

# Statement of Expert Evidence:

## Amendment C187 to the Whittlesea Planning Scheme. Wollert Precinct Structure Plan (PSP 1070)

Prepared for:

**Maddocks Lawyers**

November 2015



**Ecology and Heritage Partners Pty Ltd**

Aaron Organ

## DOCUMENT CONTROL

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<b>Assessment</b>	Statement of Expert Evidence: Amendment C188 to the Whittlesea Planning Scheme. Wollert Precinct Structure Plan (PSP 1070)
<b>Our project number</b>	7530
<b>Report author(s)</b>	Aaron Organ (Director / Principal Ecologist)
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<b>File name</b>	7530_EHP_C187Whittlesea_EWS_FINAL_301115.docx
<b>Client</b>	Property Subdivision
<b>Bioregions</b>	Victorian Volcanic Plain
<b>CMA</b>	Port Philip and Westernport Catchment Management Authority
<b>Council</b>	Whittlesea City Council

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## **1 AUTHOR'S EXPERTISE**

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This Statement of Expert Evidence has been prepared by Mr Aaron Organ, Director/ Principal Ecologist of Ecology and Heritage Partners Pty Ltd, of 292 Mt Alexander Road, Ascot Vale, Victoria. It is based on the findings of investigations by staff at Ecology and Heritage Partners Pty Ltd.

Aaron has over 20 years' experience in the environmental field, including 15 years in an environmental consultant capacity. Aaron has a broad working knowledge of flora and fauna throughout Victoria and has either managed or played an important role in providing environmental advice on a number of large infrastructure projects such as proposed pipelines, and road and rail developments, and numerous urban development projects (residential, industrial and commercial).

He has also been a lead author and/ or co-author for over 450 project reports and has provided expert advice to a range of private and government clients. Some of these projects include a large number of proposed wind farms in Victoria, South Australia and Tasmania, long-term flora and fauna monitoring throughout the Illawarra escarpment of New South Wales, and various residential developments across Victoria (including many projects in north east Victoria).

## **2 AUTHOR'S STATEMENT**

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I, Aaron Organ of Ecology and Heritage Partners Pty Ltd, have prepared this Statement of Expert Evidence pertaining to the ecological values and considerations in the Wollert PSP. The proceeding statement is based on a literature review, a brief site assessment, and expert knowledge of the ecological values within the PSP and broader northern Melbourne growth corridor.

I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

## 3 INTRODUCTION

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### 3.1 Background

Ecology and Heritage Partners Pty Ltd was instructed by Maddocks Lawyers, to prepare the following expert evidence relating to the ecological values and considerations across the entire Wollert Precinct Structure Plan (PSP) as part of Amendment C187 to Whittlesea Planning Scheme.

This statement of evidence aims to assist the Panel through the provision of accurate information relating to the key ecological considerations under Commonwealth [e.g. *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)] and State legislation, and local planning policies (e.g. overlays, incorporated documents) as part of the PSP strategic planning process.

Amendment C187 proposes to rezone much of the land to Urban Growth Zone Schedule 5 (UGZ5), with Rural Conservation Zone (RCZ) applied to conservation areas within the amendment area and the SUZ Schedule 10 (SUZ 10) applied to the transmission line easement within the amendment area. Additionally, whilst much of the precinct is currently covered by three Environmental Significance Overlays (i.e. ESO1, ESO4, ESO5), Amendment C187 seeks to translate ecological protections into the Wollert PSP and proposes to:

- Delete ESO1, ESO4 and ESO5 from the land within the amendment area;
- Insert and apply Incorporated Plan Overlay Schedule 4 (IPO4) to the local conservation reserves in the amendment area; and,
- Insert and apply Incorporated Plan Overlay Schedule 5 (IPO5) to the nature conservation reserves in the amendment area.

### 3.2 Scope

I have been instructed to undertake the following:

- Review the background information prepared as part of the Wollert PSP, along with any other relevant literature;
- Provide information on the veracity of mapping used in the Melbourne Strategic Assessment (MSA) (DSE 2009) and Biodiversity Conservation Strategy (BCS) (DEPI 2013a) as it relates to the Amendment C187 area;
- Provide information on the ability for areas supporting remnant native vegetation within the proposed Local Conservation Reserves (LCRs) to meet the condition thresholds to qualify as the Grassy Eucalypt Woodland of the Victorian Volcanic Plain (GEWVVP) by active management of these areas. GEWVVP is a listed ecological community under the EPBC Act;
- Provide a distinction between the conservation significance of patches of remnant native vegetation (e.g. Plains Grassy Woodland) on a National, State, Regional and local level; and,
- Provide an opinion on the reasonableness or otherwise of Amendment C187 as it relates to the conservation remnant native vegetation and scattered remnant trees.



### 3.3 Study Area

The subject land within the C187 Amendment applies to approximately 1,434 hectares of land located within Melbourne's Northern Growth Corridor, approximately 28 kilometres from Melbourne CBD. The land within the Wollert PSP is bound by Craigieburn Road to the south, Summerhill Road to the north, Curly Sedge Creek to the west and the future E6 road reservation to the east. The subject land is within the City of Whittlesea and the Port Philip and Westernport Catchment Management Authority.

It is understood that the Wollert PSP covers a large area of land within the expanded urban growth boundary (UGB). The area currently has a range of zones applied to it, including Urban Growth Zone (UGZ), Rural Conservation Zone (RCZ), Urban Floodway Zones (UFZ), Farming Zone (FZ) and Special Use Zone (SUZ).

The Wollert PSP (Page 47, MPA 2015) notes that the PSP lies within the locally and regionally significant River Red-gum *Eucalyptus camaldulensis* Grassy Woodland area of the northern plains. Seven LCRs are proposed within the PSP. These form part of a semi-connected open space and conservation network, which also includes two Conservation Areas (i.e. CA31 and CA32) that are proposed under the BCS (DEPI 2013a).

## 4 METHODS

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### 4.1 Nomenclature

Common and scientific names of vascular plants follow the Victorian Biodiversity Atlas (VBA) (DEPI 2014) and the Census of Vascular Plants of Victoria (Walsh and Stajsic 2007). Vegetation community names follow DELWP's Ecological Vegetation Classes (EVC) benchmarks (DELWP 2015a). The names of aquatic and terrestrial vertebrate and invertebrate fauna follow the VBA (DELWP 2015b).

### 4.2 Background Review

A review of relevant literature was undertaken to obtain an understanding of the primary ecological values that occur within the study area and to inform this Statement. The following information sources were reviewed:

- Maps and aerial photography of the study area;
- The VBA (DELWP 2015b), Flora Information System (FIS) (Viridans 2013a) and Atlas of Victorian Wildlife (AVW) (Viridans 2013b) for previously documented flora and fauna records within the project locality;
- Wollert Hills PSP Background Report (MPA 2015);
- Submission to Amendment C187 to the Whittlesea Planning Scheme prepared by Mesh Planning Pty Ltd;
- Relevant environmental legislation and policies;
- Amendment C187 documentation, including
  - exhibited planning scheme provisions
  - exhibited zoning and overlay maps
  - explanatory report
  - Wollert Precinct Structure Plan and Development Contributions Plan;
- Current planning scheme provisions;
- Correspondence from the Department of Environment, Land, Water and Planning relating to the conservation areas within the PSP;
- Guidance Note on Implementing the Biodiversity Conservation Strategy (working document February 2015) (DELWP 2015c);
- SMEC Draft Biodiversity Assessment Report – Contract Area 1070 [commissioned by MPA (formally GAA) and DELWP (formally DSE) (SMEC 2011);
- WSP Draft Biodiversity Assessment Report – Contract Area 1070 [commissioned by MPA (formally GAA) and DELWP (formally DSE) (WSP 2012);

- Treelogic Arboricultural Assessment Report - – Contract Area 1070 (Treelogic 2015) ; and,
- A copy of Clause 22.10 to the Scheme (Council’s River Red-gum Protection Policy) and guidelines.

### 4.3 Site Inspection

A brief site inspection was undertaken on 28 October 2015 at several LCRs (i.e. LCR01, LCR02, LCR03 and LCR04) and the two reserves under the BCS (i.e. CA31 and CA32), identified for conservation with City of Whittlesea’s Senior Strategic Planner. Most of these were visually assessed from a road, whilst the LCR04 located in the centre of the PSP was inspected on foot to broadly document the ecological values in this area. In addition, a site visit to the Epping North Conservation Area (100W Lyndarum Drive, Epping) was undertaken to observe the flora and fauna values across the reserve that have been managed during the initial Lyndarum Estate development, and subsequently managed by the City of Whittlesea.

### 4.4 Assessment Qualifications and Limitations

Data and information held within the ecological databases and mapping programs reviewed in the desktop assessment (e.g. VBA, Biodiversity Interactive Maps GAA Biodiversity Assessment Reports etc.) are unlikely to represent all flora and fauna observations within, and surrounding, the study area. It is therefore important to acknowledge that a lack of documented records does not necessarily indicate that a species or community is absent, but instead may reflect a lack of survey effort.

A short site assessment was over a single day and no vegetation assessments of remnant native vegetation within the proposed LCAs or other areas within the Wollert PSP boundary were undertaken. In addition, targeted surveys for significant flora and fauna species were not undertaken as part of the preparation of this expert witness statement.

Notwithstanding the above, the information provided in this statement is considered adequate to provide an assessment of the ecological values within the study area, and advice pertaining to the appropriateness or otherwise of the various planning mechanisms outlined in the Wollert PSP, and associated schedules of the UGZ5 and planning overlays for the future development of the precinct.

## 5 BIODIVERSITY ASSESSMENTS

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### 5.1 Existing Conditions

The Wollert PSP covers an area of approximately 1434 hectares. The study area is gently undulating and contains a number of drainage lines and creeks, including Edgars Creek and the Flinders Creek East and West Branch. The upper reaches of Curly Sedge Creek form the western boundary of the study area.

Much of the study area has been extensively cleared, and is dominated by introduced pasture grass species such as Toowoomba Canary Grass *Phalaris aquatica* and Chilean Needle-grass *Nassella neesiana*.

Isolated patches of remnant vegetation are generally restricted to basalt stony knolls where grazing pressure is reduced (SMEC 2011). While other patches of native vegetation occur based on the presence of canopy of River Red-gums, these patches generally have degraded understory vegetation.

The results of a previous ecological investigation (i.e. the Site of Faunal and Habitat Significance in North East Melbourne) of the study area are outlined in the North East Regional Organisation of Councils (NEROC) report (Beardsell 1997). Beardsell (1997) documents several significant species occurring throughout the Wollert-Edgars Creek headwaters management unit (MLVP D) which incorporates the study area, including Plains Wanderer (National significance), Striped Legless Lizard (National), Curly Sedge (National), Matted Flax-lily (National), Red-chested Button-quail (State), and Tough Scurf-pea (State).

The Wollert PSP also contains patches of an ecological community that is currently listed as critically endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### 5.2 Biodiversity Interactive Map and Biological Databases

The Biodiversity Interactive Map which is administered by DELWP revealed that there are patches of remnant native vegetation scattered across the study area (DELWP 2015a). The extent of remnant native vegetation is shown below (Figure 1) and this is consistent with what is shown in the Wollert PSP.

A total of seven Ecological Vegetation Classes (EVCs), covering approximately 225 hectares have been recorded within the Wollert PSP according to the former Department of Sustainability and Environment's (DSE) (now referred to DELWP herein) time stamped dataset. These include:

- Plains Grassy Woodland (EVC 55\_61);
- Greg Clay Drainage-line Aggregate (EVC 124)
- Plains Grassy Wetland (EVC 125)
- Plains Grassland (EVC 132)
- Stony Rises Woodland (EVC 203)
- Stony Knoll Shrubland (EVC 649)
- Creekline Tussock Grassland (EVC 654)

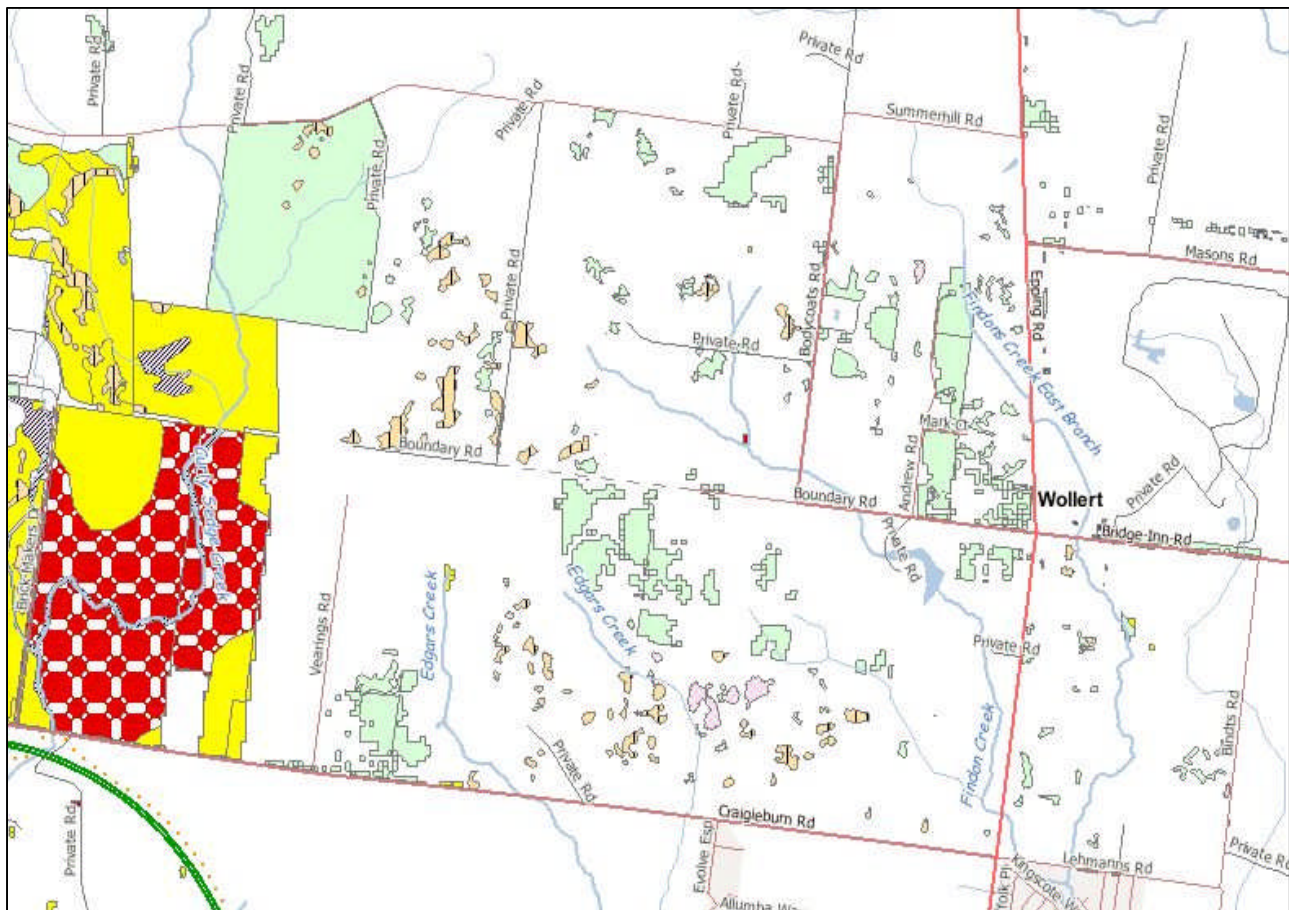
There have been few documented records of significant flora and fauna species on the DELWP biological databases (i.e. VFD, FIS and AVW) (Figure 1). Nationally significant species that have the highest potential to



occur with the Wollert PSP are Matted Flax-lily, Golden Sun Moth and Growling Grass Frog. Swift Parrot is also likely to temporarily reside within the study area to forage on flowering eucalypts during migration to more optimal habitats.

There is habitat present within the study area for a range of State significant flora and fauna species (AVW, FIS and VFD).

**Figure 1.** Extent of time-stamped vegetation within the Wollert PSP (DELWP 2015a).



### 5.3 SMEC 2011

General and targeted flora and fauna surveys were commissioned by the Growth Areas Authority (now the Metropolitan Planning Authority, referred to as MPA herein) as part of the time-stamping process under the MSA (SMEC 2011). Targeted surveys were conducted for one fauna species (Swift Parrot *Lathamus discolor*) and nine flora species (Clover Glycine *Glycine latrobeana*, Large-fruited Fireweed *Senecio macropcarpus*, Matted Flax-lily *Dianella amoena*, River Swamp Wallaby-grass *Amphibromus fluitans*, Slender Tick Trefoil *Desmodium varians*, Spiny Rice-flower *Pimelea spinescens* subsp. *spinescens*, Swollen Swamp Wallaby-grass *Amphibromus pithogastrus*, Tough Scurf-pea *Cullen tenax* and Veined Spear-grass *Austrostipa rudis* subsp. *australis*).

Three EPBC Act-listed flora species (Matted Flax-lily, Slender Tick Trefoil and Small Scurf-pea *Cullen parvum*), and two listed ecological communities [Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) and Grassy Eucalypt Woodland of the Victorian Volcanic Plain] are known to occur within the study area (SMEC 2011).

It is important to note that a significant limitation of the SMEC (2011) assessment was the lack of access to properties within the study area, with one third of the study area not accessed, including a large proportion of the proposed LCR04.

## **5.4 WSP 2012**

The purpose of the WSP (2012) assessment was to collect additional biodiversity data (i.e. general flora and fauna assessment and targeted threatened flora surveys) from field surveys, and to synthesise historical data as part of the preparation of the PSP. Targeted surveys for threatened fauna species (e.g. Golden Sun Moth) were not undertaken as part of the WSP assessment (WSP 2012). The WSP report was aimed at assessing areas not previously surveyed by SMEC (2011). WSP was able to access 15 of the 23 properties not accessed by SMEC in 2011.

