

Fingerboards Mineral Sands Project — Inquiry and Advisory Committee (IAC) Expert Meeting Statement — Ecology Conclave

Meeting held: *Wednesday 14th April 2021 via video conference*

Experts: Aaron Organ (AO), Ecology and Heritage Partners Pty Ltd
Brett Lane (BL), Nature Advisory Pty Ltd
Lincoln Kern (LK), Practical Ecology Pty Ltd

Observers: Mick Bramwell, Department of Environment, Land, Water and Planning (DELWP)
Carmel Henderson, DELWP

Note taker: Jared McGuinness (Ecology and Heritage Partners Pty Ltd)

14th April 2021, 3.30pm to 5.30pm via video conference (Teams meeting)

The following key issues and areas of agreement and disagreement were identified by the participating experts at the meeting:

1) Discrepancy regarding the number of significant flora and fauna species identified through the desktop assessment (i.e. the interrogation of the Victorian Biodiversity Atlas)

BL identified additional significant flora and fauna species as part of the desktop search [i.e. the 10-kilometre Victorian Biodiversity Atlas (VBA) search] to those outlined in the detailed ecological assessment completed as part of the Environment Effects Statement (EES) (herein referred to as the EES Appendix A005).

It was agreed by all experts that this may be a consequence of the search area being slightly different between the two assessments and the recent records available on the VBA (i.e. the VBA was recently updated in August 2020).

BL stated that it is not unusual to generate slight differences in desktop results/database searches and he recommended that targeted surveys should be undertaken for the additional seven State significant flora species that were identified in his assessment. Optimal survey time of most species lie outside of spring, so may have been missed in the targeted threatened flora surveys undertaken for the EES. All agree that those seven flora species are State significant species and not listed under the EPBC Act.

LK agreed with BL stating that targeted flora surveys for the additional seven State significant species should be undertaken. AO didn't necessarily agree with BL or LK as he stated that he hadn't undertaken an assessment of the additional seven species' habitat requirements and the presence within the local area, and therefore hadn't determined the likelihood of occurrence of these State significant species. Also, he stated that irrespective of the species that are identified during the background research and interrogation of the flora and fauna data, significant flora species that have the potential to occur within the study area were surveyed during the vegetation mapping and targeted significant flora surveys.

2) Adequacy of significant flora and fauna species surveys

All experts agreed that, based on information available at the time on the potential occurrence of significant flora and fauna species (i.e. the background review completed as part of EES Appendix A005), that the targeted surveys were adequately undertaken consistent with the applicable survey guidelines and standards. The omissions have emerged for the reasons outlined above and they remain to be resolved.

With the exception of the property located at 2705 Bairnsdale – Dargo Road, Glenaladale, where access was not provided as part of the studies that informed the EES, BL and LK have no concerns regarding the extent and type of fauna surveys, including targeted surveys for significant national and State significant fauna species undertaken across the Project Area.

AO stated that there will most likely be a requirement to undertake additional targeted surveys post approval prior to any disturbance (i.e. as part of the Environmental Management Framework, Biodiversity Management Plan, Construction Environmental Management Plan). He also stated that if significant flora species are identified prior to, or after project approval, there are opportunities to potentially avoid plants, or salvage plants and/or collect seed for propagation at the proponent's indigenous seed production area / nursery.

BL indicated, and LK agreed, that the lack of surveying of the additional state listed/threatened species was an outstanding gap in coverage that should ideally be filled before any decision is made on the project.

3) Extent of mapped vegetation and identification of Ecological Vegetation Classes (EVCs)

BL and LK agreed that the field survey data collected as part of the preparation of EES Appendix A005 was likely to be generally accurate at the time of assessments.

All experts agree that the extent and quality of native vegetation changes overtime and is influenced by climatic conditions, stochastic events (e.g. bushfire) and site uses etc. LK stated that vegetation changes can happen regularly, particularly in grasslands. BL agreed that this particularly relevant in relation to grassy vegetation and that, as a consequence, the fact that he found additional grassy vegetation was not an inadequacy of the original surveys but a product of the inherent variability of such grassy vegetation over time.

Additional areas of secondary grasslands

BL stated that during their site assessment they noticed areas (principally in non-treed areas – i.e. paddocks) supporting greater 25% native vegetation cover (i.e. grasslands) that would be defined as 'patches' of vegetation under the native vegetation Guidelines in areas not previously mapped in the EES Appendix A005. AO asked how large are these areas and BL stated that although this was beyond the scope of his brief, they amounted to tens of hectares across parts of the project area that could have been missed by Ecology and Heritage Partners due their surveys been undertaken during drought conditions and/or site conditions at the time. AO asked if BL could provide the information regarding where these areas are, and BL said he would follow up with his staff who undertook the site inspections and get back to AO.

Although LK's site assessment was limited to a couple of properties he did mention that modified / secondary grasslands were present to some degree, are important as part of sustainable grazing systems and provide a good foundation for restoration if circumstances allow. AO suggested that prior to removal there is an opportunity to collect seed from these areas and sorted and used at the seed

production / nurse and used as part of the proposed 200-hectare Grassy Woodland Restoration proposed to be undertaken by the proponent.

All agree that if these areas are surveyed and mapped prior to the Committee hearing then this would identify any changes in the extent and quality of vegetation since the original (i.e. June 2016, and March and October 2018) vegetation assessments were undertaken.

Classification of Ecological Vegetation Classes (EVCs)

BL and LK both stated that their assessments revealed differences in the EVC classification of several areas compared with that identified in EES Appendix A005.

