



P.O. Box 1088
Newport, Victoria 3015
Phone: 03 9315 2031
Mobile: 0414 689 853
Email: rob@ecoaerial.com.au

Client: Broadcast Australia
Level 10, Tower A
799 Pacifica Highway
Chatswood, NSW, 2067

Attention: Kevin Pike

12/09/2019

RE: PEER REVIEW OF FLORA AND FAUNA ASSESSMENT FOR REZONING AT 250 TAYLORS RD, (DELAHEY)

Introduction

EcoAerial Pty Ltd was engaged by Broadcast Australia to review a report detailing a flora and fauna assessment undertaken by Nature Advisory (formerly Brett Lane and Associates); Report No 6142 (24.8).

Project Context

During an onsite visit on the 8th of March 2019, Brimbank City Council representatives requested a peer review of a Flora and Fauna report of 250 Taylors Rd. The report forms part of the rezoning application for the subdivided land at 250A Taylors Road, Delahey, denoted as Lot B on Plan of Subdivision 817647S (subject land).

The entire 96-hectare site was the subject of a recent Flora & Fauna Assessment to inform the subdivision application however; the rezoning application will only be for Lot B (Broadcast Australia, August 2019). EcoAerial undertook a site visit (5 March 2019) as part of a peer review process for the subdivision application. Further to this, the following documents and databases were reviewed for the subdivision of land:

- Brett Lane and Associates. 2019. Broadcast Australia, Sydenham; Flora and Fauna Assessment Report No 6142 (22.3).
- Victorian Biodiversity Atlas administered by the Department of Environment, Land, Water and Planning (DELWP); Accessed 3 March 2019
- The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Protected Matters Search Tool: Accessed 3 March 2019
- DELWP NatureKit Online Biodiversity Tool. Accessed 5 March 2019

The study area, encompassing 46.10 hectares was recently subdivided from the 96 hectare site by Brimbank City Council with the understanding this would then be subject to a rezoning application to change the zone from Special Use Zone to Mixed Use Zone.

To accompany the rezoning application Nature Advisory have produced a Flora and Fauna Assessment report that addresses the ecological values on the site and; the relevant legislation within the context of a rezoning application. It was requested by Brimbank City Council representatives that the report undergo a peer review. A Native Vegetation Precinct Plan will

also accompany the rezoning proposal but is not part of the peer review process but was provided for context.

EPBC Act listed species and communities are being considered through a separate EPBC Referral process (currently underway) and were not relevant for the peer review. The subject land is privately owned and as a consequence, the FFG Act does not apply.

Scope of works

A copy of the scope or works required is provided in Attachment B.

Peer Review

EcoAerial undertook a peer review of Nature Advisory (2019) Flora and Fauna Assessment Report No 6142 (24.8) as requested for the rezoning application of Lot B, 250 Taylors Rd, Delahey.

Nature Advisory state; *“The purpose of this Flora and Fauna report is to accompany a rezoning proposal, and document proposed native vegetation and fauna habitat removal within the investigation area, to be incorporated into an associated NVPP. This report summarises the flora, fauna habitat and native vegetation values recorded at the subject land through recent and historic surveys undertaken across the broader study area”.*

Specifically, the scope of Nature Advisory’s current investigation sought to address the following:

- An updated review of existing information on the flora, fauna and native vegetation of the study area and surrounds, including:
 - Victorian Biodiversity Atlas administered by the Department of Environment, Land, Water and Planning (DELWP);
 - The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Protected Matters Search Tool; and
 - DELWP Native Vegetation Information Management system (NVIM).
- A site survey involving:
 - Characterisation and mapping of native vegetation on the site, as defined in Victoria’s Guidelines for the removal, destruction or lopping of native vegetation (the ‘Guidelines’);
 - Assessment of native vegetation in accordance with the Guidelines, including habitat hectare assessment;
 - Compilation of flora species lists for the site;
 - Assessment of the likelihood of occurrence of EPBC Act listed flora, fauna and communities on the site; and
 - A targeted survey for Spiny Rice-flower in suitable habitat.

