



The Hon Peter Garrett MP
Minister for the Environment, Heritage and the Arts
Parliament House
Canberra ACT 2600

2 July 2009

Dear Minister,

**Melbourne Urban Growth Boundary Strategic Impact Assessment
Extension of Community Consultation & Ecological Assessment Period**

We are writing to you to express our dismay at the process proposed for the EPBC Act, 1999 Strategic Impact Assessment to revise Melbourne's Urban Growth Boundary. We welcome the commitments to establish 15,000 ha of new grassland reserves, but significant conservation areas of almost 8,000 ha are proposed to be lost. We have a number of concerns about the timing of the assessment and comprehensiveness of the underlying ecological information.

While we are working hard to provide thoughtful comments on the Strategic Impact Assessment Report, we believe the timelines associated with the process to be unreasonably short, especially considering the complex nature of the information, the importance of the process and the potential impacts of the decisions that will follow.

We request that the existing consultation period be extended to allow additional ecological studies and field work in spring and summer, and that the process be altered to accommodate additional opportunities for consultation with the community.

There are four key issues which support the need for an extension.

- **The Melbourne Strategic Impact Assessment is rushed.** There is clear discretion to extend the timelines – 28 days is the statutory minimum, not the norm. In fact other strategic assessments, none as large or as complex as the Melbourne one, have been done over years, not weeks, and have included a range of opportunities for community input. We have no direct experience with other Strategic Impact Assessments but understand that they are viewed as an approach that has merit when undertaken with due care and process. We are concerned that the process and timelines adopted for the Melbourne assessment will undermine the integrity of the approach.
- **There is no further opportunity to comment.** Once submissions have been made on the draft, there is no opportunity to make additional comments on final proposals even if there have been significant changes.
- **Significant delays in receiving the background information.** Many community groups have not received all the background papers and now only have 2-3 weeks to respond, which includes two weeks of school holidays when many people have family care duties or take leave.
- **The need for more biodiversity surveys and information collection in spring & summer.** Spring is just around the corner, and this is a key time for grassland monitoring and the only time for monitoring some of the key species such as Golden Sun Moth and Growling Grass Frog, which are only observable in Spring and Summer.

These issues are explored in detail below:

1) Melbourne Strategic Impact Assessment is rushed

The use of the Strategic Impact Assessment provisions of the EPBC Act will potentially give the State and property developers an umbrella environmental approval for the next 20 years to clear significant native vegetation and habitat, without additional assessment, even if new information or knowledge arises or occurs. This means that the initial process should be undertaken with the highest level of integrity. The resulting decisions should be based on good quality data which is fit for the purpose.

The community should also be provided with sufficient time and opportunity for comment. Should Melbourne's Urban Growth Boundary be expanded as is proposed, we are set to potentially lose significant amounts of Critically Endangered grassland areas, which equate to significant tracts of habitat for Nationally and State threatened species. In this context, we are very keen to see that the right decision making process is being undertaken. On the basis of our preliminary assessment of the Strategic Impact Assessment process and resulting document, we are not convinced that this is the case.

Two previous EPBC Strategic Impact Assessments have been commissioned: one in the Kimberly in Western Australia (started in Feb 2008) to look at the Natural Gas hub, and the other for urban development for Molonglo in the ACT. Neither assessment has been completed and neither is at the scale and complexity proposed for Melbourne. Both these previous assessments have taken years, not weeks as proposed for Melbourne.

Furthermore, these two previous assessments have had consultation periods on both the draft terms of reference and strategic impact assessment reports. For the Melbourne Strategic Impact Assessment, there was no public consultation period on the terms of reference. An Initial Memorandum of Understanding (MOU) was developed without consultation and signed between Commonwealth and State on 4 March 2009. Subsequently this MOU was re-written and signed on 16 June 2009, over three months later, again with no consultation. The renegotiation of the MOU was yet another opportunity for consultation that was not taken up.