No surveys for EPBC Act-listed ecological communities were undertaken as DELWP supplied WSP with site assessment data and modelled extent of GEWVVP. In addition, no vegetation quality assessments (i.e. habitat hectares) were undertaken as DELWP's time-stamped data was used to feed into the preparation of the PSP.

No threatened flora and fauna species were detected during the site assessments (WSP 2012).

## 6 ECOLOGICAL CONSIDERATIONS

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### 6.1 Local Conservation, Biodiversity, Threatened Species and Bushfire Management in Wollert PSP

As stated in 'Local Conservation, Biodiversity, Threatened Species and Bushfire Management' (Section 3.6) of the Wollert PSP:

*'The Wollert PSP area lies within the locally and regionally significant River Red-gum Grassy Woodland area of the Northern Plains, and abuts the investigation area for the 1200 Hectare Grassy Woodland Reserve to the north.*

*In response, a network of local conservation reserves has been nominated. These reserves have been prioritised in instances where multiple values overlap, for example biodiversity, arboricultural, landscape and historic (European) and Aboriginal cultural heritage significance (see Table 9 of the Wollert PSP). They have also been located to connect with the broader open space and biodiversity conservation network, which provide habitat link opportunities. Local conservation reserves are treated as encumbered land in the Wollert DCP'.*

Based on the site assessments and the ecological values present within the seven proposed LCRs, it is reasonable and appropriate to designate these areas as LCRs. The reasons for this is that the LCRs:

- 1) Support moderate to high quality remnants of Plains Grassy Woodland with many areas likely to qualify as GEWVVP.
- 2) Are several hectares in area and support a large number of mature River Red-gums, with many over 200 years of age;
- 3) Are connected to other areas (e.g. proposed 1,200 hectare Grassy Eucalypt Woodland to the north of the Wollert PSP, and the electrical transmission easement which will provide a linear corridor across the precinct) supporting ecological values of local, regional and national significance;
- 4) Are likely to support nationally listed fauna species such as Golden Sun Moth and Matted Flax-lily;
- 5) Can be practically managed and rehabilitated to increase the understorey to at least 50% native; and,
- 6) Support other important habitat features (e.g. rocky rises, rock walls, hollow-bearing trees)

### 6.2 Conservation Significance of Areas within Wollert PSP

#### 6.2.1 Remnant native vegetation

Patches of remnant native vegetation within the study area that support a high percentage cover of native species in the understorey, and that meet the condition thresholds under the EPBC Act to qualify as GEWVVP, are considered to be of National conservation significance (i.e. listed critically endangered under the EPBC Act).

Additionally, the extensive areas of Plains Grassy Woodland within the study area form part of the State listed threatened ecological community under the *Flora and Fauna Guarantee Act 1988* (FFG Act): Western Basalt Plains (River Red Gum) Grassy Woodland. This grassy woodland community has a clearly-recognizable structure comprising an open canopy of River Red-gum and a middle layer chiefly of scattered wattles. The original description of this community was based on its occurrences on the volcanic plains immediately north of Melbourne, but this community also occurs across the Newer Basalt volcanic plains of Western Victoria as scattered remnants.

There is also a high likelihood that extant populations of the critically endangered Golden Sun Moth are present within areas of the Wollert PSP, particularly at sites that supports a higher percentage cover of native understorey species (e.g. the proposed LCRs), and in areas containing Chilean Needle-grass which is a noxious weed that is known to be used by the species.

### 6.2.2 Scattered remnant trees

A total of 2815 trees have been assessed, with an additional 365 observed within the study area but not assessed due to access restrictions (Tree Logic 2012). The majority of these trees are mature River Red-gums.

In areas where scattered remnant trees form a high density cluster, where there are other ecological values present (e.g. patches of remnant, presence of significant flora and fauna species, drainage lines etc.), and where they are connected to other large areas of scattered trees or patches of remnant native vegetation, these areas often support a high number of native flora and fauna species and are of at least regional significance.

Mature scattered remnant trees within the study area are of local significance.

## 6.3 Condition Thresholds and Extent of Mapped GEWVVP within the Study Area

As outlined in: *'Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland and Grassy Eucalypt Woodland: A guide to the identification, assessment and management of nationally threatened ecological communities'* (SEWPaC 2011), several criteria are used to define whether remnant vegetation qualifies as the EPBC Act-listed ecological community. These include, the Ecological Vegetation Class, bioregion, size of patch, condition thresholds and additional characteristics.

A response to the criteria outlined in SEWPaC (2011) that pertains to 'patches' (not scattered remnant trees) of remnant native vegetation within the proposed LCRs is provided below (Table 1).



**Table 1.** Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland and Grassy Eucalypt Woodland: A guide to the identification, assessment and management of nationally threatened ecological communities' (SEWPaC 2011).

Criteria	Wollert PSP	
<b>Ecological Vegetation Class</b>	Plains Grassy Woodland (EVC 55_61) is present within the study area.	
<b>Bioregion</b>	The study area is within the Victorian Volcanic Plain bioregion.	
<b>Size of Patch</b>	The minimum patch size for the listed ecological community is 0.5 hectare.	
	One or more of the following native grass genera accounts for at least 50% of the perennial ground layer cover: <i>Themeda</i> , <i>Rytidosperma</i> , <i>Austrostipa</i> , <i>Poa</i> and/or <i>Microlaena</i>	
<b>Condition Thresholds</b>	<u>If native grasses account for less than 50% of the perennial ground layer cover, then the patch is either:</u>	A valuable wildflower site where at least 50% of the ground layer vegetative cover is represented by native forbs (including geophytes) during spring-summer (i.e. September to dryland February inclusive but noting that the ground layer may be sparse in some situations);
		OR
		Not heavily invaded by perennial weeds such that perennial weeds comprise less than 70% of the ground layer vegetative cover; OR
		If perennial weeds comprise more than 70% of the ground layer vegetative cover, then the patch must have more than ten native perennial species per 100 m <sup>2</sup> AND a density of at least three big trees per hectare. Big trees are defined here as trees with at least 70 centimetres diameter at breast height (DBH) for eucalypts and at least 40 cm DBH for non-eucalypt species.
<b>Additional Characteristics</b>	The conservation value of a patch of the ecological community is enhanced if it shows any of the following features: <ul style="list-style-type: none"> <li>• A high native plant species richness;</li> <li>• Large patch size or connectivity with a large patch of remnant vegetation;</li> <li>• Minimal weed invasion;</li> <li>• Presence of threatened plant and/or animal species;</li> <li>• Diversity of habitat e.g. Tree hollows, fallen logs, natural exposed rock outcrops.</li> </ul>	

The original Biodiversity Assessment conducted across the study area mapped very few areas of GEWVVP and the EPBC Act-listed NTGVVP (SMEC 2011). However, during the additional Biodiversity Assessments undertaken in 2012 (WSP 2012) the consultant was not required to undertake a habitat hectare assessment (i.e. assess the quality of the vegetation), nor was there a requirement to map the extent of GEWVVP (see Page 6 and Figure 2.3). This is because DELWP supplied the GIS layer of the modelled extent of GEWVVP for inclusion into the report (Figure 2). It is understood that the GEWVVP dataset included area for GEWVVP Derived Grasslands and GEWVVP canopy only.

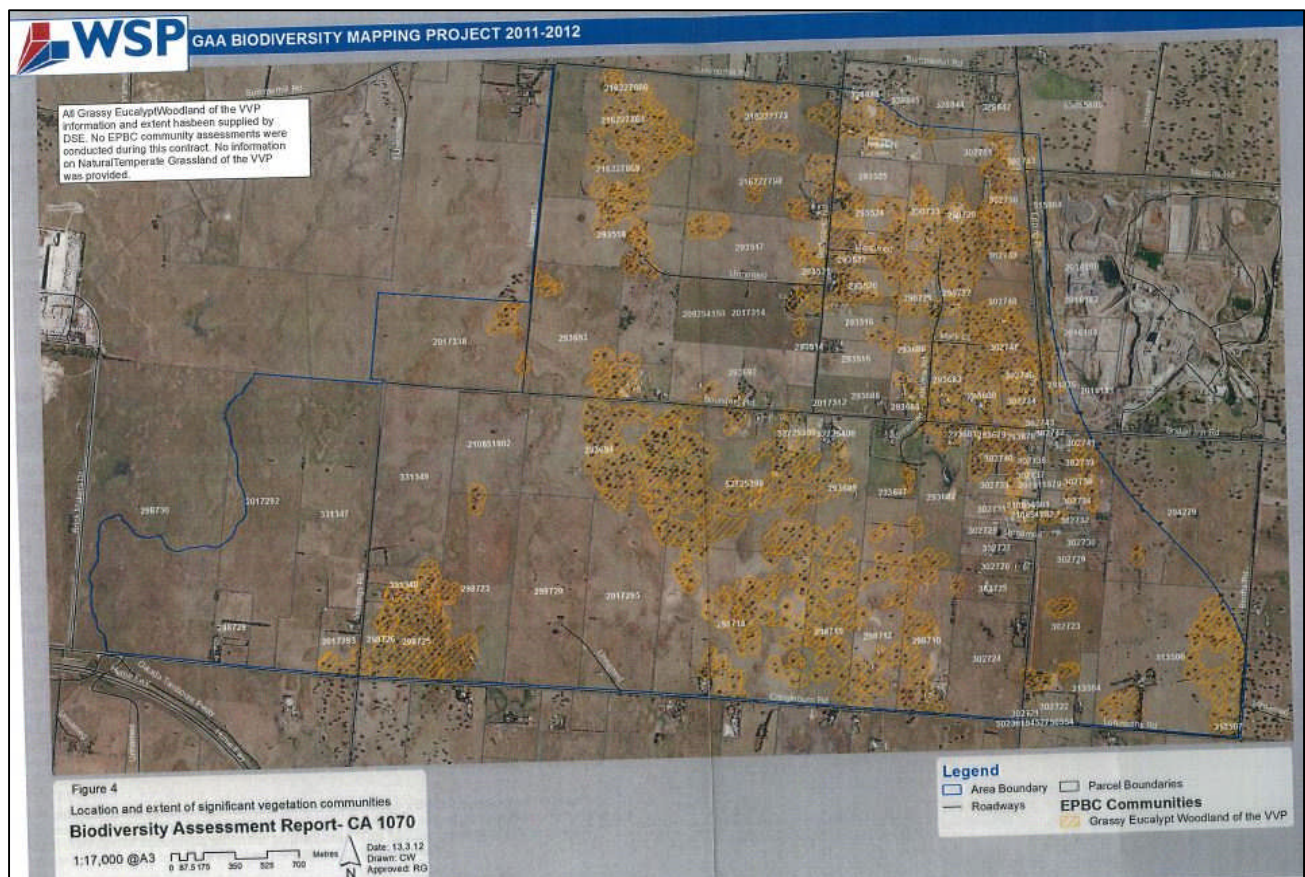
As outlined on page 38 of DELWP (2015d) it notes that:

*'Areas of 'highly likely' GEW were identified using a combination of geological maps, aerial photographs, observations from roadsides, historic parish plans and the use of GIS' (not underlined in the actual text in the document, but for the purpose of emphasising that field surveys were not undertaken). The document (i.e. DELWP 2015d) outlined the total area of highly likely GEW habitat with the UGB as 368ha from an area identified in the BCS. The revision has occurred as part of the preparation of this document which recognised errors in the original data set'.*

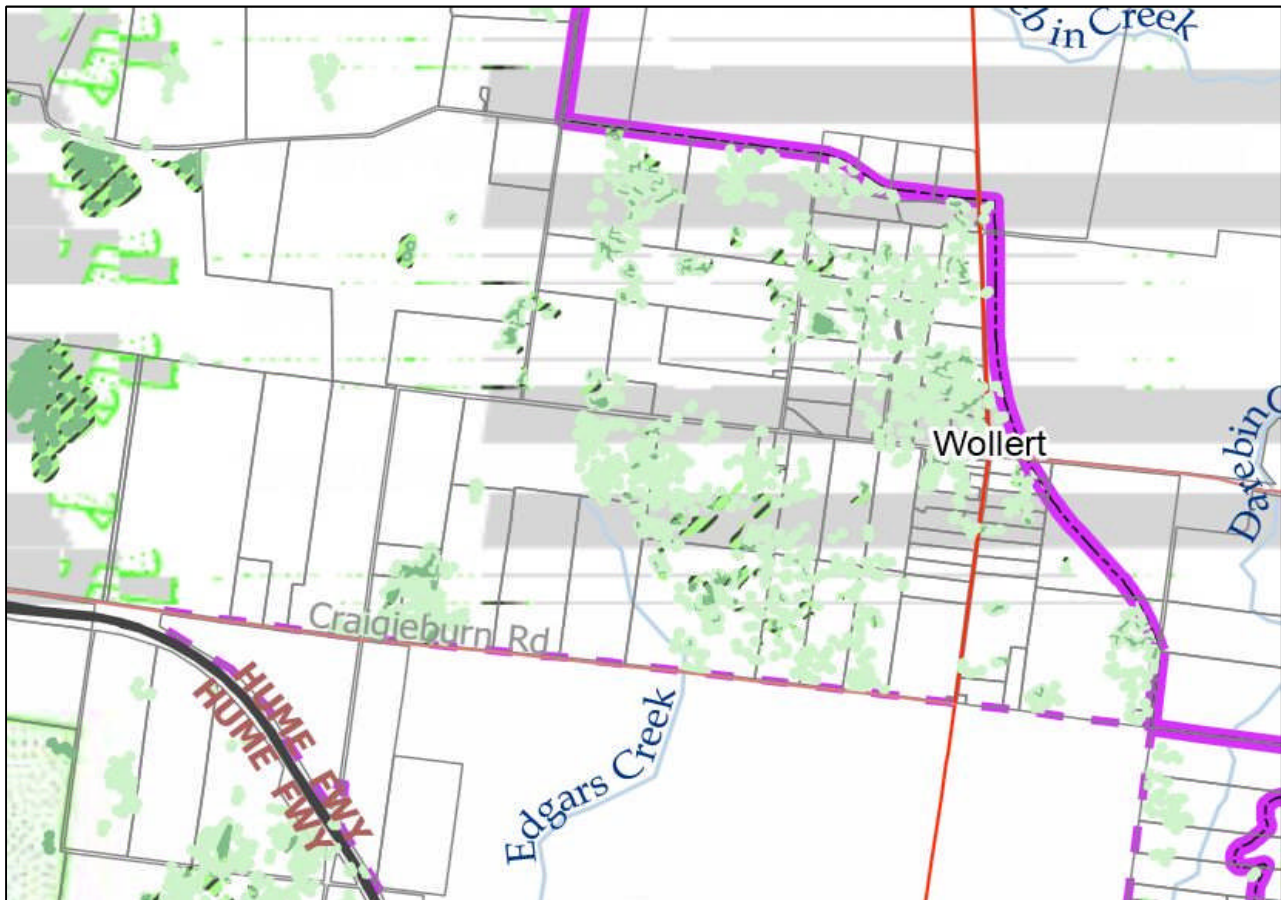
Based on this, and as evidenced from the large number of properties that were not accessed during the Biodiversity Mapping Assessment carried out on behalf of the MPA (i.e. SMEC 2011; WSP 2012), it is clear that most areas identified as GEWVVP within the Wollert PSP, and the broader northern growth corridor, have not been adequately ground-truthed (after a period where grazing by stock has been excluded) to accurately determine the extent of this listed community. Consequently, it is apparent that the total extent of GEWVVP within the Wollert PSP is a significant underestimation of the true extent of the listed ecological community within the study area. The extent of GEWVVP is shown on Figure 20 in the BSC (DEPI 2013a) (Figure 3).

The results of the mapping demonstrate that the vegetation type and condition that is present in CA31 and CA32 is largely consistent with the vegetation in the seven proposed LCRs within the Wollert PSP (i.e. DELWPs modelled GEWVVP).

**Figure 2.** Extent of modelled GEWVVP within the Wollert PSP (WSP 2012).



**Figure 3.** Extent of GEWVVP within the Wollert PSP shown in the BCS (DEPI 2013a).



**Note:** Light green = Not GEWVVP (but retains tree canopy of former GEW)

Dark green with black hatching = Derived GEWVVP

Dark green with no hatching = Treed GEWVVP

## 6.4 Balancing Commonwealth Policy Drivers and the Local Policy Context

The MSA and BCS seek to achieve Commonwealth environmental policy requirements, but do not seek to address the attainment of outcomes driven by local planning controls or policy. There are a series of local policy instruments in the Whittlesea Planning Scheme (e.g. Clause 22.10 – River Red-gum Protection Policy) and Environmental Significance Overlays that have relatively high levels of control over the removal of River Red-gums and other areas of remnant native vegetation, whether as scattered trees or remnant patches. These local government instruments are in place to protect ecological values of conservation significance and fall outside of the MSA and BCS.

### 6.4.1 Local Conservation Reserves

The seven LCRs are proposed to be located in areas supporting relatively large clusters of mature River Red-gums and prominent stony rises, particularly in areas where they overlap with areas with cultural heritage values, where they are adjacent to/or connected to other areas that are encumbered (e.g. the transmission line) and/or other natural features (Plan 7) (MPA 2015). Photos comparing the quality of the vegetation at CA31 with LCR04 are provided (Plates 1-4).





