Amendment VC105
ADDENDUM

Preliminary Flora and Fauna Assessment

Rezoning Investigation of Camerons Road, Coimadai

Prepared for the Camerons Road Group
December 2014
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Bioregion: Central Victorian Uplands

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ADDENDUM Preliminary Flora and Fauna Assessment – Camerons Road Coimadai

Contents

ACKNOWLEDGMENTS .............................................................................................................. IV
SUMMARY ................................................................................................................................. 1
1. INTRODUCTION .................................................................................................................... 2
   1.1 PROJECT BACKGROUND .................................................................................................. 2
   1.2 SCOPE OF ASSESSMENT ............................................................................................... 2
   1.3 STUDY AREA .................................................................................................................. 2
2. METHOD .................................................................................................................................. 3
   2.1 MAPPING .......................................................................................................................... 3
3. RESULTS AND DISCUSSION ............................................................................................... 3
   3.1 SITE CONTEXT .................................................................................................................. 3
   3.2 FLORA .............................................................................................................................. 3
      3.2.1 Definition of native vegetation .................................................................................. 3
      3.2.2 Location Risk ............................................................................................................ 3
      3.2.3 Vegetation Quality Assessments and the Risk-based Pathway ................................. 5
4. LEGISLATIVE AND POLICY IMPLICATIONS ............................................................... 11
   4.1 STATE .............................................................................................................................. 11
      4.1.1 Planning and Environment Act 1987 ................................................................. 11
5. POTENTIAL IMPACTS AND MITIGATION ..................................................................... 13
6. CONCLUSION ....................................................................................................................... 13
REFERENCES ........................................................................................................................... 14

Tables and Figures

Table 1. Risk-based pathways for remnant patches of native vegetation (DEPI 2013, p. 19) .......... 5

Figure 1. Location Risk map used to inform the risk-based pathway of applications to remove, LOP or destroy native vegetation under Clause 52.17 as per the Guidelines (DEPI 2013) .............. 4
Figure 2. Location classification and indicative building envelopes for properties G, L and K. ..... 6
Figure 3. Location classification and indicative building envelopes for properties I, M, H, Q & J. ... 7
Figure 4. Location classification and indicative building envelopes for properties A and O. ........... 8
Figure 5. Location classification and indicative building envelopes for properties C, P and B. ....... 9
Figure 6. Location classification and indicative building envelopes for properties D, E and F. ...... 10

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- Hamish Allan (Program Manager – Bushfire Planning and Design), Terramatrix.
- John Eastwood (Analyst) Terramatrix for assistance with GIS mapping.
- David Merrett, Isis Planning.
Summary

Oekologie was commissioned by Terramatrix Pty. Ltd. and the Camerons Road Group to undertake a preliminary flora and fauna assessment of a number of properties along Camerons Road, Darley - Coimadai to assist an investigation into potential rezoning of the land. Since the preliminary report was submitted, the Victorian government introduced an amendment to the Victoria Planning Provisions (Amendment VC105) relating to native vegetation and biodiversity.

The Amendment VC105 Addendum to the Preliminary Flora and Fauna Assessment – Camerons Road Coimadai aimed to consider the proposed rezoning of the subject land in light of the updated native vegetation and biodiversity provisions in accordance with amendment VC105. The potential impacts and mitigation measures of the proposed rezoning have not changed following the gazettal of Amendment VC105. The results of flora and fauna assessments continue to be relevant in informing planning decisions notwithstanding the introduction of the new, amended legislation. The proposed rezoning satisfies the requirements and decision guidelines introduced in Amendment VC105.
1. Introduction

1.1 Project background

Oekologie was commissioned by Terramatrix Pty. Ltd. and the Camerons Road Group to undertake a preliminary flora and fauna assessment (Oekologie 2012) of a number of properties along Camerons Road, Darley - Coimadai to assist an investigation into potential rezoning of the land. The Amendment VC105 Addendum is to be read in conjunction with the resultant report (Oekologie November 2012). The aim of the preliminary assessment was to identify biodiversity values within the Study Area that could inform planning processes and address concerns raised during historical assessments of the rezoning proposal.

