

9 July 2026

Bamford Management Pty Ltd
55 Austrak Drive
Somerton Vic 3062

RE: 276 REX ROAD, CAMBELLFIELD
PRELIMINARY DOCUMENTATION PUBLIC SUBMISSION RESPONSES
NATURE ADVISORY REF. NO. 20025.04
EPBC REFERENCE: EPBC 2021/8934

Comment	Response
The proponent had made no attempt to retain or mitigate impacts of Matters of National Environmental Significance.	The only feasible mitigation approach under the current development proposal involves salvage and translocation of the centrally located Matted Flax-lily, which is detailed in Section 4.2. In addition, a pre-clearance survey will be conducted by a suitably qualified botanist to ensure all MFL individuals are appropriately recorded and salvaged.
The proponent claims that “the only alternative to the proposed action would be to leave the site in its current form”. This is false. No evidence is put forward to support this lack of avoidance or even mitigation.	Updated wording in Section 1.5 to the following. ‘Furthermore, a planning permit has already been issued for the complete development of the site. The only alternative to the proposed action available would be to leave the site in its current form or attempt to manage it as a reserve, while the surrounding area is developed in accordance with the designated industrial zoning. However, management of biodiversity values has not been flagged as an obligation by the relevant regulatory bodies and therefore it is not considered further in this investigation.’
In their discussion ‘Alternative to the Proposed Action’ the proponent seeks to imply that designations of the area as being ‘urban’, for ‘employment, and ‘zoned for industrial purposes’ are relevant when they are not. This is a deliberate attempt to mislead.	Provided the following wording in Section 1.5, to highlight the intended land use. ‘The site and surrounding area are zoned Industrial 1 Zone (IN1Z) under the Hume Planning Scheme. The purpose of this zoning is to ‘provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.’

By proceeding directly to offsetting, the proponent is disregarding their clear responsibilities under the EPBC Act.	There isn't scope under the current development footprint to retain and manage on site biodiversity values, except by salvaging, translocating and also offsetting MFL as stated in the documentation.
The site has had its mature Eucalyptus cameldulensis cleared. However, if left, regrowth would occur naturally from the seed bank. To immediately label the site as a derived grassland ignores the very natural ecological processes taking place on the site. If it were decades after clearing and the site was treeless then the case might be made that this is now derived grassland, but that is not the case here.	Added the following text to Section 2.2. 'Although it is possible that the canopy components may re-establish over time, any assessment must consider the current state of native vegetation. Furthermore, assessing this vegetation as a derived grassland variant of GEWVVP does not have any bearing on the level of legislative protection or biodiversity value assigned, as derived grassland is still considered to qualify as GEWVVP. Nonetheless, given that the minimum size threshold for a patch of GEWVVP is 0.5 hectares (in accordance with page 7 of the listing advice [TSSC 2009]), the 0.282-hectare patch is too small to be considered the listed community.'
What should happen: Matted Flax-lily should be retained. The site should be managed to restore understory and encourage recruitment to River Red Gums to return the site to its former quality. Management should ensure GSM habitat is improved.	There isn't scope under the current development layout to achieve these outcomes. Due to the dimensions of the site and location of the vegetation and Matted Flax-lily it would not be possible to utilise the property for industrial purposes whilst retaining vegetation on site. This is essentially addressed in Section 1.5 and Section 4.1.
The native vegetation clearing that occurred at 276 Rex Road was illegal. The proponent is being disingenuous and trying to conceal the site's history.	Section 1.2.1 now states the following. 'Furthermore, it is understood that the previous landowner was responsible for illegal clearing of native vegetation onsite sometime between 2018 and 2020. This has resulted in a notable decline in the quality of remaining biodiversity values.'
It is well recognised that DAWE's Survey Guidelines for Australia's Threatened Reptiles 2011 guidelines are inadequate for identifying the presence of Victorian Grassland Earless Dragon. New guidelines exist and should be followed. House tiles are not sufficient.	Section 2.7 clearly states 'upon discussion with the relevant authority (DCCEEW), it was concluded that no further targeted surveys for MNES values would be required' Section 2.6.2 now states 'Since surveyed the guidelines for VGED have been updated, however the regulator is satisfied that potential MNES values have been accounted for onsite. VGED was also not identified as having potential to occur onsite during the initial assessment but was included precautionarily. Due to the site being outside of the modelled range, the historic disturbance and the site lacking suitable habitat characteristics, it can be confidently deemed to not occur.'

One tile grid is insufficient. The reason for its location at the back of the site is not given and should be considered suspect.	Section 2.6.2 already addresses the suitability of a single tile grid. The following text has also been added: ‘To maximise the chances of detecting Striped Legless Lizard, the grid was positioned in areas deemed most suitable to support the species, primarily consisting of the remaining Kangaroo Grass-dominated habitat in the east of the study area.’
No data on time of day the surveys were conducted and no temperate data is provided. “Morning” is insufficient. If the surveys were conducted before midmorning, the temperature in Cragieburn, Melbourne, would likely be below 15 degrees for the majority of the survey dates.	Already specified that surveys were conducted in accordance with the SLL survey guidelines. The following text is now provided in Section 2.6.2, to further clarify our methodology. ‘If temperatures were unsuitable for SLL (i.e. <15 degrees C), tile checks were delayed to a later part of the morning’
Statements such as the following ignore the fact that the deliberate clearing with heavy machinery has occurred. ‘Matted Flax-lily habitat was variable throughout the site and was overall of moderate quality. The canopy component of the Plains Grassy Woodland EVC was absent within the mapped habitat zone, and understorey structure and species richness were sub-optimal. A number of lifeforms were present; however, cover and species richness were below the prescribed benchmark for the EVC. The habitat zone comprised a total area of 1.03 ha of native vegetation.	Section 1.2.1 now identifies past illegal clearing by the previous owner. This specific paragraph in Section 3.1.1 now has the following wording included: ‘The suboptimal quality of some habitat characteristics has likely resulted from the impacts of past illegal clearing and ongoing weed invasion post-disturbance. Subsequent to this, only 1.03 ha of suitable habitat now remains.’
Golden Sun Moth were recoded as present in 2020/21. The proponent’s failure to identify them in 2025/26 does not mean they are not present. No details are given of the survey methodology. Small populations of Golden Sun Moth do not emerge every year. It is erroneous to assume their absence.	Section 3.1.2 wording updated to clarify this point. ‘Despite the 2025/2026 survey results, it is still assumed that a small population is present in areas of native vegetation. However, GSM is otherwise considered unlikely to occur in the disturbed portion of the site.’

We question the suitability of the proposed offset site. It is not in the same catchment. It is distant to the original site. The Matted Flax-lily come from Grassy Eucalypt Woodland and should be translocated to Grassy Eucalypt Woodland

We also question the habitat hectare calculations, in particular the low Landscape Context Score.

The offset site is approximately 20km from the impact site and meets all EPBC Act requirements as a suitable offset site.

Added the following text to Section 5.2

‘Although the translocated Matted Flax-lily would have previously occurred in grassy eucalypt woodland, the species is known to favour both grassland and grassy woodland. Furthermore, the proposed offset site has prior records of Matted Flax-lily, further highlighting its suitability. Based on these characteristics, this represents an ideal site for translocation and will be conducive to successful establishment.’

Section 5.2.1 (which considers the methodology for assessing the offset site) now states ‘This assessment was conducted by a DEECA-accredited botanist that was experienced in the applying the Habitat Hectares Method’.

If you have any questions regarding the above information, please do not hesitate to contact me.

Yours sincerely,

Alan Brennan

Director

Nature Advisory Pty Ltd