The MOU was signed between the Commonwealth and the Victorian State Government to undertake a strategic assessment under the Section 146(1) of the EPBC Act, 1999. The MOU sets out the following process:

- Consultation on Draft Report, June 17 – July 17 2009
- Revise all Public Submissions and Final Report, Close of Business 14 August, 2009.
- The final report is comprised of
 - (i) the amended draft report, and/or
 - (ii) a supplementary report
 - (iii) comments on how public responses have been taken into account

The timelines are ridiculously tight, with only four weeks between the closing of submissions and final lodgement. The process allows little time if further information is required or community views are given proper consideration and gives a strong impression of a foregone conclusion.

The EPBC Act 1999 stipulates that the Strategic Impact Assessment report be exhibited for public comment for a period of at least 28 days. There is clearly discretion under the Act to allow for more than 28 days' consultation, as has been done in other cases.

We also note, based on legal advice, that there is nothing in the MOU between the State and Commonwealth which prevents an extension of the public consultation period, and that a variation to the agreement could be made subject to Clause 12 of the Agreement.

2) There is no further opportunity to comment

The State may make changes between the Draft Strategic Impact Assessment Report and the Final Report to be submitted to the Commonwealth on 14 August. Following the initial short submission period, there is no provision, other than directly through the political process, for the community and experts to comment on any revisions that will subsequently be submitted to the Commonwealth..

There should be substantive changes to some of the proposals to take into account ecological and community concerns. However, these changes cannot be assessed or commented on after the initial consultation period.

3) Delays in receiving the background information.

Many community groups and expert advisors have not received all the background papers, and now only have 2-3 weeks to respond. In Victoria, the public consultation phase includes two weeks of school holidays when many people have family care duties or take leave. For example, three key regional organisations Merri Creek Management Committee, Western Region Environment Centre and Cardinia Environment Coalition ordered copies of relevant reports and supporting technical documents on either 17 or 18 June. Neither group had received copies by 30 June, effectively reducing the time to consider and comment on documents by at least a further two weeks.

We have also had reports of people requesting documents being 'grilled' and questioned about their right to receive the documents if they were not an impacted landholder and refused multiple copies. Some were also told that a submission was not required unless their position had changed since the opportunity for comment via previous submissions on the location of the Urban Growth Boundary. Although this should be irrelevant, there was very little (in fact virtually no) information provided in earlier consultation on the UGB on ecological issues or impacts.

4) The need for more biodiversity surveys and information collection in spring & summer

The majority of the data which has informed the Strategic Impact Assessment was mainly sourced via a series of desktop studies. This includes both the consultants' reports and the Strategic Impact Assessment document itself. Very little on-ground assessment was conducted, and the majority of this was associated with ground-truthing native vegetation. The majority of the field assessments were undertaken from mid-late summer and autumn. All consultants identified the need for targeted surveys, in the correct season, namely spring to early summer, especially of EPBC listed species.

Considering the importance and lasting consequences of the outcomes of this process, we consider that the methods used and constraints to the studies have not resulted in good quality data, nor is it fit for purpose. Further detail is provided below.

Spring is just around the corner (approx two months), and this is a key time for grassland monitoring and the only time for monitoring some of the key species, such as Golden Sun Moth, which is only observable in spring and early summer; Growling Grass Frog, which calls from September to December; and Southern Brown Bandicoot, which is most active in spring. An extension to the process, particularly to allow additional ground-truthing and monitoring, is critical if the ecological purpose of the Strategic Impact Assessment and the EPBC Act are to be fulfilled.

a) Limitations of the studies informing the Strategic Impact Assessment

A range of consultants were contracted by the Growth Areas Authority to provide advice on the constraints due to biodiversity values that should be applied to zones under consideration for development via the expansion of the Melbourne Urban Growth Boundary. The consultants each undertook an assessment of individual species of importance and native vegetation.

