

Grassy Plains Network	2.3a	Proponent made no efforts to avoid this project's detrimental effects.	The efforts to avoid detrimental effects have been outlined in the Avoid and Minimise statement and include multiple revisions of the design in consultation with Whittlesea City Council, Melbourne Water, DEECA and Parks Victoria.
Grassy Plains Network	2.3b	Furthermore, the galada tamboore Conservation Reserve and Barry Road Grasslands are located immediately south of the proposed development site and remain a bastion of natural significance. Melbourne Water lists this valuable asset as a Site of Biodiversity Significance. Habitat degradation occurring in the vicinity would compromise the aesthetic value of this community resource and threaten habitat connectivity within the landscape.	Whittlesea City Council, DEECA, Melbourne Water and Parks Victoria were consulted in the development of the proposed development. The consultation process included multiple revisions to the development layout to ensure both the creek corridor and the grasslands were appropriately considered. Following the lengthy consultation process officers of all parties have provided their support for the proposal.
Grassy Plains Network	2.4	The proponent claims that “no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.” However, no evidence is provided to support this claim.	Additional evidence in relation to the viability of the development cannot be provided as it is commercially sensitive in nature. Further information has been added to page 10 of the avoid and minimise statement outlining additional commitments to be undertaken by GPT to minimise impacts of the proposed action. These include water sensitive urban design and seed harvesting.
Grassy Plains Network	2.5a	The latest document refers to a loss of 2.1 ha of Natural Temperate Grassland of the Victorian Volcanic Plain at the development site and the need for an 8 ha offset. This detail contrasts the initial application to be considered a ‘controlled action’ under the EPBC Act. Initially, GPT proposed the removal of 1.143 hectares of Natural Temperate Grasslands of the Victorian Volcanic Plains and 1.021 hectares of Grassy Eucalypt Woodlands of the Victorian Volcanic Plans. No justification is provided for this change.	A peer review of the vegetation assessment was undertaken by Ecolink. Upon consideration of the information provided by the peer review Nature Advisory amended their classification. This is detailed on page 14 of the preliminary documentation report. See extract below from the peer review: Patch 17 does not fulfill the requirement of ‘projective foliage cover of native trees greater than 5%’ necessary to be classified into this ecological community (Department of Sustainability Environment Water Population and Communities 2011). River Red-gums were not recorded as mature species nor as new recruits within the patch. Instead, the trees recorded within this patch included a non-indigenous Lemon-scented Gum <i>Corymbia citriodora</i> and a Black Wattle <i>Acacia mearnsii</i> (Plates 9-10). Furthermore, there is no evidence of a remnant River Red-gum community being present within Patch 17 (as tree stumps or logs) or within close proximity to it (Nearmap 2023). Aerial imagery dated 1951 does not show any trees within this location.

Grassy Plains Network	2.5b	Offsets should be locally based in the Merri catchment or at least within the Port Phillip and Westernport Catchments. The proximity of the offset site will directly underpin the efficacy of the mitigated conservation values. Retaining habitat connectivity within the landscape is paramount to the ecological communities remaining. The submitted documentation must provide reasoning for pursuing offsets located 100 km away	Nine registered offset brokers were consulted when seeking to secure the necessary offsets for the action. The consistent feedback was that offsets in these regions have not been available for some time, and are unlikely to be available into the future. In addition to contacting brokers GPT also reached out to Whittlesea City Council, local land owners, DEECA, and Wilderlands in an attempt to locate local offset sites currently not registered with brokers. No sites were identified through the process and feedback provided by these groups suggested that all potential local sites were accounted for under existing planning frameworks or overlays. After exhausting all local options offsets were secured withing the Victorian Volcanic Plains (VVP) bioregion in line with the EPBC Act 1999 Environmental Offsets Policy.
Grassy Plains Network	2.6a	Merri Creek is home to a known metapopulation of Growling Grass Frogs. We welcome the creation of a new habitat, but it must be done prior to the removal of other Growling Grass Frog habitats on site	In accord with findings from two targeted surveys, which did not identify GGF populations present on site, risk of negatively impacting existing GGF populations through habitat displacement within the site's development footprint is low. GGF habitat design, and timing of construction, will be undertaken in accord with DEECA's GGF Habitat Design Standards, and will be reviewed and approved by DEECA as part of the subdivision application for the site. The construction introduces GGF basking, breeding and refuge habitat in close proximity to the creek, and reflects a voluntary action aligned to GPT's broader nature positive commitments. To mitigate risks to GGF populations, the new habitat will be completed when frogs are least active during winter 2025. Constructing habitat during this time allows the frogs to become accustomed to the habitat before the breeding season begins, increasing the likelihood that they will utilise it for breeding and shelter. Additionally, it gives the vegetation time to establish, providing adequate cover and resources for the frogs.
Grassy Plains Network	2.6b	It is important that previously unmodified landform not be re-graded as part of constructing.	No changes will be made to unmodified land form in this area. All works will be within an area previously modified during the construction of the golf course.
Grassy Plains Network	2.6c	Frog Ponds: It must also meet DELWP's 2017 GGF design standards, including ensuring that it won't be affected by a 1:100 flood event.	Frog ponds are located above the 1:100 flood event line and will be designed to the 2017 GGF design standards