The peer review assessed if the Nature Advisory report (2019) addresses the requirements as detailed in *“Guidelines for the removal, destruction or lopping of native vegetation under the Detailed Assessment Pathway (DELWP, 2017)”* and more broadly the biodiversity values and the precautionary principle assumptions applied to threatened species.

The Nature Advisory (2019) report includes a desktop review and details of survey outcomes of studies undertaken at the site since 2005 to the present. EcoAerial did not have access to any of the reports referred to prior to 2019. Documents reviewed by EcoAerial included:

- Nature Advisory. 2019. Flora and Fauna Assessment Report No 6142 (24.8).
- Nature Advisory. 2019. 250A Taylors Rd, Delahey – Native Vegetation Precinct Plan Report No. 6142 (25.4)
- Brett Lane and Associates. 2019. Broadcast Australia, Sydenham; Flora and Fauna Assessment Report No 6142 (22.3).
- DELWP. 2017a. Guidelines for the removal, destruction or lopping of native vegetation under the Detailed Assessment Pathway. Department of Environment, Land, Water and Planning, East Melbourne, Victoria.
- DELWP. 2017b. Preparing a Native Vegetation Precinct Plan. Department of Environment, Land, Water and Planning, East Melbourne, Victoria.

A summary of the requirements for an application to remove vegetation and; if the requirements have been addressed is provided below:

1. Information about the native vegetation to be removed.

EcoAerial response: The Nature Advisory report addresses the requirements as outlined in Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017a).

2. Topographic and land information relating to the native vegetation to be removed, showing ridges, crests and hilltops, wetlands and waterways, etc. This may be represented in a map or plan.

EcoAerial response: The Nature Advisory report addresses the requirements as outlined in Guidelines (DELWP 2017a).

3. Recent, dated photographs of the native vegetation to be removed.

EcoAerial response: The Nature Advisory report addresses the requirements as outlined in Guidelines (DELWP 2017a).

4. Details of any other native vegetation approved to be removed, or that was removed without the required approvals.

EcoAerial response: Not applicable.

5. An avoid and minimise statement.

EcoAerial response: The Nature Advisory report addresses the requirements as outlined in Guidelines (DELWP 2017a).

6. A copy of any Property Vegetation Plan (PVP) contained within an agreement made pursuant to section 69 of the *Conservation, Forests and Lands Act 1987* that applies to the native vegetation to be removed.

EcoAerial response: No documentation was provided that details a PVP applies to the study site; neither was there any reference to a PVP in the Nature Advisory report. On this basis requirement 6 was deemed as not applicable.

7. Where the removal of native vegetation is to create defensible space, a written statement explaining why the removal of native vegetation is necessary.

EcoAerial response: Not applicable.

8. If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations at decision guideline 8.

EcoAerial response: Not applicable at this time.

9. An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.

EcoAerial response: The requirements as outlined in the DELWP (2017a) document is a suitable statement must provide evidence that the required offset “*is available to purchase from a third party*”.

The Nature Advisory report partially addresses the requirements as outlined in Guidelines (DELWP 2017a).

Two suitable sites have been identified via a 3rd party offset and the landowner, (Broadcast Australia), is also pursuing offsets through a broker. It is open to interpretation as to whether *sites have been identified* meets the requirement in its strictest sense as evidence that the offset is available to purchase.

I’m of the opinion that the offset statement, as it currently stands, does not provide the necessary evidence of availability to purchase as detailed in requirement 9. A signed agreement detailing the offset purchase will need to be included when the application for the removal of vegetation is submitted.

10. A site assessment report of the native vegetation to be removed.

EcoAerial response: The Nature Advisory report addresses the requirements as outlined in Guidelines (DELWP 2017a).

11. Information about impacts on rare or threatened species habitat.

EcoAerial response: The Nature Advisory report addresses the requirements as outlined in Guidelines (DELWP 2017a).