Limitations were identified to be associated with a few key areas, which included, but were not limited to:

1. datasets and data provided by DSE (Native Vegetation and flora and fauna)
2. lack of access, particularly to private land, for ground-truthing the presence, type and quality of native vegetation
3. the timing of the assessments, potentially resulting in misleading results
4. the incomplete alignment of DSE vegetation assessment methodology and classification with EPBC listed communities

An additional limitation of the studies is associated with the fact that they did not consider on a case-by-case basis the ecological communities that are nominated for listing under the EPBC Act 1999. This should also be addressed prior to the development of the Final report.

SMEC (2009) states that their assessment is 'a region-wide assessment and is not suitable for site specific or precinct based planning'. They also state that 'it is apparent that some elements of the underlying data are deficient, inaccurate or old. In particular, the level of knowledge and survey effort for some threatened flora and fauna is very poor or highly restricted to a few surveys. Also, the timing of surveys and incidental observations may not correspond with ideal sampling periods; there may be limited survey effort in the area if it is extensively private land; and some species have naturally low detectability rates.' They provide detailed information on the

gaps associated with the study and recommendations for future work, and identify 25 areas that should be subject to supplementary field assessments.

Similarly, Biosis (2009) states that *'a full assessment of the ecological values of the Melton Desktop Area was not conducted.... However this assessment can be used to identify sites that require further field assessment to satisfy environmental legislation and policy requirements'*.

Birds Australia likewise highlights the incomplete nature of the studies. They comment: *'This should be viewed as an incomplete assessment, with the understanding that data is insufficient to meaningfully assess the importance of many areas.'* (Birds Australia 2009). They also *'...strongly encourage field surveys and further desk-top review to understand and limit possible impacts on birds'*

Native vegetation analysis was undertaken via three methods:

- using DSE's modeled native vegetation extent dataset
- aerial photograph interpretation
- ground truthing using a rapid qualitative assessment method across a small percentage (only 20% for the SMEC study) of each investigation area. Ground truthing was restricted to 'over the fence assessments' from public access points (largely roadsides) for private land, resulting in the majority of the investigation areas being poorly assessed and in some cases estimates applied to the extent of an entire property.

A number of the ecological consultants also commented on the limitations and the need for additional work on threatened flora and fauna, including: *'The assessment was conducted over a range of seasonal conditions which included both optimal and sub-optimal times for survey. As such the majority of seasonally visible species are likely to have been overlooked with a single site visit'*. and *'Seasonal surveys for threatened flora species should be conducted within relatively intact areas of native vegetation before any decisions are made as to their presence, absence or population size'* (Biosis 2009 p6)

In particular SMEC also identify that targeted flora and vegetation community assessment is recommended for almost all the sub-areas within the Investigation Area (Areas 2a, 2b -Sunbury/Jackson's Ck), 3a (most of upper Merri) and 3b, 3c and 3f). The report states: *'it is recommended that a survey is undertaken across the entire extent of Area x to identify areas of native vegetation (as defined by DSE) and to determine their quality (Habitat Hectares) based on DSE approved methods.'* and: *'It is further recommended that targeted surveys be undertaken for the highly restricted Basalt Peppercross and Plump Swamp Wallaby-grass based on their known distribution and preferred habitat.'* (P.197)

b) No Field Assessment of E6 Transport Corridor

Further, there has been no on-ground assessment of the Outer Metropolitan Ring road and E6 Transport Corridor. There was a desktop assessment completed by Brett Lane & Associates Pty Ltd, which estimated the area of native vegetation to be cleared. The report itself notes: *"The current assessment was strictly limited to a desktop study and some threatened species may have been missed due to minimal previous research in some areas"* (p2). The consultants recommend that a broader 2 km search area be undertaken and detailed field assessment undertaken.

c) Targeted flora and fauna surveys required for critical species.

As indicated above, the majority of the ecological consultants have highlighted the limitations associated with their assessment of potential impacts on threatened species, and recommend targeted flora and fauna surveys.

