ecology & heritage partners
A FYFE Company

ww

[redacted]
Assessment Officer
Nature Positive Regulation Division |Environment Assessment (Vic and Tas)
Department of Climate Change, Energy, Environment and Water

By email: [redacted]

Date: 13 April 2026

Our reference: 18224

Dear [redacted],

Re: EPBC 2021 / 9093 – Craigieburn Industrial Development. Response to Public Comments

The Draft Preliminary Documentation relating to EPBC 2021/9093: Craigieburn Industrial Development (the proposed action) was published for public comment for 10 business days between, and including the 6th March 2026 to 23rd March 2026.

Two submissions were received during the advertised period, with a third received on 24th March 2026.

A summary of the submissions received, as well as the formal response to each comment within the submissions is included in Tables 1-3 below.

Please note that paragraph numbers have been manually added by Ecology and Heritage Partners to each of the submission documents for ease of reference regarding the comment summaries below.

1 Comment by Commentor #1. Received on 23rd March 2026.

A summary of comments received, and the formal response to each comment is included in Table 1. The submission made by Commentor #1 is included in Appendix 1.

Please note that paragraph numbers have been manually added by Ecology and Heritage Partners to the submission document for ease of reference regarding the comment summaries below.

Table 1. Comment Summary and Response – Commentor 1

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 1 Paragraphs 1-5	Comments provide background context and summary of impacts.	Raises no EPBC issue. No action required.	No change.
Page 1 Paragraph 6	Summary of overall concerns	Specific concerns addressed below.	No change.
Page 1-2 Paragraph 7-9	Comment raised concern regarding the potential for GSM habitat at the impact site to be under-estimated based on the definition of a GSM habitat patch.	The definition of a GSM patch used by EHP within the footnote in the PD is incorrect, with the 200 metres referring to text within the '*Significant Impact guidelines for the critically endangered golden sun moth*' (DEWHA 2009), which states that... 'populations separated by more than 200 metres can therefore be considered effectively isolated...' due to their poor dispersal ability. The definition of a patch of GSM has been updated to: 'A habitat patch is defined as an area of contiguous habitat where a cover of at least 10% of the species' preferred food plants occur, or in areas where at least a 5% cover of Wallaby-grass is present'. This definition is consistent with that provided in the last paragraph of Section 3.2.2.1 (Page 17) of the PD.	Footnote updated on page 48 of the PD. No change to GSM habitat calculations.
Page 2 Paragraph 10-11	Comment raises concern around whether any retained areas of NTGVVP and GSM still meet the listing thresholds, and requests that if not, all areas must be assumed as lost and offset.	Figure 4b of the PD shows the locations and extent of NTGVVP and GSM habitat proposed to be impacted and retained. Retained areas of NTGVVP and GSM habitat (totalling 1.215 ha and 1.682 ha respectively) are located within the proposed Nature Reserve, north of the development footprint. The 1.215 ha of NTGVVP (PG2) meets the condition thresholds, as shown in Table 1 of the PD. The retained GSM habitat supports confirmed population of GSM (Figure 7), and contains at least 10% of preferred food plants for the species.	No change.
Page 2 Paragraph 12-13	Comments on the contingency options	The submission proposes another contingency option for consideration if the existing proposed offset fails (in addition to those proposed in Section 6.1.7 of the PD). This option could also be a consideration as part of the review and audit process. However, no update to the PD is required.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 3 Paragraphs 14-17	Comment questions the use of 'scientifically robust' information to inform the OMP.	At least 8 peer-reviewed scientific literature papers have been referenced in the OMP to support the OMP approach, as well as Commonwealth-published conservation advice, and species-specific advice . There are many more papers that could have been referenced to support the proposed approach. The papers referenced either: - support the conclusion that a trend in downward site condition is likely to occur under certain situations (i.e. over-grazing); and/or - demonstrate that particular management activities (i.e. controlled grazing, ecological burning) are effective grassland management tools. CES (2018) is the key independent, peer-reviewed, government commissioned report that confirms the ongoing loss of extent and quality of native grasslands throughout the Victorian Volcanic Plain. In addition, the OMP offers site-based VQA data from 2017 and 2023 confirming the losses in GSM habitat and NTGVVP extent and quality that have occur on site in the absence of an offset or other conservation management. Given the presence of robust, site-specific data, the precautionary principle with regard to an ongoing predicted increase is site condition without the implementation of the OMP is not required.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 3 Paragraphs 18-19	Comment on how TfN will ensure 'future offset quality' will be maintained in perpetuity.	As stated on Page 21 of the OMP: The proposed offset will be permanently secured under a Trust for Nature (TfN) Deed of Covenant for the Conservation of Land. This security mechanism meets the requirements under the *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy (SEWPaC 2012). It is legally enforceable under the Victorian Conservation Trust Act 1972, will provide statutory protection to the offset, and will permanently restrict allowable land uses, including agriculture or urban development activities that would impact MNES on site, to conservation activities only in accordance with an approved EPBC Act OMP. TfN will develop a Conservation Management Plan (CMP) following the completion of the 10-year offset management plan. The TfN CMP will act as a guidance document, and be consistent with the approved OMP, to assist the landowner to maintain the offset environmental outcomes in perpetuity.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 4 Paragraphs 20-25	Comment on the claimed ecological benefits on implementation of the OMP, and proposed use of the IPCC's guidance on Treatment of Uncertainties.	Table 3 of the OMP outlines the results of the VQA undertaken in the proposed offset area on 5 December 2023 in accordance with Habitat Hectare methodology. The offset supports 50.4 hectares of Plains Grassland vegetation with a vegetation quality score of 57 out of 100, or 6 out of 10. This quality has declined from its previous quality of 64 out of 100 recorded in 2017 (Biodiversity Offsets Victoria 2019), showing a 7-point or 11% decline in six years. This decline was primarily due to an increased cover of introduced pasture grasses and herbaceous weeds. The landowner reported that they did not change their practices during this period, and the site has been continually grazed with sheep. The decline in quality has occurred under "business-as-usual" practices, and not due to any unlawful activities. Note that 2023 VQA was undertaken prior to the offset proposal to obtain an update on grassland vegetation quality. The same State-certified VQA methodology was applied by the same accredited site assessor six years later. This is good practice under the methodology. TFN and EHP also undertook preliminary site assessments prior to the offset proposal to confirm the values present on site, and consistency with the OMP and recent VQA findings. Given the dynamic nature of grassland ecosystems and their ongoing vulnerability to threats, the landowner and proponent were cautious in setting the 10-year offset targets to ensure they can be achieved and maintained in perpetuity. Of note, there is not proposed to increase site condition (which would result in substantially less area required for the proposed offset site), but rather to maintain the existing condition. The rigorous site-based findings for the on-site averted loss, peer-reviewed research (below) on best practice grassland conservation management, and the conservative offset proposal (1 point raw gain only) all support the high confidence in result proposed. Based on the above, it is not considered that the recommended use of the IPCC approach suggested by the submission is relevant to the proposal.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 5 Paragraphs 26-32	Comment on the 'confidence in result'	See above response. To reiterate, the landowner and Dexus have agreed that site management will focus on *maintaining* the existing site condition, rather than improving site condition, which would require a substantial increase in site management effort. Maintaining site condition results in a greater extent of offset required, whilst minimising the risk that the outcome can be achieved, therefore supporting the high confidence in result proposed. Based on the above, it is not considered that the recommended use of the IPCC approach suggested by the submission is relevant to the proposal.	No change.
Page 6 Paragraphs 33-35	Summary of concluding remarks.	The publication of the Draft OMP for public review is a standard part of the EPBC Assessment process via Preliminary Documentation. A minor update has been made to the PD in response to the comments on paragraphs 7-9 (See above).	No change.

2 Comment by Grassy Plains Network. Received on 23rd March 2026.

A summary of comments received in the submission by the Grassy Plains Network (GPN), and the formal response to each comment is included in Table 2. The submission made by the GPN is included in Appendix 2.

Please note that the comments respond to the section numbers within the submission document for ease of reference regarding the comment summaries below.

