URS 2009) would eventually loose 63% of its catchment. The impact of this on this relatively large proportion of the population (39%) is uncertain. The extent of seasonally saturated soil may decline in this area and this could reduce the extent of suitable habitat for Narrow Goodenia. However the species is still expected to be able to persist at this location.

Populations of this species will be monitored in accordance with the offset management plan (Biosis Research 2009b) and if the species is observed to decline management options will be discussed with DSE. If a decline was observed in the four populations within impacted catchments and not in the others then replacement of lost water input through artificial means would be evaluated.

I hope this information is of use to you in your communications with DEWHA and DSE. If you wish to discuss the points raised in this letter further, please feel free to contact either myself or Steve Mueck at Biosis Research.

Yours sincerely,

Daniel Gilmore
Bachelor of Conservation Ecology
Senior Zoologist

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