Grassy Plains Network	2.6d	We note that the water source for this habitat has not been specified. This detail is an important omission that must be rectified.	There are a number of potential water sources for the proposed GGF habitat including, but not limited to, groundwater, rainwater and stream water. The detailed design for the habitat, including the water source, will be submitted to DEECA for review and approval as part of the application for subdivision.
Grassy Plains Network	2.6e	Native vegetation (as defined under Victorian law) should not be disturbed in the construction of this habitat.	The site for the GGF habitat was selected based on historical ground disturbance and no native vegetation being identified in the area during the flora and fauna assessment. As such no native vegetation patches are proposed to be removed in construction .
Grassy Plains Network	2.7	We ask if the proponent needs to undertake a Victorian Grassland Earless Dragon survey?	The site is situated on the fringe of the potential distribution area for the Grassland Earless Dragon. While there are patches of potential grassland habitat within the study area the site has been heavily disturbed overtime and the recently completed tile surveys for the striped legless lizard did not identify any of the species. Finally, under section 158A of the act, the approval process decisions cannot be affected by listing events that happen after section 75 decision have been made .
Merri Creek Management Committee	2.1a	The Avoid and Minimise Statement attributes much to Environmental Significance Overlay (ESO) being the result of 'regional strategic planning' with the implication that it captures what needs to be protected. To the best of our knowledge, the initial application of this ESO occurred more than two decades ago and that at the time, there was no detailed mapping undertaken of environmental values to inform the boundaries of the ESO. It is also our understanding that that there has not been any recent review or update of the ESO, for example, in response to new information on the location of ecological, cultural and landscape values associated with the Merri Creek corridor. Thus, we are doubtful about the accuracy of the statement attributing the ESO to 'regional strategic planning'. Nonetheless, we are strongly supportive of the proposal that the area of the site covered by the ESO be protected as a habitat corridor and managed as a conservation area.	The avoid and minimise statement acknowledges the presence of an ESO over the site and its role for protecting habitat for threatened species such as the growling grass frog. Whittlesea City Council, DEECA, Melbourne Water and Parks Victoria were consulted in relation to the avoid and minimise options for the site. Following the lengthy consultation process officers from all parties have provided their support for the proposal.

Merri Creek Management Committee	2.1b	<p>The ESO sets objectives to conserve areas along the Merri Creek; the avoid and minimise requirements of the clearing of native vegetation under Clause 52.17 of the Victorian Planning Provisions also establish the priority to protect native vegetation in the ESO. Therefore, the provision of the MCMC comments on GPT EPBC preliminary documentation 2022/09440 18/03/2024 p.2. 'Environmental Management Zone' along the Merri Creek is, in our view, a necessary requirement, not something that should be weighed up against the destruction and offsetting of EPBC-listed vegetation.</p>	<p>The concept plan for the site, provided in the Development Plan Overlay, shows a road alignment that runs in close proximity to the creek. This is consistent with other developments in the area with 50 meter setback from the creek. The proposed scheme provides a larger buffer along the creek which enhances the quality of the habitat corridor. In addition to setting this space aside for conservation the proposal also commits to rehabilitation of the corridor and the creation of additional habitat.</p>
Merri Creek Management Committee	2.1c	<p>We note the statement that:</p> <p>“The ESO also provides crucial connectivity for the wider Galada Tamboree and Merri Creek Corridor which is currently in the planning process of becoming a Regional Parkland (Maram Baba Parklands).”</p> <p>This statement contains a number of inaccuracies and we suggest the following corrections be made:</p> <p>The area included in the ESO also provides crucial connectivity for the wider galada tamboore area and the Merri Creek Corridor which is are designated as part of currently in the planning process of becoming as a Regional Parkland (maram baba Merri Creek Parklands) in the Future Directions Plan for this Parklands (see marram baba Merri Creek Regional Parklands Future Directions Plan Dec 2023 (exploreoutdoors.vic.gov.au))</p> <p>Please note that the lower-case spelling for galada tamboore and marram baba is intentional and reflects the usage in the Future Directions Plan.</p>	<p>The suggested corrections have been adopted.</p>