Table 2. Comment Summary and Response – GPN

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 1 Paragraph 1.1	Generally introductory paragraph on commentor's background	Raises no EPBC issue. No action required.	No change.
Page 2 Paragraph 2.1	Comment related to building on a floodplain.	Raises no EPBC issue. No action required.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 2 Paragraph 2.2	Comment on the lack of impact avoidance.	The proposed action has had regard to the EPBC Act offsets mitigation hierarchy. Section 5 of the PD details proposed avoidance and minimisation measures. Specific avoidance and mitigation measures for NTGVVP and GSM habitat are included in Sections 5.3 and 5.4 respectively within the PD.	No change.
Page 2 Paragraph 2.3	Unprofessional language and disregard for genuine conservation goals	No unprofessional language is used. The assessment made in Section 4.1.2 of the PD is based on current site conditions in the context of local, regional and national impact analysis, as per the requirements of the PD response.	No change.
Page 3 Paragraph 2.4	Emphasis on significance of 'State significant Industrial Land'	The PD correctly states that the study area is located within an area identified as the Northern State Significant Industrial Precinct (SSIP). It does not use this to inform or justify any proposed impacts or implications under the EPBC Act.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 3 Paragraph 2.5	Unacceptable impacts to the NTGVVP community	The proposed action has had regard to the EPBC Act offsets mitigation hierarchy. Section 5 of the PD details proposed avoidance and minimisation measures. Native vegetation proposed to be impacted was assessed as having a low condition score (i.e. between 0.17 - 0.28 with a high cover of non-native species present, and a long history of agricultural modification (i.e. cattle grazing). The inclusion of the proposed 1.5 hectare nature reserve and adjacent retained areas, resulting in the retention of 1.682 hectares of GSM habitat and 1.215 hectares of NTGVVP, providing connectivity to adjacent habitats, as well as the proposed ecological enhancement of approximately 3.1 hectares of adjacent land within Lot A (Figure 4b) is considered to provide a positive ecological outcome for the study area, whilst enabling industrial development. The PD acknowledges that the community is critically endangered, and that the known distribution of the community throughout Melbourne and Victoria is highly fragmented and discrete, with few large, high quality remnants known to occur to Ecology and Heritage Partners. Further, the PD acknowledges that the loss of any remnants of the community are likely to be considered significant at the local, regional and national scale, with one of the main drivers of the reduction in extent to the ecological community in recent years being ongoing residential, industrial and commercial development. However, in recent years, some high-quality remnants of the community have been recorded in the Victorian Volcanic Plain bioregion, particularly west of Melbourne, with a number having been secured and currently managed in perpetuity for conservation purposes (i.e., Ombersley, Cressy, Warrambeen). As such, although the removal of NTGVVP, such as that proposed within the study area, contribute to a cumulative loss of the community, this has created an opportunity to conserve and manage a larger, higher quality remnant present within the secured offset site.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 4 Paragraph 2.6	Unacceptable impacts to Growling Grass Frog	Targeted surveys undertaken for Growling Grass Frog (GGF) did not record the species along Malcolm Creek. It is noted that Malcolm Creek is located within the MSA, and subject to MSA requirements. Further, it is noted that Malcolm Creek is not identified as an area of Strategic Importance for GGF nor is identified as being located within a Conservation Area. Although the GGF Habitat Design Standards (DELWP 2017) require a minimum 50 metre terrestrial buffer from development be applied to a GGF wetland where major infrastructure (such as roads, car parks and buildings) should be avoided, these design standards are intended to apply to areas of identified Strategic Importance for GGF. The Habitat Design Standards (DELWP 2017) state that within the GGF conservation areas established under the Biodiversity Conservation Strategy for Melbourne's Growth Corridors, DEECA will apply these standards to: • The preparation of Conservation Area Concept Plans as part of Precinct Structure Plans • The assessment of infrastructure proposals within Growling Grass Frog conservation areas • The design and construction of Growling Grass Frog wetlands, and associated project specifications • The review of completed Growling Grass Frog wetland projects. As the study area, including Malcolm Creek is not identified as an area of strategic importance for GGF, and is not located within a conservation area, the habitat design standards, and specifically, the implementation of a 50 metre terrestrial buffer are not applicable to the proposed development. A planning permit (P26210) has been issued for the proposed development by the City of Hume, requiring a 40 metre buffer from Malcolm Creek. It is also noted that the planning permit requires the preparation of a Conservation Management Plan that details the objectives, timelines and management actions associated with the enhancement of habitat for flora and fauna, including along the Malcolm Creek Reserve (See Figure 4b of the PD).	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 4 Paragraph 2.7	Unacceptable impacts to Golden Sun Moth	Contrary to what the submission claims, the PD does not justify the removal of GSM habitat due to the species limited dispersal ability. Rather, the PD notes (Section 5.1): 'GSM has a limited dispersal ability, so any nature reserve located elsewhere along the western, southern or central areas of the study area would result in the species becoming effectively isolated, and not able to interact with other individuals/populations present within the local landscape'. The PD also notes that (Section 4.2.1.3): Due to the highly fragmented distribution and limited dispersal ability of the Golden Sun Moth, the impact to the species through the loss of confirmed habitat is considered irreversible. No indirect impact is assumed as all losses are included within the direct impact footprint. The PD acknowledges that one of the main drivers of the reduction in GSM habitat in recent years around Melbourne has been residential, industrial and commercial development. However, several large areas of confirmed GSM high quality habitat are known to occur, particularly west and north of Melbourne, with a number having been secured and currently managed in perpetuity for conservation purposes (i.e., Ombersley, Cressy, Warrambeen). As such, although the removal of GSM habitat as proposed within the study area will contribute to a cumulative loss of habitat for the species, this has created an opportunity to conserve a larger, higher quality habitat within several, secured offset sites.	
Page 5 Paragraph 2.8	Inadequate Survey	EHP undertook site surveys 17 December 2020, 20 March 2023 and 5 December 2023 to obtain information on flora and fauna values within the study area. Although a small species list was recorded, this is reflective of the lack of diversity present at the site across the site visits. As detailed in Section 3.2 of the PD, targeted surveys for nationally significant flora and fauna surveys were undertaken across multiple years in accordance with published Commonwealth survey guidelines. This represents a rigorous suite of field assessments undertaken across multiple years to adequately determine the presence or absence of matters of national environmental significance.	No change.
Page 5 Paragraph 2.9	Flawed habitat hectare assessment	The habitat hectare assessment was completed by an accredited ecologist in accordance with the habitat hectare assessment methodology. All species and life-forms were noted to inform the habitat hectare assessment.	No change.
Page 5 Paragraph 2.10	Goals for Ecologically Sustainable Development have not been met.	A detailed response against the Ecologically Sustainable Development principles is provided in Section 10 of the PD. Based on a review of comments, no changes/updates proposed.	No change.

3 Comment by Merri Creek Management Committee. Received on 24th March 2026.

A summary of comments received in the submission by the Merri Creek Management Committee (MCMC), and the formal response to each comment is included in Table 3. The submission made by the MCMC is included in Appendix 3.

Please note that paragraph numbers have been manually added by Ecology and Heritage Partners to the submission document for ease of reference regarding the comment summaries below.

Table 3. Comment Summary and Response – MCMC

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 1 Paragraphs 1-6	Preamble, introduction and background information	Raises no EPBC issue. No action required.	No change.
Page 2 Paragraph 7-10, 12	Implementation of the avoid and mitigation hierarchy	The proposed action has had regard to the EPBC Act offsets mitigation hierarchy. Section 5 of the PD details proposed avoidance and minimisation measures. Of note, additional avoidance compared to the original PD is described in Section 5.1 (Nature Reserve). Section 5.2 details why further impact avoidance is not possible within the remainder of the study area. In total: • 1.215 (13.8%) of NTGVVP is proposed to be retained; and, • 1.682 ha (13.2%) of GSM habitat is proposed to be retained. it is acknowledged that the proposed removal of the remaining extent of NTGVVP and GSM habitat will result in a significant impact to these matters of national environmental significance. The offset proposal to compensate for the proposed loss of these matters is provided in Section 6 of the PD. As far as Ecology and Heritage Partners are aware, there are currently no offset sites located within the Merri Creek Catchment that would be suitable to offset to relevant MNES associated with the proposed action.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 3 Paragraph 11	Growling Grass Frog habitat	The area where the proposed stormwater management infrastructure was assessed for ecological values, including MNES. The methodology and results of targeted surveys for MNES are detailed in Section 3 of the PD. The location of the stormwater infrastructure in the existing location has been sited to minimise impacts to MNES, and complies with MSA requirements. Any impacts to MNES associated with the stormwater infrastructure have been captured and are proposed to be offset in accordance with the EPBC Act offset policy.	No change.
Page 5 Paragraph 13-16	Industrial Zoning	The PD states that the study area is located within an area identified as the Northern State Significant Industrial Precinct (SSIP), and does not use this, or the zoning of the site under the City of Hume Planning Scheme to justify any proposed impacts or implications under the EPBC Act. Implications associated with the referenced VCAT matter are not relevant to the proposed action and assessment under the EPBC Act.	No change.
Page 5 Paragraph 17-18	Melbourne Strategic Assessment	Any proposed works within the MSA area are subject to separate implications and are not relevant to the currently proposed action being assessed.	No change.
Page 6 Paragraph 19	Melbourne Water	Implications relating to Melbourne Water requirements are addressed in Section 5.2.	No change.
Appendix 1 Pages 7 - 14	Range of comments on previous ecological assessments	These comments were made on the report(s) prepared to inform the planning permit application to Hume City Council. As they have not been made on the PD, they are not addressed here.	No change.

Page/Paragraph	Comment Summary	Response	Any Change to PD/OMP
Page 6 Paragraph 20	Malcolm Creek Buffer	Targeted surveys undertaken for Growling Grass Frog (GGF) did not record the species along Malcolm Creek. It is noted that Malcolm Creek is located within the MSA, and subject to MSA requirements. Further, it is noted that Malcolm Creek is not identified as an area of Strategic Importance for GGF nor is identified as being located within a Conservation Area. Although the GGF Habitat Design Standards (DELWP 2017) require a minimum 50 metre terrestrial buffer from development be applied to a GGF wetland where major infrastructure (such as roads, car parks and buildings) should be avoided, these design standards are intended to apply to areas of identified Strategic Importance for GGF. The Habitat Design Standards (DELWP 2017) state that within the GGF conservation areas established under the Biodiversity Conservation Strategy for Melbourne's Growth Corridors, DEECA will apply these standards to: • The preparation of Conservation Area Concept Plans as part of Precinct Structure Plans • The assessment of infrastructure proposals within Growling Grass Frog conservation areas; • The design and construction of Growling Grass Frog wetlands, and associated project specifications; and, • The review of completed Growling Grass Frog wetland projects. As the study area, including Malcolm Creek is not identified as an area of strategic importance for GGF, and is not located within a conservation area, the habitat design standards, and specifically, the implementation of a 50-metre terrestrial buffer are not applicable to the proposed development. A planning permit (P26210) has been issued for the proposed development by the City of Hume, requiring a 40-metre buffer from Malcolm Creek. It is also noted that the planning permit requires the preparation of a Conservation Management Plan that details the objectives, timelines and management actions associated with the enhancement of habitat for flora and fauna, including along the Malcolm Creek Reserve (See Figure 4b of the PD).	No change.

No additional comments were received during, or after the public comment period.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me on [redacted] to discuss in further detail.

We look forwards to the opportunity to publish the Final Preliminary Documentation after your review.

Kind regards,

[redacted]

[redacted]

[redacted]

Ecology and Heritage Partners Pty Ltd

References

CES 2018. Victorian State of the Environment 2018, 'Biodiversity (B) Scientific Assessments Part III', Commissioner for Environmental Sustainability Victoria.

DELWP 2017. Growling Grass Frog Habitat Design Standards. Melbourne Strategic Assessment. Published by the Department of Environment, Land, Water and Planning. Melbourne.

DEWHA 2009. Significant Impact guidelines for the critically endangered golden sun moth. Nationally threatened species and communities. EPBC Act policy statement 3.12

Appendices

Appendix 1. Submission from Commentor 1.

[redacted]

[redacted]

[redacted]8

[redacted]

Craigieburn Industrial Development, Victoria (EPBC 2021/9093)

Dear [redacted]

Please accept my submission on the Draft Preliminary Documentation (**PD**) for Dexus Craigieburn Pty Ltd.'s (**Dexus**) proposal to subdivide and develop land for industrial and commercial purposes at Craigieburn, Victoria.

