

Draft Report

Targeted Surveys for Golden Sun Moth *Synemon plana* and Striped Legless Lizard *Delma impar*: Bacchus Marsh Development Project, Bacchus Marsh, Victoria

Prepared for

Bacchus Marsh Developments Pty Ltd

February 2018

Ecology and Heritage Partners Pty Ltd



DOCUMENT CONTROL

Assessment	Targeted Surveys for Golden Sun Moth Synemon plana and Striped Legless Lizard Delma impar							
Address	acchus Marsh Development Project, Bacchus Marsh, Victoria							
Project number	9198							
Project Manager	Shannon LeBel (Senior Botanist)							
Report Author	Dr Mel McGregor (Ecologist)							
Report reviewer	Shannon LeBel (Senior Botanist)							
Mapping	Monique Elsley (GIS Consultant)							
File name	9198_EHP_Merrimu_TargetedSurveys_Draft_20022018							
Client	Bacchus Marsh Developments Pty Ltd							
Bioregion	Victorian Volcanic Plain, Central Victorian Uplands							
СМА	Port Phillip and Western Port							
Council	Moorabool Shire Council							

Report versions	Comments	Comments updated by	Date submitted
Draft 1	Submitted to Client for review	-	20/02/2018

Acknowledgements

We thank the following people for their contribution to the project:

- Yvonne Bartonek and Nick Parthemos (Bacchus Marsh Developments) for project and site information;
- The landowners who provided access to the study area;

Copyright © Ecology and Heritage Partners Pty Ltd

This document is subject to copyright and may only be used for the purposes for which it was commissioned. The use or copying of this document in whole or part without the permission of Ecology and Heritage Partners Pty Ltd is an infringement of copyright.

Disclaimer

Although Ecology and Heritage Partners Pty Ltd have taken all the necessary steps to ensure that an accurate document has been prepared, the company accepts no liability for any damages or loss incurred as a result of reliance placed upon the report and its contents.



SUMMARY

Introduction

Ecology and Heritage Partners was commissioned by Bacchus Marsh Developments Pty Ltd to undertake targeted surveys Golden Sun Moth *Synemon plana* and Striped Legless Lizard *Delma impar* at 16 properties that are within the proposed Bacchus Marsh Development Project, Bacchus Marsh, Victoria (the 'study area'). These targeted surveys were undertaken to establish the presence of Golden Sun Moth and Striped Legless Lizard on-site, and address any implications under Commonwealth environmental legislation.

Methods

Golden Sun Moth

Targeted Golden Sun Moth surveys were undertaken on four separate occasions (30 November, 12 and 15 December 2017 and 3 January 2018) during optimal conditions suitable for detecting species. The male generally flies between 11am and 2pm on calm, warm (over 20°C), sunny days, with the species emerging between October and January.

Surveys were carried out by qualified zoologists in areas where potentially suitable habitat for the species exists within the study area. The survey focused on areas of indigenous grassland, namely those areas dominated by Wallaby-grass *Rytidosperma* spp., Kangaroo-grass *Themeda triandra*, Spear-grass *Austrostipa spp.* as well as in areas of Chilean Needle-grass *Nassella* spp. which is a known food source for the species.

Transects were identified and walked and/or driven in any potential habitat present within the study area over a minimum of four separate days. Surveys were conducted in accordance with approved methodology identified within the Biodiversity Precinct Planning Kit and the Significant impact guidelines for the critically endangered golden sun moth.

Striped Legless Lizard

Targeted surveys were undertaken to investigate the quality and extent of Striped Legless Lizard habitat within the study area. The surveys were conducted in accordance with the *Environment Protection and Biodiversity Conservation Act 1999 Referral Guidelines for the Vulnerable Striped Legless Lizard, Delma impar.* Tiles were checked on six occasions throughout spring 2017 (28 September, 11 and 20 October, and 6, 17 and 24 November).

In accordance with the referral guidelines for Striped Legless Lizard, 17 tile grids were established within identified 'patches' of habitat, with each consisting of a grid of 5 x 10 terracotta roof tiles (measuring approximately 25 metres x 50 metres), which were checked on weather appropriate days, between 7am and 10am.

Results

Golden Sun Moth

Targeted surveys recorded significant numbers of Golden Sun Moth within the site during the four surveys, particularly on the first survey day, with the study area supporting suitable habitat characteristics. Targeted



surveys were only conducted in appropriate habitat (i.e. not in cropped areas, or areas dominated by the species non-preferred food plants).

In total, 58.725 hectares of confirmed habitat was recorded within the study area, with 41.542 hectares located in Properties 1-15, and a total of 17.183 hectares located in Property 16.

Striped Legless Lizard

Despite the presence of suitable habitat, 17 grids placed in areas representative of the best quality habitat, and targeted surveys undertaken at an appropriate time of year, no Striped Legless Lizards were detected within the study area during the six tile grid checks undertaken. The targeted survey recorded four reptile species: Bougainville's Skink *Lerista bougainvillii*, Delicate Skink *Lampropholis delicata*, Common Bluetongue Lizard *Tiliqua scincoides*, and Eastern Tiger Snake *Notechis scutatus*.

Based on targeted survey results, and the lack of records within the project locality, a population of Striped Legless Lizards are considered unlikely to be present in the study area, or if present, in very low numbers.

