

19 July 2024

Norton Rose Fulbright Australia  
Level 38, Olderfleet  
477 Collins Street  
Melbourne, VIC 3000

**Attention: Mr Nick Sutton**

By email — [nick.sutton@nortonrosefulbright.com](mailto:nick.sutton@nortonrosefulbright.com)

Dear Nick,

**REF: ADDENDUM TO FLORA AND FAUNA ASSESSMENT REPORT (AUGUST 2023)**

**4055189 - 124 AND 150 HOPETOUN PARK ROAD, PART LOTS 1\TP681605Y, 1\TP749719H  
1\TP414231K AND 6A~15\PP3095 COWANS ROAD, AND 62A COWANS ROAD, HOPETOUN  
PARK - AMENDMENT C103MOOR TO THE MOORABOOL PLANNING SCHEME**

**ADVICE ON THE VICTORIAN GRASSLAND EARLESS DRAGON**

### *Introduction*

Nature Advisory has been instructed to prepare an addendum to the flora and fauna assessment (August 2023) to consider the recent discovery of the Victorian Grassland Earless Dragon (VGED) *Tympanocryptis pingulicollis* (EPBC Act & FFG Act: Critically Endangered) and its implications for the Amendment C103moor.

We have previously undertaken flora and fauna assessments on 124 and 150 Hopetoun Park Road and 62A Cowans Road, Hopetoun Park (the site) in November/ December 2022 including mapping and assessing the quality of native vegetation and fauna habitat (Nature Advisory 2023a)<sup>1</sup>. During this assessment the VGED was considered unlikely to occur at the site as no confirmed sightings of this species existed in Victoria since the 1960s and most of the site was cropped and unsuitable for this species.

### *Background and Context*

Amendment C103moor seeks to rezone the above land from Farming Zone to Neighbourhood Residential Zone to enable the land to be developed for residential use in the future. It is also proposed to apply a Development Plan Overlay to the site to ensure it is developed in an orderly manner. An Environmental Significance Overlay is proposed for two areas of biodiversity significance proposed to be retained as conservation areas (Figure 1).

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<sup>1</sup> Nature Advisory (2023a), Hopetoun Park North – Western Section – Flora and Fauna Assessment, Report No 19217.3 (2.5), prepared for Bacchus Marsh Property Group, unpublished report



Figure 1: Draft Concept Plan showing proposed conservation areas in hashed green - 

Nature Advisory's 2022 site assessment identified that the majority of the site was occupied by wheat crops. The majority of the site remains cropped as shown in Photo 1. Native vegetation in the study area comprised a patch of Grey Box woodland in the east and on the adjoining Hopetoun Park Road reserve, shrubland on the rocky escarpment in the west, and small patches of native grassland and shrubland adjacent to the escarpment in the western part of the site (Figure 3).

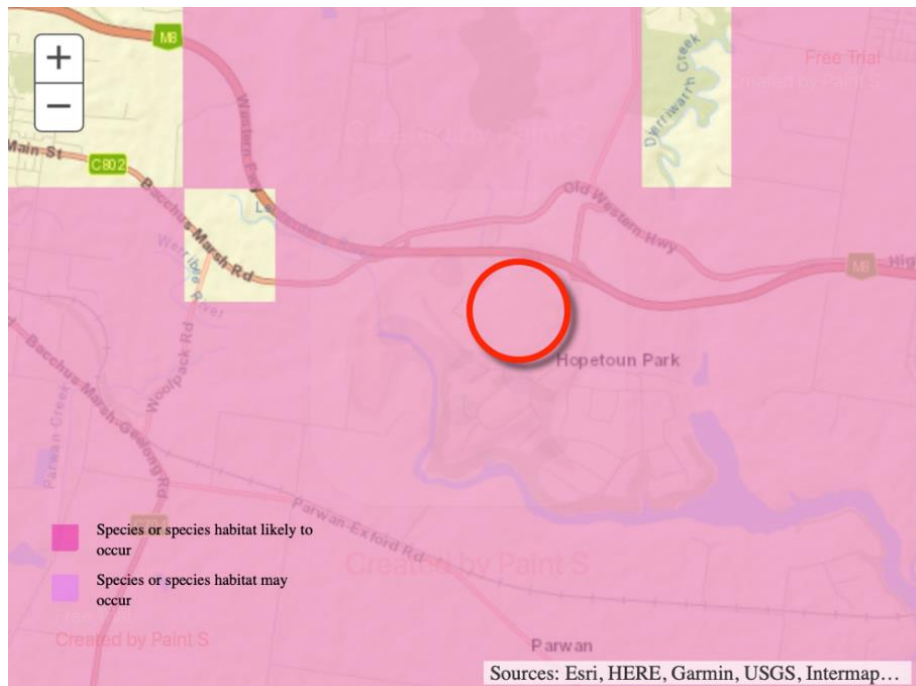


Photo 1: Site photo by drone, 2024 (provided by Norton Rose Fulbright)

The proposed rezoning has been designed to retain native vegetation, in particular higher quality grassland and woodland patches, as shown in the draft DPO Schedule as the draft concept plan (Figure 1) and the attached Figure 3.