My comments relate to the Draft PD and Appendix 3 (OMP) prepared and published by Ecology and Heritage Partners (**EHP**) and Biodiversity Offsets Victoria (**BOV**). I have had regard for the requirements of the EPBC Act Environmental Offsets Policy 2012 (the **Policy**) and the How to use the Offset Assessment Guide (the **Guide**).

As I review environmental impact assessment and management documents such as the above, I am mindful that environmental consultants assist their clients to secure approvals that minimise compliance costs and regulatory risk. It is for the regulator to ensure evidence-based, precautionary and enforceable decisions are made on irreversible impacts to ecosystems and species at risk of extinction. I note also that the Policy and Guide impose an obligation on the regulator to decide on offsets that are, amongst other requirements, *informed by scientifically robust information and incorporate the precautionary principle in the absence of scientific certainty*[1].

I understand the residual significant impacts to be:

- 7.615 ha of NTGVVP with a quality score of 3/10 (rounded up from 2.8/10); and
- 11.097 ha of GSM habitat with a quality score of 4/10.

EHP proposes the following overlapping offsets at the [redacted] offset site[2]:

- 49.1 ha of NTGVVP with a start quality of 6/10 (rounded up from 5.7/10); and
- 50.4 ha of GSM habitat with a start quality of 6/10.

Concerns with the PD and OMP

My concerns with the offset proposal relate to:

- impacts to GSM habitat and functional loss of remnant MNES;
- contingency options, supporting evidence and enduring outcomes; and
- ecological benefits and uncertainty.

Impacts to GSM habitat

EHP states in footnote 1, page 48, that a GSM '*habitat patch is defined as an area of suitable habitat separated by other areas of suitable habitat by at least 200 metres of unsuitable*

[1] Policy Principles 7 and 9.

[2] The [redacted] offset site proposed by Biosis for EPBC 2024/09809.

habitat, or barrier to dispersal' and on page 49 reports '*Golden Sun Moth were located in two patches, separated by the width of the driveway on the property.'*

EHP has potentially under-reported the quality of impacted GSM habitat. This is because EHP:

- reported the total impacted GSM habitat (11.53 ha) as two patches, with the largest 9.92 ha and so less than the threshold area of 10 ha (Section 6.2.3); and

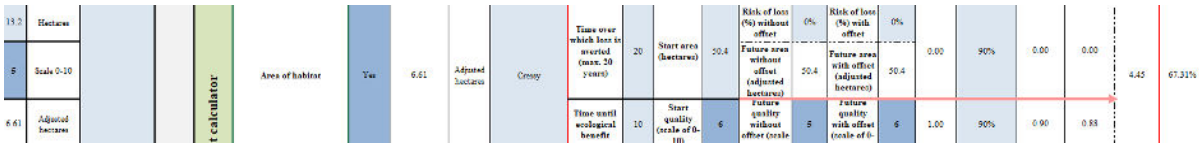
- has not demonstrated the *'width of the driveway'* at all points along the driveway wider than '*200 metres of unsuitable habitat',* or that the driveway is *'a barrier to dispersal'.*

The above reduces the site context score from 2/3 to 1/3 and the overall habitat quality from 5/10 to 4/10, meaning the offset area potentially represents only 80% direct offset.

Functional loss of remnant MNES
The PD reports 12.779 ha of GSM habitat at the project site and, of this, 11.53 ha is impacted. The Executive Summary states:

> *The nature reserve is proposed to be located abutting the Malcolm Creek creekline reserve and extending south-east to the drainage reserve, providing a setback from Malcolm Creek to reduce visual impact on the creek environs, whilst retaining (including adjacent non-developed areas) a total of 1.215 hectares of NTGVVP and 1.682 hectares of GSM habitat*.

I cannot locate in the PD grounds for the alternate areas of remnant GSM habitat (1.682 vs 1.249). EHP should demonstrate that remnant NTGVVP and GSM patches continue to meet the respective EPBC Act listing criteria and, if they do not, include the total area of MNES in the offset calculations. If remnant patches fall below listing criteria thresholds, then they are by definition no longer the protected matter, and lost, and should be offset. If this is the case for remnant GSM habitat, the actual impact is 13.212 ha, and the proposed offset area represents 63.31% direct offset.



Contingency options
Section 6.2.7 of the PD speaks to contingency options in '*the highly unlikely event the proposed offset fails'*, i.e. to prevent site condition decline over a 10 year period. I concur with EHP's 'likelihood' assessment because there is insufficient evidence that decline, according to the scoring method, is likely *without offset*.

However, in the event offset site monitoring detects, and compliance reporting reports, a statistically reliable and '*enforceable'* decline in site condition from 3/3 to 2/3 at Year 10, then a

contingency option would also be to extend the time to ecological benefit[3]. For this option the offset area required at the Geggies Road offset property would be recalculated, the OMP revised, and the period of effect of EPBC Act approval confirmed as adequate to ensure the compensatory ecological benefits are realised.

Evidence supporting claims

Principles 7 and 9 of the Policy require, respectively, that offsets be '*scientifically robust and reasonable'* and that decision-making be '*informed by scientifically robust information and incorporate the precautionary principle in the absence of scientific certainty'*. Neither requirements are addressed by the PD and OMP.

The OMP states that it has '*been prepared in consultation with the land manager and Trust for Nature, and drawn from peer-reviewed literature and expertise in grassland habitat management'*. On information provided:

- I am not convinced *consultation with the land manager* and TfN a suitable strategy for deriving *scientifically robust information*;
- it is unclear how *peer-reviewed literature and expertise in grassland habitat management* was used to formulate the OMP; and
- whether that consultation, literature and expertise substantiates the claimed ecological benefits of implementing the offset proposal.

Peer-reviewed literature appears to be referenced in the OMP (e.g. Langford 2005, Zimmer et al 2010), however the relevance of that literature to the predicted condition decline and effectiveness of proposed management actions is unclear. BOV points to its 2017 and 2023 site condition assessments as supporting its claims, but that is not independent or peer-reviewed science, and there is no information provided on land management and seasonal variability prior to and during the 2017-23 period that might explain these findings. BOV's observations do not support evidence-based, precautionary decision-making.

I suggest the offset proposal is not fit for decision-making, unless the decision is to not approve the proposal. This is because the claimed ecological benefit is not scientifically robust, and that the ecological/scientific uncertainty is not adequately characterised and mitigated so as to incorporate the precautionary principle.

Enduring outcomes

The PD fails to explain how the securing mechanism, a Trust for Nature (TfN) conservation covenant, will ensure *future quality with offset* will be maintained in perpetuity. Though the covenant is initially accompanied by the EPBC Act approved OMP, it is unclear how the following TfN conservation management plan will be formulated and implemented to maintain the offset outcomes accrued from implementing the approved OMP.

TfN is accepting a critical role in offset governance during and following the 10-year approved OMP. Policy Principle 8 requires that offsets *have transparent governance arrangements including being able to be readily measured, monitored, audited and enforced* - a requirement which does not expire with the approved OMP. The PD provides little or no transparency on site management post approved OMP and following expiry of the EPBC Act approval. I therefore recommend EHP explain in the PD, by reference to relevant legislation and published practice notes, how TfN will monitor, audit and enforce offset outcomes following expiry of the approved OMP and of the action's EPBC Act approval.

[3] To a timeframe an independent expert ecologist considers required to return site condition to 3/3.

On the information provided, the reader can have no confidence that, if attained, the offset outcomes will be maintained.

Claimed ecological benefits

The claimed ecological benefits of the proposed offset are that implementing the OMP will prevent NTGVVP and GSM habitat declining from 6/10 to 5/10, over a 10 year period.

The Guide provides high level guidance on assessing improvements to quality scores, but not timebound quality decline[4] under business as usual (BAU). Relevantly, the Guide states:

> *Where available, the confidence in result should be based on scientifically sound evidence and knowledge. Where this information is not available, the onus is on the proponent to provide information about the efficacy of proposed techniques or methods.*

The PD fails to address an industry standard, regulator approved, or otherwise authoritative framework to evaluate scientific evidence and knowledge. To this end, an option may be for EHP to have regard for the Intergovernmental Panel on Climate Change's Guidance on Treatment of Uncertainties.

The IPCC Guidance provides *'a common approach and calibrated language ... for developing expert judgments and for evaluating and communicating the degree of certainty in findings ...'* albeit for the 2014 Fifth Assessment Report. It relied on '*two metrics for communicating the degree of certainty in key findings ...*':

- *'confidence in the validity of a finding, based on the type, amount, quality, and consistency of evidence'*; and
- *'quantified measures of uncertainty in a finding expressed probabilistically'*.

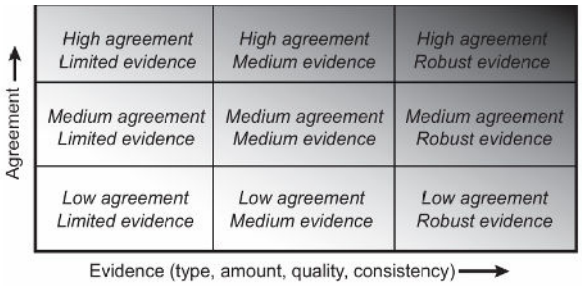


Figure 1: A depiction of evidence and agreement statements and their relationship to confidence. Confidence increases towards the top-right corner as suggested by the increasing strength of shading. Generally, evidence is most robust when there are multiple, consistent independent lines of high-quality evidence.

Table 1. Likelihood Scale

Term*	Likelihood of the Outcome
Virtually certain	99-100% probability
Very likely	90-100% probability
Likely	66-100% probability
About as likely as not	33 to 66% probability
Unlikely	0-33% probability
Very unlikely	0-10% probability
Exceptionally unlikely	0-1% probability

* Additional terms that were used in limited circumstances in the AR4 (*extremely likely* – 95-100% probability, *more likely than not* – >50-100% probability, and *extremely unlikely* – 0-5% probability) may also be used in the AR5 when appropriate.

