

## EVIDENCE IN REPLY - EXPERT WITNESS STATEMENT OF MR JAKE URLUS, 19<sup>TH</sup> OCTOBER 2020

### WESTERN PORT GAS IMPORT JETTY AND PIPELINE PROJECT – INQUIRY AND ADVISORY COMMITTEE

Brett Lane, Principal Consultant and Director, Nature Advisory Pty Ltd

**Date: 27<sup>th</sup> October 2020 (Report 20117 (4.1))**

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This Statement responds to matters raised by Mr Jake Urlus in his witness statement to the IAC dated 19<sup>th</sup> October 2020. Mr Urlus appears for the Mornington Peninsula Shire Council.

Issues raised by Mr Urlus are:

- Estimated extent of habitat and associated impact assessment and mitigation measures for the Southern Brown Bandicoot;
- Survey methods and extent for Swamp Skink;
- Survey methods and extent for Southern Toadlet.

These are addressed under separate headings below.

#### *Southern Brown Bandicoot*

Key points Mr Urlus makes are:

- The bandicoot may persist in habitats south of KP 20 despite the EES ruling this out;
- The capacity for the species to recolonise the area south of KP 20;
- Potential habitats south of KP 20, including those in the Mornington Peninsula Shire, are not proposed for species-specific mitigation involving rapid revegetation with plantings suitable for the bandicoot.
- The conclusion of the EES that the project impacts on the species are 'negligible' are not supported.
- Monitoring and adaptive management to ensure effective re-establishment of dense vegetation for the bandicoot appears not to have been explicitly committed to in the EES.

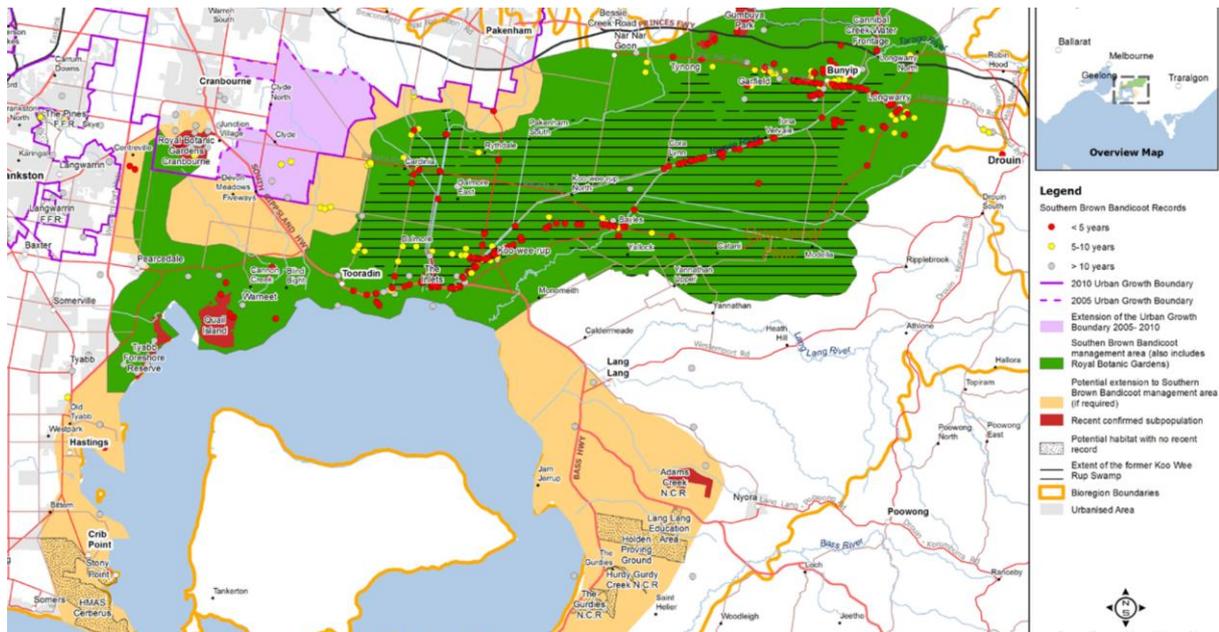
A response is provided below.

The Bandicoot may persist in habitats south of KP 20 but it is clear from recent records that it has not been confirmed in this region in the last 10 to 15 years. It is noteworthy that in areas where Mr Urlus postulates the species may persist (i.e. Warrangine Reserve and near the Tyabb Resource Recovery Centre, detailed Southern Brown Bandicoot surveys were undertaken (Morarc Environmental 2018). In the Mornington Peninsula Shire, 16 sites were surveyed. Of these, five were in the Warrangine Reserve and three were in the vicinity of the Tyabb Resource Recovery Centre. In this respect the EES has not ignored the potential for its presence in this area and has thoroughly investigated the area of its presence.

The results from these surveys were negative (16 out of 16 sites). This compares with the results of surveys of 23 sites north of KP 20, where the species was found at 8 sites. This strongly suggests

that it is unlikely a significant population of the Southern Brown Bandicoot persists in the area south of KP 20.