Legislative and Policy Implications

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act - Commonwealth)

Based on the results of the targeted surveys, the proposed action is unlikely to have a significant impact on Striped Legless Lizard. However, in accordance with the EPBC Act-significant impact guidelines for Golden Sun Moth, any proposed subdivision and future development within Properties 1-15 is likely to have a significant impact on the Golden Sun Moth due to potential disturbance to 41.542 hectares of confirmed habitat.

In conjunction with the confirmed presence of one flora species (Spiny Rice-flower) and confirmed presence of one ecological community (Natural Temperate Grassland of the Victorian Volcanic Plain)) listed under the EPBC Act, it is recommended that a referral is prepared to allow the Commonwealth Environment Minister to assess impacts to matters of NES under the EPBC Act once a development plan for the Bacchus Marsh Development Project has been prepared.



CONTENTS

1	INT	ROD	UCTION	6
	1.1	Bac	kground	6
	1.2	Obj	ectives	6
	1.3	Stud	dy Area	6
	1.4	Targ	geted Species	8
	1.4.	1	Golden Sun Moth	8
	1.4.	2	Striped Legless Lizard	9
2	ME.	тно	DS	10
	2.1	Nor	nenclature	10
	2.2	Targ	geted Fauna Surveys	10
	2.2.	1	Striped Legless Lizard	10
	2.2.	2	Golden Sun Moth	10
	2.3	Asse	essment Qualifications and Limitations	11
3	RES	ULT	s	12
	3.1	Targ	geted Fauna Survey	12
	3.1.	1	Golden Sun Moth	12
	3.1.	2	Striped Legless Lizard	13
4	LEG	SISLA	ATIVE IMPLICATIONS	15
	4.1	Env	ironment Protection and Biodiversity Conservation Act 1999 (Commonwealth)	15
	4.1.	1	Implications	15
	4.2	Oth	er Legislation	16
R	EFERE	NCE:	S	17
FI	GURE	ς		19



1 INTRODUCTION

1.1 Background

Ecology and Heritage Partners was commissioned by Bacchus Marsh Developments Pty Ltd to undertake targeted surveys at 16 properties that are within the proposed Bacchus Marsh Development Project, Bacchus Marsh, Victoria (the 'study area'). Targeted surveys were undertaken for the following nationally significant fauna species:

- Golden Sun Moth Synemon plana; and
- Striped Legless Lizard Delma impar.

Ecology and Heritage Partners Pty Ltd completed a detailed ecological assessment within the study area (Ecology and Heritage Partners 2017) and identified suitable habitat for both Golden Sun Moth and Striped Legless Lizard. Targeted surveys were recommended to determine the presence or absence of this species, and where possible to ascertain its distribution and abundance and the extent of the species habitat within the study area.

Targeted surveys were also undertaken for the nationally significant Spiny Rice-flower *Pimelea spinescens* subsp. spinescens, with the results of these surveys detailed in the ecological assessment report (Ecology and Heritage Partners 2017).

The following addresses any implications under Commonwealth environmental legislation associated with the proposed development should either of the nationally significant fauna species be identified within the study area.

1.2 Objectives

The objectives of the targeted surveys were to:

- Complete a desktop review and field survey to determine the presence or absence of the target flora and fauna species within the study area;
- Identify known and potential impacts on the target species associated with the proposed subdivision;
- Provide information in relation to relevant implications of Commonwealth and State environmental legislation and policy associated with the proposed activity; and,
- Provide advice on mitigation measures.

1.3 Study Area

The study area covers approximately 430 hectares, and is comprised of 16 properties bound by Gisborne Road to the west, and Bences Road to the east (Table 1) approximately 50 kilometres north-west of



Melbourne's CBD (Figure 1). It should be noted that Property 16 is ultimately proposed to be secured and managed as an offset site, and will not be subject to any proposed development.

Remnant native vegetation in the study area is representative of four EVCs: Low Rainfall Plains Grassland (EVC 132_63), Grassy Woodland (EVC 175), Rocky Chenopod Woodland (EVC 64) and Plains Grassy Wetland (EVC 125) (Figure 2). Some remnants of Plains Grassland meet the thresholds that define the nationally significant Natural Temperate Grasslands of the Victorian Volcanic Plain (NTGVVP) ecological community (Ecology and Heritage Partners 2017)..

Properties that were considered to support suitable habitat for either Golden Sun Moth or Striped Legless Lizard, and were subject to targeted surveys are indicated in Table 1.

Table 1. Properties within the study area

Property						
Number *	Address	Title details	Potential Habitat			
1	2621 Gisborne Road	Proposed lots 1 and 2 on PS724534Y	SLL			
2	Gisborne Road	Lot 1 PS124024	SLL; GSM			
3	146 Bences Road	PS124024	-			
4	2677 Gisborne Road	Lot 1 TP578035R	SLL; GSM			
5	Gisborne Road	Lots 1,2,3&4 TP567257J	SLL; GSM			
6	Buckleys Road	Lot 1 on TP958042C	SLL; GSM			
7	268 Bences Road	Lot 1 PS125141	SLL			
8	139 O'Connell Road	Lots 1&2 TP408175C	SLL			
9	332 Bences Road	Lot 2 PS125141	SLL; GSM			
10	372 Bences Road	Lot 2 PS432900C	SLL; GSM			
11	376 Bences Road	Lot 2 PS411883S	SLL; GSM			
12	Lerderderg Park Road	Lot 1 TP97760S	SLL; GSM			
13	Lerderderg Park Road	Lot 1 TP111405 (part)	SLL; GSM			
14	345 Bences Road	Lot 2 PS139808	SLL			
15	295 Bences Road	Lot 1 LP139808	SLL; GSM			
16*	289 Bences Road	Allot E, Sec 18\PP3095 SLL; GSM				

Note. See Figure 2 for location of properties within the study area. * Property 16 is not proposed for development, and is proposed to be secured and protected as an offset site; GSM – Golden Sun Moth habitat, SLL – Striped Legless Lizard habitat.