I reviewed the PD and OMP for independent evidence and agreement that might support the claimed quality decline *without offset*, having regard for the IPCC Guidance - particularly Figure 1 (above). The references section of the PD and OMP list papers, e.g. Langford 2005, Zimmer et al 2010, however the relevance of those papers to the claimed ecological benefits are not explained by EHP. I caution against EHP and BOV claims being considered independent evidence or agreement.

Reliable judgement on the ecological benefits is made more complex by how BAU is portrayed. It is unclear whether BAU is a series of conservation management strategies

[4] A key difference between quality improvement achieved and quality decline averted is there is no apparent requirement to demonstrate that the quality decline was actually averted.

and/or actions (e.g. low fertiliser rates, conservative stocking), or lawful and/or unregulated activities with relatively high impact on MNES (e.g. little/no weed control), or a mix. Through ambiguous statements, there is a risk offset proposals are not based on circumstance and outcomes at the proposed or similar site[5], but on non-specific, speculated actions and outcomes.

Confidence in result

EHP ascribes 90% to the '*confidence in result'* value for calculating the minimum offset area, and justifies its confidence by way of:

> *Confidence in applied scores is relatively high due to careful consideration of the offset site, existing condition and the commitment of the landowner to engage contractors with a demonstrated capability to manage threats through recent conservation works. The site will be protected through entering into a Trust for Nature covenant. Trust for Nature undertakes a rigorous quality assurance process for all offset sites to ensure the landowner agreements address the management commitments in the plan.*

EHP's justification does not address the uncertainties central to attaining and maintaining the ecological benefits. Rather, it points to site protection, contractor engagement and OMP implementation as though the timebound (10 year) quality decline (6 to 5/10) **will** otherwise occur, assumes management actions will have the desired effect, and understates the significance of selecting a '*relatively high'* value. On opinions contained in the PD and OMP, one might justifiably select 50% confidence in result.

The Guide provides limited guidance on selecting an appropriate and precautionary value for *confidence in result*. The PD does not utilise any industry standard, regulator approved, or otherwise authoritative framework to select an appropriate *confidence in result*. I have considered the Intergovernmental Panel on Climate Change's Guidance on Treatment of Uncertainties guidance on selecting an appropriate value for *confidence in result*.

By selecting 90% as the '*confidence in result'* for calculating the minimum offset area, EHP is declaring that the above timebound outcomes are *very likely* at the site under BAU management, which will be prevented implementing the draft OMP. This is not supported by independent evidence and/or agreement contained in the PD and OMP.

The confidence value selected has non-trivial consequences for the calculated direct offset. By selecting 90% confidence, EHP calculated 100.19% direct offset for NTGVVP. If EHP selected 75% or 50% then the direct offset would be, respectively, 83.5% or 55.7%.

The Guide also states:

> *The past record of the proponent should also be taken into account in determining this figure. That is, confidence in result must take into account not only the confidence in being able to achieve the conservation gain but also take into account the risk that the offset may not be delivered.*

[5] That the proposed offset site retains significant MNES values is evidence of multi-decadal management to achieve production and conservation benefits, that the site soils are not suitable for cropping and/or that inputs e.g. fertilizer would not realise an adequate return.

As the proponent has little/no direct experience implementing offsets in the Victorian Volcanic Plain, the regulator could alternately seek from EHP, BOV and possibly the TfN[6] scientifically sound evidence and knowledge of:

- the '*very likely'* offset site quality decline without offset at the proposed or comparable offset site; and
- the OMP, if implemented, preventing that decline.

Concluding remarks

I consider EHP is yet to provide an offset proposal suitable for decision-making. Further development of the proposal is required to comply with Policy Principles 1, 2, 5, 7 and 8, and that enables a decision compliant with Principle 9.

I am concerned that preparing a draft OMP for public review prior to the offset proposal being evidenced/justified and 'calculated', then publicly reviewed, signals offset outcomes have already been decided by EHP, Dexus and the Department. This prejudices the credibility of an informed and transparent environmental impact assessment process.

It would be more appropriate that upon approval of the action and the offset proposal the draft offset management plan be released for public comment in accordance with the provisions of Section 134A of the EPBC Act.

Yours sincerely.

23 March 2026

[6] EHP, BOV and TfN combined have very considerable experience formulating biodiversity management plans and auditing and reporting outcomes from implementing management plans. They could make available to the regulator published, independent peer-reviews and/or audits of monitoring outcomes, including from implementing comparable plans for comparable sites. This might give weight to the claimed ecological benefits.

Appendix 2. Submission from the Grassy Plains Network.

Grassy Plains Network submission regarding

Cragieburn Industrial Development, EPBC 2021/9093

23 March 2026

Contact:

[redacted]

grassyplains.net.au

1. Executive summary

1.1. Who we are

The Grassy Plains Network represents land management professionals, academics, ecologists and community members concerned about the ongoing decline of grassy ecosystems across Victoria. We advocate for improved grassland protection and management. We are part of the Victorian National Parks Association (VNPA).

The VNPA is one of Victoria's leading nature conservation organisations. It is an independent, non-profit, membership-based group, which for 70 years has existed to protect Victoria's unique natural environment and biodiversity through the establishment and effective management of national parks, conservation reserves and other measures.

2. Key messages

2.1. Building on a floodplain

- Proposal to build on a floodplain is fundamentally flawed, In this case, native vegetation is being completely cleared because ground levels have to be built up to meet Melbourne water standards.

2.2. Lack of avoidance:

- It is inappropriate to suggest that avoidance is impossible. Clearly, less coverage – even no coverage – of the site is possible.
- No evidence is put forward to support the lack of avoidance apart from the repeated restating that "avoidance is not possible".
- This disregard for the assessment process undermines the credibility of the documentation provided by the ecological consultant.
- Lazy or overly profit-greedy design should not be rewarded.
- Claims that the project is mitigating "as much as practically feasible" should be viewed in an equally critical light.

2.3. Unprofessional language and disregard for genuine environmental conservation goals

- **Example 1:** The consultants claim that "the NTGVVP within the impact area does not represent a high-quality example of this listed community" and this is used to justify its removal. This is disgraceful.
    - The threshold for Natural Temperate Grassland of the Victorian Volcanic Plain is high. Any grasslands that meet this threshold are automatically considered so good as to be protected by the EPBC Act.
    - To argue that the less diverse or more weedy examples of Natural Temperate Grassland of the Victorian Volcanic Plain are able to be cleared undermines the very fundamentals provisions of the EPBC Act.
    - If we were to accept the argument that only "high-quality" patches of Natural Temperate Grassland of the Victorian Volcanic Plain are to be avoided, we might

as well clear almost the entire 0.58% that remains of this most critically endangered of Australia's ecosystems.

    - The argument also undermines the urgent need for greater efforts to restore Natural Temperate Grassland of the Victorian Volcanic Plain. Protection is in itself not enough because we have an ecosystem on the point of extinction. Restoration, not clearance, is the only path to reversing the decline of this ecosystem.

- **Example 2:** "Given the patchy nature of the community within the study area, it is likely that, in the absence of conservation management, the NTGVVP remnants will continue to degrade due to ongoing weed invasion and agricultural land uses".
    - This is essentially a blackmail argument. That is, the grassland will decline anyway if we fail to look after it, therefore you should let us clear it.
    - The consultants should be ashamed to be promulgating such lines of argument.
- Surprisingly, the consultants go on to undermine the arguments implicit in both these examples by stating:
    - "Distribution throughout Melbourne and Victoria is highly fragmented and discrete, and few large, high-quality remnants are known to occur to Ecology and Heritage Partners, and the loss of any remnants of the community are likely to be considered significant at the local, regional and national scale."
    - "One of the main drivers of the reduction in extent to the ecological community in recent years around Melbourne has been residential, industrial and commercial development."

2.4. Misleading emphasis on significance of "State significant industrial land"

- Most of Melbourne's north and west is classified as "State significant industrial land" as put forward in The Melbourne Industrial and Commercial Land Use Plan (2020).
- This classification of land as industrially significant or otherwise has no bearing on environmental law and should be disregarded.
- To accept that such land is to be given lesser environmental protection undermines the EPBC Act and would in effect allow the development of all of Melbourne's industrial-zoned land.

2.5. Unacceptable impacts to Natural Temperate Grassland of the Victorian Volcanic Plain

- The Natural Temperate Grassland of the Victorian Volcanic Plain is listed as Critically Endangered under the EPBC Act and are on the brink of extinction.
- Latest data from Arthur Rylah Institute suggests only 0.58% of the extent of the Victorian Volcanic Plain's grasslands remain, with only 0.13% Themeda grassland remaining (See Farmilo, B., Batpurev, K., Sinclair, S., White, M. and Griffioen, P. (2021) Spatial model for native grasslands of the Victorian Volcanic Plains. Unpublished Client Report. Department of Environment, Land, Water and Planning, Heidelberg, Victoria.) We must stop erasing grassland.
- The Victorian government's most recent State of the Environment Report states that most of Victoria's ecosystems are stable, with two exceptions – grasslands and wetlands – which continue to decline. According to DEECA's time series data on land-cover, grassland decline has been ongoing since at least the 1980s.

- The cumulative impacts of projects such as the proposed industrial development fuel this grassland decline. Many such projects claim to protect grassland while in fact reducing its extent. It is well-known that offsets do not produce net gain.
- This is not an isolated fragment of grassland. The proposed development site is in close proximity to numerous other high-quality grasslands.
- Offsets should always be a last resort. Native grassland should be retained in situ unless there is no reasonable alternative.

2.6. Unacceptable impacts to Growling Grass Frog

- Records show the presence of Growling Grass Frog south and north of the site.
- Growling Grass Frog are known to exist in metapopulations.
- The nearby MSA Conservation Area 34 is reserved specifically for the protection of Growling Grass Frog.
- Good habitat for Growling Grass Frog exists within the site, despite the consultants claims to the contrary.
- Further good habitat could be provided within the site if the proponent cared to provide it.
- The site should include a 100m buffer from the centreline of Malcolm Creek for Growling Grass Frog, with appropriate actions to improve habitat quality. The proposed 40m buffer is inadequate. Growling Grass Frog are known to forage and otherwise utilise habitat up to 200m from creeklines.
- A Growling Grass Frog Conservation Management Plan should be provided.
- In addition, the site should adopt the MSA guidelines regarding Growling Grass Frog, namely the Growling Grass Frog Habitat Design Standards March 2017.