This finding is corroborated by others. For example, in the map of the implementation plan for the Melbourne Strategic Assessment Sub Regional Species Strategy for the Southern Brown Bandicoot (DEPI 2014), shown below, the core area for future enhancement of the population and its habitats is shaded green and potential extension areas, where the species has been recorded less frequently and mostly greater than 5-10 years ago, is shaded pale orange.



Where the project passes through confirmed and potential habitats for the Southern Brown Bandicoot north of KP 20, it is subject to Mitigation Measure MMFF 09 from Technical Report B, made more explicit in the CEMP for the project (Appendix J – R14) and in the Environmental Line List (Appendix G - from reference 139 northwards). Provided that this is done, the risk of significant impacts on the population of this species is, in my view, still negligible as construction impacts will last a few weeks and revegetation will occur rapidly. The species has shown a strong capacity to colonise suitable habitat in the northern part of the project area provided habitat remains suitable and linked. It will do so in the temporarily affected areas once the vegetation reaches a suitable height and density.

Whereas Mr Urlus asserts that the construction period of 18-24 months may affect two bandicoot breeding seasons (see para 13.5), my instructions are that works will persist at any one site for six to eight weeks, after which the first stage of site reinstatement will be completed.

Mr Urlus' concern about added fragmentation and access tracks (facilitating predator access to bandicoot habitats) ignores the fact that most of the alignment in the Mornington Peninsula Shire follows an existing pipeline easement that is already subject to this impact. The incremental effects are very different therefore from a new alignment through as yet unaffected habitat.

In my expert witness statement, I recommended applying the rapid revegetation mitigation measure for this species to all potential habitats along the project alignment. I have changed my opinion having regard to the likelihood that the species no longer occurs in areas south of KP 20. The slower recovery of the vegetation in this area through natural regeneration is unlikely to lead to impacts on this species as it is likely to be absent. Additionally, once revegetated, habitats will

be suitable for the species should it subsequently be reintroduced to the area as part of a wider species recovery effort. It is unlikely that these reintroductions will occur rapidly and a slower recovery period for vegetation in these areas is therefore acceptable.

I endorse Mr Urlus' recommendation that the recommendation in Technical Report B to provide temporary shelter early in the habitat reinstatement process be explicitly adopted in the CEMP.

Monitoring and adaptive management responses to assure the rapid re-establishment of dense vegetation for the bandicoot are provided for in the audit program implemented as part of the project CEMP prepared by APA and exhibited with the EES. Section 7.2 (page 30) of this CEMP, specifically includes the following commitment:

*"... audits will evaluate performance on the basis of environmental management records and direct observation of activities, as relevant. The findings of each audit will inform any requirement to review the CEMP.*

*A corrective action plan will be prepared to address the audit findings and any non-conformances identified within the audit report. Any non-conformances will then be addressed in line with the corrective action plan.*

*APA will also appoint an independent auditor to the satisfaction of the regulator. Audit reports will be publicly available 30 days after completion."*

This addresses Mr Urlus' concerns in relation to failure of rapid revegetation works in affected known and potential bandicoot habitat.

### Swamp Skink

Key points Mr Urlus makes are:

- The geographic extent of Swamp Skink surveys was inadequate; and
- The survey methods were not in accordance with the latest knowledge about survey effectiveness (e.g. Urlus et al. 2018 – see citation in his statement).

A response is provided below.

The survey methods update referred to by Mr Urlus was published after the Swamp Skink surveys were undertaken (September 2018 versus early 2018 when surveys were completed). The surveys at the time followed the latest official advice on surveys (DSE 2010).

Notwithstanding the limitations of Swamp Skink surveys (three localities surveyed with negative results) a clear mitigation protocol has been developed for this species (see management standard B10 in the CEMP Appendix J). Adopting the precautionary principle, this will be implemented in all 10 areas of potential Swamp Skink habitat south of KP 19.5, as shown in the Environmental Line List (Appendix G to the CEMP). A number of other areas of potential habitat are avoided through the adoption of HDD construction methods.

For example, the affected areas around the Tyabb Resource Recovery Centre referred to by Mr Urlus are not suitable habitat for this species all being densely treed habitats adjacent to an existing pipeline easement. Although swampy habitat exists near here it is being avoided altogether through the adoption of HDD construction techniques to avoid a population of the River Swamp Wallaby-grass.

### *Southern Toadlet*

Key points Mr Urlus makes are:

- He expresses concerns about the timing of targeted surveys for this species late in the calling season and in a dryer than average year.
- He concludes that any individuals that occur in works areas are unlikely to be detected and will be affected and that recolonisation of rehabilitated areas, if it occurs, may take time.

A response is provided below.

The surveys involved eight potentially suitable sites and adopted survey methods and effort consistent with DSE (2010).

It is acknowledged in the EES (Technical Report B) that impacts on this species are likely within the alignment due to the removal of habitat. Information is also presented indicating that it occurs in a number of places in the region (72 records in the search region).

General native vegetation protection and reinstatement provisions in the CEMP will assist in limiting impacts to most habitat to temporary loss during construction followed by revegetation. Specific measures to avoid impacts on retained native vegetation will also assist. Adoption of HDD construction methods in key wetland and waterway areas also contributes to avoiding impacts on potential habitat for this species.

Signed:



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