**Plate 1:** Remnant River Red-gums scattered throughout Conservation Area 31 within the Wollert PSP.



**Plate 2:** Remnant River Red-gums with a native understory (LCRo4).



**Plate 3:** Remnant River Red-gums with a mix of native and exotic understory (LCRo4).



**Plate 4:** Remnant River Red-gums with a mix of native and exotic understory (LCRo4).

## 6.4.2 Retention and protection of scattered remnant trees

Tree protection zone and tree retention zone (construction and long-term allowing for regeneration) requirements outlined in the Wollert PSP, the schedule of the UGZ5 and the relevant overlays (i.e. IPO4 and IPO5) are considered appropriate to ensure the protection of trees during and after construction.

As outlined in the exhibited Wollert PSP (MPA 2015), under implementation R3 (i.e. Page 15) states that:

*‘The primary requirement is for no less than 80% of River Red-gums classified as Medium, Large or Very Large must be retained for their landscape and amenity value’.*

R4 requires that:

*‘Retained River Red-gums should be located within public domains unless otherwise agree by the responsible authority’*



Future, R5 requires that:

*‘When trees are retained, applications for subdivision and/or development must apply Tree Protection Zones as identified within Appendix 4.4. of the Wollert Precinct Structure Plan’.*

Is it important to acknowledge that the 80% retention requirements outlined in R3 is reflective of prior experience for other developments throughout the City of Whittlesea. In addition, the BCS strictly focuses on the protection and management of GEWVVP (i.e. EPBC Act-listed ecological community) whilst scattered remnant trees throughout the entire MSA area have no such protection requirements (i.e. the BCS does not seek to achieve protection outcomes for scattered remnant trees, only patches of vegetation).

The City of Whittlesea has prepared several draft development concepts (Appendix 1) that demonstrate how the 80% retention of scattered remnant trees can be achieved as part of the future development for the following areas:

- 80, 90, 120, 130 and 160 Bodycoats Road;
- 39, 40, 41 and 58 Andrew Road;
- 30, 60, 100, 115, 125 and Boundary Road;
- 515, 523-525, 531-535 and 565 Epping Road;
- 260 Craigieburn Road;
- 225 Summerhill Road; and
- The AVJennings land.

I am instructed that these concepts have not been prepared to indicate any particular layout that may or may not be supported on any of the above sites. Moreover, they provide an indication of how the 80% could be attained.

I support all of the requirements provided in the Wollert PSP pertaining to scattered tree protection, and I am aware that the Tree Protection Zone standards developed by City of Whittlesea have satisfactorily been applied to numerous urban developments throughout the municipality.

It is understood that City of Whittlesea received a letter (dated 21 July 2015) (Appendix 2) by DELWP stating that the Department has determined that the adoption of the City of Whittlesea’s standards area likely to provide equal or greater protection of scattered trees to the criteria in the Guidance note and the Native Vegetation – Technical Information Sheet: Defining an acceptable distance for tree retention during construction works (DSE 2011).

### 6.4.3 Proposed local policies under the amendment

Amendment C187 proposes to rezone much of the land to Urban Growth Zone Schedule 5 (UGZ5), with Rural Conservation Zone (RCZ) applied to conservation areas within the amendment area and the SUZ Schedule 10 (SUZ 10) applied to the transmission line easement within the amendment area. Additionally, whilst much of the PSP is currently covered by three Environmental Significance Overalls (i.e. ESO1, ESO4, ESO5), that Amendment C187 seeks to delete ESO1, ESO4 and ESO5 from the land within the amendment area and introduce several overlays. This is on the basis that the PSP has responded to the existing ESO’s by proposing LCRs and scattered tree requirements.

### Urban Growth Zone - Schedule 5 (UGZ5)

With respect to the proposed UGZ5 within the study area, the following comments are provided that pertain to the protection of biodiversity and that are relevant for the Panel:

- Maps 1 and 2 show the future urban structure in the Wollert PSP, including a clear identification of the extent of the proposed conservation areas;
- Section 3.4 Application requirements - Kangaroo Management Plan: states that an application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority. This is an appropriate requirement and is consistent with other permit conditions to subdivide in PSPs throughout Melbourne's northern growth corridors;
- Section 4.4 Condition – Local Conservation Reserves – Conservation Management Plans. Section 4.4. states,

*'prior to Certification of any stage of subdivision containing land identified as a Local Conservation Reserve, the permit holder must enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987 which requires the owner to prepare and implement a Conservation Management Plan for the land.'*

This is a reasonable and a standard requirement that is consistent with many other developments around Melbourne, including the northern growth corridor.

In addition, Section 4.2 states:

*'where applicable, the Plan shall quantify the extent of offset gain to be achieved commensurate with the Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and defined by the Bush Broker Landholder Agreement and Quality Assurance process'.*

However, clarification is required as to why the extent of offset gains are required to be calculated under the State's *Biodiversity Assessment Guidelines* (i.e. under Clause 52.17) when the MSA and BCS apply to the PSP (i.e. Part 10 approval under the EPBC Act). Technically there is no requirement to calculate the gains that can be achieved through the protection and management of the LCAs, as likely gains cannot be used to offset permitted losses of remnant native vegetation within the PSP, or other areas across City of Whittlesea.

- Section 4.5 Condition – Natural systems. Land required for a local conservation resource, as set out in the Wollert PSP must be transferred to or vested in Council at no cost to Council (the requirement outlined in this condition is appropriate);
- Section 4.7 Conditions – Biodiversity and threatened species. A permit for subdivision must contain the conditions relating to:
  - the preparation of a Kangaroo Management Plan (as above, this condition is appropriate);
  - salvage and translocation of must be implemented in the carrying out of development to the satisfaction of the Secretary to DELWP. Although this condition is appropriate for locally common fauna (e.g. Common Brushtail Possum and hollow nesting birds), salvage and translocation of significant species such as Striped Legless Lizard is not likely to be required as DELWP currently has a moratorium on salvage of this species across Melbourne's growth areas.

- the protection of patches of remnant native vegetation and scattered remnant trees during construction (the requirements outlined in this condition is appropriate to protect vegetation during construction);
- Land Management Co-operative Agreement (the requirements outlined in this condition is appropriate to ensure conservation areas are appropriately secured and managed in perpetuity).

#### Incorporated Plan Overlay Schedule 4 (IPO4) (LCRs)

With respect to the proposed IPO4 the following comments are provided:

- Section 2.1. Requirements before a permit is granted. The requirements outlined for the development applications on land containing conservation reserves are reasonable and appropriate.
- Section 2.2. Conditions – Conservation Management Plan. Consistent with Section 4.2 of UGZ5, clarification is required as to why the extent of offset gains are required to be calculated under the State's *Biodiversity Assessment Guidelines* (i.e. under Clause 52.17) when the MSA and BCS apply to the PSP (i.e. Part 10 approval under the EPBC Act). Technically there is no requirement to calculate the gains that can be achieved through the protection and management of the LCAs, as likely gains cannot be used to offset permitted losses of remnant native vegetation within the PSP, or other areas across City of Whittlesea. That is, the calculation of 'gains' is a process under the Biodiversity Assessment Guidelines in areas outside of the MSA, and therefore not undertaken within the growth areas.

#### Incorporated Plan Overlay Schedule 5 (IPO5) (two proposed reserves under the BCS)

With respect to the proposed IPO5 the following comments are provided:

- Section 3.1 Conditions – Biodiversity and threatened species. A permit for subdivision must contain the conditions relating to:
  - the preparation of a Kangaroo Management Plan (as above, this condition is appropriate);
  - salvage and translocation of must be implemented in the carrying out of development to the satisfaction of the Secretary to DELWP. As above, while this condition is appropriate for locally common fauna, salvage and translocation of significant species such as Striped Legless Lizard is not likely to be required as DELWP currently has a moratorium on salvage of this species across Melbourne's growth areas.
  - the protection of patches of remnant native vegetation and scattered remnant trees during construction (as above, the requirements outlined in this condition is appropriate to protect vegetation during construction);

#### Clause 22.10 River Red-gum Protection Policy

Clause 22.10 has the primary purpose of protecting River Red-gums during and after development. The objective of Clause 22.10 is '*To ensure that the development of urban and rural areas takes into account the presence, retention, enhancement and long term viability of River Red-gums in urban areas*'. This policy is appropriate to protect scattered remnant River Red-gums within the Wollert PSP.

#### 6.4.4 Correspondence relating to the protection and enhancement of GEWVVP in the Wollert PSP

I am aware that there has been ongoing dialogue between the City of Whittlesea, the Commonwealth Minister for Environment and DELWP regarding the LCRs since the BCS was prepared in draft and subsequently finalised.

The following correspondence indicates that there is now a significant level of support by the relevant authorities for additional areas of ecological value (including areas containing GEWVVP and scattered remnant trees) to be protected and enhanced within the Wollert PSP, that are additional to the two Conservation Areas (i.e. CA31 and CA32) identified under the BCS (i.e. Part 10 approval under the EPBC Act) (Appendix 3, 4 and 5).

The City of Whittlesea received a letter (dated 16 September 2013) by the Department of Sustainability, Environment, Water, Populations and Communities (SEWPaC), now Department of the Environment that stated that (Appendix 3):

*‘the department carefully considered the submissions provided by the City of Whittlesea and notes that the BCS outcomes are aimed at protection of matters of national environmental significance listed under the EPBC Act. This should not be seen as undermining achievements by council in protecting important local and regional biodiversity. The department considers that the BCS prescribes the minimum protection requirements and that flexibility should be maintained during the precinct structure planning process to improve these outcomes’.*

Moreover, in response to the issue pertaining to additional GEWVPP to help achieve the 80% target in the endorsed Program, DEPI (now DELWP) (Appendix 4) stated that:

*‘The City of Whittlesea is currently preparing the Wollert PSP. Consistent with the BCS, which allows for voluntary protection of GEW over and above the BCS requirements, the current draft of the plan indicates additional protection of approximately 20 hectares of GEW within the precinct (approximately 50% of the GEW that would otherwise be cleared within this precinct). Conservation Area 31 in this precinct already protects approximately 5 hectares of GEW. The Wollert PSP is draft and it is not yet known what the final outcome will be, however, it is likely that additional GEW will be protected within the precinct. Any protection of GEW will need to meet similar standards as for areas protected under the BCS’.*

In addition to the letter by SEWPaC above, Council subsequently received a letter (dated 27 November 2013) by the current Commonwealth Minister for the Environment; the Hon. Greg Hunt who stated (Appendix 5):

*‘I am advised that the Biodiversity Conservation Strategy includes provision for additional reservation of box gum woodlands, including Grassy Eucalypt Woodland of the Victoria Volcanic Plain listed as critically endangered under the EPBC Act. I fully support City of Whittlesea in its negotiations to protect 80% of the remaining Grassy Eucalypt Woodland in the Wollert Precinct Structure Plan’.*

In summary, it is clear that this is exactly what the Wollert PSP seeks to achieve. That is, the protection of GEWVVP and scattered remnant trees (in the form of LCRs), and the protection of scattered remnant trees throughout the development. This will lead a greater ecological outcome compared with the protection and enhancement of only two Conservation Areas identified in the BCS.

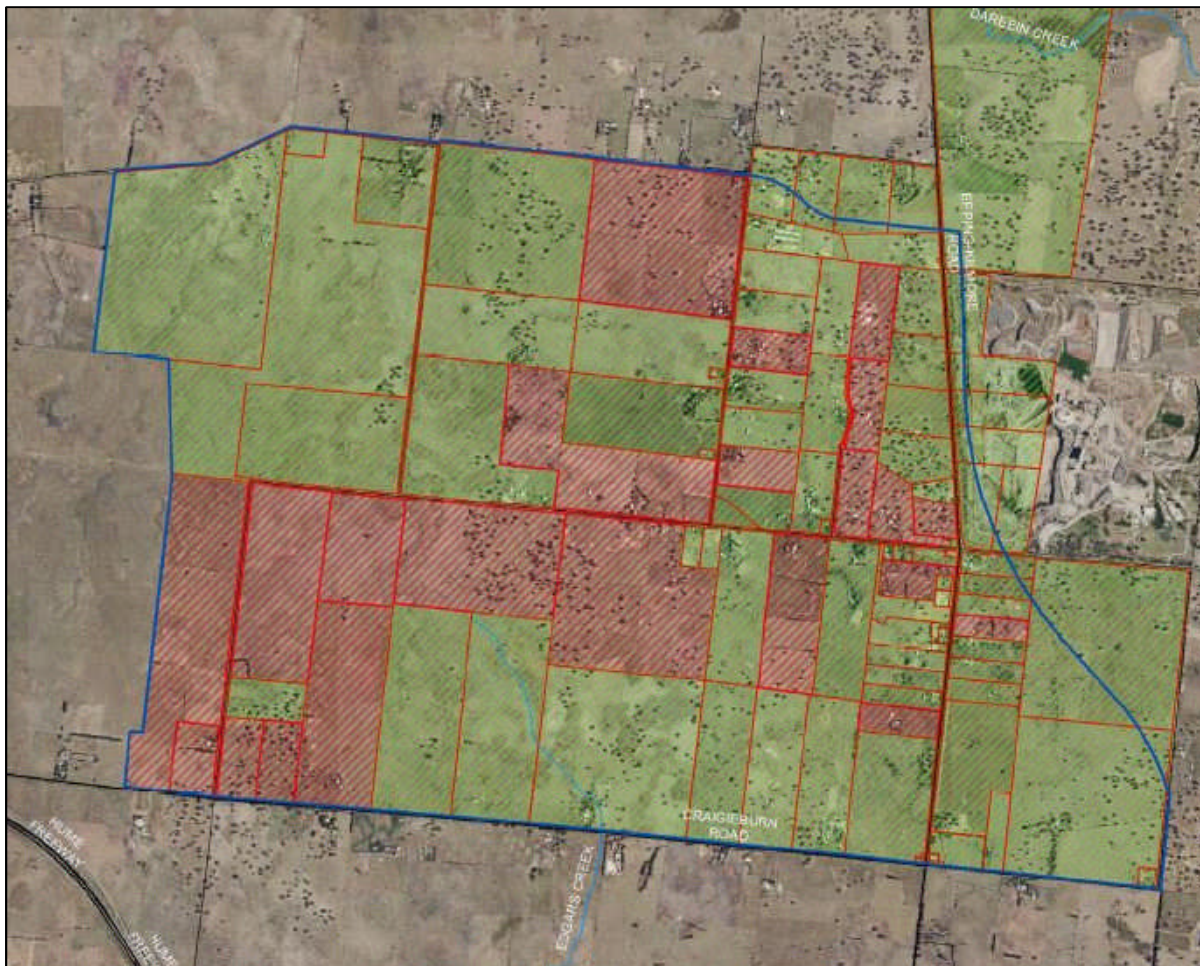


## 6.5 Veracity of Mapping used in the MSA and BCS as it relates to Amendment C187

### 6.5.1 Mapped patches versus scattered remnant trees

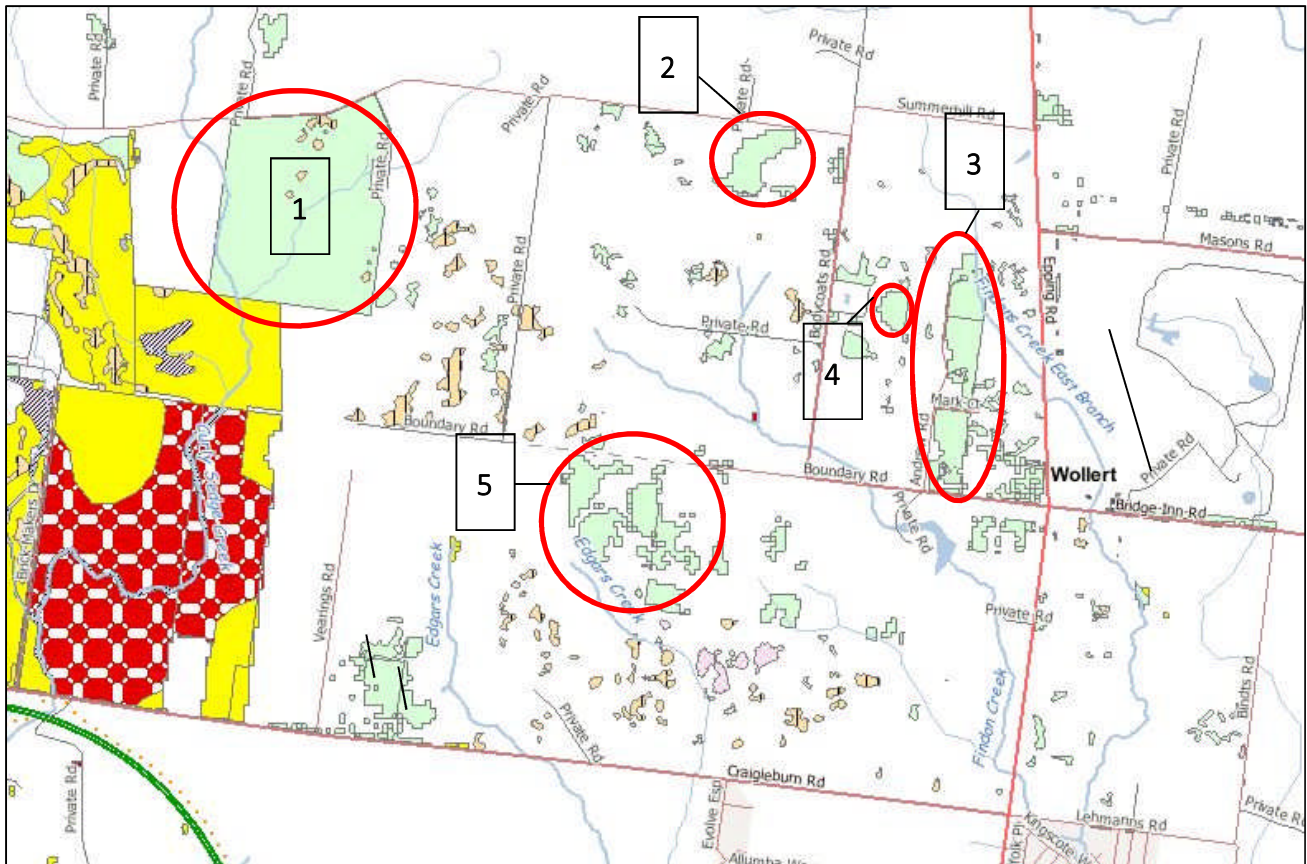
Extensive areas supporting ecological values (as evidenced by the presence of mature trees visible on aerial photography) were not surveyed in 2010/2011 due to unpermitted access (SMEC 2011) (Figure 4). It is clear that after the initial Biodiversity Assessments undertaken by SMEC (2011), DELWP modelled much of the vegetation within the study area as remnant patches, rather than scattered remnant trees which were mapped in adjacent properties by SMEC (2011) (Figure 5). This conservative approach to the mapping of vegetation undertaken by DELWP across properties (i.e. largely modelled extent of vegetation and not assessed on ground) has implications under the habitat compensation obligations for current and future landowners.