Since the preliminary assessment was conducted, the Victorian Government amended the Victoria Planning Provisions with Amendment VC105 that affected native vegetation and biodiversity provisions in the State Planning Provisions. The aim of the current Addendum was to review the proposed rezoning in the context of Amendment VC105 to ensure that the requirements of the amendment were addressed by the rezoning application.

Amendment VC105 is implemented via the incorporated document *Permitted clearing of native vegetation – Biodiversity Assessment Guidelines* (‘the Guidelines’) (DEPI 2013) and refers to unincorporated maps based on models and/or datasets. The Guidelines apply if a proposal triggers the need for a planning permit under Clause 52.16 Native Vegetation Precinct Plan or (more commonly) Clause 52.17 Native Vegetation of the State Planning Provisions. A permit to remove, lop or destroy Victorian native vegetation also may be required under local planning controls, namely via planning overlays.

1.2 Scope of assessment

The objectives of the current Addendum were to:

- Review the *Preliminary Flora and Fauna Assessment* in the context of Amendment VC105.

- Consider whether the proposed rezoning and potential future subdivision of the subject land is consistent with Amendment VC105.

- Determine whether additional potential impacts arise or mitigation measures are required in the context of Amendment VC105.

1.3 Study Area

The Study Area is located in the Central Victorian Uplands bioregion approximately 6km north of Bacchus Marsh, Victoria. The Study Area is a corridor of land east and west of Camerons Road between Darley and Coimadai encompassing approximately 470 hectares of private property and adjacent road reserves. The Study Area is bound to the east by Goodman Creek and an extractive industry area, to the north by Seereys Road and Camerons Road, and to the south and west by the Lerderderg Gorge Road. The Lerderderg State Park is located to the west of the Study Area; a sand mining area of State significance lies to the east of the Study Area.

Camerons Road functions as a spine to the Study Area; the road follows the main ridge between the Lerderderg River (west) and Goodman Creek (east). Properties on the east side of Camerons Road are undulating to a generally sharp drop to the narrow valley of Goodman Creek. Properties on the west side also are undulating; they support a north-south gully that
intersects the properties before a sharp escarpment falls to the wide valley of the Lerderderg River. Generally, properties east of Camerons Road are less timbered than those to the west and support highly modified exotic vegetation over most of their area.

The study area is within the:

- Central Victorian Uplands bioregion;
- Werribee River Basin;
- Port Phillip and Westernport CMA; and
- Moorabool Shire.

2. **Method**

2.1 Mapping

Mapping was provided by the Department of Environment and Primary Industries; the map required to address the aim of the Addendum was the Native Vegetation Location Risk map (NVR2013_LOCRISK_V2).

3. **Results and Discussion**

3.1 Site context

The Study Area was surrounded by a mix of landscapes: to the east, the Study Area was bounded mostly by highly modified landscapes; to the west, the Area was bounded mostly by relatively intact, native vegetation within the Lerderderg State Park, although disturbed agricultural landscapes occur in the valley between the State Park and the Study Area. Areas in the east of the Study Area primarily supported degraded vegetation whilst areas to the west generally were more intact where woodland was extant.

3.2 Flora

3.2.1 Definition of native vegetation

The definition of native vegetation was altered under Amendment VC105. Vegetation that was mapped as native vegetation in the Preliminary Flora and Fauna Assessment also meets the new definition. Thus, patches of native vegetation in Oekologie (2012) also are relevant to the Addendum and are in accordance with Amendment VC105.