According to the Department of Environment, Land, Water and Planning (DELWP) Native Vegetation Information Management (NVIM) Tool (DELWP 2018a), the study area occurs within the Victorian Volcanic Plain, Central Victorian Uplands bioregions. It is located within the jurisdiction of the Port Phillip and Western Port Catchment Management Authority (CMA) and the Moorabool Shire Council municipality.



1.4 Targeted Species

1.4.1 Golden Sun Moth

The Golden Sun Moth is listed as Critically Endangered under the Commonwealth EPBC Act, Threatened under the FFG Act and Critically Endangered on the Advisory List for Threatened Invertebrate Fauna in Victoria (DSE 2009; Plate 1).

The Golden Sun Moth typically occurs in native grassland and grassy woodland habitats dominated by greater than 40% cover of Wallaby-grass *Rytidosperma* spp. (DSE 2004), but may also inhabit areas dominated by Kangaroo Grass *Themeda triandra* (Endersby and Koehler 2006) and introduced grassland dominated by Chilean Needle-grass *Nassella neesiana* and other introduced species (A. Organ pers. obs.). Male flight is typically low, to about one metre above the ground, fast and can be prolonged, but they are generally not recorded flying more than 100 metres from suitable habitat (Clarke and O'Dwyer 1999). The male of this species generally flies between 11am and 3pm on calm, warm (over 20°C), sunny days.

Prior to European settlement, the Golden Sun Moth was widespread and relatively continuous throughout its range, inhabiting grassy open woodlands and grassland, although it now mainly inhabits small isolated sites (DSE 2004). The species is threatened by habitat loss, disturbance and fragmentation due to agricultural expansion and urbanisation. Many populations are isolated and fragmented, impeding the ability of the relatively immobile females to recolonise areas, thereby reducing the likelihood of genetic exchange (DSE 2004). Such populations are therefore vulnerable as there is little likelihood of recolonisation in the event of a local extinction.

The study area supports large expanses of the species preferred habitat (i.e. native and introduced grasslands) throughout the study area. The species' preferred host plants (i.e. Wallaby-grasses *Rytidosperma* spp., Spear-grasses *Austrostipa* spp., and Kangaroo Grass *Themeda triandra*) are scattered throughout much of the site, and occur in highest densities within patches of Plains Grassland (EVC 132). In addition to this, there are scattered infestations throughout the site of the Weed of National Significance, Chilean Needlegrass *Nassella neesiana*, which is known to also provide suitable habitat for the threatened Golden Sun Moth.



Plate 1. Golden Sun Moth (Ecology and Heritage Partners Pty Ltd)



Plate 2. Striped Legless Lizard (Ecology and Heritage Partners Pty Ltd).



1.4.2 Striped Legless Lizard

The Striped Legless Lizard is listed as Endangered in Victoria and Vulnerable nationally under the Commonwealth EPBC Act (DSE 2013; Plate 2). The species is also listed as a threatened taxon under the Victorian FFG Act. An FFG Act Action Statement (Webster *et al.* 2003) and a National Recovery Plan 1999-2003 (Smith and Robertson 1999) have been developed for the species. A National Recovery Team also exists for this species. Overall the species is of national conservation significance, and is also protected under the Victorian *Wildlife Act 1975*.

The Striped Legless Lizard is restricted to the lowland tussock grassland habitats (Coulson 1990) in temperate south-eastern Australia where the species has a limited and patchy distribution. Since European settlement the distribution of Striped Legless Lizard is believed to have declined and the species is known to have disappeared from many sites. It has been estimated that 95% of Victoria's native lowland grasslands have been grossly altered since European settlement. The major type of grassland known to support Striped Legless Lizard is the Western (Basalt) Plains Grassland community, and the majority of sites in Victoria occur on cracking clay soils with at least some surface rock which provides shelter (Cogger. 1996; Coulson 1995).

A small percentage of the original habitat for Striped Legless Lizard now exists, and therefore this species is thought to probably occur in small, isolated populations because remaining habitat is very limited in area and severely fragmented (Webster *et al.* 2003).

Suitable habitat for Striped Legless Lizard is present in areas of native and introduced grassland throughout the study area, predominantly outside of areas that have been subject to ground disturbance as a result of cropping activities. Dominant exotic species within suitable habitat that may be used by Striped Legless Lizard include Chilean Needle-grass and Serrated Tussock *Nassella trichotoma*.



2 METHODS

2.1 Nomenclature

The names of vertebrate fauna follow the Victorian Biodiversity Atlas (VBA) (DELWP 2018b). Common and scientific names of vascular plants follow both the VBA (DELWP 2018b) as well as the Census of Vascular Plants of Victoria (Walsh and Stajsic 2007). Vegetation community names follow DELWP's EVC benchmarks (DELWP 2018c).

2.2 Targeted Fauna Surveys

2.2.1 Striped Legless Lizard

The survey involved the deployment of artificial refuge structures through the establishment of tile grids in areas of potential habitat within the study area (Figure 3). The intention of establishing a grid of roof tiles is that individuals will use the artificial habitat for shelter, and to assist in thermoregulation.

