Friends of the Glenfern Green Wedge Inc
Knox Environment Society Inc
National Trust Dandenong Ranges Branch

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P1527/2023 ESG V YARRA RANGES SC

SUBMISSION BY FRIENDS OF THE GLENFERN GREEN WEDGE INC. KNOX ENVIRONMENT SOCIETY INC, AND NATIONAL TRUST DANDENONG RANGES BRANCH IN RESPONSE TO VCAT ORDER 26 AUGUST.
Purpose: To consider the aplicant's application to amend the Permit Application No.YR-2023/98

The Friends of the Glenfern Green Wedge Inc., the Knox Environment Society Inc., and the National Trust Dandenong Ranges Branch wish to be heard at the hearing on 9 October and we ask that the following be taken into consideration:

1. We refer to the documents relating to the amended plans as listed in the letter sent by Doherty and Colleagues on 22 August 2024. We have found the amended plans and associated materials difficult to follow, confusing, and at times incomplete, which makes these plans difficult to assess. This is problematic for current and any new objectors who are members of the general public and are being asked to consider potential impacts of these revised plans with a view to joining as a party to this hearing.

2. We note in particular that the plans refer to an 'indicative location of stormwater detention structure'. Compared with the original contour plans (which did not depict this structure at all), this is a major change to the proposal, which includes significant and steep batter slopes.

3. The use of the langauge 'indicative location' indicates that the propoent is not sure where the detention structure will ultimatley go, and reserves its right to vary the location of that structure in future (perhaps as part of an application to expand the area of fill). We do not support substitution of plans showing only an 'indicative location' for the stormwater pond.

4. The cross sections for the batter around the registered cultural heritage place are merely 'lines.' There is no detail as to how the batters and any retaining strucures are to be built. The sections are too basic. There are no details of materials, the silt fence or any associated retaining or drainage structures.

5. As the land area has expanded to accommodate the detention structure, this raises questions for the future landscape interface with the ovals. There is no detail as to this, although the sections suggest that the batter slope will be very steep and imposing. This raises more questions that it solves.

6. As a result of the altered development footprint we are not satsified that the proposed detention structure is located at least 200m from the waterway and so a Cultural Heritage Management Plan may now be required for this new aspect of the activity. Please refer to indicative scaling below:

7. Further, in relation to the 'Landscape Plan 24084' and the plans relating to the Cultural Heritage Overlay, these plans consists of maps and diagrams with no accompanying text or explanation. It is difficult to judge the changes that have been made compared to the original plans. Little infomation about plants (only 7 species?) has been provided in the Landsacpe Plan. The information on the diagrams (e.g., CHO Detail Plan V04 – 240806) may be easily understood by some experts but to many in the general public it is unintelligible.

8. There is a mismatch at times between the naming of documents, making it difficult find documents being referred to, and terminologies are applied inconsistently. For example, the 'stormwater detention structure', the 'sedimentation pond', and the 'erosion control pond': are these all referring to the same thing?[1]

9. Because of the deficiencies outlined here in the presentation of the amended plans, we argue that 'potentially affected persons' have not yet been given sufficiently clear information and time in order to understand the extent and impact of the proposed changes.

10. Clause 23 of the Practice Note PNPE9 calls for consideration of the following:
    a. (d) whether the amendment improves the proposal or responds to issues that have been raised in the course of the decision making process;
    b. (e) whether the amendment materially increases the scale or intensity of a proposal or introduces significant changes or new aspects that have not been considered by the responsible authority at the first instance;
    c. ...
    d. (g) whether the amendment involves the consideration of additional planning controls or policies that were not previously relevant;

11. Furthermore, in reference to PNPE9, Clause 2:
    a. As a guiding principle, amendments should not be used to materially increase the scale of intensity of a proposal or to introduce significant new aspects that have not already been considered by the original decision maker.'

12. We note that the photmontages provided with the amended plans seem to provide evidence of the highly detrimental and highly visible impact of the proposal even from these limited viewpoints.

13. As outlined above Practice Note PNPE9 asks whether the amendment involves consideration of additional planning controls or policies. We believe that if a thorough biodiversity assesement was conducted it could trigger DEECA's 'Detailed Assesement Pathway'. Our understanding of the Guidelines for Removal and Destruction of Native Vegetation is that where an 'on the ground' assessment is provided through the permit application, this requires more information than where a desktop Native Vegetation Report is provided. It is clear from the evidence previoulsy filed that an 'on the ground' assessment is available. This should inform

[1] See *Proposed Levels V15 240806* ('stormwater detention structure'); *Proposed Sed Pond Plan V03 24806* ('sedimentation pond'); *Preliminary Sediment and Erosion Control Plan* ('erosion control pond').

future referrals and assessment by DEECA. A full ecological assessment is required before the amended proposal can be the subject of proper referral repsonse from DEECA.

14. The biodversity assessment by Ecology and Heritage Partners (August 2024) submitted with the amended plans contradicts the Land Management Plan by Antares Furhmann (2021), which was submitted with the applicant's original application. It is also not supported by preliminary report by Dr Graeme Lorimer that we submitted to the Tribunal in our submission on 31 June.

15. The report by Ecology and Heritage Partners (EHP) falls very short of a thorough assessment and this is acknowledged by the report's authors:

> *The final assessment was done during a sub-optimal season for the identification of flora and fauna species (i.e. winter). The snapshot of a standard bidiversity assessment along with the sub-optimal timing for the survey meant that migratory, transitory or uncommon fauna species may have been absent . . . In additon, annual or cryptic flora species . . . may also be absent. A compreshenise list of all terrestrial flora and fauna present within the study area was not undertaken . . .* (p.8)

16. We note also that this report by EHP does not take into account numerous native grasses and rushes that are clearly visible (in large clumps) from the fenceline even with the naked eye. The Land Management Plan by Furhmann, the preliminary report by Dr Graeme Lorimer, and the admittance by the authors of the EHP report that their report is not comprehensive suggests there is valid reason to conduct a comprehenseive survey to see if the 0.5 hectare trigger applies. We ask that a thorough assessment be undertaken at the optimal time (around November) with adequate time allowed for preparation for the main hearing.

17. We believe the amended plans and the additional reports provided with plans (including the construction of the sedimentation pond) further highlights the potential risks to the environment and need for a referral to the EPA. The EPA's opinion could be sought on how to effectively identify and manage 'risks of harm' and 'potential impacts on environment on amenity and human health' (as stated on the EPA website). The risks are clear in ESG's own reports, for example, the Environmental Management Plan: 'Chemical storage and usage can pose a significant threat to the integrity of soil, groundwater, and surface water' (p.18). We argue that the opinion of the EPA would be of beneift to the Tribual in coming to a well-informed decision.

18. Overall, we do not consent to substituion of the amended plans. In our view, the amended plans do raise new questions and are not merely a refinement of the proposal. We do not believe that sufficiently detailed information or explanation has been provided with the amended plans to make an assessement against PNPE9 or to determine any increased 'scale of intensity' or 'new aspects'.

Yours sincerely,
Johanna Selleck on behalf of Friends of the Glenfern Green Wedge Inc.
Richard Faragher on behalf of Knox Environment Society Inc.
Carolyn Ebdon on behalf of the National Trust Dandenong Ranges Branch