3.2.2 Location Risk

If a rezoning of the subject land was approved, it is likely that a permit would be required under Clause 52.17 (as well as any local planning controls) if it was considered necessary or desirable to remove, lop or destroy native vegetation. In accordance with the Guidelines, the first step would be to determine the risk-based pathway (Figure 1).
Figure 1. Location Risk map used to inform the risk-based pathway of applications to remove, lop or destroy native vegetation under Clause 52.17 as per the Guidelines (DEPI 2013).
Location Risk and the Risk-based Pathway

Sites are mapped by Victoria’s Department of Environment and Primary Industries (DEPI) as Location A, B or C. These location classifications are applied to the area of native vegetation proposed for removal, lopping or destruction in accordance with the Guidelines to determine which risk-based pathway the application to remove, lop or destroy native vegetation would require under Clause 52.17 (Table 1). Remnant patches of native vegetation are assessed differently to applications to remove, lop or destroy scattered trees (see DEPT 2013); within the study area, most applications that would trigger a permit under Clause 52.17 would impact remnant patches of native vegetation (Table 1) rather than scattered trees (see DEPI 2013, p. 19).

Table 1. Risk-based pathways for remnant patches of native vegetation (DEPI 2013, p. 19)

<table>
<thead>
<tr>
<th>Extent*</th>
<th>Location A</th>
<th>Location B</th>
<th>Location C</th>
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<tr>
<td>&lt; 0.5 hectares</td>
<td>Low</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td>≥ 0.5 hectares and &lt; 1 hectare</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
</tr>
<tr>
<td>≥ 1 hectare</td>
<td>Moderate</td>
<td>High</td>
<td>High</td>
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* For the purpose of determining the risk-based pathway of an application to remove native vegetation the extent includes any other native vegetation that was permitted to be removed on the same property with the same ownership as the native vegetation to be removed, where the removal occurred in the five year period before an application to remove native vegetation is lodged.

3.2.3 Vegetation Quality Assessments and the Risk-based Pathway

Oekologie (2012) provided Vegetation Quality Assessments that were required under the (superseded) *Victoria’s Native Vegetation Management: a Framework for Action* (‘the Framework’) (NRE 2002). The new Guidelines require Vegetation Quality Assessments (also known as a Habitat Hectare assessments: an indexed calculation of vegetation condition and extent of native vegetation) only for applications that are Moderate or High risk-based pathway applications. However, the Habitat Hectare scores provided in Oekologie (2012) may be useful if an applicant following the low risk-based pathway (that uses modelled vegetation condition scores) would like to test the condition of native vegetation provided in the modelled spatial data (DEPI 2013). In this way, the vegetation condition scores provided in the report, or in subsequent Vegetation Quality/Habitat Hectare assessments, would be considered when assessing the application to remove, lop or destroy native vegetation, instead of the DEPI modelled vegetation condition score.

The location classification mapping for each property has been determined (Figures 2-6). Most properties could achieve a building envelope within location A; applications to remove native vegetation in these locations are likely to follow the low risk-based pathway (unless other circumstances apply). **Note: indicative building envelopes are indicative only and correspond to those presented in Oekologie (2012).** Alternative sites for building envelopes may be considered and adopted by Council and applicants at subdivision stage.
Figure 2. Location classification and indicative building envelopes for properties G, L and K.
Figure 3. Location classification and indicative building envelopes for properties I, M, H, Q & J.
Figure 4. Location classification and indicative building envelopes for properties A and O.
Figure 5. Location classification and indicative building envelopes for properties C, P and B.
Figure 6. Location classification and indicative building envelopes for properties D, E and F.
4. Legislative and Policy Implications

The following key pieces of biodiversity legislation and policy were reviewed to consider the implications of Amendment VC105 on the rezoning application (see Oekologie 2012 for consideration of broader legislative and policy implications of the proposal).

- Victoria Planning Provisions – specifically Clause 52.17, Overlays and Clause 66.02 in the relevant Planning Scheme.

4.1 State

4.1.1 Planning and Environment Act 1987

The Planning and Environment Act 1987 controls the planning and development of land in Victoria, and provides for the development of planning schemes for all municipalities. Standard sections are contained in all planning schemes - the Victoria Planning Provisions (VPP). These State sections include the State Planning Policy Framework (SPPF Clauses 10 to 19), Particular Provisions (Clauses 51 to 56) and General Provisions (Clauses 60 to 67).

