



Your Ref: PA2013/4050
SPEAR: S033602J

Our Ref: SP447327

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Ms Claire Bickerstaff
Melton City Council

Submitted via SPEAR

Dear Ms Bickerstaff

Port Phillip Region

123 Brown Street

Heidelberg Vic 3084

PO Box 137

Heidelberg Victoria 3087

Telephone: (03) 9450 8790

Facsimile: (03) 9637 8100

ABN 90 719 052 204

MELTON PLANNING PERMIT APPLICATION: PROPOSAL: Subdivision, removal of easements and removal of native vegetation

I write in response to the above mentioned planning permit application that was referred to the Department of Environment and Primary Industries (DEPI) pursuant to section 57C of the Planning and Environment Act 1987 (the Act).

No Objection – Conditions Required (s56(1)(a))

That the Department of Environment and Primary Industries does not object to the granting of a permit for the above application on biodiversity grounds and recommends that the following conditions are included on any permit granted:

1. Before works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.
2. Before works start, a native vegetation removal plan must be submitted to and approved by the Responsible Authority and the Department of Environment and Primary Industries. The plan must identify all native vegetation to be removed and retained and describe the measures to be used to protect the identified vegetation during construction. When approved, the plan will be endorsed and will form part of this permit. The plan must be generally in accordance with Fig. 5A and Fig. 5B of Flora and Fauna Assessment, Net Gain Analysis and Targeted Surveys for the proposed Ravenhall Industrial Precinct, Ravenhall, Victoria, Ecology and Heritage Partners (June 2013). All works constructed or carried out must be in accordance with the endorsed plan.
3. Before works start, native vegetation protection fencing must be erected around all remnant patches of native vegetation to be retained on site. This fence must be erected around the patch at a distance of 2 metres from retained native vegetation. The protection fence must be constructed to the satisfaction of the responsible authority. The protection fence must remain in place at least until all works are completed to the satisfaction of the responsible authority.

Except with the written consent of the responsible authority, within this area;

- no vehicular or pedestrian access, trenching or soil excavation is to occur,
 - no storage or dumping of tools, equipment or waste is to occur,
 - no entry and exit pits for underground services are to be constructed.
4. Prior to the removal of any native vegetation, written evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. Offset evidence can be either:
- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, or
 - a credit register extract from the Native Vegetation Credit Register.

The offset must be in accordance with the requirements of Victoria's Native Vegetation Management: A framework for action (DNRE, 2002) and achieve the following to the satisfaction of the Responsible Authority:

- contribute gain of 21.16 habitat hectares of very high conservation significance Plains Grassland (EVC 132_61),
 - contribute gain of 0.95 habitat hectares of high conservation significance Plains Grassy Wetland (EVC 125), and
 - be located within the Victorian Volcanic Plain (VVP) Bioregion.
5. No more than the 35.66 hectares of native vegetation as shown in Fig. 5A and Fig. 5B of Flora and Fauna Assessment, Net Gain Analysis and Targeted Surveys for the proposed Ravenhall Industrial Precinct, Ravenhall, Victoria, Ecology and Heritage Partners (June 2013), can be removed without the prior written consent of the Responsible Authority and the Department of Environment and Primary Industries.
6. Every year, for ten years, after the responsible authority has approved the offset management plans, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plans. An offset site condition statement (for each offset site), including photographs must be included in this notification.

Permit Notes:

This application has been assessed under Victoria's Native Vegetation Management: A framework for action (DNRE, 2002) in accordance with Scenario 6 of the Transitional guidance to support applications to remove native vegetation (DEPI, 2013).

This case meets the criteria of applying the Transitional guidance arrangements to enact the Framework as the form of offset. It does not allow for discretion in applying a mix of offsets under both the former Framework and current Clause 52.17 Biodiversity Assessment Guidelines offsetting Reforms.

Comments

The application proposes to remove native vegetation for a 252 lot subdivision to create an industrial precinct in Ravenhall, Victoria.

This case was initially referred to DEPI in July 2013. After multiple further information requests to meet offset requirements under the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI, 2013), the proponent requested the application be assessed under section 6 of the Transitional guidance to support applications to remove native vegetation (DEPI, 2013).

This case meets the criteria of applying the Transitional guidance arrangements to enable the application to be assessed under Victoria's Native Vegetation Management: A framework for action (DNRE, 2002), rather than the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI, 2013).

It does not allow for discretion in applying a mix of offsets under both the former Framework and current Clause 52.17 Biodiversity Assessment Guidelines offsetting Reforms.

The site contains 59.57ha (21.25 HabHa) of native vegetation containing two EVCs:

- 57.64ha (20.59 HabHa) of Very High Conservation Significance Heavier-soils Plains Grassland (EVC 132_61)
- 1.93ha (0.66 HabHa) of High Conservation Significance Plains Grassy Wetland (EVC 125)

The extent, in hectares, of the Plains Grassland which meets the EPBC benchmark for the critically endangered community Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) is 31.38 ha as outlined in the Flora and Fauna Report (EHP 2014). The site also contains 99 individual Spiny Rice-flower (EPBC critically endangered) plants, Striped Legless Lizard is assumed to be present on site, however Golden Sun Moth was not detected during targeted surveys.

The application proposes to remove 35.66 hectares (60%) of native vegetation, including 16ha of NTGVVP and 4 Spiny Rice-flower plants. The net gain required to offset this loss is 22.11 habitat hectares.

Table 5 in the Flora and Fauna Assessment shows Patch PG11 is 10.06ha with only 0.32ha to be removed, however Fig 5A shows two areas proposed to be developed that do not appear to have been included in the calculations. Therefore the department requests to review a native Vegetation Removal Plan prior to works commencing to ensure the native vegetation removal has been accurately assessed. This may require permit conditions to be amended.

The offsets required to mitigate the permitted clearing of native vegetation in accordance with Victoria's Native Vegetation Management: A framework for action are 22.11 habitat hectares of native vegetation.

DEPI considers that the proposed retention of around 24ha of native vegetation on site in conservation reserves demonstrates an attempt to minimise the impacts of the native vegetation removal on biodiversity. DEPI is not aware of future arrangements for ongoing management responsibility of these reserves nor whether Council has been in negotiations with the proponent on this matter.

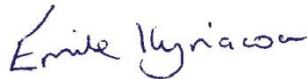
Previously, applications to remove native vegetation of Very High conservation significance have required Ministerial approval. However, Ministerial approval is not required under Section 6 of the transitional guidance.

It is DEPI's understanding that this case has not yet been referred to the Commonwealth Government under the Environment Protection and Biodiversity Act 1999 (EPBC Act).

Notwithstanding that, Ecology and Heritage Partners have estimated likely offsets required by the federal government under the EPBC Act (in their letter dated 11 Dec 2014 to Melrose Land Sales), such offsets are separate to those required by the State of Victoria and any decision by the Commonwealth has yet to be determined in relation to the proposal.

If you have any further questions in relation to this matter, please contact Ms Tegan Brown, Biodiversity officer on ☎ 9450 8759.

Yours sincerely



Emile Kyriacou
Senior Statutory Planner, Regional Planning
Port Phillip Region