

FINGERBOARDS MINERAL SANDS PROJECT ENVIRONMENT EFFECTS STATEMENTS

Review of Biodiversity assessment

Evidence in Chief – Brett Lane



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My Brief

- “...review the technical reports and related documents prepared for the Fingerboards Minerals Sands Project Environment Effects Statement (EES), the proposed Works Approval and the proposed planning scheme amendment that are relevant to your expertise, including the scoping requirements for the EES”
- Specifically:
 - “...the adequacy of the materials and technical reports prepared by the Proponent...;
 - the adequacy of the conclusions expressed in the EES and the other supporting documents;
 - the adequacy of the proposed mitigation measures and whether additional mitigation measures should be considered; and
 - consider the Council's submission, including the SLR Technical Review and identify any areas of the review to which you disagree.”



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Work undertaken

- A review of existing information on the project and project area;
- A review of the methods employed to undertake the ecological assessments, including both the desktop assessments and the field surveys;
- An on-ground field investigation to ground-check the results of assessments documented in the EES Appendix A005.
- A review of the findings presented in the EES (Section 9.1 and Chapter 10), and their consistency with the findings presented in the EES Appendix A005 'Detailed Ecological Investigations' undertaken by Ecology and Heritage Partners Pty Ltd (EHP); and
- A review of the impact assessment and mitigation measures.



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Work undertaken

- A review of existing information on the project and project area;
 - Updated search of the Victorian Biodiversity Atlas;
 - Updated 'likelihood of occurrence for listed species (EPBC, FFG, DELWP-listed)
- A review of the methods employed to undertake the ecological assessments, including both the desktop assessments and the field surveys;
- An on-ground field investigation to ground-check the results of assessments documented in the EES Appendix A005.
 - Inspection of all properties involved in the project (incl. 2705 Bairnsdale-Dargo Road)



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Work undertaken

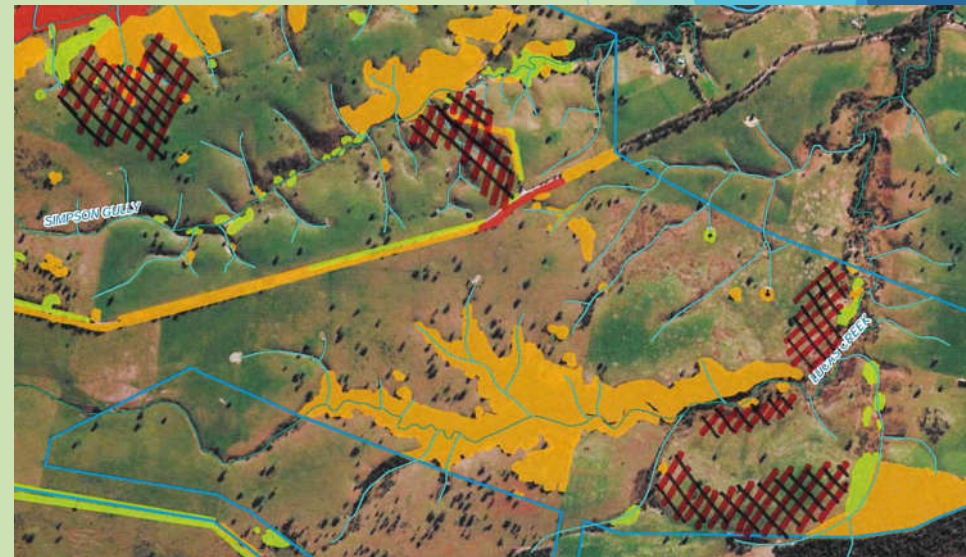
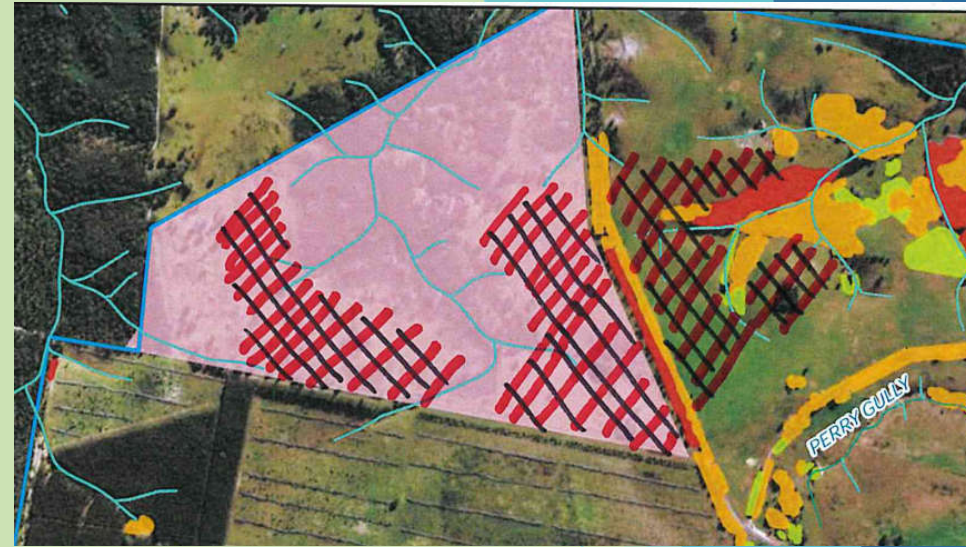
- Inspection of all properties involved in the project (incl. 2705 Bairnsdale-Dargo Road)
- On-ground checking of native vegetation, including EVC's, condition score, extent and scattered trees;
- On-ground assessment of flora and fauna habitat types, condition and suitability for listed species
- A review of the findings presented in the EES (Section 9.1 and Chapter 10), and their consistency with the findings presented in the EES Appendix A005 'Detailed Ecological Investigations' undertaken by Ecology and Heritage Partners Pty Ltd (EHP); and
- A review of the impact assessment and mitigation measures