Of particular relevance to rezoning (and generally consequent) proposals are the native vegetation provisions, which are contained in several sections of the State sections of all Planning Schemes, and may also be included in the local section (zoning and overlays). Clause 52.17 Native Vegetation (Amendment VC105) requires a planning permit to remove, destroy or lop native vegetation including dead native vegetation, however certain exemptions may apply. The Guidelines (DEPI 2013) form the modus operandi for implementing Amendment VC105 through Clause 52.17. The need for a permit to remove native vegetation may be also be triggered by local planning controls including planning overlays.

Implications for the project

The proposed rezoning in its own right does not propose vegetation removal, however it was prudent to assess the potential impacts of the implementation of the proposed rezoning prior to approving the rezoning. In this way, all tiers of Government could assess fully the proposal and what the long-term implications of the rezoning could be, if each property was permitted to subdivide and develop additional dwellings in accordance with the proposal. In the proposed rezoning, there was scope on most properties to achieve additional lot(s) whilst avoiding impacting on significant biodiversity values (Oekologie 2012); where native vegetation cannot be avoided, it was determined most planning permit applications are likely to follow the low risk-based pathway (see table 1 and figures 2-6). Indeed, the vegetation that may be removed is less significant than that being retained and, if adequate controls are applied, vegetation that is retained may be more appropriately managed. Native vegetation offsets would be required as part of a planning permit application where Clause 52.17 applies and/or may be required under specific local planning controls.

The impact of any future development on adjacent roadsides and road reserves must be considered as these support patches of remnant vegetation and a number of significant floral species: provision of access to most additional lots could be designed to avoid removal of roadside native vegetation.
It is proposed that a planning permit will be required for subdivision and new dwellings. This would define more clearly the location of the building envelopes and any areas of associated impacts. The planning permit application stage may require further surveys (namely targeted surveys) be conducted. Overall, the potential for improving biodiversity values exceeds the potential impacts of the proposed subdivisions if local planning controls for the rezoned land are adequate. For example, on-title Land Management Plans would provide Council and other Government Departments opportunities to see implementation of appropriate management that otherwise may not exist. The proposed rezoning offers an opportunity to enhance and achieve biodiversity conservation outcomes without placing additional pressures on higher significance vegetation.
5. Potential Impacts and Mitigation

Consideration of Amendment VC105 indicated that the proposed rezoning of the subject land was consistent with the objectives of Clause 52.17 Native Vegetation. The potential impacts of rezoning, and potential impacts of future applications to develop additional building envelopes on the subject land, had not increased (nor altered) following the introduction of Amendment VC105. Thus, potential impacts and mitigation of the proposed rezoning were consistent with Oekologie (2012). Importantly, the rezoning continues to present an opportunity to realise improved vegetation condition and biodiversity outcomes.

6. Conclusion

Field assessments identified that patches of remnant native vegetation were extant across the Study Area (Oekologie 2012). Amendment VC105 redefined native vegetation, however patches of remnant native vegetation mapped within the Study Area also met the new definition. The Habitat Hectare values of these remnant patches may be useful in any future planning permit application required under Clause 52.17 and/or local planning controls.

The introduction of the Guidelines (DEPI 2013) (and Amendment VC105) did not affect (increase nor decrease) the potential impacts of the proposed rezoning or future sensitive development of new lots. Indeed, it may be considered that the introduction Amendment VC105 has increased the ease with which future planning permit applications may be granted (although local planning controls also may apply) compared to the application process associated with the Framework (NRE 2002). Most properties could be subdivided and, with sensitive building envelope siting, could support additional building envelope(s) that would be considered low risk according to the Guidelines (DEPI 2013). Importantly, the proposed rezoning continues to offer a unique opportunity to achieve improved condition of significant vegetation and biodiversity outcomes.
ADDENDUM Preliminary Flora and Fauna Assessment – Camerons Road Coimadai

References