#### Grassland Earless Dragon Information

The modelled distribution of this species and requirements regarding survey effort and approvals have been evolving rapidly. Figure 2 shows the most recent modelled VGED distribution, according to the Department of Climate Change, Energy, the Environment and Water (DCCEEW).



**Figure 2: Modelled VGED distribution (DCCEEW 2024)<sup>2</sup>, red circle = location of subject land**

In June 2024, following a consultation with the VGED Recovery Team we received information which indicated that the VGED can persist in a wide range of grassland habitat. The VGED Recovery Team recommended habitat suitability assessments should be undertaken at potential habitat sites which takes into account latest information on habitat requirements, including grassland areas with the following attributes:

- lack of surface or embedded rock;
- no invertebrate burrows;
- monocultures of few native grasses (i.e area with a low native forb diversity);
- lack of cracking soils; and
- heavily grazed.

Notably however, the cropped land on the majority of this site, is not considered to provide suitable habitat for the Grassland Earless Dragon.

<sup>2</sup> Department of Climate Change, Energy, Environment and Water (DCCEW 2024), 'Species Profile and Threats Database', *Tympanocryptis pinguicolla* — Victorian Grassland Earless Dragon (Web Page) <[http://www.environment.gov.au/cgibin/sprat/public/publicspecies.pl?taxon\\_id=66727](http://www.environment.gov.au/cgibin/sprat/public/publicspecies.pl?taxon_id=66727)>.

### *Advice and Recommendations*

Given the site is located within the modelled distribution of this species, we now believe that potential suitable habitat may occur on site where any native grassland is present. However, to the extent there are any areas of potential suitable habitat within the amendment area, these already fall within conservation areas to be protected. The future planning process will provide for appropriate assessments before any future works can commence. The areas mapped as Plains Grassland Ecological Vegetation Class (EVC) and potentially open grassy areas within Plains Woodland and Escarpment Shrubland EVC patches on site (see Figure 3) would be subject to such future assessments. The cropped land which dominates the central areas of the site is not considered to provide suitable habitat for VGED.

All areas of potential suitable habitat (subject to future assessments) within the amendment area are proposed to be protected as conservation areas by an Environmental Significance Overlay (ESO) under the DPO Schedule. They will not be adversely impacted by Amendment C103moor.

A habitat assessment for the VGED would be undertaken to confirm the suitability of any grassland patches as potential habitat for this species as part of a future planning process.

Should the habitat assessment confirm that potential habitat for the VGED exist within the conservation areas, then suitable measures will need to be implemented to ensure the protection of these areas from both direct and indirect impacts of nearby development, for example closing off areas to public access and pet-proof fencing to avoid disturbance from adjacent recreational areas and domestic pets. This could be included in the DPO Schedule. We note that the DPO Schedule already prescribes a Conservation Management Plan requirement which could be updated to require specific consideration of VGED-related risks to the extent this is necessary.

Based on the above, no EPBC Act referral is considered to be necessary as no adverse impacts to the VGED are expected from Amendment C103moor.

In conclusion, we do not believe the VGED will be impacted by the proposed Amendment C103moor within the amendment area, as most of the land has been cropped and potential suitable habitat will be protected within conservation areas as specified in the DPO Schedule. No further action regarding this species is required prior to the exhibition of Amendment C103moor.