2.7. Unacceptable impacts to Golden Sun Moth

- Clearing known Growling Grass Frog habitat on the site should not be allowed.
- The consultants claim that a 'moderate' number of Golden Sun Moth were observed. This appears to be an understatement and detracts from the fact that the number and density of records provided by the consultants shows the site to be one of the most prolific sites for this species in northern Melbourne.
- The consultants claim that "Golden Sun Moth has a limited dispersal ability" and thus any population fragments can be cleared. This is another version of the blackmail argument elucidated in example 2 above. A better approach would rather be to restore the areas between fragments to improve connectivity and reduce fragmentation.
- The consultants claim that: "there is not considered to be any indirect loss or impact to Golden Sun Moth habitat." This is incorrect, because Golden Sun Moth are known to require a variety of conditions for dispersal to accommodate changing annual conditions such as rainfall, aspect and grass coverage. The proposed clearing diminishes this variability and removes the capacity to flourish enjoyed by the larger population.
- Restoration notwithstanding, the consultants provide no evidence of what distances and conditions might limit Golden Sun Moth dispersal.

2.8. Inadequate survey

- The 2021 Flora and Fauna Assessment states that a full vascular flora list was compiled. This consisted of 9 indigenous and 14 non-indigenous species. The suspiciously short species list is highly suggestive of inadequate survey.
- That suspicion is strengthened when we note that the Report also states that:
    - The site was grazed prior to the assessment being undertaken. This will severely limit the likelihood of discovering the extent and diversity of the species present.
    - "A comprehensive list of all terrestrial flora and fauna present within the study area was not undertaken as this was not the objective of the assessment. Rather a list of commonly observed species was recorded to inform the habitat hectare assessment and assist in determining the broader biodiversity values present within the study area."
    - We note too here that "commonly observed" species are not the important species here. The EPBC Act is concerned about rare and threated species.

2.9. Flawed habitat hectare assessment

- In order to undertake a Habitat Hectare assessment, all indigenous species need to be noted in order to determine species diversity for understorey Site Condition component. The above discussion should make it clear that no thorough survey sufficient for a legitimate habitat hectare assessment has been undertaken.
- Other people and organisations have documented serious flaws in the consultant's Habitat Hectare calculations. We are grateful for their detailed analysis.

2.10. Goals for Ecologically Sustainable Development have not been met

- Given the disregard for any avoidance, the lack of appropriate survey, the creating of a choke point to limit Growling Grass Frog metapopulation dynamics, and the clearing of a Golden Sun Moth hotspot, any claims that the proposal meets the precautionary principle are false.
- Inter-generational equity is not being met. The biodiversity that is the next generation's birthright is being indiscriminately cleared. Offsetting of Natural Temperate Grassland of the Victorian Volcanic Plain has significant impacts on the entirety of the ecosystem. There will also be biodiversity impacts to Malcolm Creek and associated waterways both upstream and downstream with impacts not only to Growling Grass Frog but to other species and communities dependent on creeks and the landscape-scale connectivity they provide.
- The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making. Instead, we have arguments put forward to advance industrial development at the cost of our nation's irreplaceable environment.

Appendix 3. Submission from the Merri Creek Management Committee.

[redacted]
Ecology and Heritage Partners
[redacted]
Geelong West VIC 3128
[redacted]

24 March, 2026

Dear [redacted],

MERRI CREEK MANAGEMENT COMMITTEE

Incorporated Association
No A0018144A

2 Lee Street
East Brunswick Vic 3057
Ph: (03) 9380 8199
www.mcmc.org.au
admin@mcmc.org.au

ABN 13025599242

RE: Craigieburn Industrial Development, Victoria (EPBC 2021/9093). Preliminary Documentation and Biodiversity Offset proposal, 752 Craigieburn Road, Craigieburn East

We appreciate the opportunity to comment on this proposed industrial development which will affect an extensive area of habitat for a number of Matters of National Environmental Significance (MNES) including species and communities. Our submission focuses primarily on the concluding information documented in the following reports:

- *Draft Preliminary Documentation: Proposed Industrial and Commercial Development at 752 Craigieburn Road East, Craigieburn, Victoria (EPBC 2021/9093)* by Ecology and Heritage Partners (EHP March 2026).
- Natural Temperate Grassland of the Victorian Volcanic Plain and Golden Sun Moth Synemon plana Offset Management Plan, Cressy, Victoria (Appendix 3 to the Draft Preliminary Documentation Report) by Biodiversity Offsets Victoria (BOV February 2026)

We are also providing the bulk of a submission (as Attachment 1) made in response to the following two reports. It appears that information from these two reports has been compiled within the EHP 2026 PD report for which we have similarly responded to in past processes, particularly via the subdivision of 570 Craigieburn Road East in 2025:

- *Biodiversity Assessment: 752 Craigieburn Road E, Craigieburn , Victoria* by Ecology and Heritage Partners (EHP March 2025).
- *Detailed Environmental Assessments, 750 Craigieburn Road E, Craigieburn* by Ecology and Heritage Partners (EHP 2021).

The Merri Creek Management Committee

The Merri Creek Management Committee (MCMC) is an environmental coordination and management agency established in 1989 to achieve a shared vision for protection and restoration of the waterways of the Merri catchment.

MCMC is an incorporated association whose members include all of the municipalities in the catchment, namely: the Darebin, Hume, Moreland, Whittlesea and Yarra City Councils plus Mitchell Shire Council; Melbourne Water; the Friends of Merri Creek and the Wallan Environment Group. Representatives of these member groups form a Committee of Management which guides the MCMC's activities.

The primary purpose of the Merri Creek Management Committee is:

"*…to ensure the preservation of natural and cultural heritage, and the ecologically sensitive restoration, development and maintenance of the Merri Creek and tributaries, their corridors and associated ecological communities*"

The MCMC has an interest in this site as it is located within the Merri Creek Catchment and known to contain ecological values. It also includes an important section of the Malcolm Creek, which traverses the site and has its confluence with the Merri Creek to the east of the site. We have provided comment and input to a previous industrial development proposal that was under consideration by Hume City Council from 2006-2008. We have also responded to the EPBC referral associated with 750 Craigieburn Road East, in 2022. We also responded to the subdivision process via Hume City Council in 2025 when the property was divided into two lots, 752 and 762 Craigieburn Road East with 752 now the subject of this application.

The study site

The study site is roughly a triangular area which comprises of approximately 18.55 hectares of largely open land. Approximately 5 hectares of this located along the north-eastern portion sits within the Melbourne Strategic Assessment area. The remainder of the site, 13.55 hectares is outside the MSA area. The site is bordered by Craigieburn Road East to the south and the Melbourne-Sydney Rail line to the west. Malcolm Creek runs west to east diagonally through the northern portion of the property and joins the Merri Creek around 100m to the east of the site boundary. The Craigieburn Bypass (Hume Freeway) sits just to the east of the Merri Creek.

MCMC response to Preliminary Documentation Report

It appears that the primary purpose of the Preliminary Documentation Report is to reiterate a case that the industrial development continue to go ahead relatively unchanged from any previous proposals that we have seen for this property. We do not see any significant increase in retained area of MNES from a submission provided to Hume City Council in 2025. We also do not see any reassessment work with regard to revision of native vegetation or threatened flora assessment on the basis of old data.

Most importantly we don't see a valid attempt at Avoiding or Minimising impacts upon MNES.

DCCEEW advocates for the offsets mitigation hierarchy to be applied to all potential actions that may require an EPBC referral. From DCCEEW's webpage on the Mitigation Hierarchy:

The mitigation hierarchy is a tool that is used to limit the amount of damage an action, such as a development, will have on the environment. There are three steps, and each step must be followed in order and to the greatest extent possible before moving on to the next. These steps are:

1. *Avoid*
2. *Mitigate*
3. *Offset*

Avoid:

EHP has effectively stated that the majority of the MNES that they have deemed to be present or worth consideration, i.e. Natural Temperate Grasslands of the Victorian Volcanic Plain (NTGVVP) and Golden Sun Moth (GSM) within the site, will be impacted. This includes:

NTGVVP: 7.615 of 7.87 hectares (97%) of NTGVVP is proposed to be impacted

GSM: 11.097 of 11.53 hectares (96%) of GSM habitat is proposed to be impacted

Therefore a very small proportion of the current extent of these areas are planned for retention (3-4%). This does not in any way align with the principle of ávoidance'.

MCMC Recommendation: On the basis of the information provided in the Preliminary Documentation, and via review of our previous submissions, we are not satisfied that the proposal has adequately addressed the requirements for demonstrating avoidance of Matters of National Environmental Significance. Retention of the majority of the NTG VVP and GSM habitat would demonstrate the application of this principle. At present only 3-4% of the extent of these MNES are proposed for retention.

Minimise:

Similar to the lack of effort to avoid, there are similarly no obvious or discernable effort to minimise impact. Significant detail is provided outlining the fact that due to the fact that the area is to be developed, significant areas of disturbance will be required. This really highlights the need to ensure that more of the site, particularly closer to the waterway is retained. It also highlights the need for stringent requirements around ensuring adequate sediment and erosion control throughout the construction phase and beyond.

Additionally, there is yet another incursion into an area of mapped habitat, ignoring an alternate area that is not mapped as habitat is available. The proposed stormwater treatment infrastructure (Plate 13 in the PD Report and shown below), is shown to be located within the MSA area in a region mapped as habitat for Growling Grass Frog and Native Vegetation (Figure 2 of EHP PD Report). To our knowledge this area was not assessed for its ecological values by EHP and therefore its actual onground values are unknown. It is our assertion that this area does provide habitat for Growling Grass Frog while its status as harbouring native vegetation is unknown. However, there are locations further to the south where assessment has occurred and native vegetation was not identified. These would be better suited for the inclusion of this additional infrastructure.

MCMC Recommendation: The stormwater management infrastructure should be located outside of mapped habitat areas. Other efforts towards minimising impacts should be demonstrated. This would include greater retention of areas of vegetation and GGF habitat closer to the waterway. At present there is very little.

Plate 13. Proposed location of the stormwater sediment basin in the northeast corner of the study area. Image supplied by the proponent.

