

12 December 2024

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Dear Luke

**Peer review of flora & fauna assessment report associated with the redevelopment of 179 Tilburn Road, Deer Park**

**Project no. 41832**

This letter provides our peer review of a flora and fauna report prepared by Nature Advisory for the proposed redevelopment of the former Orica site at 179 Tilburn Road, Deer Park.

We understand HB+B Property are working to develop approximately 66 hectares of the eastern part of the site into an industrial business park (see the Flora and Fauna Assessment Report for location and figures). HBB lodged a planning application subdivision with Brimbank City Council on 14<sup>th</sup> August 2024 and subsequently two referrals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Development Plan for the site was endorsed by Council on 26<sup>th</sup> September 2024.

On 8 August 2023 we provided you with a peer review of reports by EHP and an earlier version of the Nature Advisory report. The current review is of the Nature Advisory report *Orica Deer Park, Tilburn Road, Deer Park Flora and Fauna Assessment December 2024 No. 22173.02 (1.9)* (Flora and Fauna Assessment Report).

Our review is also informed by a letter to HB+B from WSP dated 25<sup>th</sup> October 2024. It provides a summary of historical site activities and conditions at the site. This sets out the history of very significant past disturbance entailed in production of explosives and chemicals that occurred and of subsequent remediation activities at the site.

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Our peer review offers an assessment of whether:

- The report provides a reasonable description of the ecological values associated with the site.
- The report provides a reasonable assessment of the ecological impacts of the project.
- The report references relevant State and Commonwealth legislation, policy and guidelines.
- The methodology described in the report conforms to relevant State and Commonwealth legislation, policy and guidelines and the conclusions reached are appropriate.

This peer review is focussed on methodology of the Nature Advisory assessment. It is not feasible for a peer review of this kind to evaluate the detailed results of the assessment, but it does offer a general consideration of the assessment's findings.

Our review was informed by a site visit conducted on 4 December led by Jeff Yugovic, Senior Associate Ecologist. Its primary purpose was to provide a general context and a high-level familiarity with ecological values of the site.

### **Review of the flora and fauna assessment report**

The Flora and Fauna Assessment Report provides a biodiversity assessment of approximately 80 hectares of land representing the limit of works for the development proposal. The area is bordered by the Western Ring Road, Kororoit Creek, Ballarat Road, Tilburn Road and the remainder of the property to the west that remains under ownership of Orica. It addresses the potential for species and ecological communities listed under the EPBC Act and/or the *Flora and Fauna Guarantee Act 1988* (FFG Act) to be impacted by the proposed development of the site. It also addresses the extent and condition of native vegetation as per Victoria's *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017).

The Flora and Fauna Assessment Report has been updated from a previous version on the basis of additional fieldwork undertaken in late October 2024 which reassessed the current extent and condition of native vegetation within the study area.

The assessment methods described in the Flora and Fauna Assessment Report for both consideration of existing information and fieldwork are appropriate. The assessment found that species listed as threatened and/or migratory under relevant legislation are either not likely to occur due to lack of suitable habitat or, in the case of Growling Grass Frog, that its potential habitat within the corridor of Kororoit Creek will be protected by an adequate buffer. On that basis the Flora and Fauna Assessment Report concluded that targeted investigations for significant species of flora or fauna are not necessary. We recognise that assessments between 2009 and 2012 included some targeted surveys and they contribute to understanding of the biodiversity of the site, but we question whether the four days of field work undertaken for the flora and fauna assessment report were sufficient to fully consider the current potential for cryptic species to occur on a site of approximately 80 hectares. Nonetheless, in view of the substantial past disturbance of the site, we consider it is reasonable to suggest that threatened species are unlikely to use the site.

The proposed buffer to protect habitat for Growling Grass Frog along the Kororoit Creek corridor complies with the endorsed Development Plan that has previously been referred to Melbourne Water and DEECA.

The number of species records depicted and similarity of the icons used in Figures 3 and 4 make it virtually impossible to distinguish which species are shown.

A list of 17 threatened fauna species (section 5.5.2) includes Swamp Skink but not Striped Legless Lizard. Figure 4 shows no records of Swamp Skink but a high concentration of Striped Legless Lizard records from the local area. The records agree with our knowledge of the distribution and habitat preferences of these

reptiles. The table in that section and the account for the species in section 5.5.3 also suggest Swamp Skink may occur along Kororoit Creek, but the area is far outside the known distribution of that species. We accept that habitat degradation may have rendered the site largely unsuitable for Striped Legless Lizard, albeit that it is known to inhabit some non-native grasslands, but we consider it far more likely that it would occur on the site than that Swamp Skink might do so.

Consideration of impacts against relevant guidelines, policy and legislation appear to be appropriate. The latter include:

- Brimbank Planning Scheme
- *Guidelines for the removal, destruction or lopping of native vegetation*
- *Environment Protection and Biodiversity Conservation Act*
- *Flora and Fauna Guarantee Act*
- *Environment Effects Act*
- *Catchment and Land Protection Act*

The Flora and Fauna Assessment Report found that the proposed development may result in a significant impact on the EPBC Act listed threatened ecological community Natural Temperate Grassland of the Victorian Volcanic Plain (0.291 hectares of this community is expected to be removed from the site). This total was comprised of a number of small areas, each of which was somewhat degraded. As a consequence, we consider it is reasonable for the Flora and Fauna Assessment Report to conclude that none of them are likely to support significant species or listed species of flora or fauna.

Regarding the vegetation, from our site inspection we found the Flora and Fauna Assessment Report vegetation mapping to be reliable and we were able to confirm the patches mapped by Nature Advisory.

We found nine additional native plant species but none is listed as threatened under legislation so they do not alter the Nature Advisory vegetation mapping and assessment.

Construction mitigation measures recommended (section 8) are reasonable and in line with those that are routinely implemented for similar projects.

Overall, we consider the methods described in the Flora and Fauna Assessment Report are appropriate and, on that basis that conclusions reported provide a reasonable assessment of the ecological values of the site. They are generally consistent with our own knowledge of the ecological values of the local area.

Thank you for the opportunity to provide this review and please contact me if there are any aspects you would like to discuss.

Kind regards,



Ian Smales

Principal Zoologist