Artificial refuges provide areas for zoologists to focus search attempts in which tiles are lifted to check for the presence of lizards. The adopted methodology is widely accepted as the primary survey technique for this species, particularly in areas supporting surface rock cover (DSEWPaC 2011a, 2011b).

Seventeen rectangular grids of terracotta roof tiles, 5 x 10 tiles (25 metres x 50 metres), were established in identified patches of suitable habitat (i.e. areas supporting a combination of preferred habitat features, including tussock-forming grasses, surface rocks and cracking soils) (Figure 3). Surveys were undertaken in accordance with the *Survey Guidelines for Australia's Threatened Reptiles* (DSEWPaC 2011b) and included:

- 850 grooved terracotta roof tiles (17 grids arranged in 5 x 10 rectangular grids) were placed in areas of suitable habitat within the study area (Figure 3). Tiles were laid in areas that have the highest likelihood of supporting Striped Legless Lizard;
- Tile grids were laid on 3 and 4 August 2017;
- Tiles were checked during cool weather conditions (i.e. less than 20 degrees Celsius where possible) between 7.00am and 10.00am; and
- Tile grids were checked on six occasions between 28 September and 24 November 2017.

2.2.2 Golden Sun Moth

Areas of suitable habitat were traversed by qualified zoologists over four separate days during the known flight season (i.e. November to early January). In particular, surveys focussed on areas supporting suitable host plants including native Wallaby Grass and the noxious weed Chilean Needle Grass. Surveys were undertaken at a time which is considered suitable for detecting the Golden Sun Moth (i.e. when adult males are flying), and when the species was observed flying at known reference site (Avalon, Epping, Bacchus Marsh).

Targeted surveys for Golden Sun Moth were undertaken at the study area on four separate occasions on 30 November, 12 and 15 December 2017 and 3 January 2018. Survey procedures were in accordance with the



Significant impact guidelines for the critically endangered golden sun moth (DEWHA 2009), with the following tasks undertaken:

- A habitat assessment was completed detailing information on habitat quality, biomass levels, presence of weeds and floristic diversity (Ecology and Heritage Partners 2017);
- Surveys were conducted by ecologists experienced in the detection and identification of Golden Sun Moth;
- The study area was surveyed on four separate occasions, with at least one week between surveys where possible;
- Surveys took place during the species' flight season (generally described as late October to early January). Moths were confirmed flying at known, nearby reference sites prior to undertaking each survey;
- Surveys were undertaken during weather conditions suitable for detecting the species (i.e. between 10am and 3pm on warm (over 20°C by 10am) days with minimal cloud cover and still conditions);
 and
- Surveys were conducted by qualified zoologists walking (or driving, where access was permitted) 10 to 50 meter wide parallel transects across all areas of suitable habitat.

2.3 Assessment Qualifications and Limitations

Data and information held within the ecological databases and mapping programs reviewed as part of the desktop assessment are unlikely to represent all flora and fauna observations that have occurred within, and surrounding, the study area. Therefore, it is important to acknowledge that the number of documented records for the target species within and surrounding the study area is not necessarily a reflection of population size or density. Furthermore, a documented record may indicate a species' presence in an area at a given point in time, but it generally does not offer information about how a species is making use of an area (e.g. foraging, dispersing, reintroducing, etc.). This can be important information when determining the potential impact of a proposed action on a threatened species.

Field assessments were undertaken during optimal seasons for the identification of the targeted flora and fauna species. Mowing and slashing of the study area was halted prior commencement of all targeted surveys, allowing native vegetation to recover, and habitat quality to improve.

Based on available information, the Golden Sun Moth flight season commenced at a majority of sites in early-mid November 2017, with moths known to be flying in early-January 2018.

It is considered that the survey effort, timing and results presented meet the objectives of the surveys and provide sufficient information to support the approvals processes.

All fieldwork was carried out under the appropriate licences, including a Research Permit (10006893) and Scientific Procedures Fieldwork Licence (SPFL 410) issued by DELWP under the Victorian *Wildlife Act 1975*, and an Animal Research permit issued by the Wildlife and Small Institutions Animal Ethics Committee (22.13).



3 RESULTS

3.1 Targeted Fauna Survey

3.1.1 Golden Sun Moth

The VBA contains over 300 records of the Golden Sun Moth within 10 kilometres of the study area (DELWP 2018b), most of which were recorded by Ecology and Heritage Partners at a nearby property in 2013 (Ecology and Heritage Partners 2013). This site was also used as a reference site prior to undertaking targeted surveys within the study area.

Targeted surveys recorded significant numbers of Golden Sun Moth within the site during the four surveys, particularly on the first survey day (Table 2), with the study area supporting suitable habitat characteristics. Due to the initial survey observing multiple hundreds of Golden Sun Moth within some properties, these properties were omitted from further assessment during subsequent surveys (Figure 4). Targeted surveys were only conducted in appropriate habitat (i.e. not in cropped areas, or areas dominated by the species non-preferred food plants).

In total, 58.725 hectares of confirmed habitat was recorded within the study area, with 41.542 hectares located in Properties 1-15, and a total of 17.183 hectares located in Property 16 (Figure 4; Table 3).