Figure 2
Ecological features
Ecological Assessment for 750 Craigieburn Road E, Craigieburn

ecology & heritage partners

Legend

- Study Area
- Conservation Area 34
- MSA BCS Extent
- Development plan
- Nature reserve

Native Vegetation

- Plains Grassland (EVC 132)
- Impacted vegetation

Environmental Mitigation Data:

- Scattered tree location

Habitat

- Golden Sun Moth habitat area
- Growling Grass Frog habitat area
- Native vegetation area and Matted Flax-lily habitat area

Offset

In contrast to the expected process of application of the Mitigation Hierarchy, the greatest effort and focus of the PD documentation are on offsetting.
We understand that the proposed offset located in Cressy has been calculated to meet what are deemed to be the resultant offset requirements if the proposal in its current form is approved.

MCMC response: Our key proposition is that this development proposal as it stands has not met the requirements in accordance with the Mitigation Hierarchy and should not be approved. The offsite offset is a very poor outcome under the circumstances. Should some form of offset eventually be required after all opportunities to avoid and minimise are exhausted, then an offset that is located within the Merri Creek Catchment is much preferred.

Further response regarding avoid and mitigation measures (Section 5)

Industrial zoning

Firstly, neither the zoning of an area as Industrial, nor its allocation as a particular Industrial Precinct ensures (or should ensure) that it is able to side-step all or any other particular requirements in the Planning Scheme or be at all applicable to an assessment under the EPBC Act.

Nevertheless we may look to the requirement under Clause 52.17 to show meaningful attempts to avoid and minimise impacts on biodiversity and to provide an appropriate Avoid and Minimise statement. This was established via the 2022 VCAT case: Axxcel Management Services v Hobsons Bay CC regarding the Ajax Road Grasslands, in Altona. Link to case outcome: https://grassyplains.net.au/wp-content/uploads/P11352-2021-AXXCEL-MANAGEMENT-SERVICES-PTY-LTD-v-Hobsons-Bay-CC-jnt-nw-02062022.pdf

The Ajax Road case involved smaller areas of grassland vegetation, and where the applicant had made more attempt to avoid or minimise than has been demonstrated so far at this site. We would expect that should this case be taken to VCAT that this precedent would be considered.

Furthermore we would expect that DCCEEW staff would not consider Victorian or Local Government zoning or designation for MNES.

MSA

Secondly the allocation of areas to the north and east within the Melbourne Strategic Assessment area that lies within the Craigieburn South Employment Area Precinct should equally not be of any relevance to the current application. While there has been a regional planning decision that that land will sit within the Northern Growth Area, it does not necessarily mean that it all must be developed. Our experience with other Precincts has shown that where important biodiversity values remain, such as in Beveridge North West recently, that they can be accommodated. It is very much conjecture at this stage to completely write off the process of good precinct planning without thought for the potential that important natural values will be relevant for additional conservation via future precinct planning. In our experience, this is not valid. Additionally, Conservation Area 34 runs along the Merri Creek and it should be recognised that Malcolm Creek is a key tributary of the Merri.

Malcolm Creek and its corridor is and will be a valuable asset for both conservation and maintaining ecological function for the catchment as well as for community amenity, connectivity and recreation.

The marram baba Merri Creek Future Directions Plan highlights the opportunity for connections along Malcolm Creek from the Merri through to Mt Ridley Reserve.

Melbourne Water

Statement is made that the requirements of Melbourne Water further add to the fact that the site must be built up to meet certain requirements and that Malcolm Creek will be the primary outlet for stormwater from the planned future Industrial development. We do not fully accept that this is all a foregone conclusion. We understand that Melbourne Water has requirements, but it is not imperative that the entire site be cleared. Trying to blend these two pieces of information is not necessarily logical. Furthermore we would use this as a prompt to express our strong interest to see a strong focus on WSUD and Integrated Water Management within any future Industrial development at this site. The Merri Creek Catchment is suffering from excessive and cumulative impacts from stormwater via new development and this needs to be minimised via interventions within the developments themselves, resulting in only small amounts of additional stormwater into the waterways. This should also include high levels of porosity throughout the development. To this end, retention of natural surfaces including high conservation grassland and threatened species habitat would assist.

Malcolm Creek Buffer

We would expect to see a much wider buffer to the Malcolm Creek than what is shown in the documentation (and previous landscape plans). EHP provides information stating that 40 m is deemed to be an adequate buffer in light of the fact that this waterway has not been designated as of high significance by DELWP's GGF Masterplan but we would expect that the main reason for this is that there has not been records of the GGF from Malcolm Creek and that is a symptom of the fact that access has not been granted in the past for surveys. As this site is so close to the Merri which is identified as being of significant importance, we are confident that Malcolm Creek also provides important habitat value for GGF. Furthermore there are plans by Hume City Council to incorporate shared trails alongside this waterway. On this basis, a much wider buffer is required.

MCMC Recommendation: *DELWP's Growling Grass Frog Masterplan for Melbourne's Growth Corridors (2017) identifies GGF terrestrial habitat buffers by measuring 100m from the centreline of streams. On this basis we recommend a 100m terrestrial habitat buffer apply to Malcolm Creek.*

Please do not hesitate to be in touch if you'd like to discuss our submission in response to this planning matter.

Sincerely,

[redacted]

[redacted]

[redacted]
Merri Creek Management Committee

Attachment 1. MCMC detail of our assessment of past ecological assessment

Ecological assessment

Ecology and Heritage Partners (EHP) have conducted the majority of ecological assessments at the site and these are documented in two key reports. The first report in 2021 covering the former site known as 750 Craigieburn Road East and the second in 2025, primarily concerned with the subject site of this subdivision application, 752 Craigieburn Road East. However, the field assessment only focussed on areas within the study area located outside of the MSA, i.e. 13.55 hectares of the 18 hectare site.

The 2021 EHP report documents results for the initial assessment of the site. This included assessments for native vegetation, threatened flora, primarily Matted Flax-lily and , Golden Sun Moth and Growling Grass Frog.

In reading EHP's 2026 Preliminary Documentation report, the abovelisted assessments have not been updated since the initial results. As a result of the initial surveys, it is not clear exactly how much native vegetation was identified, although Habitat Zone PG2 was determined to meet the criteria for Natural Temperate Grassland of the Victorian Volcanic Plain and totals 7.87 ha. The extent of PG1 is not directly provided in EHP's 2025 report. However mapping in Figure 4 shows the entire extent of mapped native vegetation within the study site is slated for removal and the Native Vegetation Removal Report documents that a total of 8.249 hectares is proposed for removal (including vegetation that was already removed for undertaking the CHMP). On this basis, that would make the extent of PG1 0.349 ha.

Subsequent assessment for Victorian Grassland Earless Dragon and Striped Legless Lizard were undertaken from October to December 2024.

- Striped Legless Lizard surveys – habitat assessments in Dec 2023 and Aug 2024, then tile grids from early Oct-late Nov 2024. No individuals observed.
- VGED surveys– habitat assessment August 2024, tile grids and burrow checks from early Oct-late Dec 2024. No individuals observed.
- Tussock Skink, (endangered in Victoria) were not specifically surveyed for, but discovered incidentally during the 2024 surveys. Two individuals observed with 11.53 hectares of habitat attributed for this species (same area as GSM).
- GSM – incidental observations of 90 individuals during 2024 surveys.

MCMC comment:

We understand that the assessment results for native vegetation, threatened flora, Golden Sun Moth and Growling Grass Frog are all more than 5 years old. In our experience this is too long a period to still be considered relevant for adequately assessing against a current proposal. If assessment for these four elements has been renewed more recently, this should be stated in the current report. If not, updated assessment would be warranted.

In the 2021 assessment, the limitations section states that the site was grazed prior to the assessment being undertaken. Given the high cover of native grassland mapped across the property, even under these conditions, it is likely that this is a conservative assessment given the documented limitations.

Additionally, we note that in the 2021 report it is stated that a full vascular flora list was compiled. We noted in an earlier submission to the EPBC process that the flora list was surprisingly small for a full vascular flora list. The 2025 report then states that:

A comprehensive list of all terrestrial flora and fauna present within the study area was not undertaken as this was not the objective of the assessment. Rather a list of commonly observed species was recorded to inform the habitat hectare assessment and assist in determining the broader biodiversity values present within the study area.

The 2025 report does not correlate with the 2021 report and neither make sense when it is considered that in order to undertake a Habitat Hectare assessment, all indigenous species need to

be noted in order to determine species diversity for understorey Site Condition component. In summary it appears that very few native species were observed by the ecologists. This is far fewer than is normal for what is expected at this location, even under poor assessment conditions. If the initial assessment conditions were so poor, this should have been amended via subsequent assessments. In the 2025 report it is stated that: nine indigenous and 14 non-indigenous species were identified. The short species list, especially when it is stated that assessments were undertaken on at least three occasions (as per the methods statement from the 2025 report below) is surprising.

Field assessments were undertaken by ecologists accredited by DEECA in the habitat hectare assessment methodology on 17 December 2020, 20 March 2023 and 5 December 2023 to obtain information on flora and fauna values within the study area. The study area was walked, with all commonly observed vascular flora and fauna species recorded, and the overall condition of vegetation and habitats noted. EVCs were determined with reference to DEECA pre-1750 and extant EVC mapping (DEECA 2024a) and their published descriptions (DEECA 2024c).

Golden Sun Moth (GSM)

E&HP findings: *Targeted surveys for Golden Sun Moth were undertaken in the Summer 2019 flying season and a total of 290 Golden Sun Moth were recorded within the study area (Table 9, Figure 6 – (EHP 2021)). This comprised 11.53 hectares of GSM suitable habitat proposed within the study area.*

Additionally, EHP state that *'Moderate numbers of Golden Sun Moth have also been incidentally observed during the 2024 flight season as part of the VGED investigations within the study area'*. In fact 90 GSM were observed, including 88 in one single incidental observation. This is more than 'moderate numbers'.

MCMC comments:

According to the significant impact criteria for critically endangered ecological communities (DoE 2013), *an action is likely to be significant where there is a real chance or possibility that it will impact >0.5 hectares of contiguous habitat greater than 10 hectares.*

EHP have identified at least 11.53 hectares of GSM habitat is present at the site. At present much of this is proposed for removal.