For example, SMEC, which surveyed areas to the north of Melbourne, and Biosis, which surveyed the west, highlight in their recommendations targeted fauna surveys for all sub-areas. Critical species include Golden Sun Moth, Growling Grass Frog, Brown Toadlet, Southern Toadlet, Striped Legless Lizard, Grassland Earless Dragon, Eastern Great Egret, Brown Quail, Diamond Firetail, Swift Parrot, Azure Kingfisher, Plains Wanderer, Barking Owl, Fat-tailed Dunnart, Brush-tailed Phascogale (SMEC pp.201-208). Biosis (2009, p45), similarly recommends that targeted surveys be undertaken for all species of national and state significance in areas they identify as 'High Retention Areas' and in other 'Retention Areas' identified as containing likely habitat.

The only targeted surveys undertaken to inform the Strategic Impact Assessment were in the South-east expansion zone for the Southern Brown Bandicoot (SBB). In this case they were confined to motion-activated cameras at two locations and day-time survey (for a nocturnal animal). Survey for the Growling Grass Frog

(GGF) was also initially proposed for the South-east, but the time of year, high temperatures and lack of access to private land ruled out this option (Practical Ecology, 2009).

Furthermore, the Strategic Impact Assessment Report identifies a number of species that require targeted survey (pp. 102-108). We strongly support the targeted survey and request that this be undertaken as part of the process of the Strategic Impact Assessment, not afterwards.

Timing is critical for further survey of flora and fauna species. It is widely acknowledged that spring and early-summer are the best times for surveying grassland flora and many species. Practical Ecology (2009, p. 11) states that more in-depth studies across the entire South-east investigation area are required from September to December for Growling Grass Frog and in spring for Southern Brown Bandicoot, using a wider variety of methods.

The EPBC Critically Endangered Golden Sun Moth is particularly prevalent in the grasslands to the north and west of Melbourne. Six years of study by the Merri Creek Management Committee have shown that Golden Sun Moth emergence times are erratic and seasonally dependent, emerging mainly in early *summer* rather than spring. In 2005, a student studying Craigieburn grassland recorded 13 suitable dates for recording moth numbers between 12 November and 29 December. This would be the period when best results can be achieved, and attempting surveys outside optimum emergence periods risks false negative results.

Finally, many grassland flora and some fauna are best and only observed in spring. The EPBC Policy Statement 3.8, Natural Temperate Grassland of the Victorian Volcanic Plain, for example, highlights the variable nature of grassland species: *"It can vary seasonally because many wildflowers only become visible during spring and early summer.... Therefore, any proper assessment should occur in spring and must occur more than 2 months since recent disturbance...."*

Conclusion

We request that the period for consultation for the Strategic Impact Assessment be **significantly extended**. The extended timeline should be designed to facilitate the detailed field assessment of ecological values much of which would occur in spring and early summer. Additional studies are also required to address ecological communities that are listed for nomination under the EPBC Act 1999. There should also be allowances made within the extended process for adequate time for the community and experts to comment upon any new data, as well as existing data.

We also request that the Memorandum of Understanding be **altered** to include further opportunities for consultation with the community. Again we note that there is nothing in the MOU between the State and Commonwealth Governments which prevents an extension of the public consultation period, and that a variation to the agreement could be made subject to Clause 12 of the Agreement.

In our view, the additional time required would significantly improve the information base to allow proper assessment of the ecological impacts and mitigation measures proposed. It would also make the proposed Melbourne Strategic Assessment consistent with previous processes and best practice ecological assessment.

We look forward to discussing these issues in detail.

Yours Sincerely



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on behalf of

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Gavin Jennings MP
Minister for Environment and Climate Change
Level 22, 50 Lonsdale St
Melbourne Vic. 3000

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We also note, based on legal advice, that there is nothing in the MOU between the State and Commonwealth which prevents an extension of the public consultation period, and that a variation to the agreement could be made subject to Clause 12 of the Agreement. We also note that Clause 8.2 of the MOU commits Victoria to 'at least 28 days' public consultation, with the clear implication that it is open to Victoria to have or initiate a longer public comment period if desired.