We note that several of the studies targeting *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Flora and Fauna Guarantee Act 1988* (FFG Act) listed species were undertaken more than 10-years ago:

1. Growling Grass Frog
2. Golden Sun Moth
3. Striped Legless Lizard.

The survey methods implemented for each of the species were as per the requirements at that time. Surveys for Growling Grass Frog, Golden Sun Moth and Striped Legless Lizard were undertaken in; 2005, 2006 and 2009 respectively. Notwithstanding knowledge for these species is now more informed; the results of these studies are applicable based on the supporting information included in both the BLA (2019) and Nature Advisory (2019) reports.

Nature Advisory has applied the precautionary principle for striped legless lizard and threatened flora and fauna listed in the likelihood table, this is an appropriate approach.

The Naroghid Wind Farm VCAT panel recently endorsed the precautionary principle when applied to a threatened species.

There was information within the reviewed report that may have been unclear to the reader. EcoAerial sought clarification and provided recommendations, where needed, for the information to be more clearly articulated, refer to Table 1. Within the table, there was a column for Nature Advisory to respond to each of the points raised by EcoAerial. Nature Advisory's responses are included in Table 1.

Conclusion

Nature Advisory has responded to the clarifications and recommendations provided in Items 1~17 in Table 1. Their responses have addressed the information gaps and clarifications requested.

Nature Advisory has incorporated their responses in their final report (Report No 6142 [24.9]).

It is my opinion that the report addresses the requirements for the site (Lot B on Plan of Subdivision 817647S) rezoning application.

Should you require clarification on any of the items above, please do not hesitate to contact me.

Regards

A handwritten signature in black ink, appearing to read 'Rob Gration', with a horizontal line extending to the right.

Rob Gration
Principal Ecologist /Director
EcoAerial Pty Ltd

Email: rob@ecoaerial.com.au
Mobile: 0414 689 853
Office: 03 9315 2031

Attachment A provides evidence of the experience of the reviewer, Rob Gration.

Table 1: Details of tender review comments

Item No	Section / Page No / Paragraph / Bullet point or Sentence	BLA Report No: 6142 (24.8).	EcoAerial Comments	Response of Nature Advisory
1	Executive Summary /Pg 2/ par 2 / Bullet 4	<p>Threatened fauna species <i>The subject land was identified as supporting the following fauna habitat types:</i></p> <ul style="list-style-type: none"> ▪ <i>Remnant Kangaroo Grass grassland;</i> ▪ <i>Spear grass and exotic grassland;</i> ▪ <i>Wetland and aquatic habitats; and</i> ▪ <u>Planted trees.</u> 	Suggest including trees provenance e.g. non-native; native; or introduced natives etc in brackets.	<ul style="list-style-type: none"> ▪ Planted native trees (Grey Box)
2	Sect 2 / Pg 6 / Par 1 / Sen 3	<p><i>The southern portion of the study area, totalling 46.1 hectares, constitutes the subject land for this report. The subject land is bound <u>by Sydenham Road to the east, Taylors Road to the south, Kings Road to the west</u> and Broadcast Australia infrastructure to the north.</i></p>	Include a study area map on the next page. Currently have to forward to page 26 to source a map of the study area.	New Figure 1 included on page 7.
3	Section 2 / Pg 6 / Par 1 / Sen 7.	<p><i>Broadcast Australia is seeking a Planning Scheme Amendment for the subject land, including rezoning of the subject land to Mixed Use Zone, application of the Development Plan overlay to the full extent of subject land, application of an NVPP to the subject land and removal the Environmental Audit Overlay and Environmental Significance Overlays.</i></p>	<p>First time acronym NVPP has been used, need to expand to the full meaning.</p> <p>Consider including a summary of what a NVPP entails in either bullet point form or flowchart?</p> <p>Also consider stating in the Introduction that the Melbourne Strategic assessment is not applicable to the study site</p>	<p>The subject area is not part of the Melbourne Strategic Assessment (MSA) area and as such the Biodiversity Conservation Strategy (BCS) for Melbourne’s Urban Growth Zone does not apply. The purpose of the associated NVPP is to:</p> <ul style="list-style-type: none"> ▪ Determine native vegetation that can be removed, destroyed or lopped; ▪ Ensure that the removal, destruction or lopping of native vegetation that can be removed is consistent with the