Yours sincerely,

**Dr Inga Kulik**

**Senior Ecologist & Director  
Nature Advisory Pty Ltd**

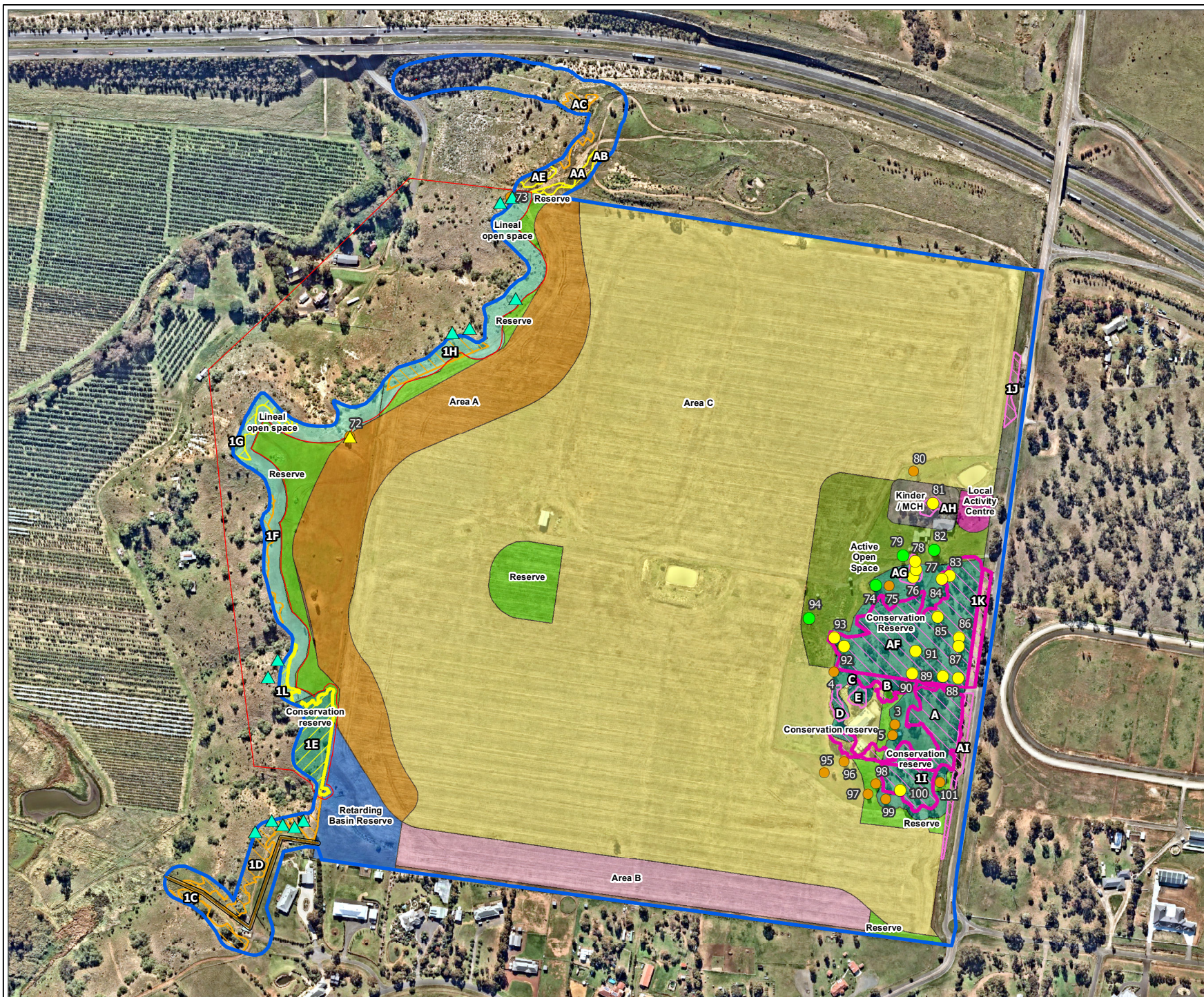
0427 152 002 | [Inga@natureadvisory.com.au](mailto:Inga@natureadvisory.com.au)



# Figure 3: Study area and native vegetation

**Project:** Hopetoun Park North  
**Client:** Urban Lands Developments Pty Ltd  
**Date:** 24/08/2023

- Study area
- Native vegetation**
  - Large tree in patch
  - Large scattered tree
  - Small scattered tree
  - Plains Grassland - Low-rainfall (EVC 132\_63)
  - Plains Woodland (EVC 803)
  - Escarpment Shrubland (EVC)
- Threatened species**
  - ▲ Buloke
  - ▲ Melbourne Yellow Gum
- Listed community**
  - Grey Box (*Eucalyptus microcarpa*)
  - Grassy Woodlands and Derived
  - Native Grasslands of South-eastern Australia
  - Natural Temperate Grassland of the Victorian Volcanic Plain
  - Retention buffer
- Concept Plan West Side**
  - Kinder / MCH
  - Conservation reserve
  - Lineal open space
  - Development Area A
  - Development Area
  - Development Area
  - Active Open Space
  - Local Activity
  - Reserve
  - Retarding Basin Reserve



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Metres

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**Nature  
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