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Conclusion

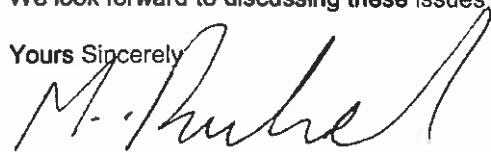
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Extension of Community Consultation & Ecological Assessment Period**

We are writing to you to express our dismay at the process proposed for the EPBC Act, 1999 Strategic Impact Assessment to revise Melbourne's Urban Growth Boundary. We welcome the commitments to establish 15,000 ha of new grassland reserves, but significant conservation areas of almost 8,000 ha are proposed to be lost. We have a number of concerns about the timing of the assessment and comprehensiveness of the underlying ecological information.

While we are working hard to provide thoughtful comments on the Strategic Impact Assessment Report, we believe the timelines associated with the process to be unreasonably short, especially considering the complex nature of the information, the importance of the process and the potential impacts of the decisions that will follow.

We request that the existing consultation period be extended to allow additional ecological studies and field work in spring and summer, and that the process be altered to accommodate additional opportunities for consultation with the community.

There are four key issues which support the need for an extension.

- **The Melbourne Strategic Impact Assessment is rushed.** There is clear discretion to extend the timelines – 28 days is the statutory minimum, not the norm. In fact other strategic assessments, none as large or as complex as the Melbourne one, have been done over years, not weeks, and have included a range of opportunities for community input. We have no direct experience with other Strategic Impact Assessments but understand that they are viewed as an approach that has merit when undertaken with due care and process. We are concerned that the process and timelines adopted for the Melbourne assessment will undermine the integrity of the approach.
- **There is no further opportunity to comment.** Once submissions have been made on the draft, there is no opportunity to make additional comments on final proposals even if there have been significant changes.
- **Significant delays in receiving the background information.** Many community groups have not received all the background papers and now only have 2-3 weeks to respond, which includes two weeks of school holidays when many people have family care duties or take leave.
- **The need for more biodiversity surveys and information collection in spring & summer.** Spring is just around the corner, and this is a key time for grassland monitoring and the only time for monitoring some of the key species such as Golden Sun Moth and Growling Grass Frog, which are only observable in Spring and Summer.

These issues are explored in detail below:

1) Melbourne Strategic Impact Assessment is rushed

The use of the Strategic Impact Assessment provisions of the EPBC Act will potentially give the State and property developers an umbrella environmental approval for the next 20 years to clear significant native vegetation and habitat, without additional assessment, even if new information or knowledge arises or occurs. This means that the initial process should be undertaken with the highest level of integrity. The resulting decisions should be based on good quality data which is fit for the purpose.

The community should also be provided with sufficient time and opportunity for comment. Should Melbourne's Urban Growth Boundary be expanded as is proposed, we are set to potentially lose significant amounts of Critically Endangered grassland areas, which equate to significant tracts of habitat for Nationally and State threatened species. In this context, we are very keen to see that the right decision making process is being undertaken. On the basis of our preliminary assessment of the Strategic Impact Assessment process and resulting document, we are not convinced that this is the case.

Two previous EPBC Strategic Impact Assessments have been commissioned: one in the Kimberly in Western Australia (started in Feb 2008) to look at the Natural Gas hub, and the other for urban development for Molonglo in the ACT. Neither assessment has been completed and neither is at the scale and complexity proposed for Melbourne. Both these previous assessments have taken years, not weeks as proposed for Melbourne.

Furthermore, these two previous assessments have had consultation periods on both the draft terms of reference and strategic impact assessment reports. For the Melbourne Strategic Impact Assessment, there was no public consultation period on the terms of reference. An Initial Memorandum of Understanding (MOU) was developed without consultation and signed between Commonwealth and State on 4 March 2009. Subsequently this MOU was re-written and signed on 16 June 2009, over three months later, again with no consultation. The renegotiation of the MOU was yet another opportunity for consultation that was not taken up.