Although the vegetation mapping along a section of the Bairnsdale – Dargo Road in EES Appendix A005 was separated into two EVCs (i.e. Plains Grassy Woodland and Plains Grassy Forest), BL's stated that there is no discernible difference in the vegetation in this area and the Plains Grassy Forest should be reclassified to Plains Grassy Woodland (endangered in the bioregion). He stated that there are likely to be additional areas that meet the condition thresholds to constitute the EPBC Act-listed Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland (GRGGW) ecological community.

LK's assessment, although largely limited to two properties and not undertaken across as many areas as BL's site assessment, also noted small areas where the EVCs were incorrectly mapped in EES Appendix A005. He stated that he didn't complete a comprehensive vegetation assessment across most of the project area. LK stated that the dominant EVCs that are proposed to be impacted are either endangered or vulnerable and have been extensively cleared across the bioregion due to historic land clearing and current land uses. Therefore, the proposed impacts associated with the project will affect relatively rare vegetation types regardless of the specific EVCs.

All agreed that EVC discrepancies can occur and the extent of the inaccuracies in the patches identified across the project area is comparatively less important than the overall magnitude of the total extent of the proposed removal of native vegetation for the project (i.e. 160.3 hectares), which is substantial in scale compared to most development projects in Victoria.

BL suggested that EVC discrepancies should be resolved prior to the Committee hearing as accurate information is required to adequately address the Native Vegetation Guidelines (i.e. need accurate baseline data to inform the impact assessment and for decision makers). LK agreed with this statement.

4) *Discrepancy of the extent of vegetation and offset requirements between the EES Appendix A005 and the EES*

As outlined in BL expert witness statement, he documented discrepancies between the EES Appendix A005 and the EES relating to the extent of proposed EVCs removal associated with the project and the offset calculations.

AO stated that he did not prepare nor undertake a review of the relevant chapter of the EES as this was prepared by Kalbar and their consultants (Coffey / Tetra Tech). He said that he hasn't undertaken a review to determine where and why there are discrepancies between the documents, and that the calculations provided in EES Appendix A005 are based on the current proposed project footprint and therefore accurately reflects the extent of impact to native vegetation and required biodiversity offsets (i.e. they are correct).

BL and LK stated that, based on their review of the mapping and scoring of native vegetation, the calculations in EES Appendix A005 are most likely correct, excluding sites not accessible to Ecology and

Heritage Partners staff, at the time of the assessment compared with the EES, subject to resolution of the extent and location of the two EVC's discussed earlier.

5) 2705 Bairnsdale – Dargo Road, Glenaladale: Site access and ecological assessments

AO and BL confirmed that they did not have access to assess the property, while LK stated that he undertook a brief assessment (walk over) of the property and did not undertake detailed ecological investigations.

BL raised potential for the EPBC Act-listed Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland (GRGGW) ecological community on the property. However, LK noted that the dominate eucalypt species across the property were Box species and not River Red-gums, and therefore there is a lower potential that the EPBC Act-listed community (i.e. comprising an overstory of River Red-gum) is present.

All agreed that a detailed ecological assessment across the property should be undertaken to accurately document the extent and quality of native vegetation (i.e. patches of vegetation and Large Trees), and to determine the status of any national and State significant flora and fauna species on this part of the development site. After this, an accurate assessment of the extent of impacts and implications of the project under relevant Commonwealth (i.e. EPBC Act) and State legislation and planning policies can be made.

6) Assessment of large trees, including hollow-bearing trees

All Agree that large trees and hollow-bearing trees serve an important ecological function and provide habitat for a range of fauna species.

LK confirmed that he did not undertake a detailed assessment of the number and location of hollow-bearing trees across the project area and confirmed that he only provided generic information in his expert witness statement on the importance of hollow-bearing trees for fauna and the likely impact to fauna associated with the proposed removal of these trees.

7) Satisfying the required Commonwealth and State offsets for the project

All agreed on the extent and complexity of offsets under the State *Guidelines for the removal, destruction or lopping of native vegetation* required for the project.

BL stated that several Species Habitat Units (State offsets) are not available on the Department of Environment, Land, Water and Planning's (DELWP) Native Vegetation Credit Register and all offsets should be available as part of the offset strategy developed for the project assessment and approval.

All agreed that the legal security of all required offsets must be provided prior to commencement of clearing. BL and LK stated that more detail and certainty that the offsets can satisfactorily be met should have been provided in the Offset Strategy.

AO mentioned that as outlined in the Biodiversity Offset Strategy prepared for the project multiple properties have been assessed for their suitability and Kalbar are currently in discussions with landowners to have agreements in place to fulfil the offset requirements for the project. There are sufficient areas available outside of the project area to meet the Commonwealth and State offsets for the project, and further information on the outcomes of the discussions and progress of agreements and/or memorandum of understandings with landowners regarding the security of offsets will be provided at the Committee hearing.



BL and LK agreed that the assurance that all of the required offsets are available and can be legally secured is a key element of the Offset Strategy that should be provided to the Committee.

8) *The security and long-term management of the Plains Grassy Woodland Restoration Project*

LK raised concerns that with the lack of certainty regarding the security and long-term management of the proposed 200-hectare Grassy Woodland Restoration area. He stated that a security agreement should be placed on title to ensure that the area is protected and managed in perpetuity. All agreed that this would be required to ensure the rehabilitated area is secured and managed in perpetuity.

LK also pointed out that grazing by domestic stock may not strictly need to be prohibited / avoided in the proposed Grassy Woodland Restoration area but that it would need to be managed in a way that prioritises conservation management of the site if stock grazing is permitted in a future management regime.

Prepared jointly by:

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Date: 19th April 2021

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Date: 19th April 2021

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