Table 2 Golden Sun Moth survey results1

Date	Survey times	Temperature (°C)	Wind (km/hr) Direction	Cloud cover (%)	Days since rain	Properties Surveyed	No. GSM
30/11/2017	10:00 - 15:00	34 - 39	31 N	60	2+	All	>200
12/12/2017	12:00 – 17:00	24 – 27	14 SW	5	2+	2*, 5, 6-13, 15	2
18/12/2017	10:00 - 17:00	22 –	11 SE	30	2+	2*, 5, 6-13, 15	0
04/01/2018	11:00 – 15:00	20 – 21	26 SSE	40	2+	2*, 5, 6-13, 15	0

^{*} surveyed area was outside, directly adjacent to property 2.

Table 3. Area of Confirmed Golden Sun Moth habitat

Confirmed GSM Habitat	Property 1-15	Property 16	Total	
Area (hectares)	41.542	17.183	58.725	

¹ Bureau of Meteorology (BOM) weather for Melbourne Airport, Victoria (Station 086282 – Dec 2017/Jan 2018), Australian Government, ACT.



3.1.2 Striped Legless Lizard

The VBA does not contain records of Striped Legless Lizard within 10 kilometres of the study area (DELWP 201b8b), although there is an unverified record located immediately south of the Werribee River, approximately three kilometres south of the site (ALA 2018).

Despite the presence of suitable habitat, 17 grids placed in areas representative of the best quality habitat (Figure 3; Plate 3), and targeted surveys undertaken at an appropriate time of year, no Striped Legless Lizards were detected within the study area during the six tile grid checks undertaken. The targeted survey recorded an additional four reptile species: Bougainville's Skink *Lerista bougainvillii*, Delicate Skink *Lampropholis* delicata (Plate 4), Common Bluetongue Lizard *Tiliqua scincoides*, and Eastern Tiger Snake *Notechis scutatus*. A summary of the survey results is provided in Table 4.

Based on targeted survey results, and the lack of records within the project locality, a population of Striped Legless Lizards are considered unlikely to be present in the study area, or if present, in very low numbers.



Plate 3. Tile grid setup within the study area (Ecology and Heritage Partners Pty Ltd 04/08/2017).



Plate 4. Delicate Skink *Lampropholis delicata* (Ecology and Heritage Partners Pty Ltd 25/10/2017).

Table 4. Summary of Striped Legless Lizard survey results

Check/ Date	Weather Conditions *								Factoria	
	Temp (°C)	Relative Humidity (%)	Above Tile Temp Cº	Under Tile Temp C°	SLL	Bougainville's Skink	Delicate Skink	Common Blue- tongue	Eastern Tiger Snake	Unidentified skink
1 - 28/09/17	14	73	11.9	9.9	-	TG9 x 1	-	-	-	TG1 x 1 TG6 x 1 TG9 x 1
2 - 11/10/17	17.1	35	14.6	13.5	-	TG 16 x 1	TG9 x 2	-	-	TG14 x 1
3 - 20/10/17	12	66	12.7	11.4	-	TG16 x 2 TG1 x 1	-	-	-	TG9 x 1



Check/ Date	Weather Conditions *									
	Temp (°C)	Relative Humidity (%)	Above Tile Temp C°	Under Tile Temp C°	SLL	Bougainville's Skink	Delicate Skink	Common Blue- tongue	Eastern Tiger Snake	Unidentified skink
4 - 6/11/17	10.7	75	11.1	9.8	-	TG17 x 3 TG3 x 1 TG7 x 1	-	TG14 x 1	TG8 x 1	-
5 -17/11/17	18	88	23.3	21.0	-	TG16 x 1	-	-	-	-
6 - 24/11/17	19	69	18.9	19.8	-	TG9 x 2 TG16 x 1	-	-	-	-

Note: * Beginning of tile check; SLL – Striped Legless Lizard; TG = Tile Grid



4 LEGISLATIVE IMPLICATIONS

The implications of the project with regards to relevant environmental legislation and policy relating to targeted fauna is outlined below.

4.1 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The EPBC Act establishes a Commonwealth process for the assessment of proposed actions (i.e. project, development, undertaking, activity, or series of activities) that are likely to have a significant impact on matters of national environmental significance (NES), or on Commonwealth land. An action, unless otherwise exempt, requires approval from the Commonwealth Environment Minister if it is considered likely to have an impact on any matters of National Environmental Significance (NES).

For species listed under the EPBC Act, a 'significant impact' is defined as an impact which is important, notable, or of consequence, having regard to its context or intensity (DoE 2013). Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is affected, and upon the intensity, duration, magnitude and geographic extent of the impacts. Importantly, for a 'significant impact' to be 'likely', it is not necessary for a significant impact to have a greater than 50% chance of happening; it is sufficient if a significant impact on the environment is a real or not remote chance or possibility (DoE 2013).

4.1.1 Implications

Striped Legless Lizard

In accordance with the EPBC Act referral guidelines for Striped Legless Lizard (DSEWPaC 2011b), any proposed subdivision and future development is not likely to have a significant impact to Striped Legless Lizard and associated habitat, as no Striped Legless Lizard were found on site. As such, there is a low likelihood that the species occurs within the study area, or will be significantly impacted by the proposed action.

Golden Sun Moth

In accordance with the EPBC Act-significant impact guidelines for Golden Sun Moth (DEWHA 2009), any proposed subdivision and future development within Properties 1-15 is likely to have a significant impact on the Golden Sun Moth due to potential disturbance to 41.542 hectares of confirmed habitat.