The MOU was signed between the Commonwealth and the Victorian State Government to undertake a strategic assessment under the Section 146(1) of the EPBC Act, 1999. The MOU sets out the following process:

- Consultation on Draft Report, June 17 – July 17 2009
- Revise all Public Submissions and Final Report, Close of Business 14 August, 2009.
- The final report is comprised of
 - (i) the amended draft report, and/or
 - (ii) a supplementary report
 - (iii) comments on how public responses have been taken into account

The timelines are ridiculously tight, with only four weeks between the closing of submissions and final lodgement. The process allows little time if further information is required or community views are given proper consideration and gives a strong impression of a foregone conclusion.

The EPBC Act 1999 stipulates that the Strategic Impact Assessment report be exhibited for public comment for a period of at least 28 days. There is clearly discretion under the Act to allow for more than 28 days' consultation, as has been done in other cases.

We also note, based on legal advice, that there is nothing in the MOU between the State and Commonwealth which prevents an extension of the public consultation period, and that a variation to the agreement could be made subject to Clause 12 of the Agreement. We also note that Clause 8.2 of the MOU commits Victoria to 'at least 28 days' public consultation, with the clear implication that it is open to Victoria to have or initiate a longer public comment period if desired.

2) There is no further opportunity to comment

The State may make changes between the Draft Strategic Impact Assessment Report and the Final Report to be submitted to the Commonwealth on 14 August. Following the initial short submission period, there is no provision, other than directly through the political process, for the community and experts to comment on any revisions that will subsequently be submitted to the Commonwealth..

There should be substantive changes to some of the proposals to take into account ecological and community concerns. However, these changes cannot be assessed or commented on after the initial consultation period.

3) Delays In receiving the background information.

Many community groups and expert advisors have not received all the background papers, and now only have 2-3 weeks to respond. In Victoria, the public consultation phase includes two weeks of school holidays when many people have family care duties or take leave. For example, three key regional organisations Merri Creek Management Committee, Western Region Environment Centre and Cardinia Environment Coalition ordered copies of relevant reports and supporting technical documents on either 17 or 18 June. Neither group had received copies by 30 June, effectively reducing the time to consider and comment on documents by at least a further two weeks.

We have also had reports of people requesting documents being 'grilled' and questioned about their right to receive the documents if they were not an impacted landholder and refused multiple copies. Some were also told that a submission was not required unless their position had changed since the opportunity for comment via previous submissions on the location of the Urban Growth Boundary. Although this should be irrelevant, there was very little (in fact virtually no) information provided in earlier consultation on the UGB on ecological issues or impacts.

4) The need for more biodiversity surveys and information collection in spring & summer

The majority of the data which has informed the Strategic Impact Assessment was mainly sourced via a series of desktop studies. This includes both the consultants' reports and the Strategic Impact Assessment document itself. Very little on-ground assessment was conducted, and the majority of this was associated with ground-truthing native vegetation. The majority of the field assessments were undertaken from mid-late summer and autumn. All consultants identified the need for targeted surveys, in the correct season, namely spring to early summer, especially of EPBC listed species.

Considering the importance and lasting consequences of the outcomes of this process, we consider that the methods used and constraints to the studies have not resulted in good quality data, nor is it fit for purpose. Further detail is provided below.

Spring is just around the corner (approx two months), and this is a key time for grassland monitoring and the only time for monitoring some of the key species, such as Golden Sun Moth, which is only observable in spring and early summer; Growling Grass Frog, which calls from September to December; and Southern Brown Bandicoot, which is most active in spring. An extension to the process, particularly to allow additional ground-truthing and monitoring, is critical if the ecological purpose of the Strategic Impact Assessment and the EPBC Act are to be fulfilled.

a) Limitations of the studies informing the Strategic Impact Assessment

A range of consultants were contracted by the Growth Areas Authority to provide advice on the constraints due to biodiversity values that should be applied to zones under consideration for development via the expansion of the Melbourne Urban Growth Boundary. The consultants each undertook an assessment of individual species of importance and native vegetation.