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Summary of findings

- Native vegetation assessments, where undertaken, as required and vegetation condition scoring was accurate based on a sample of localities (note u/storey score <25 is usual and does not necessarily represent vegetation that is not of value);
- Large tree and scattered tree inventory were generally complete (see below);
- The extent of native vegetation is greater than mapped as **perennial grassy ground cover has regrown in many areas** (see maps) with the breaking of the drought since the original vegetation assessment



Summary of findings

- The assessment of 2705 Bairnsdale-Dargo Road is not considered accurate due to site access constraints;
- Surveys for fauna habitat and threatened fauna species were conducted as required and are sufficient and accurate;
- Surveys for the threatened species assessed as likely to occur on the site were appropriate and involved the correct techniques in the best seasons for detecting them;
- For additional species with potential to occur on the site based on either the EES assessment and my updated review of existing information, the targeted flora surveys were not appropriately timed;



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Summary of findings

- Discrepancies regarding the impact assessment to native vegetation and fauna habitat were found between the EES and EES Appendix A005
- Significant discrepancies were found in required native vegetation offsets between the EES and EES Appendix A005
- A substantial deficit currently exists for some species offsets required. The current strategy does not provide a high level of confidence that the sometimes considerable offset targets can be met.



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Recommendations

- **Additional flora and fauna species** found in desktop database searches need to be assessed for likelihood of occurrence within the project area. A review of findings and/or further targeted surveys may be warranted.
 - Further investigation required to determine the extent of Gippsland Red Gum Grassy Woodland (threatened community) and the extent of native vegetation, particularly focussed on native grassland.
 - Further targeted flora surveys recommended for species not yet surveyed and in areas found with native vegetation not previously mapped.
- Billygoat Daisy-bush;
 - Fisch's Greenhood;
 - Fringed Helmet-orchid;
 - Pale Swamp Everlasting;
 - Spurred Helmet-orchid;
 - Sticky Bertya; and
 - Wavy Swamp Wallaby-grass
 - Martin's Toadlet.
 - Square-tailed Kite
 - Lewin's Rail