Summary

There is confirmed habitat for one fauna species (Golden Sun Moth), confirmed presence of one flora species (Spiny Rice-flower) and confirmed presence of one ecological community (Natural Temperate Grassland of the Victorian Volcanic Plain)) listed under the EPBC Act. Once a development plan for the Bacchus Marsh Development Project has been prepared, it is recommended that a referral is prepared to allow the Commonwealth Environment Minister to assess impacts to matters of NES under the EPBC Act.



4.2 Other Legislation

Implications relating to other relevant legislation and policy were identified within the Biodiversity Assessment report (Ecology and Heritage Partners 2018) and include:

- Flora and Fauna Guarantee Act 1988;
- Planning and Environment Act 1987;
- Wildlife Act 1975 and Wildlife Regulations 2013; and,
- Catchment and Land Protection Act 1994.



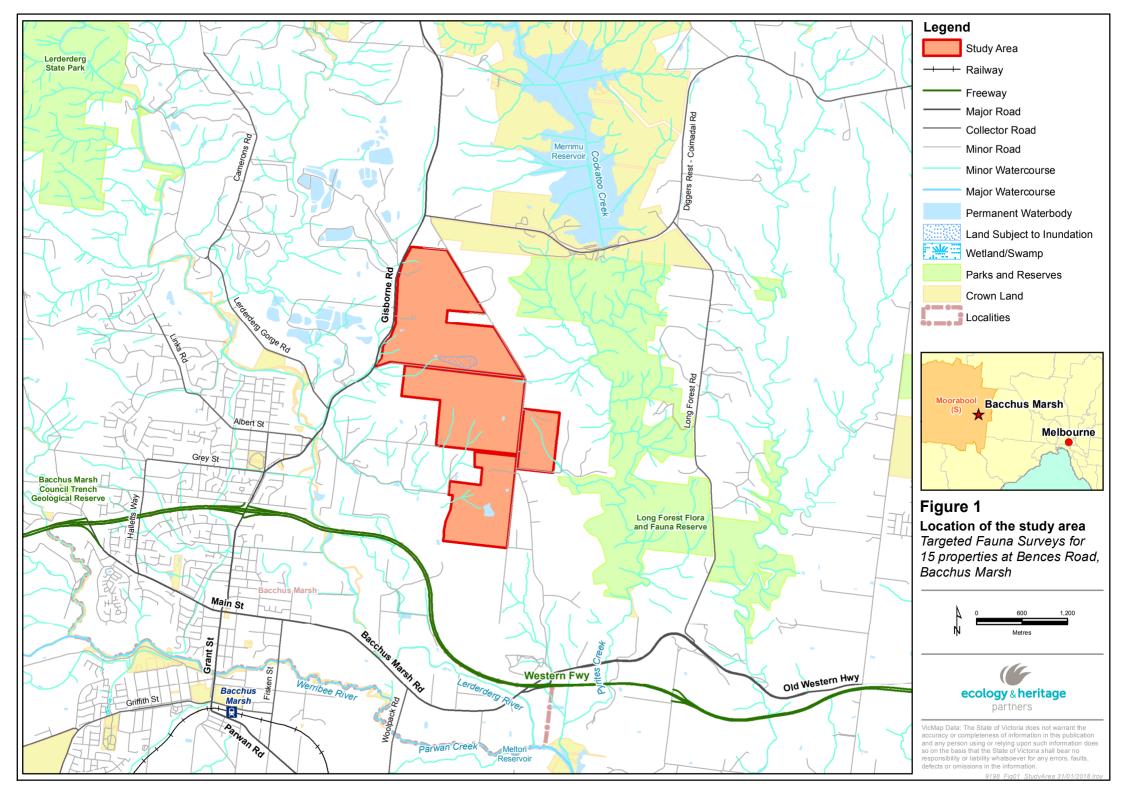
REFERENCES

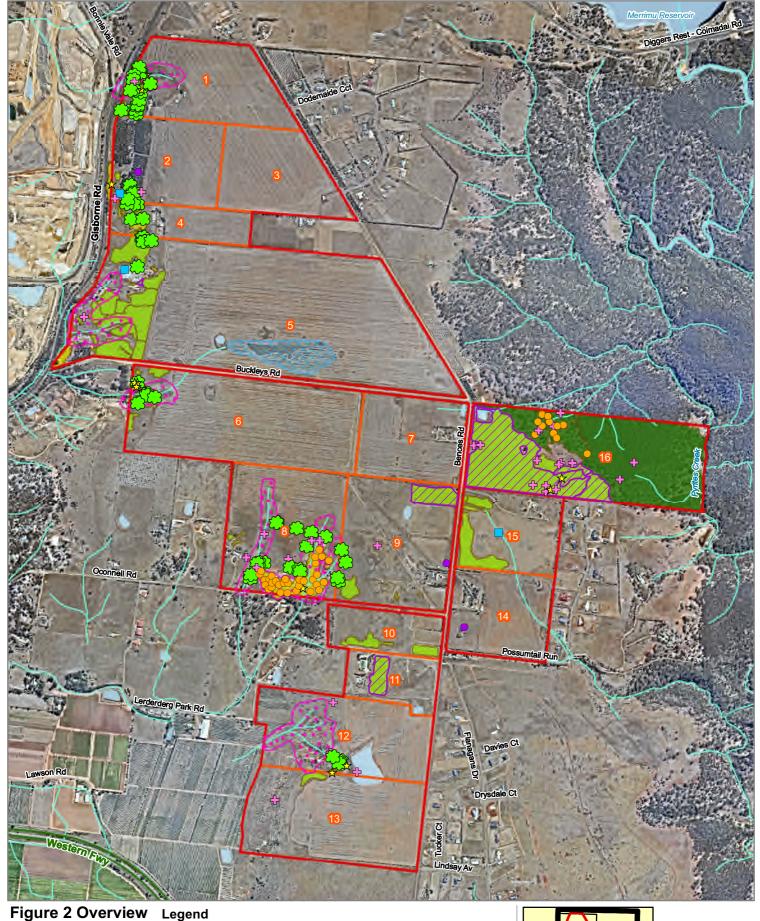
- ALA 2017. Atlas of Living Australia. [WWW document]/ URL: http://www.ala.org.au. NCRIS National Research Infrastructure for Australia. Commonwealth of Australia.
- Clarke, G.M. & C. O'Dwyer 1999. Further survey in southeastern New South Wales for the endangered golden sun moth, Synemon plana. Pg 77. CSIRO Entomology, Canberra.
- Cogger, H. G (Ed). 1996. Reptiles and Amphibians of Australia. 5th Edition. Reed Books Australia, Victoria.
- Coulson, G. 1990. Conservation Biology of the Striped Legless Lizard (*Delma impar*): an initial investigation. Arthur Rylah Institute for Environmental Research Technical Report Series No. 106, Department of Conservation and Environment, Melbourne.
- Coulson, G. 1995. Management directions for the Striped Legless Lizard (Delma impar) in the Australian Capital Territory. Technical Report 12. Wildlife Research Unit, ACT Parks & Conservation Service.
- DELWP 2018a. Native Vegetation Information Management Tool [WWW Document] https://nvim.delwp.vic.gov.au/. Victorian Department of Environment, Land, Water and Planning. [accessed January 2017]
- DELWP 2018b. Victorian Biodiversity Atlas. Sourced from: "VBA_FLORA25", "VBA_FLORA100", "VBA_FAUNA25", "VBA_FAUNA100", December 2017. Victorian Department of Environment, Land, Water and Planning. [accessed December 2017]
- DELWP 2018c. Ecological Vegetation Class (EVC) Benchmarks for each Bioregion [WWW Document]. https://www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks. Victorian Department of Environment, Land, Water and Planning. [accessed September 2017]
- DEWHA 2009. EPBC Act Policy Statement 3.12 Significant impact guidelines for the critically endangered golden sun moth (*Synemon plana*). [Online]. Available from: https://www.environment.gov.au/system/files/resources/b945f32e-3f75-4739-a793-9f672893f3bb/files/golden-sun-moth.pdf.