Limitations were identified to be associated with a few key areas, which included, but were not limited to:

1. datasets and data provided by DSE (Native Vegetation and flora and fauna)
2. lack of access, particularly to private land, for ground-truthing the presence, type and quality of native vegetation
3. the timing of the assessments, potentially resulting in misleading results
4. the incomplete alignment of DSE vegetation assessment methodology and classification with EPBC listed communities

An additional limitation of the studies is associated with the fact that they did not consider on a case-by-case basis the ecological communities that are nominated for listing under the EPBC Act 1999. This should also be addressed prior to the development of the Final report.

SMEC (2009) states that their assessment is 'a region-wide assessment and is not suitable for site specific or precinct based planning'. They also state that 'it is apparent that some elements of the underlying data are deficient, inaccurate or old. In particular, the level of knowledge and survey effort for some threatened flora and fauna is very poor or highly restricted to a few surveys. Also, the timing of surveys and incidental observations may not correspond with ideal sampling periods; there may be limited survey effort in the area if it is extensively private land; and some species have naturally low detectability rates.' They provide detailed information on the

gaps associated with the study and recommendations for future work, and identify 25 areas that should be subject to supplementary field assessments.

Similarly, Biosis (2009) states that *'a full assessment of the ecological values of the Melton Desktop Area was not conducted.... However this assessment can be used to identify sites that require further field assessment to satisfy environmental legislation and policy requirements'*.

Birds Australia likewise highlights the incomplete nature of the studies. They comment: *'This should be viewed as an incomplete assessment, with the understanding that data is insufficient to meaningfully assess the importance of many areas.'* (Birds Australia 2009). They also *'...strongly encourage field surveys and further desk-top review to understand and limit possible impacts on birds'*

Native vegetation analysis was undertaken via three methods:

- using DSE's modeled native vegetation extent dataset
- aerial photograph interpretation
- ground truthing using a rapid qualitative assessment method across a small percentage (only 20% for the SMEC study) of each investigation area. Ground truthing was restricted to 'over the fence assessments' from public access points (largely roadsides) for private land, resulting in the majority of the investigation areas being poorly assessed and in some cases estimates applied to the extent of an entire property.

A number of the ecological consultants also commented on the limitations and the need for additional work on threatened flora and fauna, including: *'The assessment was conducted over a range of seasonal conditions which included both optimal and sub-optimal times for survey. As such the majority of seasonally visible species are likely to have been overlooked with a single site visit'* and *'Seasonal surveys for threatened flora species should be conducted within relatively intact areas of native vegetation before any decisions are made as to their presence, absence or population size'* (Biosis 2009 p6)

In particular SMEC also identify that targeted flora and vegetation community assessment is recommended for almost all the sub-areas within the Investigation Area (Areas 2a, 2b -Sunbury/Jackson's Ck), 3a (most of upper Merri) and 3b, 3c and 3f). The report states: *'It is recommended that a survey is undertaken across the entire extent of Area x to identify areas of native vegetation (as defined by DSE) and to determine their quality (Habitat Hectares) based on DSE approved methods.'* and: *'It is further recommended that targeted surveys be undertaken for the highly restricted Basalt Peppercross and Plump Swamp Wallaby-grass based on their known distribution and preferred habitat.'* (P.197)

b) No Field Assessment of E6 Transport Corridor

Further, there has been no on-ground assessment of the Outer Metropolitan Ring road and E6 Transport Corridor. There was a desktop assessment completed by Brett Lane & Associates Pty Ltd, which estimated the area of native vegetation to be cleared. The report itself notes: *'The current assessment was strictly limited to a desktop study and some threatened species may have been missed due to minimal previous research in some areas'* (p2). The consultants recommend that a broader 2 km search area be undertaken and detailed field assessment undertaken.

c) Targeted flora and fauna surveys required for critical species.