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				<p>Guidelines (DELWP 2017a) and is consistent with the 'no net loss' principle;</p> <ul style="list-style-type: none"> ▪ Specify the offset requirements for the removal, destruction or lopping of native vegetation; ▪ Apply a strategic approach to biodiversity management and provide a clear framework as to the removal of native vegetation within the NVPP area as well as required offsets; and <p>Clarify future planning processes through specifying native vegetation that can be removed.</p>
4	Sec 3.4 /Pg.9 / Par 3 / Sen 1	<i>As the land is privately owned and no relevant habitat has been declared, the FFG Act is not relevant and therefore, is not required to be considered any further.</i>	Suggest clarifying who private owner is i.e. Digital4 Pty Ltd.	... the land is privately owned by Digital 4 Pty Ltd...
5	Sec 4.1.1 / Pg 11 / Par 1 / Bullets	<p>4.1.1. Existing reporting and documentation</p> <p><i>The existing documentation below, relating to the subject land was reviewed:</i></p> <ul style="list-style-type: none"> ▪ Etc.. 	Suggest including the site report from earlier this year in the reporting section i.e. Brett Lane and Associates. 2019. Broadcast Australia, Sydenham; Flora and Fauna Assessment Report No 6142 (22.3). Provides supporting evidence of more current actions at the study site.	This has been included in the list and references.
6	Sec 4.1.3 / Pg 11 / Par 2 / Bullets	<p>4.1.3. Listed matters</p> <p><i>A list of the flora species recorded in the search region was obtained from</i></p>	The search was undertaken 2-years ago. Suggest doing another search, (notwithstanding results are	The actual date of the latest VBA search was 19 th March 2019. This has been updated in the reference list.

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		<p><i>the Victorian Biodiversity Atlas (VBA), a database administered by DELWP. Department of Environment, Land, Water and Planning (DELWP) 2018b, Victorian Biodiversity Atlas 3.2.5, Department of Environment, Land, Water and Planning, East Melbourne, Victoria, viewed 10th May, 2017.</i></p>	<p>likely to be the same), to allay concerns that the database review is out of date.</p>	
7	<p>Sec 4.1.3 / Pg 12 / Par 3 / Sen 1</p>	<p><i>The online EPBC Act Protected Matters Search Tool (PMST) (DEE 2018a) was consulted to determine whether nationally listed species or communities potentially occurred in the search region based on habitat modelling. Department of the Environment and Energy (DEE) 2018a, EPBC Act Protected Matters Search Tool, Department of the Environment, Canberra, viewed 8th May, 2017.</i></p>	<p>The search was undertaken 2-years ago. Suggest doing another search, (notwithstanding results are likely to be the same), to allay concerns that the database review is out of date.</p>	<p>The actual date of the latest PMST search was 26th November 2018. This has been updated in the reference list.</p>
8	<p>Sec 4.2.2 / Pg 13 / Par 1 / Sen 2</p>	<p>4.2.2. Targeted survey for Spiny Rice-flower <i>Initial targeted surveys for this species were undertaken in 2008 (30th June and 8th, 9th and 17 th July). During the surveys, areas of suitable quality Plains Grassland including habitat zones A, B, C and D were visually searched along transects spaced 3 metres apart. All remaining sections of the subject land were considered suboptimal habitat for this species due to previous soil disturbance but were</i></p>	<p>Suggest including EVC number as it has only previously been provided in the exec summary and not the main body of the report.</p>	<p>Included: EVC 132_61</p>

