



**MORNINGTON
PENINSULA**
Shire

**ADDENDUM
ATTACHMENTS
Book 2**

COUNCIL MEETING

MONDAY, 16 SEPTEMBER 2024

6:30 PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

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Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Patersonia occidentalis</i> var. <i>occidentalis</i>	Long Purple-flag				1970	1
<i>Hibbertia riparia</i>	Erect Guinea-flower				2004	17
<i>Salicornia quinqueflora</i> subsp. <i>quinqueflora</i>	Beaded Glasswort				1989	2
<i>Isolepis cernua</i> s.s.	Nodding Club-sedge				1999	6
<i>Banksia integrifolia</i> subsp. <i>integrifolia</i>	Coast Banksia				2020	21
<i>Myosotis sylvatica</i>	Wood Forget-me-not	Introduced			2002	6
<i>Lepidosperma filiforme</i>	Common Rapier-sedge				2003	4
<i>Prunus</i> spp.	Prunus	Introduced			2020	4
<i>Euchiton japonicus</i> s.s.	Creeping Cudweed				1999	9
<i>Wahlenbergia gracilis</i>	Sprawling Bluebell				1994	2
<i>Galium</i> spp.	Bedstraw				1989	6
<i>Trifolium subterraneum</i>	Subterranean Clover	Introduced			2004	6
<i>Mentha</i> spp.	Mint				1999	1
<i>Lycium ferocissimum</i>	African Box-thorn	Introduced			2002	1
<i>Einadia nutans</i>	Nodding Saltbush				2010	2
<i>Hedera helix</i> s.l.	English Ivy	Introduced			2023	24
<i>Hakea teretifolia</i> subsp. <i>hirsuta</i>	Dagger Hakea				1990	1
<i>Hackelia suaveolens</i>	Sweet Hound's-tongue				1999	4
<i>Cassytha melantha</i>	Coarse Dodder-laurel				2007	6
<i>Paspalum distichum</i>	Water Couch	Introduced			2008	7
<i>Juncus capitatus</i>	Capitate Rush	Introduced			1989	2
<i>Caladenia tentaculata</i>	Mantis Orchid				1989	2
<i>Lonicera japonica</i>	Japanese Honeysuckle	Introduced			2010	6
<i>Schoenus nitens</i>	Shiny Bog-sedge				2003	3
<i>Machaerina</i> spp.	Twig Sedge				2011	2
<i>Amyema</i> spp.	Mistletoe				2011	2
<i>Austrostipa mollis</i>	Supple Spear-grass				2006	27
<i>Solanum aviculare</i>	Kangaroo Apple				2011	6
<i>Enchylaena tomentosa</i> var. <i>tomentosa</i>	Ruby Saltbush				2010	8

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Eucalyptus oleosa</i>	Oil Mallee				2004	2
<i>Ulex europaeus</i>	Gorse	Introduced			2015	16
<i>Tribolium acutiflorum</i> <i>s.s.</i>	Crested Desmazeria	Introduced			2010	1
<i>Paraserianthes</i> <i>lophantha subsp.</i> <i>lophantha</i>	Cape Wattle	Introduced			2010	2
<i>Dichelachne crinita</i>	Long-hair Plume-grass				1995	4
<i>Glyceria spp.</i>	Sweet Grass				2009	1
<i>Poa australis spp.</i> <i>agg.</i>	Tussock Grass				1976	11
<i>Goodenia geniculata</i>	Bent Goodenia				2011	12
<i>Wahlenbergia stricta</i> <i>subsp. stricta</i>	Tall Bluebell				2011	6
<i>Pterostylis parviflora</i> <i>s.l.</i>	Tiny Greenhood				1989	4
<i>Centaureum spp.</i>	Centaury	Introduced			2020	7
<i>Senecio jacobaea</i>	Ragwort	Introduced			2004	3
<i>Caesia parviflora var.</i> <i>parviflora</i>	Pale Grass-lily				2007	3
<i>Erodium cicutarium</i>	Common Heron's-bill	Introduced			2003	1
<i>Cassinia sifton</i>	Drooping Cassinia	Native but some stands may be alien			2008	8
<i>Cerastium glomeratum s.l.</i>	Common Mouse-ear Chickweed	Introduced			2002	8
<i>Erigeron sumatrensis</i>	Tall Fleabane	Introduced			2009	8
<i>Vicia sativa</i>	Common Vetch	Introduced			2003	3
<i>Dipodium punctatum</i> <i>s.l.</i>	Hyacinth Orchid				2011	4
<i>Rhizidoporum procumbens</i>	White Marianth				1989	1
<i>Eucalyptus spp.</i> <i>(naturalised)</i>	Eucalypt	Introduced			1999	3
<i>Coprosma repens</i>	Mirror Bush	Introduced			2010	19
<i>Juncus pauciflorus</i>	Loose-flower Rush				2003	2
<i>Polypogon monspeliensis</i>	Annual Beard-grass	Introduced			2004	5
<i>Haloragis aspera/heterophylla</i> <i>spp. agg.</i>	Rough/Varied Raspwort species aggregate				1987	2