- DoE 2013. Significant Impact Guidelines 1.1. Matters of National Environmental Significance. Federal Department of the Environment and Energy, Canberra.
- DSE 2004. Flora and Fauna Guarantee Act Action Statement: Five threatened Victoria Sun Moths.

 Department of Sustainability and Environment, East Melbourne, Victoria.
- DSE 2009. Advisory list of Threatened Invertebrate Fauna in Victoria 2009. Victorian Department of Sustainability and Environment.
- DSE 2013. Advisory List of Rare or Threatened Fauna in Victoria. Victorian Department of Sustainability and Environment.
- DSEWPaC 2011a. *Environment Protection and Biodiversity Conservation Act 1999* referral guidelines for the vulnerable Striped Legless Lizard, *Delma impar*. Department of Sustainability, Environment, Water, Population and Communities, Canberra, ACT.



- DSEWPac 2011b. Survey Guidelines for Australia's Threatened Reptiles: Guidelines for detecting reptiles listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*. Department of Sustainability, Environment, Water, Population and Communities, Canberra, ACT.
- Ecology and Heritage Partners Pty Ltd. 2013. Targeted Flora and Fauna Surveys at Long Forest Estate, Merrimu, Victoria. Report prepared for QOD Property Group. December 2013.
- Ecology and Heritage Partners Pty Ltd. 2017. Ecological Assessment: Bacchus Marsh Development Project, Victoria. Prepared for Bacchus Marsh Developments Pty Ltd. December 2017
- Endersby, I & Koehler, S. 2006. Golden Sun Moth Synemon plana: discovery of new populations around Melbourne. The Victorian Naturalist 123, 362-365.
- Smith, W.J.S. & Robertson, P. 1999. National recovery plan for the Striped Legless Lizard (Delma impar) 1999-2003. Unpublished report to Environment Australia, Canberra.
- Walsh, N.G., Stajsic, V. 2007. A census of the vascular plants of Victoria, 8th ed. ed. Royal Botanic Gardens Melbourne.
- Webster, A., Fallu, R. & Preece, K. 2003. Flora and Fauna Guarantee Action Statement No. 17. Striped Legless Lizard Delma impar (updated website edition). Department of Conservation & Environment, Victoria.





Ecological features

Targeted Fauna Surveys for 15 properties at Bences Road,

Bacchus Marsh



Study Area

Areas of erosion

Scattered Tree

LOT in Patch

- ★ VROT
- Planted tree
- Noxious weed
- Waterbody

Ecological Vegetation Classes

Grassy Woodland EVC 175

Plains Grassland EVC 132

Plains Grassy Wetland EVC 125

Rocky Chenopod Woodland EVC 64

Current Wetland

EPBC listed vegetation community

Natural Temperate Grassland of the Victorian Volcanic Plain





VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defect or omissions in the information.