Item No	Section / Page No / Paragraph / Bullet point or Sentence	BLA Report No: 6142 (24.8).	EcoAerial Comments	Response of Nature Advisory
		<i>still visually searched along transects spaced 10 metres apart as a precaution.</i>		
9	Sec 4.2.3 / Pg 14 / Par 2 / Sen 2	<p>4.2.3. Targeted survey for Clover Glycine and other November-flowering flora species</p> <p><i>Surveying for Clover Glycine was undertaken by a botanist in areas supporting Plains Grassland and Plains Grassy Woodland along straight line transects spaced ten metres. Transects within Habitat Zone B were spaced 25 metres apart due to the lower quality native vegetation.</i></p>	<p>Reference to <u>Plains Grassy Woodland should it be Plains Grassy Wetland?</u></p> <p>As per above comment re EVC number</p>	No, just Plains Grassland (EVC 132_61).
10	Sec 5.2.1 / Pg 19 / Par 2 / Sen 3	<p>5.2.1. Patches of native vegetation</p> <p><i>Evidence on site, including floristic composition and soil characteristics, suggested that Plains Grassy Wetland (EVC 125), and Heavier Soils Plains Grassland (EVC 132_61) were present within the subject land (Figure 1).</i></p>	<p>Figure 1 now becomes Figure 2 after including a map of the study area on page 7.</p>	Now, Figure 2.
11	Section 5.2.2 / Pg 27 / Paragraph 1	<p>5.2.2. Scattered trees</p> <p><i>No remnant indigenous scattered trees were recorded in the subject land. All trees in the subject land have been planted for amenity purposes and are <u>non-indigenous species</u>.</i></p>	<p>This statement appears inconsistent with statements on page 37 when discussing habitat for Regent Honeyeater and Swift Parrot e.g. There are references to eucalyptus being present in study area.</p> <p>May need to clarify what non-indigenous means e.g. introduced native species not consistent with</p>	Amended to: All trees in the subject land have been planted for amenity purposes and are native, but non-indigenous species to this area as they are not consistent with the EVC mapped for the site, i.e. Plains Grassland (132_61).

Item No	Section / Page No / Paragraph / Bullet point or Sentence	BLA Report No: 6142 (24.8).	EcoAerial Comments	Response of Nature Advisory
			the relevant EVC or region or introduced exotic species.	
12	Section 7.4 / Pg 46 / Paragraph 1	<p>7.4. EE Act</p> <p><i>The “Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978” (DSE 2006), identifies criteria which trigger a Referral to the State Minister for Planning.</i></p> <p><i>The current proposed removal of more than 10 hectares of native vegetation from an endangered Ecological Vegetation Class (EVC 132) triggers the criteria for a referral under the EE Act.</i></p> <p><u>However, it is not anticipated that a EES process will be required due to this being a metropolitan infill project as distinct from a major infrastructure or regional project, and due to the likelihood of duplicate assessment under multiple legislative frameworks, and due to the impacts not being considered to be of regional or state significance.</u></p>	Include a recommendation stating further advice should be sought from the planning minister and or their representative or, further advice is currently being sought, if that is the case.	Included: Further advice should be sought from the planning minister and/or their representative.
13	Section 7.5 / Pg 46 / Paragraph 4	<p>7.5. CaLP Act</p> <p><i>The Catchment and Land Protection Act 1994 (CaLP Act) requires that landowners (or a third party to whom</i></p>	Include Land Management Plan as an Appendix?	The Land Management Plan is a separate report that does not need to be attached to this report. We included a weed map as Figure 3.

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		<p><i>responsibilities have been legally transferred) must prevent the growth and spread of regionally controlled weeds.</i></p> <p><i><u>A separate Land Management Plan prepared by BL&A in 2018 addresses the required weed management at the site (see BL&A 2018).</u></i></p>		
14	References / Pg 50.	<p>References</p> <p><i>Maldonado SP, Melville J, Peterson GN & Sumner J 2012, 'Human-induced versus historical habitat shifts: identifying the processes that shaped the genetic structure of the threatened grassland legless lizard, <i>Delma impar</i>', <i>Conservation Genetics</i>, 13: Issue 5.</i></p>	Suggest cross checking all references. A search for the Maldonado paper was not found in the body of the report.	Deleted from reference list.
15	Appendix 1 / Pg 53 / Bullet 2	<p>Appendix 1: <i>This includes two groups of habitat:</i></p> <ul style="list-style-type: none"> ▪ <i>Highly localised habitats – Limited in area and considered to be equally important, therefore having the same habitat importance score.</i> ▪ <i>Dispersed habitats – Less limited in are and based on habitat distribution models.</i> 	Typo; assume are is meant to be area?	Yes, this has been corrected.
16	Appendix 3 / Pg 59	<p>Appendix 3: Flora species recorded in the study area</p> <p># <i>Rice Flower - Pimelea spp.</i></p>	<p>Check if # is correctly applied to the following 2 species.</p> <p>1. Common Rice-flower is stated as present within <i>Heavier-soils</i> Plains Grassland EVC</p>	<p>Yes, this is correct. # has been removed from the list for these two species.</p> <p># = Victorian native taxa occurring outside their natural range</p>