**Figure 4.** The extent of vegetation and significant flora and fauna surveys within the Wollert PSP (SMEC 2011).



**Note:** Green = properties that were assessed  
Red = properties where access was not granted.

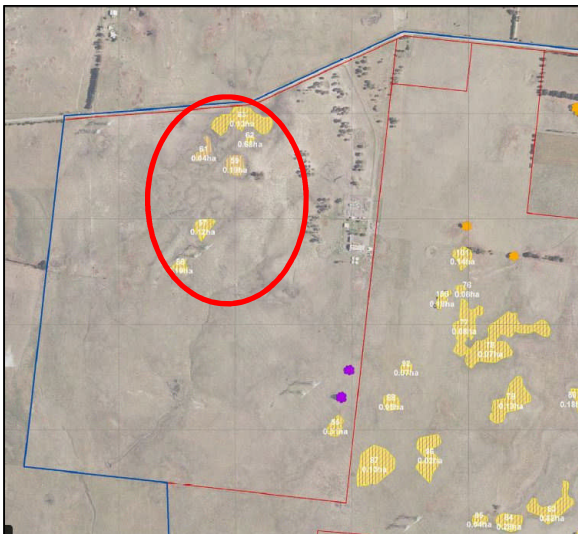
**Figure 5.** Time-stamped vegetation that appears to be conservatively mapped (based on modelling and not assessed on ground) (DELWP 2015a).



Site 1 (note this area is outside of the exhibited Wollert PSP): Although small isolated patches of remnant native vegetation were mapped in SMEC (2011) the entire land parcel has been mapped as remnant Plain Grassy Woodland on the time-stamped vegetation layer.

Sites 2-5: It is evident that vegetation on properties that were not accessed during the MPA Biodiversity Assessments (SMEC 2011) and have been mapped, or modelled, as 'remnant patches', rather than scattered remnant trees. This is contrary to the results of the detailed site surveys (see Plates 5-8) where few patches of remnant native vegetation were mapped, with most of the vegetation supporting highly modified understorey (i.e. less than 25% cover over native understorey), and as such, are defined as scattered remnant trees.

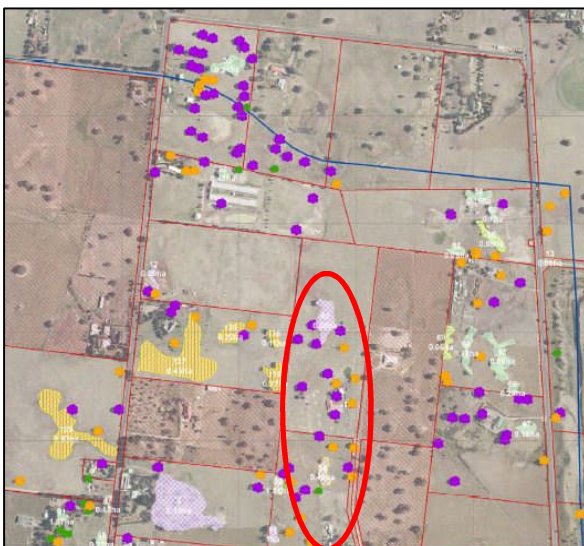




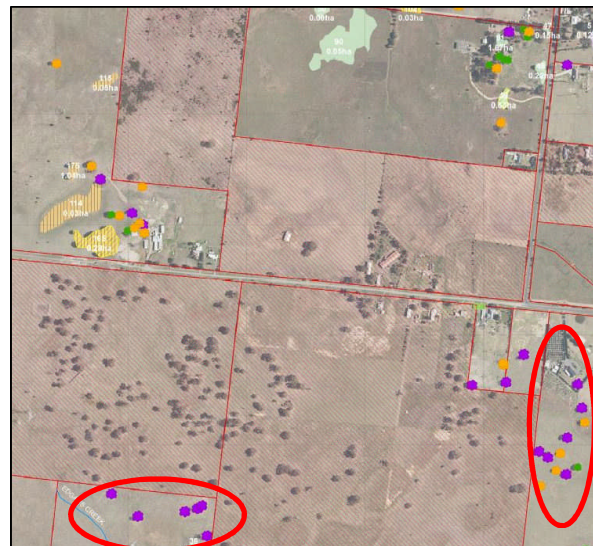
**Plate 5:** Small areas of Stony Knoll Shrubland and scattered remnant trees on the property in the north west of the study area (Site 1 above).



**Plate 6:** Small areas of Stony Knoll Shrubland and scattered remnant trees of the former Plains Grassy Woodland EVC (Site 2 above).



**Plate 7:** Large number of scattered remnant trees mapped with few areas of Plains Grassy Woodland adjacent to properties not assessed (Site 3 and 4 above).



**Plate 8:** Large number of scattered remnant trees mapped with few areas of Plains Grassy Woodland present (Site 5 above).

## 6.6 Conservation Areas under the BCS

There are two Conservation Areas proposed under the BCS that have been identified in the Wollert PSP (CA31 and CA32). The primary reason why CA31 has been protected is due to the presence of GEWVVP, while the reason why CA32 has been protected is due to the known and possible presence of the EPBC Act listed matters; NTGVVP, Curly Sedge population within high quality habitat, Striped Legless Lizard habitat, Matted Flax-lily population (not confirmed), suitable habitat for Plains Wanderer, and also State values; Western (Basalt) Plains Grassland Community, Tough Scurf-pea.

DELWP's *Guidance Note: Implementing the Biodiversity Conservation Strategy for Melbourne's Growth Corridors – Working Document* (DELWP 2015c) states that prior to considering any proposed adjustments to conservation areas boundaries at the precinct structure planning stage, surveys are required

at Conservation Areas 18, 20, 28, 31, 32, 33 and 35 to confirm the biodiversity values of areas of land that have not previously been surveyed as part of time-stamping. While this document is not technically part of the BCS or the Commonwealth approvals under the EPBC Act (having been prepared subsequently), this demonstrates that many areas that have been identified as Conservation Areas under the BCS have not been extensively surveyed to determine the type and distribution of EPBC Act-listed species or communities at these sites. Furthermore, based on the recent site assessment of several of the proposed LCRs within the Wollert PSP, most of them support the same type and quality of vegetation as CA31 and CA32.

## 6.7 Improvement of Plains Grassy Woodland to meet the Condition Thresholds to Qualify as GEWVVP

I have been asked to consider the potential to actively manage remnant vegetation within the LCRs to increase the extent of GEW that meets the relevant threshold so as to qualify for recognition as GEW under the *Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland and Grassy Eucalypt Woodland: A guide to the identification, assessment and management of nationally threatened ecological communities* (SEWPaC 2011) (Table 1).

Information on the ability for Plains Grassy Woodland remnants within the PSP to either be managed or restored over time to meet the condition thresholds to qualify as the EPBC Act-listed GEWVVP ecological community is provided below (Table 2). Previous examples where Grassy Woodland has been managed successfully in an urban context is outlined below (Section 6.3.1).

The restoration of grassy eucalypt woodlands has been extensively studied and the findings published in a large number of scientific papers. A selection of relevant published literature relating to the successful rehabilitation and restoration of temperate grassy woodlands is provided (Table 2). This is pertinent to Amendment C187 as much of CA31 and CA32, along with the seven LCRs have a modified understorey component comprising a mix of exotic and native grasses.

**Table 2.** Published literature relevant to the restoration of Grassy Eucalypt Woodlands.

Authors	Article Title	Comments	Relevance to the study area
Ian Cole and Ian D. Lunt 2005	Restoring Kangaroo Grass <i>Themeda triandra</i> to grassland and woodland understoreys: a review of establishment requirements and restoration exercises in south-east Australia.	<p>Investigates practical methods in the current literature for the re-introduction of Kangaroo Grass as a critical step for understory restoration of temperate grassy ecosystems.</p> <p>The use of Kangaroo Grass is beneficial to start the restoration process within temperate grasslands due to its fast growing nature, ability to compete with exotic weeds and wide geographic distribution.</p> <p>The literature review of Kangaroo Grass seed establishment biology and restoration exercises have shown stands of Kangaroo Grass can be readily established by surface-spreading awned seeds in seed-bearing hay (areas that are several hectares in size).</p>	The reintroduction or supplementary planting of Kangaroo Grass in the proposed LCAs can successfully be undertaken to increase the percentage cover of native understory vegetation to at least 50%, thus this will meet the condition thresholds under the EPBC Act-listed community.
Prober S. M., Lunt, I. D. and Thiele, K. 2002	Determining reference conditions for management and restoration of temperate grassy woodlands: relationships amongst trees, topsoils and understorey flora in little-grazed remnants.	<p>Studies the chemical and physical properties of topsoil from rare, little-grazed remnants of grassy woodlands in Central NSW and examines the natural patterns in topsoil properties and understorey flora in relation to trees and canopy gaps.</p> <ul style="list-style-type: none"> <li>- Topsoils were generally low in available macronutrients but were favourable for plant growth in most other measured characteristics;</li> <li>- Topsoils beneath trees were notably more fertile than in open areas;</li> <li>- Higher nutrient concentrations may have contributed to understorey dominant patterns with <i>Themeda australis</i> predominating open areas and <i>Poa sieberiana</i> beneath trees;</li> <li>- Trees were associated with higher native-plant richness.</li> </ul> <p>Concludes that re-establishment of trees is highly beneficial for amelioration of landscape degradation and that trees contribute to a higher native plant diversity in the understory of a woodland.</p>	The retention of scattered remnant trees, the encouragement of natural regeneration and revegetation of overstorey species (e.g. River Red-gums) in appropriate areas within the Wollert PSP is likely to be beneficial to contribute to higher native plant diversity in the understory of a woodland. The end result is that the enhancement of the understorey component in retained areas has the potential to meet the condition thresholds to qualify as the EPBC Act-listed community.
Spooner P, Lunt I & Robinson W (2002).	Is fencing enough? The short-term effects of stock exclusion in remnant grassy woodlands in	Vegetation and soil surveys were undertaken at 47 sites fenced for 2-4 years. Fenced and unfenced areas at each site were compared	This study demonstrates that the exclusion of stock through fencing has the potential to increase tree recruitment. Although the active control of exotic grasses



Authors	Article Title	Comments	Relevance to the study area
	southern NSW.	<p>using split-plot sampling.</p> <ul style="list-style-type: none"> <li>- Fenced sites had significantly higher numbers of tree recruits (59%) compared with unfenced sites (13%).</li> <li>- Fenced sites had significantly greater cover of native perennial grasses, less cover of exotic annual species and less soil surface compaction.</li> <li>- Where tree recruitment occurred, there was significantly more tree recruitment where there was greater perennial grass cover and less regeneration where exotic annual grass cover or overstorey crown cover was dense.</li> </ul> <p>The authors conclude that fencing is an important first step for conserving threatened grassy woodlands, but more active management may be needed to enhance woodland recovery.</p>	is likely to be important to enhance tree recruitment and woodland recovery. The use of low post-wire fencing around sensitive sites and the active management of LCRs have a very high probability of success in the rehabilitation of GEWVVP within the Wollert PSP.
Josh Dorrough & Claire Moxham (2004)	Eucalypt establishment in agricultural landscapes and implications for landscape-scale restoration.	<p>Investigates the cost-effective method of revegetation using naturally dispersed seed across 519 sites in grassy dry forests and grassy woodlands of central Victoria.</p> <p>Eucalypt regeneration was observed in 27% of all sites. Probability was reduced by intensive past land use (cultivation), regular livestock grazing, increasing distance to remnant trees and a high cover of exotic annual vegetation.</p> <p>The highest probability of regeneration was observed in ungrazed sites. Scenario testing at three farms suggested that with current tree cover (2.7%), 40% of the total area has a high probability of supporting natural regeneration. However this percentage could be largely reduced in the absence of land management practices.</p>	As above. Through the removal of threatening processes (e.g. principally grazing and other intensive farming practices) the vegetation quality across the proposed LCRs will improve over time.
Lisa T. Smallbone, Suzanne M. Prober & Ian D. Lunt	Restoration treatments enhance early establishment of native forbs in a degraded temperate grassy woodland.	<p>Investigated the effects of three understorey restoration treatments on early establishment of eight species of native forb in degraded white box woodland. The treatments included:</p> <ul style="list-style-type: none"> <li>- Carbon addition (sugar)</li> <li>- Spring burning; and</li> <li>- Re-establishment of <i>Themeda australis</i></li> </ul> <p>The plots exposed to sugar and spring burning had a higher native</p>	Demonstrated techniques that can be applied to LCRs within the study area where, over time, the vegetation is likely to meet the condition thresholds to quality as the EPBC Act-listed community.

Authors	Article Title	Comments	Relevance to the study area
		<p>grass cover and lower exotic grass cover, particularly if seeded with <i>Themeda</i>. The plots exposed to burning experienced a proliferation of broad-leaved exotic annuals. The control plots had a continued high cover of exotic species.</p> <p>Overall germination was significantly higher on sugar plots than burnt and control plots. Re-introduced <i>Themeda</i> swards significantly promoted seedling germination and transplant survival in burnt plots.</p>	

### 6.7.1 Epping North Conservation Reserve (Lyndarum Development)

The Epping North Conservation Reserve is located on Lyndarum Drive, Epping North, and was protected as part of the Lyndarum residential development (Plate 9). The reserve is approximately 14 hectares and has been reserved to protect a large stand of mature River Red-gums and several areas supporting Stony Knoll Shrubland of varying quality (Plates 14-19). A balance between conservation and development has been achieved by allowing an irregular development edge including a residential pocket essentially surrounded by the reserve. The reserve has a series of formed pedestrian tracks with several interpretative signs (Plate 9) where people are able to be informed and experience the values within the reserve. City of Whittlesea is now responsible for the active management of the reserve.

**Plate 9:** Epping North Conservation Reserve (Lyndarum Development, Epping North)



There are several other examples where Plains Grassy Woodland/GEWVP has successfully been incorporated into an urban subdivision within City of Whittlesea and other areas across northern Melbourne, including:

- Mernda Village Estate, Mernda (Plate 10).
- Laurimar Estate, Doreen (Plate 11)
- Renaissance Rise Estate, Mernda (Plate 12)
- Riverstone (Plenty River), Doreen (Plate 13)
- Thomastown East Reserve, Thomastown (adjacent to Darebin Creek) (Plate 19)
- LaTrobe University and LaTrobe Wildlife Sanctuary, Bundoora



**Plate 10:** Mernda Village Estate, Mernda.



**Plate 11:** Laurimar Estate, Doreen





**Plate 12.** Renaissance Rise Estate, Mernda



**Plate 13.** Riverstone (Plenty River), Doreen







**Plate 14:** High quality understory that constitutes GEVVVP, Epping North Conservation Reserve.



**Plate 15:** Evidence of understory vegetation that has been actively managed, Epping North Conservation Reserve.



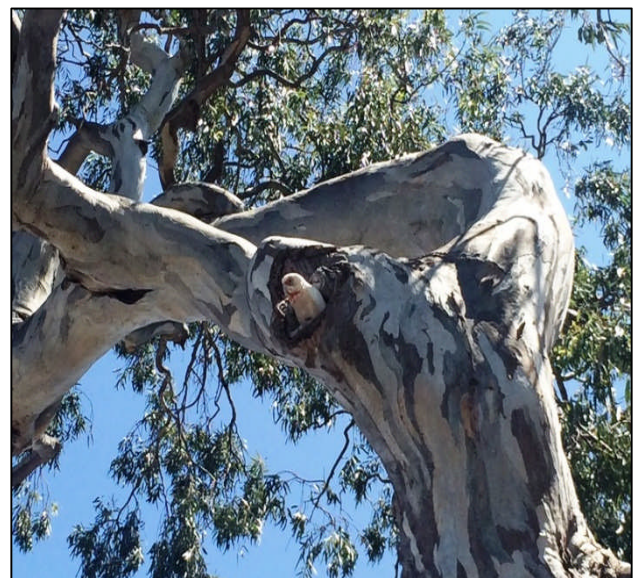
**Plate 16:** Example of the poor GSV within the activity area as a result of dense exotic grasses.