As indicated above, the majority of the ecological consultants have highlighted the limitations associated with their assessment of potential impacts on threatened species, and recommend targeted flora and fauna surveys.

For example, SMEC, which surveyed areas to the north of Melbourne, and Biosis, which surveyed the west, highlight in their recommendations targeted fauna surveys for all sub-areas. Critical species include Golden Sun Moth, Growling Grass Frog, Brown Toadlet, Southern Toadlet, Striped Legless Lizard, Grassland Earless Dragon, Eastern Great Egret, Brown Quail, Diamond Firetail, Swift Parrot, Azure Kingfisher, Plains Wanderer, Barking Owl, Fat-tailed Dunnart, Brush-tailed Phascogale (SMEC pp.201-208). Biosis (2009, p45), similarly recommends that targeted surveys be undertaken for all species of national and state significance in areas they identify as 'High Retention Areas' and in other 'Retention Areas' identified as containing likely habitat.

The only targeted surveys undertaken to inform the Strategic Impact Assessment were in the South-east expansion zone for the Southern Brown Bandicoot (SBB). In this case they were confined to motion-activated cameras at two locations and day-time survey (for a nocturnal animal). Survey for the Growling Grass Frog

(GGF) was also initially proposed for the South-east, but the time of year, high temperatures and lack of access to private land ruled out this option (Practical Ecology, 2009).

Furthermore, the Strategic Impact Assessment Report identifies a number of species that require targeted survey (pp. 102-108). We strongly support the targeted survey and request that this be undertaken as part of the process of the Strategic Impact Assessment, not afterwards.

Timing is critical for further survey of flora and fauna species. It is widely acknowledged that spring and early-summer are the best times for surveying grassland flora and many species. Practical Ecology (2009, p. 11) states that more in-depth studies across the entire South-east investigation area are required from September to December for Growling Grass Frog and in spring for Southern Brown Bandicoot, using a wider variety of methods.

The EPBC Critically Endangered Golden Sun Moth is particularly prevalent in the grasslands to the north and west of Melbourne. Six years of study by the Merri Creek Management Committee have shown that Golden Sun Moth emergence times are erratic and seasonally dependent, emerging mainly in early *summer* rather than spring. In 2005, a student studying Craigieburn grassland recorded 13 suitable dates for recording moth numbers between 12 November and 29 December. This would be the period when best results can be achieved, and attempting surveys outside optimum emergence periods risks false negative results.

Finally, many grassland flora and some fauna are best and only observed in spring. The EPBC Policy Statement 3.8, Natural Temperate Grassland of the Victorian Volcanic Plain, for example, highlights the variable nature of grassland species: *"It can vary seasonally because many wildflowers only become visible during spring and early summer.... Therefore, any proper assessment should occur in spring and must occur more than 2 months since recent disturbance...."*

Conclusion

We request that the period for consultation for the Strategic Impact Assessment be **significantly extended**. The extended timeline should be designed to facilitate the detailed field assessment of ecological values much of which would occur in spring and early summer. Additional studies are also required to address ecological communities that are listed for nomination under the EPBC Act 1999. There should also be allowances made within the extended process for adequate time for the community and experts to comment upon any new data, as well as existing data.

We also request that the Memorandum of Understanding be altered to include further opportunities for consultation with the community. Again we note that there is nothing in the MOU between the State and Commonwealth Governments which prevents an extension of the public consultation period, and that a variation to the agreement could be made subject to Clause 8.2 and Clause 12 of the Agreement.

In our view, the additional time required would significantly improve the information base to allow proper assessment of the ecological impacts and mitigation measures proposed. It would also make the proposed Melbourne Strategic Assessment consistent with previous processes and best practice ecological assessment.

We look forward to discussing these issues in detail.

Yours Sincerely,



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on behalf of

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