Targeted surveys for GSM have revealed that this location is a very significant site for this species. In fact, ***the number and density of records makes this one of the most prolific sites for this species in northern Melbourne.***

MCMC Recommendation: When utilising the national EPBC Act 1999 measures for determining a 'significant impact'upon a Matter of National Environmental Significance, in this case the GSM, the survey findings clearly indicate that the proposed development represents a 'significant impact' to a very large area of GSM habitat.

On this basis, a very conservative approach should be applied to this site to demonstrate meaningful avoidance of impacts upon this important habitat as so many other significant sites have been lost in the Merri Creek Catchment and within Northern and Western Melbourne, formerly a stronghold for this species. This location is one of the larger remaining ones. Therefore, a much greater effort in avoidance and mitigation should be demonstrated.

Offsetting should not be the primary or default response in this case.

Growling Grass Frog (GGF)

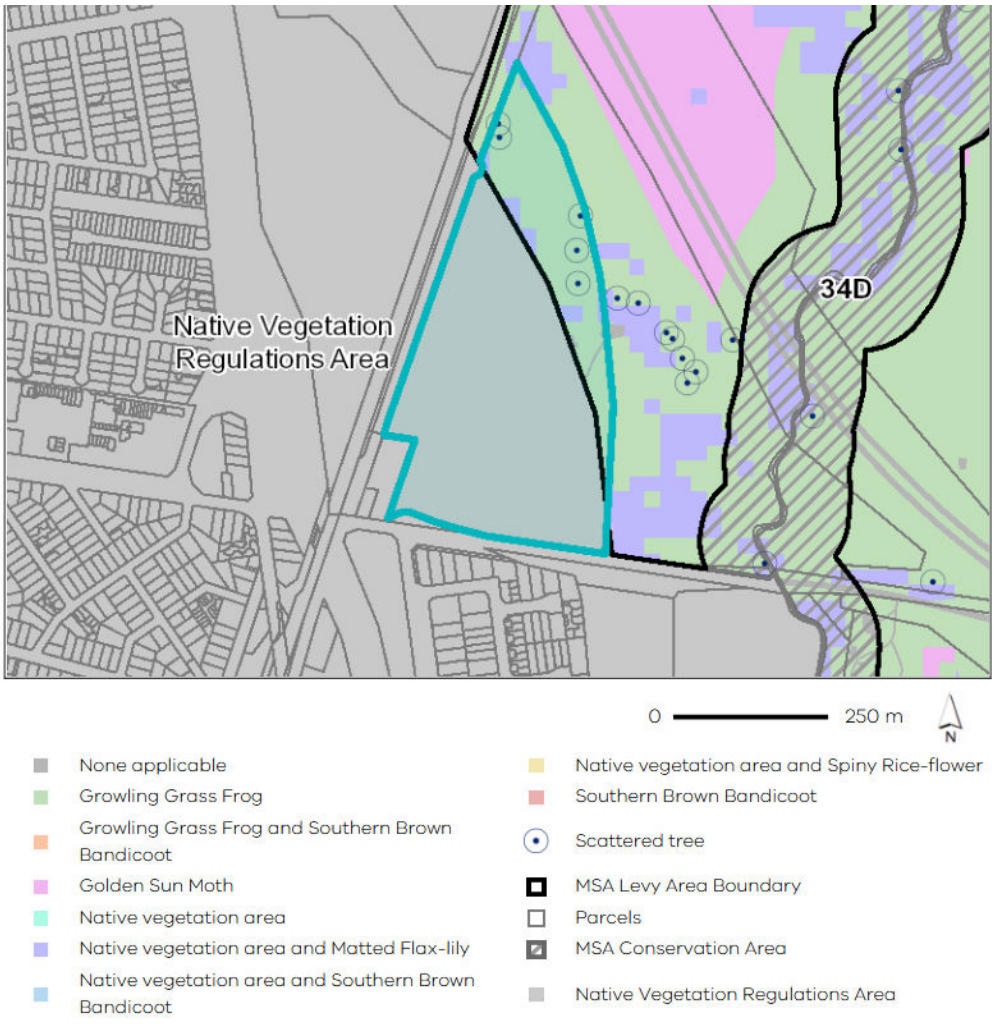
E&HP results: *Targeted surveys (February 2020) in potential habitat within the study area did not record Growling Grass Frog.*

MCMC comments:

GGF surveys were undertaken on two evenings in February from 9pm to 10:30pm. While the survey method was in accordance with standard survey methods, we have found that GGF calling times are often significantly later in the evening, normally much earlier in the season and that only two surveys may result in missing this species. We have found that it is less likely to hear males calling as late as February.

While GGF were not recorded via these surveys, we note that this species is known via survey records to occur both to the north and south of the subject site, along the Merri Creek (see map of Victorian Biodiversity Atlas records from NatureKit online mapping and database in Figure 3 below) and there is still potential for this species to utilise the Malcolm Creek corridor and its dam site. We also note that the MSA Environment Mitigation Levy mapping for this site and the adjacent 762 Craigieburn Road E property includes an area of 12.991 hectares, coinciding with a significant buffer of both Malcolm and Merri Creeks.

Figure 1 – MSA Environment Mitigation Levy mapping for the study site and the adjoining area



EHP state on p. 27 that:

> A habitat assessment along Malcom Creek did not identify the presence of any terrestrial habitat features (i.e. logs, rock and large boulders) located outside of a 30 metre buffer from the creekline (Plate 12; Plate 13). Further, the isolation of Malcolm Creek means there is little opportunity, or requirement for GGF to disperse further south into the study area given the absence of any suitable terrestrial or aquatic habitats in this direction (Figure 2).

We strongly dispute the conclusions drawn in this statement. Our experience shows that GGF do not require logs or large boulders to be necessarily present within terrestrial habitat. They can hide in cracks, under small rocks and amongst surface rock which is sometimes hidden by grass. These elements are present along Malcolm Creek and in the surrounding landscape. And we can see absolutely no valid reason for the statement dismissing a lack of habitat connection with Merri Creek along Malcolm Creek, a permanent waterway with known habitat could be dismissed in one sentence. We absolutely refute this assertion. In fact the photos accompanying this statement show conditions very similar to that of Curly Sedge Creek within galgi ngarrk, an area of known GGF population (see Figure 2). This section of Malcolm Creek has seen significantly less survey opportunity and effort than waterways in public land like Curly Sedge Creek and we expect that this is the only reason GGF have not been identified in this location. It is so close to the Merri where they do exist, there is no reason they would not also be onsite.

MCMC Recommendation: Given the fact that the Merri Creek in this locality is known to facilitate movement of this species and given the confluence with Malcolm Creek, the provision of adequate and appropriate habitat for this species must be included in plans for this site.

On this basis we recommend that the standards applied to the Melbourne Strategic Assessment Area – Conservation Area 34 just to the east of this site, also be adopted for the Growling Grass Frog at 752 Craigieburn Road East.

Figure 2- DELWP's Growling Grass Frog Masterplan for Melbourne's Growth Corridors (2017) identifies GGF terrestrial habitat buffers by measuring 100m from the centreline of streams. On this basis we recommend a 100m terrestrial habitat buffer apply to Malcolm Creek.

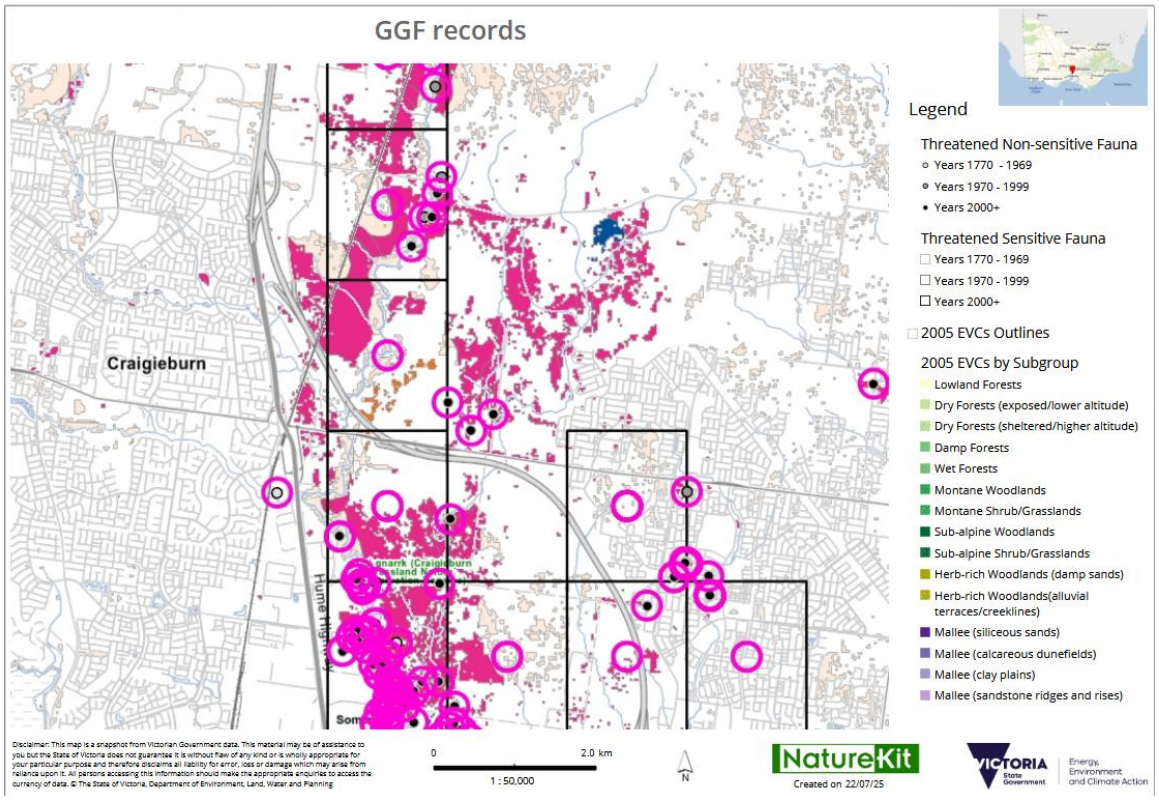
On the basis of the close proximity of the proposed subdivision to the GGF populations, we also recommend that a Growling Grass Frog Conservation Management Plan (CMP) be developed.