9198_Fig02_Properties_SigHab 31/01/2018 Iroy

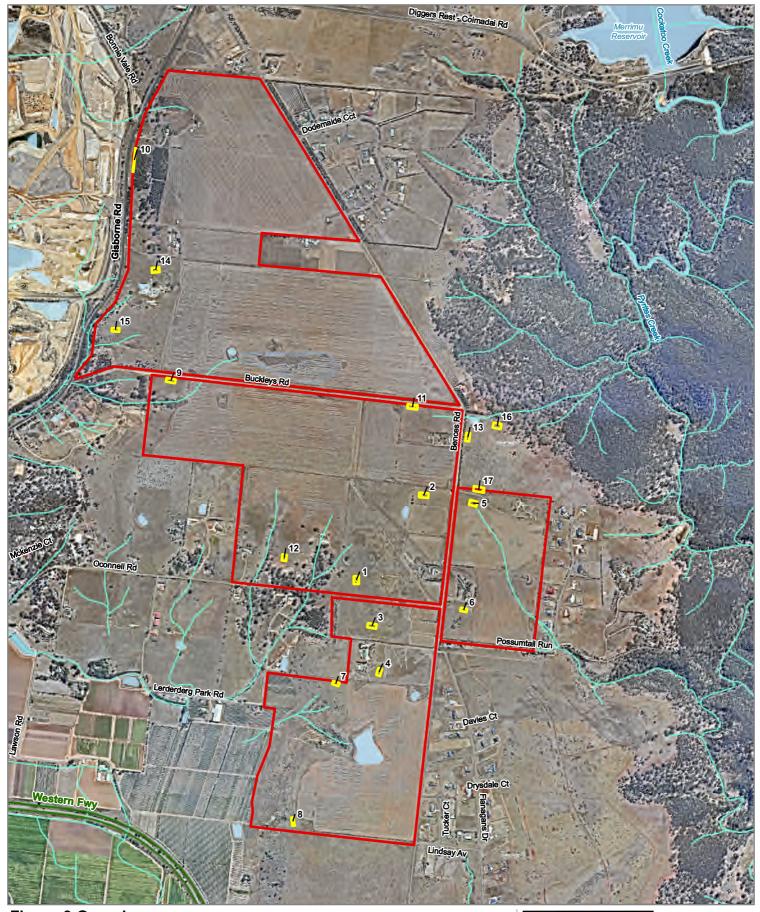
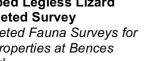


Figure 3 Overview Striped Legless Lizard Targeted Survey Targeted Fauna Surveys for

15 properties at Bences Road,

Bacchus Marsh



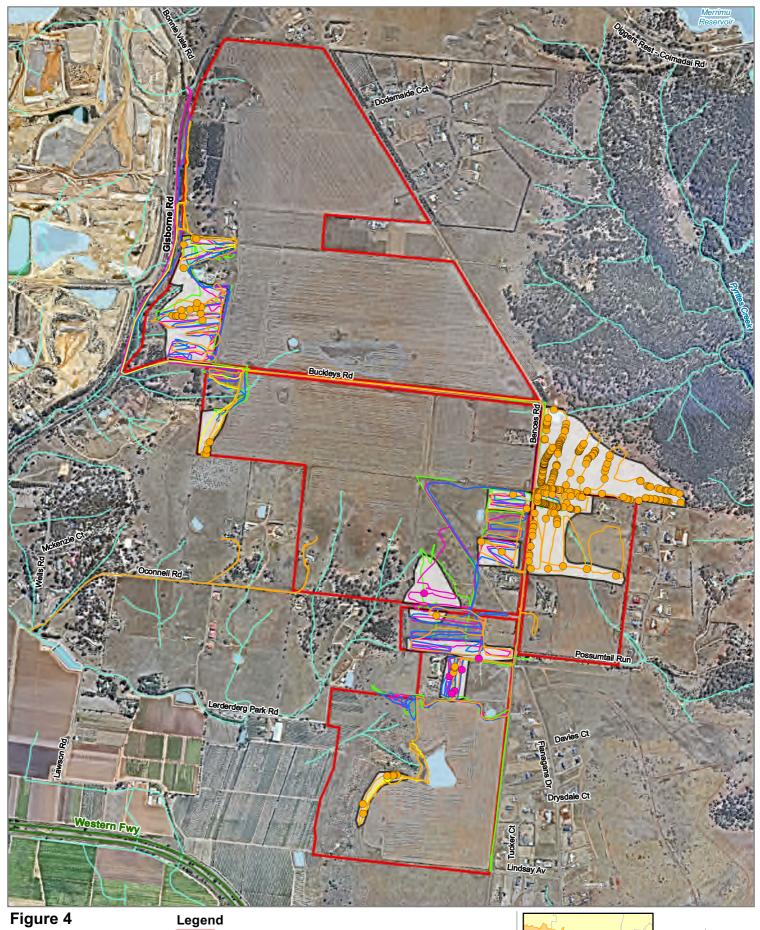








VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.



Golden Sun Moth Survey Results Bacchus Marsh Development Project

ecology & heritage

Study Area Survey GPS Tracks:

GSM Suitable Habitat 30/11/17 (a)

GSM Records: 30/11/17 (b)

30/11/17 (b) 18/12/17

12/12/17 04/01/18



VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.