**Plate 17:** High quality understory that constitutes GEVVVP, Epping North Conservation Reserve.



**Plate 18:** Interpretative signs at Epping North Conservation Reserve.



**Plate 19:** Use of hollow-bearing River Red-gum by Long-billed Corella in an urban area, Thomastown East Reserve.



## 7 RELEVANT SUBMISSIONS

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I have reviewed the submission by DELWP and Mesh Planning and provide the following commentary in relation to the biodiversity consideration for the Wollert SPS:

### 7.1 DELWP

With respect to the DELWP's submission (dated 24 September 2015) I have no issues with the comments provided on Schedule of the UGZ. However, DELWP provide specific comments pertaining to Local Conservation (Section 3.6.1 of the Wollert PSP) and scattered tree retention (Section 4.4) in City of Whittlesea:

*'In addition to Conservation Areas 31 and 32 from the Biodiversity Conservation Strategy, the draft Wollert PSP shows seven sites marked as 'Local Conservation Reserves (encumbered) that are intended to protect values of biodiversity, arboricultural, landscape and cultural heritage significance.*

*Under the Commonwealth approval for urban development in Melbourne's growth corridors (September 2013 and September 2014), habitat compensation fees are applicable for the loss or deemed loss of native vegetation and habitat for matters of national environmental significance on all land within the area covered by the BCS, except for man-made features such as buildings and roads....."*

Further, based on the Guidance Note for implementing the BCS (DELWP 2015c), DELWP state that:

*'Habitat compensation fees are not required for native vegetation or habitat on land that is deemed to be retained in accordance with the specific criteria.*

*Three alternative areas within the reserves 3, 5 and 6 which make significant contributions to protecting matters of national environmental significance could be deemed retained.*

Response: Based on DELWP's submission and the criteria outlined in the Guidance note (Page 26, Table 3) (DELWP 2015c), it is apparent that there is a very high likelihood that the seven LCRs shown on Plan 7 (Biodiversity, Threatened Species and Bushfire Management) of the Wollert PSP meet the criteria for retaining native vegetation outside of the BCS conservation areas.

A response to the DELWP's criteria for retaining native vegetation which is applicable to the Wollert PSP is provided below (Table 3). However, it is important to note that DELWP's Guidance note has no legal status under the Melbourne Strategic Assessment approval by the Commonwealth Department (i.e. not endorsed under the BCS).

In this regard Section 6.3.2 of the BCS (DEPI 2013a) states:

*'The BCS does not require the retention of trees outside conservation areas. However some large old trees may be retained for landscape or aesthetic reasons as a result of precinct structure planning.*

*A tree will be deemed to be retained if it is on public land or an identified reserve to be managed by a public land manager, and has no ground disturbance (e.g. digging, trenching or stockpiling) within the 'tree retention zone'. The 'tree retention zone' is typically an area larger than the dripline. The zone is defined in a DSE technical standard. However, where agreed by DEPI, the relevant Council standard may be used to define the zone.*

*Removal of large old trees within native vegetation patches and scattered trees on land suitable for urban development must be offset in accordance with the principles of the Native Vegetation Management Framework (DNRE 2002).*

*Offset requirements for large old trees and scattered trees will be determined at the precinct structure planning stage.*

*Only trees that meet the definition of a protected tree in DSE (2007) can be used as offsets. Such trees will be located in areas managed for conservation and secured in perpetuity.*

*Trees not protected or retained will be deemed to be cleared and will require an offset. The decision about whether trees require offsets will be made by DEPI or the responsible authority (municipal council). DEPI will work with relevant municipalities to establish an “over the counter” scheme to facilitate tree offsets for the growth corridors.’*

The above sets the basic rules for retention and leaves the technical articulation of the TPZ to be resolved. However the principle is clear, that trees are retained if secured in public land or in a reserve subject to public management.

In considering whether a scattered tree is retained it is relevant to note that the focus of Clause 22.10 of the Whittlesea Planning Scheme is in retaining River Red-gums in the public realm, consistent with Section 6.3.2 of the BCS.

**Table 3.** Criteria thresholds under the Guidance Note for remnant patches of vegetation to qualify as GWEVVP (DELWP 2015c).

Criteria	Description	Relevance to the study area
1	The native vegetation and habitat must not be subject to removal as part of a planning permit application.	<b>This criteria is met.</b>
2	The native vegetation must be shown in DELWP’s time-stamped data.	<b>This criteria is met.</b> Remnant native vegetation (i.e. Plains Grassy Woodland) has been time-stamped across all seven LCAs
3	<p>80 per cent of the land proposed to be retained must comprise native vegetation, AND:</p> <ul style="list-style-type: none"> <li>• Include ≥ 50 hectares ‘high persistence’ habitat for Golden Sun Moth confirmed to be occupied by the species in a recent survey (high persistence habitat is in DSE 2009), AND/OR</li> <li>• <u>Include ≥ 2 hectares of Grassy Eucalypt Woodland (as mapped in Figure 19 and 20 of the BCS or as confirmed in a recent survey as meeting the definition under the EPBC Act), AND/OR</u></li> <li>• Include ≥ 1 hectares of ‘very high quality’ Seasonal Herbaceous Wetlands within a patch of native vegetation that is at least triple the size of the total area of wetlands ((as mapped in ‘The impact of Melbourne’s growth on Seasonal Herbaceous Wetlands (freshwater) of the temperate lowland plains’ (DEPI 2013b) or confirmed in a recent survey as meeting the definition under the EPBC Act) (very high quality Seasonal Herbaceous Wetland is defined in the listing advice</li> </ul>	<p><b>This criteria is met.</b> That is, based on the time-stamped data and after onsite vegetation surveys are undertaken (at an appropriate time of year and at least 6 weeks post removal of stock) <u>at least 2 hectares of GEVVP is likely to present within each of the seven LCRs.</u></p> <p>In addition, it is important to note that the LCR1 and LCR2 are located directly south of the interest area for the proposed 1,200 hectare GEW reserve north of Summerhill Road.</p>

Criteria	Description	Relevance to the study area
	for this community, Threatened Species Scientific Committee, 2012).  Note: DELWP will give preference to proposals meeting the above criteria that adjoin a conservation area identified in the BCS containing Grassy Eucalypt Woodland, Spiny Rice-flower, Matted Flax-lily, or Golden Sun Moth	
4	The land proposed to be retained must be owned by a public authority or be vested in a public authority	<b>This criteria is met.</b>
5	The land proposed to be retained must be secured through an on-title management agreement with DELWP under section 69 of the <i>Conservation, Forests and Lands Act 1987</i> (CFL Act). The section 69 agreement will require the landowner to maintain the native vegetation and habitat on the land. The landowner is responsible for funding the implementation of the agreement.	<b>This criteria is met.</b> The LCAs will be retained through a Section 69 agreement and managed in perpetuity.
5	The land proposed to be retained must be of a shape that enables its effective management in the long-term, taking into account factors such as the surrounding land-uses and the area to perimeter ratio.	<b>This criteria is met.</b> All of the LCAs are of a configuration that will allow appropriate management of the ecological and natural values of the reserves.

Condition 5 (dot point 2) of the final Commonwealth approval (dated 5 September 2013) for urban development in three growth corridors under the Melbourne Urban Growth Program Strategic Assessment requires that:

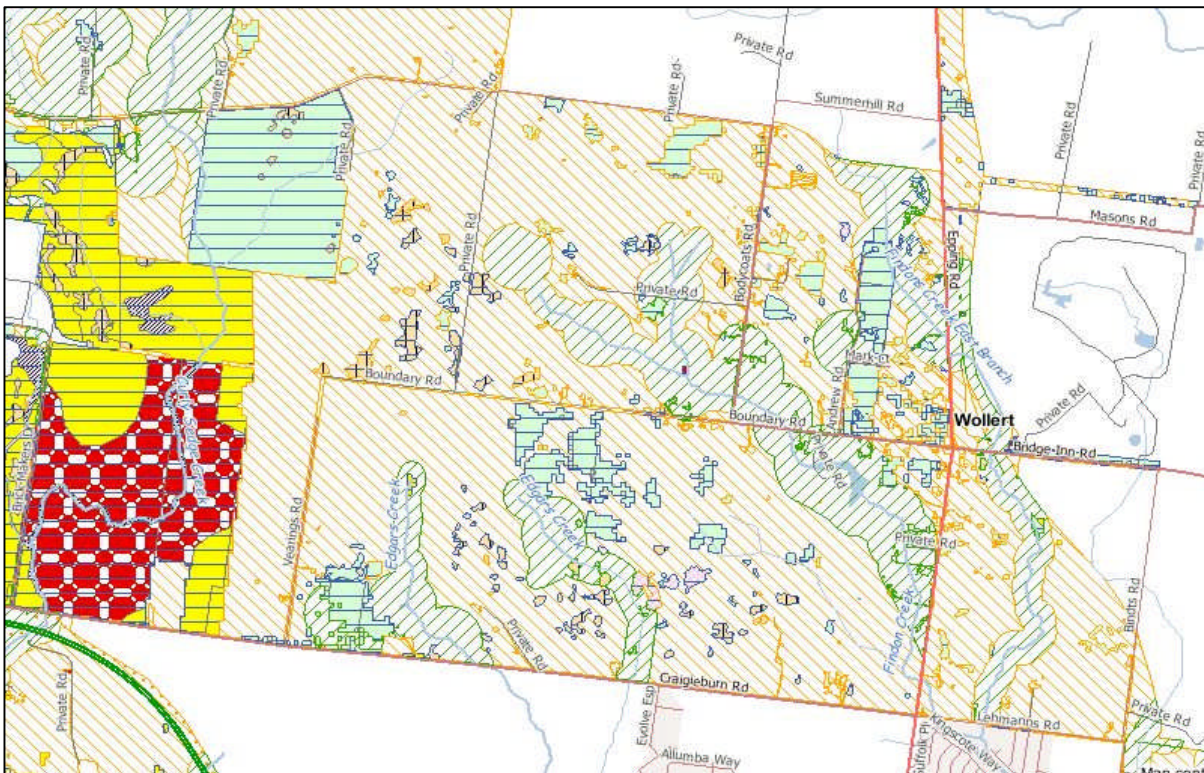
*‘Persons taking action must comply with the habitat compensation arrangement and fees described in the following documents:*

- o *Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (DEPI 2013a);*
- o *Habitat compensation under the Biodiversity Conservation Strategy – Melbourne Strategic Assessment (DEPI 2013c) and as amended by the Victorian Government from time to time’.*

The habitat compensation obligations under the BCS for the Wollert PSP is shown below (Figure 10) (DEPI 2013c; DELWP 2015e). The second dot point in the approval condition above provides for the ability to adjust the habitat compensation rate per hectare for the permitted removal of ‘patches’ of native vegetation (i.e. time-stamped vegetation), scattered remnant trees, and threatened species habitat (i.e. Southern Brown Bandicoot, Growling Grass Frog, Golden Sun Moth, Matted Flax-lily and Spiny Rice-flower), and therefore should conservation areas (e.g. LCRs in the Wollert PSP) that are additional to those prescribed in the BCS be retained and managed there is an opportunity to increase the habitat compensation rate per hectare to account for any shortfall in funds as part of the cost recovery process.

In addition, habitat compensation fees in the seven LCRs should not be required for native vegetation or habitat that is retained in accordance with the specific criteria outlined in the BCS (DELWP 2015c).

**Figure 10.** Habitat Compensation Obligations under the BCS relevant to the Wollert PSP (DELWP 2015e).



**Note:** Green = Native vegetation and Matted Flax-lily habitat  
Orange = Golden Sun Moth habitat  
Blue = Growling Grass Frog Category 2 habitat

## 7.2 Mesh Planning on behalf of the Wollert Development Consortium

The primary concerns of Mesh are twofold;

- 1) *'It is noted that the PSP document now seeks to formally implement the retention rate (i.e. 80% retention figure) as a requirement. In this context, it is noted that historically there has been no definite definition drawn between retained trees that qualify for inclusion within the 80% target. That is, any tree that was practically retained was counted within the overall retention target.'*

*What is now proposed, however, is that trees retained within the BCS reserves and trees retained in the LCRs will be excluded from the 80% target and the 80% target will apply to scattered trees within the remaining development part of the land. This approach is not supported by the consortium'.*

**Response:** The vegetation within the LCRs comprises time-stamped 'patches' and also 'scattered' remnant trees. Based on the high prospect of protecting greater than 80% of scattered remnant trees within a proposed subdivision, on an ecological basis R2 is considered reasonable and appropriate. Indeed, the retention of greater than 80% of scattered remnant trees has been achieved at several residential subdivisions throughout the Mernda / Whittlesea growth corridor. It is understood that tree retention requirements for individual parcels of land will be administered by City of Whittlesea under the relevant controls at the application to subdivide stage, and is not aggregated across the entire PSP.

- 2) *'As has been submitted previously there is concerns that the financial interests of the Department (i.e. DELWP) in removal and offset of scattered trees will serve to undermine the local retention objectives. The risk is that the Department will create a disincentive to retention of scattered trees if*



*they do not support a practical retention approach and insist on offset payments unless extensive TPZ requirements are met.*

Response: It is understood that DELWP have since verbally agreed that vegetation retained within the LCRs will be regarded as retained. In my opinion this is reasonable given that each of the seven LCRs contain  $\geq 2$  hectares of GEWVVP (as mapped in Figure 19 and 20 of the BCS) and will most likely fulfil the criteria to be deemed 'retained', that the LCRs are exempt from offset payments as required under the BCS. The retention and future management of additional areas supporting biodiversity values, particularly species and ecological communities of National (listed under the EPBC Act) or State conservation significance, that are outside of the BCS requirements is supported by the Commonwealth Minister for the Environment (see page Section 6.5.4 above), and responds to the existing local controls (i.e. Clause 22.10).

## 8 OTHER CONSIDERATIONS

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The following should be considered as part of Amendment C187 and future development of the area:

- The Victorian Government has committed to permanently protect areas containing GEWVVP in a new 1200 hectare conservation reserve in north-east Melbourne (i.e. north of the Wollert PSP) (DELWP 2015d). However, this is on the assumption that sufficient fees will be collected through the cost recovery process under the BCS. As outlined on Page 33 of DELWP (2015d):
  - *'the reserve is expected to be multi-tenure reserve, secured through voluntary negotiation with landholders. Some land will remain in private ownership protected through on-title agreements'.*

DELWP acknowledges that:

*'As the reserve security model relies on voluntary agreements negotiated with landholders, the final size and layout of the reserve is unknown'.*

Consequently, this provides a very high justification for the additional conservation areas (i.e. LCRs) to be adopted as part of the Wollert PSP, as this will result in certainty that the areas will be secured and managed appropriately.

It is also important to acknowledge that within the context of the Wollert PSP, LCRs will be subject to Section 173 Agreements (under the IPO4) and will be managed by Council. This is often a more desirable outcome from an ecological perspective (e.g. Council has funding and expertise to manage these areas) than if areas remained in private ownership - which will be the case for many properties in the proposed 1,200 hectare Grassy Woodland Reserve.

- There is a lack of firm funding of the 1,200 hectare Grassy Woodland Reserve and the Habitat Compensation Obligations under the BCS (DEPI 2013c) states that the Grassy Woodland Reserve will only be acquired voluntarily (i.e. no Public Acquisition Overlay and no compulsory acquisition). This is contrary to the proposed 15,000 hectare Western Grassland Reserve, which will be acquired over time.
- The use of site indigenous plant species (e.g. River Red-gums) in the landscaping of future subdivisions, particularly along roadsides and open space areas that abut, or that are in close proximity to the LCRs should be included as a requirement under Part 3 of the PSP. The requirement for a detailed landscape masterplan that shows the extent of landscaping treatment as part of the development, including the type and locations of site indigenous species should be provided in the requirements outlined in the PSP, UGZ5, IPO4, IPO5 and Clause 22.10.

## 9 CONCLUSION

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With reference to the above, a summary of the main points relating to biodiversity that is applicable to Amendment C187 is provided:

### Previous Biodiversity Assessments

- A significant limitation of the SMEC (2011) assessment was the lack of access to properties within the study area (i.e. one third of the Precinct not assessed).
- No surveys for EPBC Act-listed ecological communities were undertaken by WSP (2012) as DELWP supplied the consultant with site assessment data and modelled extent of GEWVVP. In addition, no vegetation quality assessments (i.e. habitat hectares) were undertaken as DELWP's time-stamped data was used to feed into the preparation of the PSP. No threatened flora and fauna species were detected during the site assessments (WSP 2012).

### Mapping of vegetation, including GEWVVP

- This conservative approach to the mapping of vegetation undertaken by DELWP across properties has implications under the habitat compensation obligations for current and future landowners. It is evident that vegetation on properties that were not accessed during the GAA Biodiversity Assessments has been mapped, or modelled, as 'remnant patches', rather than scattered remnant trees. This is contrary to the results of the detailed site surveys where few patches of remnant native vegetation were mapped (SMEC 2011), with most of the vegetation supporting highly modified understorey, and as such, are defined as scattered remnant trees. This means that the difference between LC04 and CA31 has either been understated, or, DELWP are over charging landowners (i.e. remnant patches of vegetation when these properties primarily contain scattered remnant trees). The recent review that removed a large proportion of GEWVVP from the layers also has the effect of lowering the burden of the 80% retention target.
- The total extent of GEWVVP within the Wollert PSP is an underestimation of the true extent of the listed ecological community within the study area. Notwithstanding this, the results of the mapping demonstrate that the vegetation type and condition that is present in CA31 and CA32 is largely consistent with the vegetation in the seven proposed LCRs within the Wollert PSP (i.e. DELWPs modelled GEWVVP).

### Habitat compensation obligations

- Based on DELWPs submission and the criteria outlined in the Guidance note (DELWP 2015c), it is apparent that there is a very high likelihood that the seven LCRs shown on Plan 7 of the Wollert PSP meet the criteria for retaining native vegetation outside of the BCS conservation areas. Therefore, habitat compensation fees in the seven LCRs should not be required for native vegetation or habitat that is deemed by DELWP to be retained in accordance with the specific criteria outlined in the Guidance note (DELWP 2015c).
- It is reasonable given that the seven LCRs contain  $\geq 2$  hectares of GEWVVP and will most likely fulfil the criteria to be deemed 'retained', that the LCRs are exempt from offset payments as required under the BCS. The retention and future management of additional areas supporting biodiversity values, particularly species and ecological communities of National (listed under the EPBC Act) or

State conservation significance, that are outside of the BCS requirements is supported by the Commonwealth Minister for the Environment (see page Section 6.5.4 above).