This CMP should undertake a detailed analysis of the impacts of the proposed development on the GGF and the methods required to reduce these impacts through the planning and construction and implementation phases.

Additionally, the eastern subdivided block – now 762 Craigieburn Road East, along the Merri Creek is part of the MSA Biodiversity Conservation Strategy Conservation Area 34 (shown in Figure 1)

which is in place to conserve the GGF. At present there is little mention of requirements for the landholder associated with this area of land. We suggest that this be amended.

Figure 3. GGF Records sourced from NatureKit2



Native Vegetation Patches and Natural Temperate Grassland of the Victorian Volcanic Plain

E&HP results: *Several patches of Plains Grassland within the study area were mapped.*

These were identified as PG1 (Habitat Score 0.16) and PG2a (Habitat Score 0.27) and PG2b (Habitat Score 0.28).

In total The Native Vegetation Removal Report at Appendix 3 states that 8.249 hectares of native vegetation are slated for removal. Figure 4 shows that this is the entirety of all mapped native vegetation within the study site. Of this, 7.87 hectares meets the threshold for the EPBC-listed community Natural Temperate Grasslands of the Victorian Volcanic Plain as well as for the FFG-listed community Western Basalt Plains Grassland.

MCMC Recommendation: The removal of all assessed native vegetation within the study site shows no attempt at Avoiding and Minimising. This does not meet the requirements of Clause 52.17 under the Planning and Environment Act, and the Hume Planning Scheme. Similarly it does not meet the requirements do demonstrate Avoid and Minimise under the EPBC Act nor align with the obligation for Public Authorities such as Hume City Council and DEECA to ensure that they align their decision-making with the objectives under the FFG Act.

On this basis, MCMC does not support the granting of a permit for this subdivision.

Habitat Hectare Scores - Review

A quick review of the Habitat Scores attributed to the abovementioned patches shows that these scores should be higher. For example a simple desktop check shows that the Landscape Context Scores are lower than they should be.

For example the distance to a core area is within 1km, galgi ngarrk is much greater than 50ha (at least 350 ha) and it is located within 890m of the study area and there is also areas to the north (209ha) which are similarly significant in size and only 520m away, therefore this should result in a score of 3 rather than 1. These examples are shown in Figures 4 and 5.

Figure 4 – Extent of native vegetation associated with galgi ngarrk (Craigieburn Grasslands) just to the south of the subject site

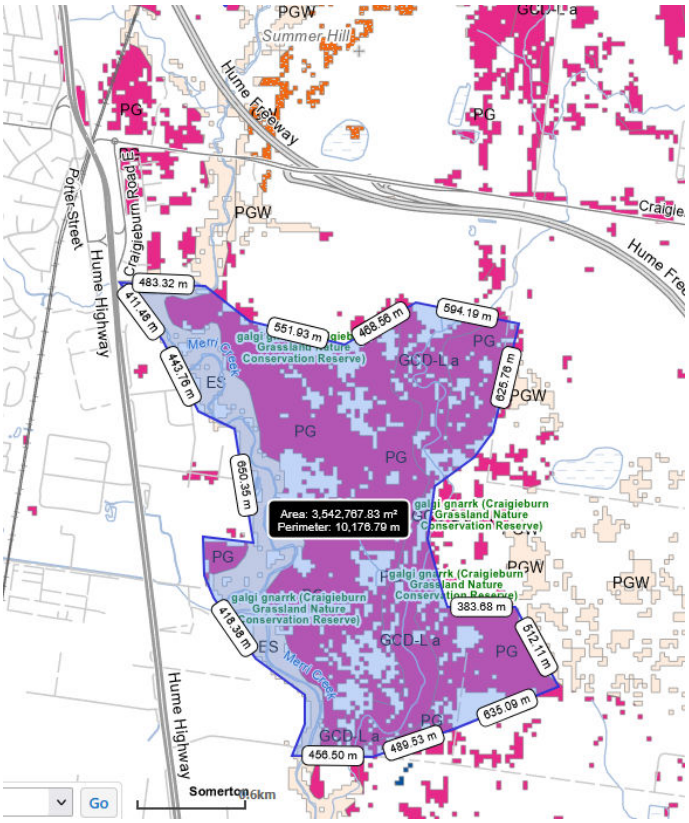
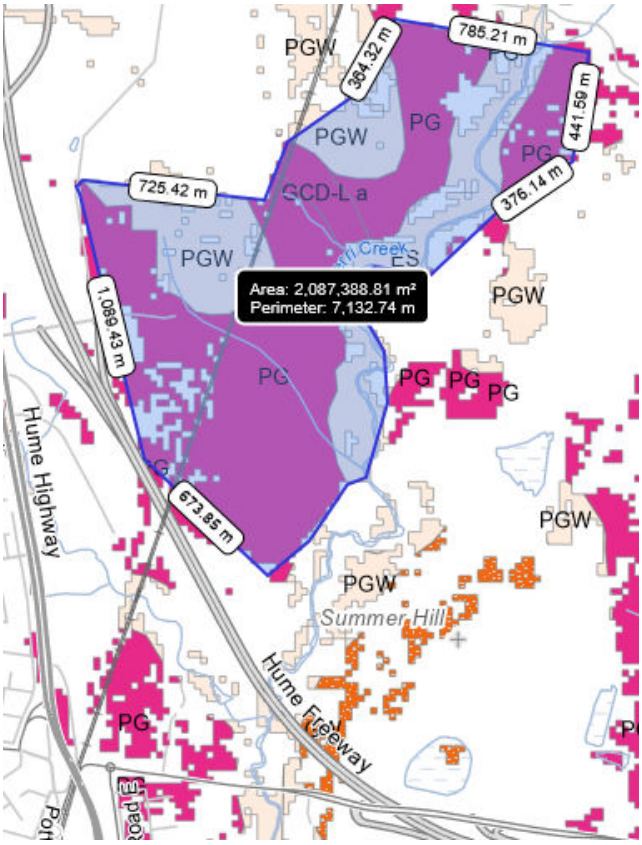


Figure 5 – Extent of native vegetation associated with area just to the north of the subject site



Additionally the patch size should be higher. The assessed Habitat Zones of native vegetation themselves equate to at least 8.249 ha and are located very close to each other. As the percentage cover of native grasses alone in PG2 resulted in more than 50%, it is very likely that across the entire site, the patch threshold of >25% of total perennial understorey vegetation would be considered 'native'. If not more if we consider adjoining areas. On this basis, the Patch Score should also be higher than 1. We suggest 4 (for an area of 5-10ha), although a score of 6 (for 10-20ha) would likely be more accurate, especially if the entire site was included – which it should be under the VQA methodology.

And the neighbourhood contains significantly more native vegetation than what is indicated by the score of 1. Our calculations in accordance with the Vegetation Quality Assessment Method are: 100m = 80%; 1km = 20%; 5km = 20%. When the correct multipliers are added, results in a total of 3.8 minus 2 (as significantly disturbed) = 1.8. This rounds up to 2.

If just these Landscape Context figures were adopted, which would be much more accurate, then the scores for each the patches would increase by at least 6 points, and probably 8 (for the higher patch score). This would see the following changes in scores: PG1 from 0.16 to at least 0.24; PG2a from 0.28 to at least 0.34 and PG2b from 0.27 to at least 0.33.

MCMC Recommendation: The habitat hectare assessment scores should be adjusted to better reflect the Landscape Context for the site and offset scores adjusted accordingly.

Matted Flax-lily and Curly Sedge

E&HP Results: *Targeted flora surveys were undertaken for Matted Flax-lily and Curly Sedge. No individuals were recorded within the study area.*

MCMC Comments

Targeted surveys for these two species were undertaken between 20th November to 23rd December, 2019 following the same transect lines as the GSM surveys shown as Figure 6 in the 2021 EHP report. As the site was heavily grazed and the later survey dates are past the most suitable time for Matted Flax-lily survey, the results of these surveys have severe limitations.

Additionally, two locations of Matted Flax-lily have formerly been identified on the northern escarpment of Malcolm Creek, as reported in Picone and Kern (2005) *Proposed Malcolm Creek Branch Sewer Extension, Flora and Fauna Assessment, Craigieburn.* Practical Ecology. However, a subsequent survey by Brett Lane and Associates in 2007 (*751 Craigieburn Road East – South of Hume Freeway, Targeted Matted Flax-lily Survey*) did not rediscover these two specimens. It is noted that there were no surveys undertaken along Malcolm Creek in the recent E&HP survey.

In regard to Curly Sedge, the E&HP report does not provide any information on the appropriate conditions for the species or survey timing. However, this species prefers moist conditions and again we note that the vicinity of the waterways were not actively searched for this species.

MCMC Recommendation: The entire site should have been surveyed following the cessation of grazing at an appropriate time of year for these species. This would include the entire site and the waterway environments in particular for Curly Sedge and the Malcolm Creek escarpments for Matted Flax-lily.

Lack of assessment in MSA area

The fact that the area under the MSA has not been specifically assessed is problematic for a few reasons. Firstly, there is not a complete or up-to-date picture available of the actual or full extent of native vegetation. This is required for some elements of the VQA assessment including patch size for the site. It also appears that the Malcolm Creek area was not assessed for its native vegetation and flora values. This is of some concern as there are Matted Flax-lily records that were identified in the 2005 Picone and Kern report on the northern side of the creek. We understand that the creek and its immediate environment are not currently subject to development under this proposal, except where there is a bridge crossing. While it may be thought that primary developer obligations under Federal and State legislation only concern reporting on the Victorian Native Vegetation Regulations obligations; FFG Act, 1988; MSA (EML) Act, 2020 and EPBC Act, 1999 obligations, a more holistic assessment approach should be applied to ensure that satisfactory consideration of local planning obligations such as under the two Environment Significance Overlays and to help inform planning decisions, such as placement of the crossing and waterway protection buffers. Furthermore, as there has been no onsite assessment of the land under the MSA area, onsite planning decisions for or against use of these areas for industrial or conservation purposes are unable to be made.

MCMC Recommendation: Further assessment work in other portions of the site outside of those already undertaken should inform the decisions around conservation values as well as instruct the final design.