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		<p># <i>River Red-gum Eucalyptus camaldulensis</i></p> <p># = <u>Victorian native taxa occurring outside their natural range</u></p>	<p>132_61 benchmark for the Victorian Volcanic Plains bioregion.</p> <p>2. River Red Gum is stated as present within Plain Grassy Woodland EVC 55_61 and Plains Grassy Wetland EVC 125 benchmarks for the Victorian Volcanic Plains bioregion.</p> <p>I've included Plains Grassy Woodland based on the reference to this EVC on page 14 which may be incorrect. See Item 8</p>	
17	Appendix 5 / Pg 65 / Row 3	<p>Appendix 5: EPBC Act listed fauna species that occur or potentially occur in the study area</p> <p><i>Regent Honeyeater: Number of records; <u>none</u>.</i></p> <p>Likelihood of occurrence <i>Some habitat is available on the site.</i></p> <p>Recent records -<i>Potential to occur</i></p>	<p>Need to clarify; the Number of records column states there were <u>no records</u> however likelihood of occurrence column states <u>recent record</u>.</p>	<p>Correct, there are no recent records, but some habitat is present on the site.</p>

Attachment A- Reviewers Experience

Rob Gration - Principal Ecologist

Education and Training

- Master of Wildlife Management (Habitat), Macquarie University
- Post Graduate Certificate in Applied Science (Wildlife Ecology/Management), Charles Sturt University
- Associate Diploma Applied Science (Natural Resource Management), NMIT
- A-Grade Bat Banding Authority, Australian Bird and Bat Banding Scheme.

Career Summary

Rob has 20-years professional experience in the resource management sector and has undertaken projects throughout Victoria, Queensland, New South Wales and South Australia as an environmental consultant.

Rob's specific area of expertise is environmental assessment, management and monitoring. Rob provides advice on environmental compliance, impact assessment and monitoring, preparation of referrals under the *Environment Protection & Biodiversity Conservation Act 1999* & relevant state acts, Peer Reviews, Expert Witness Statements, Environmental Effect Statements and Environmental Management Plans.

Selected Peer Review Experience

Echuca Moama Bridge EES – Roads and Maritime Services and VicRoads (Vic / NSW)

EcoAerial was contracted by Roads and Maritime Services (RMS) to undertake a peer review of bat calls attributed to the nationally and state listed *Nyctophilus corbeni* (Corben's Long-eared Bat) in the vicinity of the proposed new Echuca - Moama Bridge. The outcomes of the peer review were presented at the EES panel hearing and accepted by state and commonwealth referral agencies.

Audit of the implementation the Bat and Avian Management Plan (BAMP) at the Bald Hills Wind Farm – Mitsui Australia (Victoria).

EcoAerial Director, Rob Gration, was nominated by Mitsui as the independent auditor for the Bald Hills Wind Farm. Rob's appointment required approval from state and commonwealth referral agencies. Rob was responsible for undertaking an independent audit of the consultants contracted to implement the endorsed BAMP. The objective of the audit was to ensure that the monitoring program adhered to the approved performance criteria detailed in the BAMP.

Review of National Koala Strategy – Commonwealth Department of Environment Water Heritage and the Arts (National)

Responsible for interviewing Victorian and South Australian stakeholders to gather information on how successful the implementation of the National Strategy had been. The objectives were to provide recommendations on how the Strategy may be updated to ensure for the ongoing conservation and management of koalas.