- Given that various landowners and developers within the Wollert PSP have expressed an principle commitment to protect remnant woodland and scattered remnant trees, it is reasonable and appropriate (once protected) that they are not required to pay habitat compensation fees (offset liabilities) under the BCS.

#### Potential to manage and restore Plains Grassy Woodland to meet the GEWVVP listing

- The restoration of grassy eucalypt woodlands has been extensively studied and an example of published literature relating to this has been provided. With active rehabilitation and restoration of Plains Grassy Woodland in CA31, CA32, and in the seven LCRs, the vegetation will improve and has the potential to meet the condition threshold under the EPBC Act definition. This has been achieved in other areas within City of Whittlesea (e.g. Epping North Conservation Reserve is located 100W Lyndarum Drive, Epping).

#### Protection of National, State, Regional and local biodiversity values

- The PSP contains not only nationally significant species and ecological communities listed under the EPBC Act, it also supports a variety of State, Regional and locally significant ecological values. Many of these areas have been identified and are proposed to be managed by Council (i.e. within a network of LCRs).
- The provision of the seven LCRs will lead to the additional protection of GEWVVP and will also result in the long-term protection and management of sites of ecological significance.
- The LCRs support suitable habitat for the nationally significant Golden Sun Moth and opportunities exist for greater retention and restoration of Golden Sun Moth habitat in LCRs.

#### Scattered tree retention and protection during construction

- I support all of the requirements provided in the Wollert PSP pertaining to scattered tree protection, and I am aware that the Tree Protection Zones standards developed by City of Whittlesea have satisfactorily been applied to numerous urban developments throughout the municipality. The City of Whittlesea has prepared several indicative development plans (Appendix 1) that demonstrate how the 80% retention of scattered remnant trees can be achieved. It is understood through discussions with Council that these plans do not indicate any level of Council support for the layouts proposed.
- With a few minor iterations to the requirements outlined in the UGZ5, IPO4 and IPO5 I am comfortable with the protection and management requirements relating to biodiversity. However, clarification is required as to why the extent of offset gains are required to be calculated under the State's Biodiversity Assessment Guidelines (i.e. under Clause 52.17) when the MSA and BCS apply to the PSP.
- Vegetation within the LCRs comprises time-stamped 'patches' and also 'scattered' remnant trees. Based the high prospect of protecting greater than 80% of scattered remnant trees within a proposed subdivision, it is considered reasonable and appropriate (on an ecological basis) to exclude the proposed LCRs in the required 80% tree retention target (i.e. in accordance with R2 of the PSP).

#### Future landscaping using site indigenous flora species

- Site indigenous plant species should principally be used as part of future developments in the PSP.



## APPENDICES

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## **Appendix 1**











AVJ Land Holdings (13, 14, 20)	
Area (ha)	129.79
Total Trees	187
Trees in LCR	54
% Retained	80.2

- property

residential

small trees (0-60)

medium trees (60-80)

large trees (80-120)

very large trees (120+)

open space/tree reserves

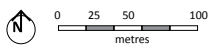
local conservation reserves

retail

school

community

public transport corridor

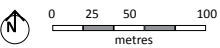
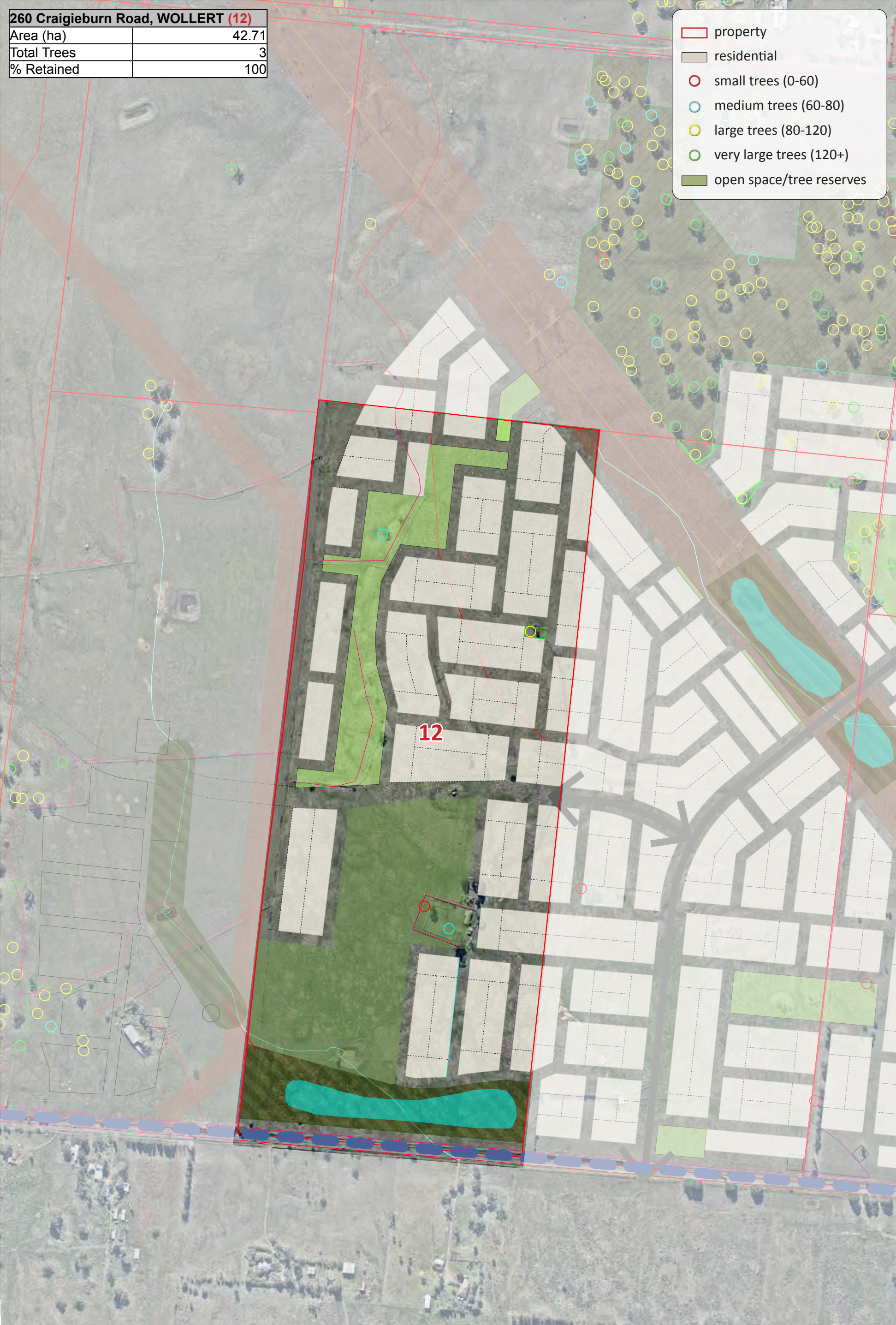


\* Subdivision layout shown is conceptual only. This concept has been drawn to demonstrate the ability for potential tree retention and should not be used to inform subdivision design.



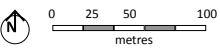
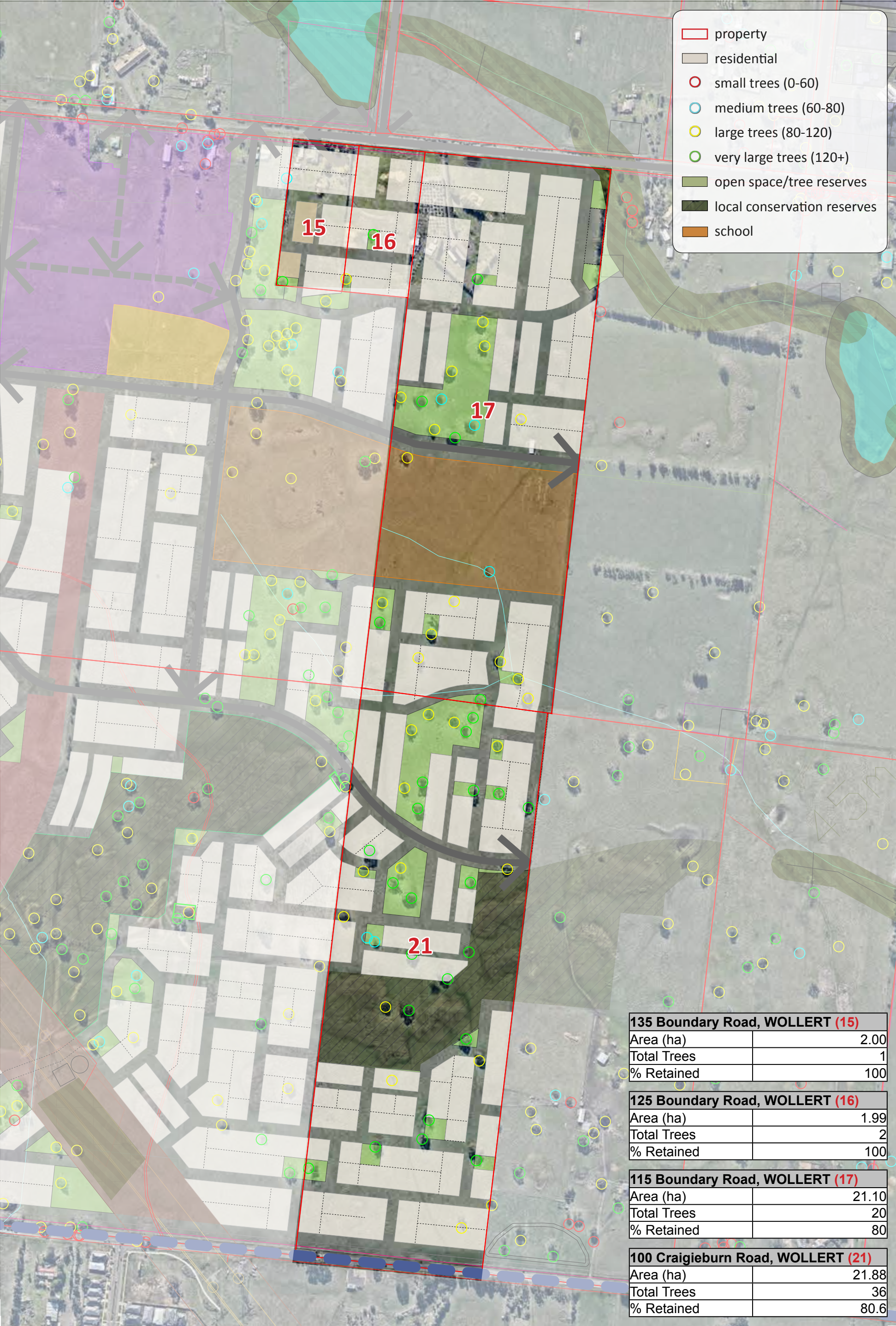
260 Craigieburn Road, WOLLERT (12)	
Area (ha)	42.71
Total Trees	3
% Retained	100

- property
- residential
- small trees (0-60)
- medium trees (60-80)
- large trees (80-120)
- very large trees (120+)
- open space/tree reserves



\* Subdivision layout shown is conceptual only. This concept has been drawn to demonstrate the ability for potential tree retention and should not be used to inform subdivision design.





\* Subdivision layout shown is conceptual only. This concept has been drawn to demonstrate the ability for potential tree retention and should not be used to inform subdivision design.



## **Appendix 2**





## Department of Environment, Land, Water & Planning

8 Nicholson Street  
East Melbourne Victoria 3002

David Turnbull  
Chief Executive Officer  
City of Whittlesea  
Locked Bag 1  
Bundoora MDC VIC 3083  
21 July 2015

Dear Mr Turnbull

### **Melbourne Strategic Assessment - Scattered Tree Retention Standards to be used in City of Whittlesea**

Thank you for your continued engagement regarding the proposal to approve the City of Whittlesea's (CoW) tree retention standards for use in determining whether a scattered tree is retained and exempted from habitat compensation fees in precincts covered by the Biodiversity Conservation Strategy under the Melbourne Strategic Assessment.

The Department of Environment, Land, Water and Planning (DELWP) has assessed the proposal, detailed in the information pack dated 8 October 2014 provided by the CoW, against the Commonwealth Government's September 2013 approval which regulates urban development in Melbourne's growth corridors under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999*. To inform this assessment, DELWP applied the decision guidelines outlined in the working document *Guidance Note for Implementing the Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (DELWP, 2015), which includes a provision that habitat compensation fees are not required for scattered trees that are deemed by DELWP to be 'retained' in accordance with criteria covered in the Guidance Note.

Additional requirements listed in the Guidance Note are:

1. That scattered trees must not be subject to removal as part of a planning permit application, and
2. The land containing the scattered trees must be owned by a public authority or vested in a public authority prior to the commencement of subdivision, buildings or works on the land parcel.

DELWP's assessment has determined that the adoption of the CoW's standards are likely to provide equal or greater protection of scattered trees to the criteria in the Guidance Note read with the *Native Vegetation - Technical Information Sheet: Defining an acceptable distance for tree retention during construction works* (DSE, 2011).

#### **Privacy Statement**


Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



Based on our assessment, DELWP agrees to the adoption of the CoW's scattered tree retention standards under the Melbourne Strategic Assessment Program to determine in part whether a scattered tree is considered retained.

If you have any questions, please contact Richard Boon on 03 9637 9941 or at [richard.boon@delwp.vic.gov.au](mailto:richard.boon@delwp.vic.gov.au)

Sincerely



James Todd  
**Director, Regulatory Strategy and Design**

cc. Tim Peggie, Metropolitan Planning Authority

## **Appendix 3**



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Mr David Turnbull  
Chief Executive Officer  
City of Whittlesea  
Locked Bag 1  
BUNDOORA MDC VIC 3083

WHITTLESEA CITY COUNCIL	
File No. <u>SU 158685</u>	<b>RECEIVED</b> 16 SEP 2013
RMS No. <u>151931</u>	
CRS No. <u>560</u>	
Action: <u>650</u>	
Copy to: <u>650</u>	
Attachment:	
File location:	

Dear Mr Turnbull

### Approval for Three Growth Corridors under the Melbourne Strategic Assessment

I am writing to advise you of the above approval, made 5 September 2013, and to thank you for the submissions of 19 June and 19 July 2013 from Whittlesea City Council on the Victorian Government's *Biodiversity Conservation Strategy for Melbourne's Growth Corridors (BCS)*.

As you may be aware, the responsible Minister approved the BCS and associated *Sub-regional Species Strategy for the Golden Sun Moth* (May 2013) and *Sub-regional Species Strategy for the Growling Grass Frog* (May 2013) on 2 August 2013. These strategies were prepared pursuant to the endorsed program for Melbourne's growth corridors under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

A copy of the approval for the three growth corridors is attached. Further information is available at the department's web site. The effect of the final approval is that all projects and activities under the 'class of actions' have approval to proceed under the EPBC Act. Individual referral, assessment and approval by the Australian Government is no longer required.

The approval conditions require projects to be taken in accordance with the BCS and requirements described in the *Habitat compensation under the Biodiversity Conservation Strategy – Melbourne Strategic Assessment* (August 2013) available on the Victorian Department of Environment and Primary Industries (DEPI) website.

The habitat compensation requirements described in the above two documents, and administered by DEPI, must be met to comply with the approval conditions. Section 142 of the EPBC Act describes the civil penalties and criminal offences for non-compliance with the approval conditions, including fines of up to \$1.1 million for a body corporate.

The department carefully considered the submissions provided by the City of Whittlesea and notes that the BCS outcomes are aimed at protection of matters of national environmental significance listed under the EPBC Act. This should not be seen as undermining achievements by council in protecting important local and regional biodiversity. The department considers that the BCS prescribes the minimum protection requirements and that flexibility should be maintained during the precinct structure planning process to improve these outcomes.

The submission from the City of Whittlesea, and also from combined environment and community groups, raised concerns about the protection of listed Grassy Eucalypt Woodland (GEW) and comments are provided below, for information.




The combined groups and City of Whittlesea noted that only 61% of GEW would be protected contrary to the 80% commitment in the endorsed Program. The combined groups sought further information on the values of any GEW excluded from the reserve system and justification as to its exclusion. The submission recommended the expansion of conservation areas 19, 26, 31 and 25 to include any adjacent GEW and to contribute towards the 80% target. A network of smaller reserves was proposed in the Wollert region to add to the target.

The City of Whittlesea suggested that an additional 20 hectares of GEW could be protected through the current Wollert Precinct structure planning process to help achieve the 80% target. The submission noted that discrete wooded areas were likely to be retained as part of the development process and queried how this could be achieved under the BCS.

The department sought further advice from DEPI in view of the importance of this issue. DEPI provided an analysis of the suggested additions which concluded that there was little additional GEW available (Attachment A). The department accepted that options to achieve the 80% target had been adequately explored.

As a general comment, the department concluded that the proposed reserve system was adequate for protection of matters of national environment significance and that implementation of the BCS would deliver certainty for both conservation and development outcomes.

I would like to take the opportunity to thank the City of Whittlesea for its constructive engagement throughout the strategic assessment process. Please do not hesitate to contact the undersigned (02 6271861) if required.