Merri Creek Management Committee	2.1d	<p>We note with concern that none of the EPBC qualifying patches of native vegetation will be avoided and that with the exception of potential Growling Grass Frog habitat (see 3. below), all the EPBC patches will be destroyed and offset at a location approx. 100 km from the development site.</p> <p>Retention of all the EPBC patches would reduce the area of developable land by 1.1 hectares a 4.7% reduction in the area of developable land which in GPT's preferred Scheme D is approximately 23.4 ha.</p> <p>As stated in our comments on the EPBC referral in 2023, of the patches of EPBC-listed vegetation currently slated for removal, there are some options that would better demonstrate Avoidance and Minimisation of native vegetation and biodiversity loss.</p> <p>Prime candidate for consideration is the EPBC quality patch of NTGVVP - Habitat Zone A - that sits almost directly adjacent to the boundary of the Parks Victoria part of galada tamboore (formerly known as Barry Road grasslands).</p>	<p>Whittlesea City Council, DEECA, Melbourne Water and Parks Victoria were consulted in relation to the avoid and minimise options for the site which included the retention of patch A. The consultation involved multiple revisions to the layout and resulted in a significant reduction in the developable area. Following the lengthy consultation process officers from all parties have provided their support for the proposal.</p> <p>Nine registered offset brokers were consulted when seeking to secure the necessary offsets for the action. The consistent feedback was that offsets in these regions have not been available for some time, and are unlikely to be available into the future. In addition to contacting brokers GPT also reached out to Whittlesea City Council, Local land Owners, DEECA, and Wilderlands in an attempt to locate local offset sites currently not registered with brokers. No sites were identified through the process and feedback provided by these groups suggested that all potential local sites within the local area were accounted for under existing planning frameworks or overlays. After exhausting all local options, offsets were secured within the Victorian Volcanic Plains (VVP) bioregion in line with the EPBC Act 1999 Environmental Offsets Policy.</p>
Merri Creek Management Committee	2.1e	<p>We do not accept that there are: "... no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal." There is no technical reason that the EPBC patches cannot be retained. This sentence needs to be qualified to make it clear that the assessment of 'feasibility' is [presumably] about financial assessment of the yield required for desired financial returns.</p>	<p>The avoid and minimise statement has been updated to include additional commitments, and actions, undertaken by GPT to minimise impacts of the proposed action. These include commitments within the Development Plan to water sensitive urban designs such as rain water tanks, permeable paving and rain gardens, as well as voluntary seed harvesting. The commercial feasibility of a project is a relevant consideration when undertaking a development on land zoned for industrial use.</p>