Assess the effectiveness of local government planning scheme controls in protecting native vegetation– Port Phillip and Western Port Bay Catchment Management Authority (Victoria)

Assessing the Effectiveness of Local Government Planning Scheme Controls in Protecting

Native Vegetation in the Port Phillip & Western Port Region. The review evaluated fifty planning permit case studies from 5 local governments across the Port Phillip and Western Port Bay CMA region.

Peer review of fauna mitigation strategies for Sugarloaf Pipeline - North South Pipeline Alliance (Victoria)

Responsible for reviewing a post construction fauna management plan for a state listed threatened species, the Brush-tailed Phascogale. Recommended alternative strategies that both provided better outcomes for brush- tailed phascogale.

Peer review of preferred tenderer - North South Pipeline Alliance (Victoria)

Responsible for reviewing post construction fauna monitoring program and provide advice on survey design. Review involved providing recommendations for the monitoring program to ensure it met the requirements of relevant referral authorities e.g. Department of Sustainability and Environment.

Attachment B- Scope of works

SCOPE FOR PEER REVIEW OF FLORA AND FAUNA ASSESSMENT FOR REZONING APPLICATION AT 250A TAYLORS RD (DELAHEY)



Background

250A Taylors Road, Delahey, (Lot B) is a 46-hectare parcel of land proposed for a scheme amendment to rezone the land from Special Use Zone (SUZ) to a Mixed-Use Zone (MUZ). To accompany the scheme amendment Brett Lane & Associates has prepared a Flora and Fauna Assessment. Brimbank City Council requires the Flora and Fauna Assessment be a peer reviewed as part of the scheme amendment proposal.

Proposed Development and Requirements

In discussions with Council at an onsite visit on the 8th of March 2019, Council has requested a peer review of the Flora and Fauna report as part of a rezoning application to be applied to the subdivided land at 250A Taylors Road, Delahey, denoted as Lot B on Plan of Subdivision 817647S (subject land).

The subject land, encompassing 46.10 hectares, was recently approved for subdivision by Brimbank City Council with the understanding this would then be subject to a rezoning application to change the zone from Special Use Zone to Mixed Use Zone. The entire 96-hectare site was the subject of a recent Flora & Fauna Assessment to inform the subdivision application, however the rezoning application will only be for the subdivided lot, Lot B.

To accompany the rezoning application Brett Lane & Associates (BL&A) are finalising a Flora and Fauna Assessment report for Lot B, which addresses the ecological values on the subject site and the relevant legislation within the context of a rezoning application.

Scope for Peer Review

A technical independent peer review of the Flora and Fauna survey and assessment report is required by an appropriately qualified and experienced ecologist to ensure the studies and report satisfactorily addresses the relevant guidelines which are required to be considered in preparation of the Planning Scheme Amendment - *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)* under the Detailed Assessment Pathway.

Specifically, the peer review must consider as to whether the Flora and Fauna survey assessment report satisfactorily provides the following requirements under the Guidelines:

- Information about the native vegetation being removed including:
 - A habitat hectare assessment of any patches of native vegetation, including the condition, extent (in hectares), Ecological Vegetation Class and bioregional conservation status;
 - The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any large trees within patches; and



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- The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any scattered trees, and whether each tree is small or large.
- Maps showing the native vegetation and property context;
- The offset requirement, determined in accordance with the Guidelines including information about impacts on rare and threatened species habitat (NVR report);
- Topographic and land information relating to the native vegetation proposed to be removed;
- Recent, dated photographs of the native vegetation proposed to be removed;
- Details of any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five-year period before the application for a permit is lodged;
- An avoid and minimise statement; and
- An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.

Additional Information

EPBC Act listed species and communities will be considered during the separate EPBC Referral process (currently underway) and are not relevant for this peer review.

The FFG Act only applies to public land and only needs to be considered for impacts on public road reserves adjacent to the private property. As the subject land is privately owned the FFG Act does not apply.

The peer review must be undertaken by an appropriately qualified and experienced ecologist in Victoria.