Steve Mercer  
Director  
EPBC Strategic Approvals  
Environment Assessment and Compliance Division

11 September 2013

Table 1: DEPI response to issues raised by the department

Issue	DEPI response
<p>Suggested additional reserves for Grassy Eucalypt Woodland to help meet the 80% target in the endorsed Program (submission from combined environment and community groups and City of Whittlesea).</p>	<ul style="list-style-type: none"> <li>• DEPI analysed the environment groups suggestions (listed on pages 21-22 of their submission, with additional sites shown in Appendix 3), and the response for each is as follows. The individual maps of conservation areas in the BCS show this visually in many cases, and the overall map of GEW (Figures 19 and 20) are a useful reference. The notes below use these sources supplemented by site observations and published reports where available.</li> <li>• <u>CA 17</u>: DEPI considers that additions would contribute little to the conservation of GEW. DEPI investigated a significant proportion of this area as part of finalising the BCS. The DEPI report is available on DEPI's website (see <a href="http://www.dse.vic.gov.au/land-management/land/native-vegetation-home/melbourne-strategic-assessment/msa-supporting-documents">http://www.dse.vic.gov.au/land-management/land/native-vegetation-home/melbourne-strategic-assessment/msa-supporting-documents</a>), titled 'Investigation of Grassy Eucalypt Woodland at Clarke Court, Sunbury'.</li> <li>• The investigation informed the final boundary shown in the BCS based on a new understanding of the extent of GEW in the area. The final boundary excludes the two house blocks. Most of the native vegetation in the areas of land to the west of the final boundary were cropped in 2012, and these areas were excluded from the final CA. In relation to the area of land to the north-east of the final boundary adjoining Emu Creek – no or very little GEW occurs outside the final boundary in this area.</li> <li>• <u>CA 19</u>: The addition would only pick up a very small amount of derived grassland of only moderate quality.</li> <li>• <u>CA 25</u>: The final conservation area boundary captures the core area of GEW in this area. DEPI considers that the CEGs suggestion would only pick up small amounts of mainly derived grassland. The shape of this area of derived grassland is narrow and would cause problems for long-term management.</li> <li>• <u>CA 26</u>: This addition would result in only marginal improvements in GEW conservation if the CA is extended close to its margins and questionable or no improvement if the large area proposed as part of the western extension is added. The proposed additions on the northern margins add some scattered trees, but almost certainly very little GEW. The proposed additions in the far west add a large area of treeless paddock which is unlikely to have been GEW.</li> <li>• <u>CA 29</u>: This addition would add several very small area of GEW, not always contiguous with the main reserve. DEPI observations from nearby roadsides suggest it would be of moderate to poor quality. CA29 protects the vast majority of the GEW in that location.</li> <li>• <u>CA 31</u>: According to DEPI, there is very little GEW between CA 31 and CA 32. There are no trees and the small amounts of native vegetation that exist are of low quality and are not GEW. This addition would contribute little to GEW conservation.</li> <li>• <u>'Summerhill Rd.'</u> (proposed new CA in the northern growth corridor, south of Summerhill Rd, between existing CA28 and CA30): This addition adds very little or no treed GEW. It would protect a large expanse of native grassland and stony knolls of moderate quality, but this has not been determined by DEPI to be derived grassland due to a lack of evidence of trees. Historical accounts suggest this was only ever marginal GEW country.</li> <li>• <u>'Sunbury'</u>: (proposed new CA in the north-western growth corridor, between Melbourne Lancefield Rd and Jacksons Creek): This suggested site has not been surveyed and DEPI is relying on modelled information, however, the site is almost certainly low quality native vegetation and does not include any trees. Historical records, as well as the roadside adjacent to the area (roadsides are rarely cleared, and this one is virtually treeless) suggest that the area was not previously GEW.</li> <li>• <u>Additional Note</u>: The City of Whittlesea is currently preparing the Wollert PSP. Consistent with the BCS, which allows voluntary protection of GEW over and above the BCS requirements, the current draft of the plan indicates additional protection of approximately 20 Ha of GEW within the precinct (approximately 50% of the GEW that would otherwise be cleared within this precinct). Conservation Area 31 in this precinct already protects approximately 5 ha of GEW. The Wollert PSP is draft and it is not yet known what the final outcome will be, however, it is likely that additional GEW will be protected within the precinct. Any protection of GEW will need to meet similar standards as for areas protected under the BCS.</li> </ul>







Australian Government

Department of Sustainability, Environment, Water, Population and Communities

**APPROVAL DECISION FOR THE TAKING OF ACTIONS IN ACCORDANCE WITH AN ENDORSED PROGRAM UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (EPBC ACT)**

**FINAL APPROVAL FOR URBAN DEVELOPMENT IN THREE GROWTH CORRIDORS UNDER THE MELBOURNE URBAN GROWTH PROGRAM STRATEGIC ASSESSMENT**

This approval decision is for actions falling within the specified class of actions below. Conditions of approval are at [Annexure 1](#). Further information and explanation is at [Annexure 3](#).

**Approved class of actions** All actions associated with urban development in the Western growth corridor (Melton and Wyndham), North-western growth corridor (Sunbury) and Northern growth corridor (Hume, Whittlesea and Mitchell) in the expanded Melbourne 2010 Urban Growth Boundary as described at page 4 in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Victorian Government Department of Environment and Primary Industries, June 2013) approved under the endorsed Program - *Delivering Melbourne's Newest Sustainable Communities* (Victorian Government, December 2009).

The approved class of actions excludes development in the Northern growth corridor within the boundary of Hearn's Swamp as shown at [Annexure 2](#).

The approved class of actions excludes developments in properties 3, 4, 6, 7 and 9 identified in the Victorian Government *Diggers Rest Precinct Structure Plan* (Growth Areas Authority, 2012).

**Relevant controlling provisions** This approval has effect for:

- World heritage properties (sections 12 and 15A)
- National heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 & 17B)
- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A).

**Conditions of approval** This approval is subject to the conditions specified at [Annexure 1](#).

**Period for which approval has effect** The approval has effect until 31 December 2060.

**General** Further explanatory information related to this approval decision is at [Annexure 3](#).

**Person authorised to make decision**

**Name and Position** The Hon Mark Butler MP  
Minister for the Environment, Heritage and Water

**Signature**

**Date of decision**

5/9/13

## ANNEXURE 1

### CONDITIONS OF APPROVAL

Actions must be undertaken in accordance with the following conditions to ensure protection of listed threatened species and ecological communities, listed migratory species and the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site and the Western Port Ramsar site.

*Actions must be undertaken in accordance with approved strategies*

- 1) Persons taking actions must undertake the actions in accordance with the following strategies approved by the Minister pursuant to the Program of the Victorian Government for Melbourne's urban growth, as described in *Delivering Melbourne's Newest Sustainable Communities* (Victorian Government, December 2009), for protection of matters of national environmental significance:
  - a) *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Victorian Government Department of Environment and Primary Industries, June 2013)
  - b) *Sub-regional Species Strategy for the Golden Sun Moth* (Victorian Government Department of Environment and Primary Industries, May 2013)
  - c) *Sub-regional Species Strategy for the Growling Grass Frog* (Victorian Government Department of Environment and Primary Industries, May 2013).

*Actions cannot occur in conservation areas without agreement*

- 2) Persons must not take any actions, resulting in a net loss of habitat for listed ecological communities and listed species, in any of the 36 conservation areas described in Section 5 of the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Victorian Government Department of Environment and Primary Industries, June 2013) unless agreed by the Minister.

*Changes to the area or boundaries of conservation areas cannot occur without agreement*

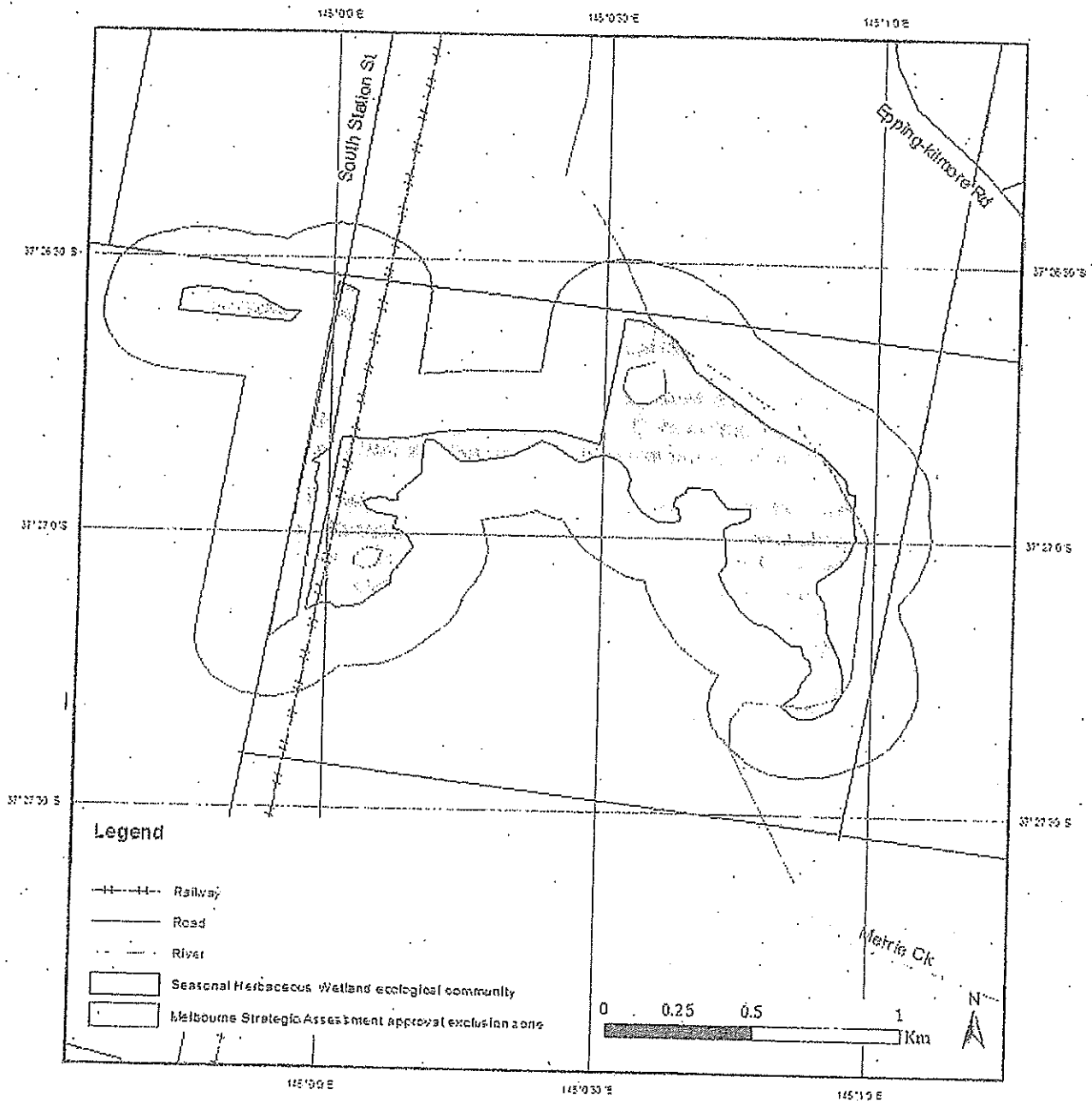
- 3) Persons must not take any actions that would cause, or otherwise facilitate, a net loss of area of the conservation areas numbered 10, 14, 15, 18, 20, 21, 28, 33, 34, 35 and 36 as described in Section 5 of the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Victorian Government Department of Environment and Primary Industries, June 2013), unless agreed by the Minister.
- 4) Persons must not take any actions that would cause, or otherwise facilitate, a change in the boundaries of the conservation areas numbered 1 to 9, 11 to 13, 16, 17, 19, 22 to 27, and 29 to 32 as described in Section 5 of the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Victorian Government Department of Environment and Primary Industries, June 2013), unless agreed by the Minister.

*Habitat compensation requirements for actions potentially affecting listed ecological communities and species*

- 5) Persons taking actions must comply with the habitat compensation arrangements and fees described in the following documents:
  - *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Victorian Government Department of Environment and Primary Industries, June 2013)
  - *Habitat compensation under the Biodiversity Conservation Strategy – Melbourne Strategic Assessment* (Victorian Government Department of Environment and Primary Industries, August 2013) and as amended by the Victorian Government from time to time.

# ANNEXURE 2

Map of Hearn's Swamp showing area excluded from the approved class of actions



## EXPLANATORY INFORMATION

## Background

This approval decision is made under section 146B of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) which provides for the Minister responsible for administering the Act (the Minister) to approve actions, or classes of actions, undertaken in accordance with an endorsed policy, plan or program. An approval under section 146B of the EPBC Act has the same effect as an approval given under Part 9 of the Act. Actions approved under this decision, and taken in compliance with this approval and conditions at Annexure 1, will not require separate referral, assessment or approval under the EPBC Act in order to be taken.

On 2 February 2010 the Minister endorsed, pursuant to section 146 of the EPBC Act, the Program of the Victorian Government for Melbourne's urban growth as described in *Delivering Melbourne's Newest Sustainable Communities* (Victorian Government, December 2009). The endorsed Program includes actions associated with urban development in four growth corridors in the 2010 Melbourne Urban Growth Boundary as well as 28 precincts located within the 2005 Melbourne Urban Growth Boundary.

Actions associated with urban development within the 28 precincts identified on page 17 of the endorsed Program were approved by the Minister on 8 July 2010 subject to prescriptions approved by the Minister for protection of matters of national environmental significance.

The endorsed Program included a commitment by the Victorian Government to prepare a *Biodiversity Conservation Strategy* for the four growth corridors, and accompanying sub-regional strategies for the Growling Grass Frog, Golden Sun Moth and Southern Brown Bandicoot, and for these strategies to be approved by the Minister.

The Minister has approved the following strategies:

- a) *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Victorian Government Department of Environment and Primary Industries, June 2013)
- b) *Sub-regional Species Strategy for the Golden Sun Moth* (Victorian Government Department of Environment and Primary Industries, May 2013)
- c) *Sub-regional Species Strategy for the Growling Grass Frog* (Victorian Government Department of Environment and Primary Industries, May 2013).

The *Biodiversity Conservation Strategy* has applied the protection requirements of the approved prescriptions to identify conservation areas. The requirements in the prescriptions relating to offsetting, salvage and translocation and conservation management plans have been incorporated into the *Biodiversity Conservation Strategy*. Implementation of the *Biodiversity Conservation Strategy* will therefore give effect to the prescriptions to ensure protection of matters of national environmental significance.

Compliance with the *Biodiversity Conservation Strategy* will satisfy the requirements of the prescriptions in relation to the existing 28 precincts for which a planning scheme amendment to introduce a precinct structure plan is approved after 1 March 2012, as well as the Truganina Employment Area (described at page 4 of the approved *Biodiversity Conservation Strategy*).

To remove doubt, compliance with the *Biodiversity Conservation Strategy* will fully meet the requirements of the approval made by the Minister on 8 July 2010 for the precincts included in the approved *Biodiversity Conservation Strategy*. The previous approval made on 8 July 2010 continues to apply for the remainder of the 28 precincts. There are also several additional areas of land within specified precincts in the growth corridors for which the prescription for Golden Sun Moth will continue to apply (page 16 of the *Biodiversity Conservation Strategy*).



In implementing this approval, the endorsed Program and approved *Biodiversity Conservation Strategy* will provide the basis for any necessary interpretation and resolution. The Minister will provide final interpretation and guidance if required.

#### Excluded actions

This approval excludes actions within the area of land at Hearn's Swamp in the Northern growth corridor shown at Annexure 2 containing potential occurrences of *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains*, a listed ecological community under the EPBC Act.

The excluded area has been identified from the report *The Impact of Melbourne's growth on 'Seasonal herbaceous wetlands (freshwater) of the temperate lowland plains'* (Victorian Government Department of Environment and Primary Industries, May 2013). This report identified potential occurrences of the listed ecological community at Hearn's Swamp. The area excluded includes a 200 metre buffer from the mapped potential occurrences of the ecological community.

To remove doubt, actions within the area of land identified at Annexure 2 are not prohibited by this approval, but must meet the normal requirements of the EPBC Act and may be referred and considered in accordance with the requirements of Parts 7, 8 and 9 of the EPBC Act.

The approval also excludes developments in properties 3, 4, 6, 7 and 9 identified in the Victorian Government *Diggers Rest Precinct Structure Plan* (Growth Areas Authority, 2012) which, at the time of this approval, were subject to separate consideration under Parts 7, 8 and 9 of the EPBC Act.

#### Approval conditions

The approval conditions require actions (whether individually or collectively) to fully comply with the approved *Biodiversity Conservation Strategy* and sub-regional species strategies for Golden Sun Moth and Growling Grass Frog for avoidance, mitigation and offset of impacts on matters of national environmental significance. In addition, all actions must comply with the habitat compensation arrangements and fees described in the document *Habitat compensation under the Biodiversity Conservation Strategy – Melbourne Strategic Assessment* (Victorian Government Department of Environment and Primary Industries, August 2013) and as amended from time to time by the Victorian Government.

Approval condition (2) states that no actions associated with urban development, resulting in a net loss of habitat for listed ecological communities and listed species, will occur in the 36 conservation areas described at Section 5 (pages 47 to 126 and identified in Figures 23 to 51) of the *Biodiversity Conservation Strategy* unless agreed by the Minister. This is to ensure that urban-related developments, such as roads, bridges and utility corridors, do not erode the values of the conservation areas for matters of national environmental significance over time.

Condition (2) does not require approval for actions where there is no net loss in habitat for an individual conservation area. Habitat means an area of land containing a listed ecological community under the EPBC Act or supporting individuals or populations of listed threatened species under the EPBC Act. The condition recognises that there may be instances where urban infrastructure cannot be avoided and there could be a net loss of habitat in an individual conservation area. Such instances will need to be approved by the Minister. Instances may be approved if there are no reasonable alternatives, there is a net conservation gain elsewhere for the relevant protected matters and it can be demonstrated that the values of the conservation area will be maintained.