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Recommendations

- It is imperative that the property at 2705 Bairnsdale-Dargo Road is properly assessed for flora and fauna habitat suitability and other biodiversity values that may be occurring before any decision is made to remove native vegetation for any purpose.
- Offset requirements must be clarified and should reflect the most up to date development footprint and updated native vegetation mapping,
- Further details are required on how the current deficit in available species offsets can be met with confidence before any removal of the scale proposed is approved (see slide below for increased offset requirements).
- Further, specific recommendations have been provided that address issues raised in key submissions on the EES we were asked to review
- See my **supplementary evidence statement of 12th February**



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Revised Offset Requirements

Impact	NVR report comparison		
	1/07/2020	8/05/2020	
Extent including past and proposed (ha)	184.793	249.948	
Extent of past removal (ha)	0	0	
Extent of proposed removal (ha)	184.793	249.948	
No. Large trees proposed to be removed	704	837	
	NVR report		
Common name	1/07/2020	8/05/2020	
Australian Grayling	29.022	34.264	Increase
Flinders Pigmy Perch	57.384	63.411	Decrease
Sticky Wattle	91.822	136.537	New
Yellow-wood	38.066	38.54	
Thick-lip Spider-orchid	46.31	46.08	
Purple Diuris	97.984	139.674	
Bushy Hedgehog-grass	102.384	144.335	
Rough-grain Love-grass	98.544	140.249	
Slender Violet-bush	66.713	111.068	
Slender Wire-lily	102.384	144.335	
Golden Pomaderris	N/A	144.335	
Star Cucumber	28.253	28.412	
One-flower Early Nancy	97.589	140.057	
Limestone Blue Wattle	86.71	130.087	
Thin-leaf Daisy-bush	56.891	98.648	
Forest Red-box	94.13	137.98	
Silky Kidney-weed	N/A	0.057	
Heath Spider-orchid	40.354	140.249	
		40.829	
	NVR report		
Offset requirements if a permit is granted	1/07/2020	8/05/2020	
General offset amount	1.001	1.01	
Vicinity	East Gippsland, West Gippsland Catchment Management Authority (CMA) or East Gippsland Shire Council		
Minimum strategic biodiversity value scc	0.253	0.254	

DELWP's Applicant's Guide: p. 15

All applications must explain that a suitable offset has been identified and can be secured. A suitable statement includes evidence that the required offsets (see also section 4.4):

- are available to purchase from a third party (e.g. a quote from an accredited offset broker verifying the availability and price of a suitable offset); or
- will be established at a new offset site, agreed to by a third party (e.g. a *Native vegetation offset report* from DELWP verifying the site meets offset requirements and a statement from the third party agreeing to secure the site and sell you the credits); or
- can be achieved as a first party offset on your property (e.g. a *Native vegetation offset report* from DELWP or the NVIM offset tool verifying the site meets offset requirements and a statement from a statutory authority agreeing to secure the site.



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Revised Offset Requirements

- DELWP's Assessor's Handbook (p. 13, 15):

All applications must include an offset statement that details that the required offset has been identified and states how it will be secured. This statement gives the permit assessor confidence that the biodiversity impact can be compensated and ensures that the applicant is aware of this obligation and potential costs.

The offset requirements for the proposed native vegetation removal are specified in the NVR report.

The proposed offset(s) must meet all the offset requirements detailed in the NVR report:

- offset type (general or species)
- offset amount (measured in general or species habitat units)
- offset attributes (vicinity, minimum strategic biodiversity value score, habitat for rare or threatened species and large trees).

Note that at the permit application stage the offset does not need to be secured. This is only required once a permit is granted and the removal is to take place.

Action – Responsible and referral authority

- The application includes an offset statement showing that the required offset is available and describes how it will be secured. Suitable evidence is included.

→ ~~Proceed to section 3.10.~~

- The application does not include an offset statement showing that the required offset is available or fails to state how it will be secured.

→ Complete the application verification and request outstanding information from the applicant.

- These requirements are not 'staged'
- They must be met before approval



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