<p>Merri Creek Management Committee</p>	<p>3.1</p>	<p>We note that the report refers to a loss of 2.1 ha of Natural Temperate Grassland of the Victorian Volcanic Plan (NTGVVP) at the development site and the need for an 8 ha offset. We question the designation of the entire loss as being NTGVVP. In the initial application for this proposal to be considered a 'controlled action' under the EPBC Act, GPT stated that the proposal required the removal of 1.143 hectares of Natural Temperate Grasslands of the Victorian Volcanic Plains and 1.021 hectares of Grassy Eucalypt Woodlands of the Victorian Volcanic Plans.</p> <p>We can see no justification in the documents supplied to change the original classification of 1.021 ha as GEVVVP to NTGVVP. This change appears to relate to Patch P – see map over from 2022 which shows this patch as GEVVVP. Figure 2 [dated 4/12/23] in Appendix 4 of Appendix 3 - Avoid and MCMC comments on GPT EPBC preliminary documentation 2022/09440 18/03/2024 p.3 Minimise Statement - labels this same patch as NTGVVP. At the least, this change needs a detailed explanation and justification.</p>	<p>A peer review of the vegetation assessment was undertaken by Ecolink. Upon consideration of the information provided by the peer review Nature Advisory amended their classification. This is detailed on page 14 of the preliminary documentation report. See extract below from the peer review:</p> <p>Patch 17 does not fulfill the requirement of 'projective foliage cover of native trees greater than 5%' necessary to be classified into this ecological community (Department of Sustainability Environment Water Population and Communities 2011). River Red-gums were not recorded as mature species nor as new recruits within the patch. Instead, the trees recorded within this patch included a non-indigenous Lemon-scented Gum <i>Corymbia citriodora</i> and a Black Wattle <i>Acacia mearnsii</i> (Plates 9-10). Furthermore, there is no evidence of a remnant River Red-gum community being present within Patch 17 (as tree stumps or logs) or within close proximity to it (Nearmap 2023). Aerial imagery dated 1951 does not show any trees within this location.</p>
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Merri Creek Management Committee	3.2	We strongly advocate that offsets be locally-based, in Merri catchment if at all possible, and if not then within the City of Whittlesea or at least within the Port Phillip & Westernport Catchment. The rationale for pursuing offsets located 100km distance needs to be given in the submitted documentation.	Nine registered offset brokers were consultantated when seeking to secure the necessary offsets for the action. The consistent feedback was that offsets in these regions have not been available for some time, and are unlikely to be available into the future. In addition to contacting brokers GPT also reached out to Whittlesea City Council, Local land Owners, DEECA, and Wilderlands in an attempt to locate local offset sites currently not registered with brokers. No sites were identified through the process and feedback provided by these groups suggested that all potential local sites were accounted for under existing planning frameworks or overlays. After exhausting all local options offsets were secured withing the Victorian Volcanic Plains (VVP) bioregion as allowed for within the legislative framework.
Merri Creek Management Committee	5.1	The constructed GGF habitat must meet DELWP's 2017 GGF design standards, including ensuring that it won't be affected by a 1:100 flood event;	GGF habitat will be designed and constructed according DELWP's 2017 GGF design standard. Frog ponds are located above the 1:100 flood event line and will be designed to the 2017 GGF design standards
Merri Creek Management Committee	5.2	Its footprint must not impinge on any remnant vegetation patches (as defined by Victorian regulations);	The site for the GGF habitat was selected based on historical ground disturbance and no native vegetation being identified in the area during the flora and fauna assessment. As such no native vegetation patches are proposed to be removed in construction .
Merri Creek Management Committee	5.3	it should not require any changes to natural unaltered land form in this area;	No changes will be made to unaltered land form in this area. All works will be within an area previously altered during the construction of the golf course.

Merri Creek Management Committee	5.4	it should be constructed and available for GGFs prior to destruction of any on-site GGF habitat;	In accord with findings from two targeted surveys, which did not identify GGF populations present on site, risk of negatively impacting existing GGF populations through habitat displacement within the site's development footprint is low. GGF habitat design, and timing of construction, will be undertaken in accord with DEECA's GGF Habitat Design Standards, and will be reviewed and approved by DEECA as part of the subdivision application for the site. The construction introduces GGF basking, breeding and refuge habitat in close proximity to the creek, and reflects a voluntary action aligned to GPT's broader nature positive commitments. To mitigate risks to GGF populations, the new habitat will be completed when frogs are least active during winter 2025. Constructing habitat during this time allows the frogs to become accustomed to the habitat before the breeding season begins, increasing the likelihood that they will utilise it for breeding and shelter. Additionally, it gives the vegetation time to establish, providing adequate cover and resources for the frogs.
Merri Creek Management Committee	5.5	The ultimate water source for this habitat should be specified. Interim water supply solutions may be needed to ensure functionality of the habitat prior to development of the subdivision.	There are a number of potential water sources for the proposed GGF habitat including, but not limited to, groundwater, rainwater and stream water. The detailed design for the habitat, including the water source, will be submitted to DEECA for review and approval as part of the application for subdivision.
Merri Creek Management Committee	6.1	References to 'sediment fences' in this plan should be accompanied by appropriate provisos that they may not provide adequate control, depending on the soil types on site: <ul style="list-style-type: none"> • If sodic/dispersive soils are present, standard 'sediment fences' will not work and special controls for sodic/dispersive soils will be needed (see EPA Civil construction, building and demolition guide Sept 2023, Section 5.2.1 refers to additional planning and management requirements based on the characteristics of the soils identified on site). • A 'filter fence' may give slightly better results but should not be relied on as the primary sediment control measure in clayey soils. See Filter Fence, FF-1.doc (austieca.com.au) 	The CEMP Plan has been updated to include requirement for testing for sodic/dispersive soils and selection of appropriate sediment fences based on the results.

<p>Merri Creek Management Committee</p>	<p>6.2</p>	<p>The CEMP is incomplete in a number of ways. Of these, the missing elements most relevant to MNES are:</p> <p>Flora and fauna considerations including involvement by zoologists, salvage and translocation protocols;</p> <p>Dewatering protocols for water bodies (dams, quarry holes) to allow for adequate salvage and translocation of frogs.</p>	<p>The CEMP has been updated to include flora and Flora and Fauna requirements. The GGF Translocation Plan has also been update to include dewatering protocols.</p>
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