Approval condition (3) states that no actions that could result in, or facilitate, a *net loss of area* of the specified conservation areas can occur unless agreed by the Minister. The *Biodiversity Conservation Strategy* (Section 5) provides for minor changes to the boundaries of the specified conservation areas. This is permitted under the condition provided there is no net loss in the area.

Approval condition (4) states that no actions that could result in, or facilitate, a *change in the boundary* of the specified conservation areas can occur unless agreed by the Minister. The intent is to ensure that the boundaries of the specified conservation areas do not change over the life of the Program.

#### **Program evaluation and consistency reports**

Program evaluation, monitoring and reporting requirements for approved classes of actions under the Program are described at Section 11 of the Program report. These requirements are the responsibility of the Victorian Government. In particular, the Victorian Government must prepare and submit a Monitoring and Reporting Framework to the Minister for approval.

As an interim measure, the Victorian Government Department of Environment and Primary Industries has agreed, consistent with the requirements of the Program, to provide reports to the department on implementation of this approval for each of the precincts covered by the approval. The reports will be provided within 28 calendar days following adoption of each Precinct Structure Plan. The reports will demonstrate how the relevant measures in the approved *Biodiversity Conservation Strategy* have been applied and the measurable outcomes achieved for protection of matters of national environmental significance. Each report will include the following minimum information:

- a) Applicable measures, requirements and commitments for each matter of national environmental significance from the *Biodiversity Conservation Strategy* for each precinct.
- b) Implementation of conservation area requirements (if any) identified in the *Biodiversity Conservation Strategy* for each matter of national environmental significance.
- c) Implementation of avoidance, mitigation and habitat compensation requirements identified in the *Biodiversity Conservation Strategy* and relevant sub-regional species plans for each matter of national environmental significance, including calculated habitat compensation requirements.
- d) Figure or maps showing final conservation areas.

## **Appendix 4**

Enquiries: Steve O'Brien

File Reference: 189486

18 November 2013

Warrick McGrath  
Director Regulatory Strategy and Design  
Department of Environment and Primary Industry  
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Interpreter Service  
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Dear Mr McGrath

### **Biodiversity Conservation Strategy – Grassy Eucalypt Woodland within the Wollert Precinct Structure Plan**

Thank you for taking the time to meet on 19 August to discuss the City of Whittlesea's correspondence regarding the draft Biodiversity Conservation Strategy (dated 19 July 2013).

We acknowledge that since our meeting, the *Biodiversity Conservation Strategy* has been approved at the Federal level. Despite the concerns raised by Council, I take this opportunity to reiterate the City of Whittlesea's desire to assist the Department of Environment and Primary Industry (DEPI) and the Melbourne Planning Authority to secure additional Grassy Eucalypt Woodland (GEW) as Conservation Areas through the Wollert Precinct Structure Planning process, in line with the endorsed Programme Report for the expanded growth corridors, and the State Government's commitment to address the shortfall in retention of 80 per cent of GEW within Melbourne's Growth Boundary.

As you will be aware through our previous correspondence, the draft Wollert Precinct Structure Plan area contains approximately 41 hectares of 'highly likely' GEW, much of which is not protected within BCS-nominated Conservation Areas. The draft urban structure for the Wollert Precinct Structure Plan, released in February 2013, sought to protect additional areas of GEW in line with the principles of the draft Biodiversity Conservation Strategy (refer to attached plan).

In DEPI's response to Council's submission to SEWPaC, DEPI wrote:

The City of Whittlesea is currently preparing the Wollert PSP. Consistent with the BCS, which allows voluntary protection of GEW over and above the BCS requirements, the current draft of the plan indicates additional protection of approximately 20 Ha of GEW within the precinct (approximately 50% of the GEW that would otherwise be cleared within this precinct). Conservation Area 31 in this precinct already protects approximately 5 ha of GEW. The Wollert PSP is draft and it is not yet known what the final outcome will be, however, it is likely that additional GEW will be protected

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within the precinct. Any protection of GEW will need to meet similar standards as for areas protected under the BCS.

The conditions of the Commonwealth approval of urban development in the Northern Growth Corridor (dated 5 September 2013) require consistency with the BCS and relevant sub-regional species strategies.

The developer consortium, with controlling interests in roughly half of the Precinct Structure Plan area, is supportive of the protection of additional conservation areas, on the basis that they can also provide offsets on their land to improve conservation outcomes. Given that the prescription for the protection of GEW requires protection of 80% of GEW within the growth areas, Council wishes to assist the landowners and DEPI to achieve the outcome envisaged by the GEW Prescription within the growth corridor.

These additional areas have similar characteristics to those in Conservation Area 31, in that they contain patches of 'highly likely' GEW as well once or more of EVC 55 – Plains Grassy Woodland, EVC 203 Stony Rises Woodland, and EVC 649 Stony Knoll Shrubland, and River Red Gum trees, which are all recognised for their relationship with GEW.

The GEW Prescription states:

Retention of degraded Grassy Eucalypt Woodland areas (i.e. below the Commonwealth condition threshold for meeting the Grassy Eucalypt Woodland definition) will be incorporated into open space where practical (as trees in parks and roadsides).

Consistent with the GEW Prescription it is Council's view that securing conservation areas is preferable to the expansion of the proposed Grassy Woodland Reserve outside the Urban Growth Boundary, as this will enhance the amenity, character and liveability of these new communities. In this regard, Council notes that the BCS states that:

These measures to protect Grassy Eucalypt Woodland are in addition to the commitment in the program report to establish the 1,200 hectare Grassy Woodland Reserve.

The City of Whittlesea notes that the eligibility criteria for offsets under the recently released *Biodiversity Assessment Guidelines* (September 2013) allows landowners some flexibility as to how offsets are provided. If the proposed offset arrangements best suit landowner needs, and achieve a net community benefit, Council would see this as being consistent with DEPI's policy for the provision of offsets.

It is the City of Whittlesea's understanding that protection of additional conservation areas of GEW within Wollert as proposed will reduce the need for expansion of the 1200 hectare Grassy Woodland Reserve, and as such, will assist DEPI in achieving the 80% retention requirements under the GEW Prescription, the Programme Report and the stated objectives of the Biodiversity Conservation Strategy.

By facilitating an agreement with the developer consortium, this will also secure valuable additions to conservation outcomes in Wollert and add to the amenity of the area. Accordingly, it would be regrettable if this opportunity to secure these areas

inside the urban growth boundary was precluded in favour of a policy aspiration to secure additional areas outside the urban growth boundary.

As the developer consortium has expressed its agreement to the protection of additional areas, the City of Whittlesea requests that DEPI confirm its agreement that developers within the Wollert PSP area that have, or agree to have GEW areas protected, may also host offsets for removal of native vegetation on their land within the Wollert PSP area.

#### Other matters

##### *Update - approach to scattered trees*

I also take this opportunity to confirm the agreed approach to scattered trees within Wollert, as discussed in a recent meeting (7 August 2013) with representatives from DEPI, the Metropolitan Planning Authority, the City of Whittlesea, and developers with interests in the Wollert Precinct Structure Plan area.

It was agreed that the Wollert Precinct Structure Plan will include requirements and guidelines encouraging retention of scattered trees on the basis of their landscape and amenity values, in line with Council's *River Red Gum Policy*. It is the City of Whittlesea's understanding that DEPI provides in-principle support to the utilisation of the City of Whittlesea's Tree Protection/Retention Zone calculation methodology and approach to management of retained trees as documented in the Information Pack dated 22 July 2013. It is further understood that following formal acceptance of this approach, Council's Tree Protection/Retention Zone standards will be utilised for determination of offsetting requirements for scattered trees within Wollert.

As the protection of scattered trees will depend on detailed subdivision design, and is not able to be secured at the PSP stage Council officers will be preparing revised guidance regarding treatment of scattered trees for inclusion within Precinct Structure Plan documentation in the coming months and will provide to DEPI for formal comment prior to formal exhibition of the Precinct Structure Plan. It is likely that that guidance will encourage retention, through subdivision design, of trees within public reserves and easements, wherever practicable.

##### *1200 Hectare Grassy Woodland Reserve*

The City of Whittlesea offers our continued assistance with respect to identification of suitable locations for the proposed 1200 Hectare Grassy Woodland Reserve, and consideration of appropriate mechanisms to fund and secure the Reserve. We again highlight the opportunity presented in siting the reserve so as to provide a contiguous link into the Quarry Hills Parkland and create an enduring Urban Growth Boundary in this area.

We further seek clarification on the approach DEPI is likely to take in respect of approvals for clearing of GEW prior to the establishment of the Grassy Woodland Reserve or other conservation areas where offsets may be secured.

## Summary

In summary, we request confirmation:

- of DEPI's intended approach for native vegetation removal approvals prior to the securing of the Northern Grassy Woodland Reserve or other BCS Conservation Areas for Grassy Eucalypt Woodland; and
- of DEPI's agreement that developers within the Wollert PSP area that have, or agree to have GEW areas protected, may also host offsets for removal of native vegetation on their land within the Wollert PSP area; and
- that DEPI provides in-principle support regarding the proposed approach to scattered trees in Wollert.

I would be pleased to meet to discuss the course of action with respect to the Northern Grasslands Reserve and any other matters raised above.

Should you wish to discuss the above, please contact Steve O'Brien, Director Planning and Major Projects, on 9217 2369, or via e-mail at [steve.obrien@whittlesea.vic.gov.au](mailto:steve.obrien@whittlesea.vic.gov.au).

Yours sincerely



David Turnbull  
Chief Executive Officer

cc. Tim Pegg, Metropolitan Planning Authority

## **Appendix 5**





The Hon Greg Hunt MP

Minister for the Environment

File No.	24 192830	RECEIVED 42 DEC 2013
File No.	152667	
CRS No.	SBO	
Copy to:	ceo GD	

MC13-004095

Mr David Turnbull  
Chief Executive Officer  
City of Whittlesea  
Locked Bag 1  
BUNDOORA VIC 3083

27 NOV 2013

Dear Mr Turnbull

Thank you for your letter of 18 November 2013 concerning the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Victorian Government, June 2013). I really appreciated the recent opportunity to visit the Quarry Hills Park.

As you know, urban development in three of four of Melbourne's growth corridors was approved on 5 September 2013 pursuant to the strategic assessment provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The responsible Minister also approved the *Biodiversity Conservation Strategy* and associated *Sub-regional Species Strategy for the Golden Sun Moth* (May 2013) and *Sub-regional Species Strategy for the Growling Grass Frog* (May 2013) on 2 August 2013.

I am advised that the Biodiversity Conservation Strategy includes provisions for additional reservation of box gum woodlands, including *Grassy Eucalypt Woodlands of the Victorian Volcanic Plain* listed as critically endangered under the EPBC Act. I fully support the City of Whittlesea in its negotiations to protect 80% of the remaining Grassy Eucalypt Woodland in the Wollert Precinct Structure Plan. This would be a fantastic outcome.

The government is firmly committed to strategic assessments to ensure a landscape approach to biodiversity protection and to get away from the tyranny of 'death by a thousand cuts'. I think the Melbourne strategic assessment has had good outcomes, including through the establishment of the 15,000 hectare Western Grassland Reserve. I also support the requirement to protect 80% of highest quality habitat for the Golden Sun Moth, Spiny Rice Flower and Matted Flax-lily at the bioregional level.

Thank you for writing on this important matter.

Yours sincerely

Greg Hunt

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## 10 REQUIRED INFORMATION

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### Name and Address

This report has been prepared by Aaron Organ, Director of Ecology and Heritage Partners, 292 Mt Alexander Road, Ascot Vale, Ph: (03) 9377 0100, [aorgan@ehpartners.com.au](mailto:aorgan@ehpartners.com.au)

### Area of Expertise

Aaron Organ is an expert ecologist, with skills in all the major ecological environments of south-eastern Australia. He has particular expertise in the workings of ecological systems, both under natural conditions and when affected by unnatural disturbance regimes such as weed invasion and impacts of development projects. He has also considerable experience in the application and practical implementation of current Commonwealth and State environmental legislation and Government Policy.

Aaron has appeared as an expert witness for multiple large PSPs throughout Melbourne's growth areas, and previously prepared the Sub-regional Growling Grass Frog Conservation Strategy within the Revised Urban Growth Boundary and Associated 28 Precincts for DELWP (Ecology and Heritage Partners 2011a).

### Expertise to make the Report

Aaron Organ has considerable knowledge of the native flora and fauna throughout south eastern Australia, including areas across western Victoria. A selection of past VCAT and Panel appearances include:

- 2015: Yaringa Boat Harbour Expansion, Yaringa, Victoria – (Panel)
- 2015: Proposed residential development at 134-166 Aspinall Street, Golden Square, Victoria – (VCAT)
- 2015: Amended Permit Associated with the use and development of the land for the purpose of a Place of Worship – 171 – 197 Harkness Road, Melton West, Victoria – (VCAT).
- 2014: Proposed Development Plan Overlay and Planning Permit Applications for a Proposed Residential Development at 370A Riddell Road, Sunbury, Victoria – (VCAT).
- 2014: Kilmore – Wallan Bypass – (Panel).
- 2014. Proposed residential development at 107 Gipps Street, Port Fairy (VCAT)
- 2014: NBN Fixed Wireless Telecommunications Facility at 49D Eddy Avenue, Mt Helen, Victoria – Clayton Utz Lawyers (VCAT)
- 2014: Proposed residential development at 10 Fullarton Drive, Paynesville, Victoria – Hall & Wilcox Pty Ltd (VCAT)



- 2014: Proposed residential development at 95 Wests Road, Langwarrin South – Planning and Property Partners Pty Ltd (VCAT)
- 2014: Amendment C101 to the Manningham Planning Scheme and Proposed Eastern Golf Course Development Plan – Mirvac Doncaster Pty Ltd. (Panel)
- 2014: Princes Highway duplication, Winchelsea to Colac – HWL Ebsworth Lawyers Pty Ltd. (Panel)
- 2014: Proposed Commercial Development, Federation Drive, Melton – Best Hooper Lawyers Pty Ltd. (VCAT)
- 2013: Statement of Expert Evidence: 1 Hobbs Road Wyndham Vale, Victoria. Amendment C171 - Ballan Road Precinct Structure Plan (PSP 40)
- 2013: Statement of Expert Evidence: Review of time stamped data for Amendment C172 - Ballan Road, Wyndham Vale (PSP 92)
- 2013: Statement of Expert Evidence: 305-315 Craigieburn Road East, Wollert, Victoria. Wollert Developments Pty Ltd. (VCAT)
- 2013: Proposed Planning Scheme Amendment C164 - 275 Racecourse Road, Sunbury – Hume City Council (Panel)
- 2013: Western Highway Duplication - Section 3, Ararat to Stawell, Victoria – DLA Phillip Piper (Panel).
- 2013: Cherry Tree Wind Farm – Maddocks Lawyers (VCAT).
- 2012: Western Highway Duplication - Section 2, Beaufort to Ararat, Victoria – DLA Phillip Piper (Panel)
- 2012: Proposed Peninsula Link Freeway Service Centres, 83 Sages Road Baxter, Victoria – Rigby Cook Lawyers Pty Ltd (VCAT)
- 2011: Western Highway Duplication - Section 1, Burrumbeet to Beaufort, Victoria – DLA Phillip Fox (Panel)
- 2011: Old Warrandyte Road, flora and fauna review and Panel hearing, Donvale – Norton Rose Australia Pty Ltd. (Panel)
- 2010: Marquands Road and Leakes Road (Lot 9), Truganina, Truganina South Precinct Structure Plan – Stockland (Panel)
- 2010: Proposed Eastern Golf Course relocation to 'Windsor Park', 215–217 Victoria Road, Yering, Victoria – for Best Hooper (VCAT)
- 2010: Truganina South Community Precinct Structure Plan – for Central Equity and Stockland Limited (Panel)
- 2010: Craigieburn R2 Precinct Structure Plan – for Peet Limited (Panel)
- 2010: Proposed Mortlake Wind Farm – for Accionia Oceania Limited (Panel)

- 2009: Grenda Vehicle Storage Depot, Springvale Road, Keysborough - for Urbis Pty. Ltd. (VCAT)
- 2009: 1280 Boneo Road, Cape Schanck, development a proposed barn – for Hansen Planning Services (VCAT)
- 2009: Melton Planning Scheme Amendment C65 – 489-555 Robinsons Road South Precinct (Marksx Property), Truganina (Panel)
- 2008: Donald Mineral Sands Panel and associated works. Donald Mineral Sands project (Panel)
- 2008: Amendment C88 to the Bass Coast Shire Planning Scheme - Silverleaves, Phillip Island (Panel)
- 2008: Proposed medium density development located on the corner of 1587-1589 Point Nepean Road and 1-1A Chatfield Avenue, Rosebud – for Fulcrum Town Planning Pty. Ltd. (VCAT)
- 2008: Residential development at 2 Rowe Street, Alphington – for Rob Wignall Architects (VCAT)
- 2008: Officer Service Centres, Officer – for Clayton UTZ Pty. Ltd. (VCAT)
- 2007: Anglesea Golf Club proposed Amendment C32 – for TGM Group Pty. Ltd. (Panel)
- 2007: Medium density housing at 2 Ramptons Road, Eltham – for Nillimbik Shire Council (VCAT)
- 2007: Medium density unit development in Frankston (adjacent to Kananook Creek) – for Gary Testro Lawyer (VCAT)
- 2007: Single dwelling development at 683 Great Ocean Road, Eastern Views, Victoria – for SJB Planning Pty. Ltd (VCAT)
- 2006: Construction of a dwelling at 8 Charlotte Court, Warrandyte - for Glossop Town Planning Pty. Ltd. (VCAT)
- 2005: Dollar Wind Farm, Gippsland – for Freehills Lawyers (Panel)

#### Author's Declaration

I, Aaron Organ, have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the tribunal.



----- Date: 30/11/2015