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<i>Euchiton involucratus s.s.</i>	Star Cudweed				2004	4
<i>Carduus pycnocephalus</i>	Slender Thistle	Introduced			1986	1
<i>Drosera peltata s.l.</i>	Pale Sundew				2002	1
<i>Lactuca serriola</i>	Prickly Lettuce	Introduced			2010	2
<i>Rytidosperma setaceum</i>	Bristly Wallaby-grass				2023	19
<i>Chenopodium glaucum</i>	Glaucous Goosefoot	Native but some stands may be alien			1986	1
<i>Hypochaeris glabra</i>	Smooth Cat's-ear	Introduced			1999	5
<i>Gleichenia microphylla</i>	Scrambling Coral-fern				2003	3
<i>Xanthosia dissecta s.l.</i>	Cut-leaf Xanthosia				1989	1
<i>Acaena agnipila</i>	Hairy Sheep's Burr				1991	6
<i>Olearia ramulosa var. ramulosa</i>	Twiggy Daisy-bush				2004	11
<i>Drosera pygmaea</i>	Tiny Sundew				1947	1
<i>Gastrodia sesamoides s.l.</i>	Cinnamon Bells				1990	3
<i>Chenopodium murale</i>	Sowbane	Introduced			2002	1
<i>Sisymbrium officinale</i>	Hedge Mustard	Introduced			2002	2
<i>Amphibromus nervosus</i>	Common Swamp Wallaby-grass				2002	1
<i>Juncus gregiflorus</i>	Green Rush				2010	1
<i>Thysanotus patersonii</i>	Twining Fringe-lily				2010	10
<i>Asperula conferta</i>	Common Woodruff				2011	2
<i>Coprosma quadrifida</i>	Prickly Currant-bush				2011	7
<i>Romulea rosea var. australis s.s.</i>	Common Onion-grass	Introduced			1999	1
<i>Vulpia bromoides</i>	Squirrel-tail Fescue	Introduced			2008	9
<i>Hordeum murinum s.l.</i>	Barley-grass	Introduced			2004	4
<i>Muellerina eucalyptoides</i>	Creeping Mistletoe				2004	7
<i>Eucalyptus ovata subsp. ovata</i>	Swamp Gum				2008	8
<i>Dillwynia glaberrima</i>	Smooth Parrot-pea				2002	4
<i>Freesia leichtlinii</i>	Freesia	Introduced			1999	3

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<i>Monotoca scoparia</i>	Prickly Broom-heath				1992	6
<i>Acianthus pusillus</i>	Small Mosquito-orchid				1999	2
<i>Nephrolepis cordifolia</i>	Fishbone Fern	Introduced			1999	1
<i>Echium candicans</i>	Pride of Madeira	Introduced			2010	1
<i>Dianella tasmanica</i>	Tasman Flax-lily				2011	5
<i>Oxalis spp. (naturalised)</i>	Wood Sorrel	Introduced			2015	4
<i>Luzula spp.</i>	Woodrush				2011	2
<i>Corymbia maculata</i>	Spotted Gum	Native but some stands may be alien	Vulnerable		2018	3
<i>Lotus angustissimus</i>	Slender Bird's-foot Trefoil	Introduced			2008	2
<i>Atriplex semibaccata</i>	Berry Saltbush				1995	1
<i>Grevillea spp./cv.</i>	Grevillea (cultivated)	Introduced			1987	2
<i>Acetosa sagittata</i>	Rambling Dock	Introduced			2010	3
<i>Ehrharta longiflora</i>	Annual Veldt-grass	Introduced			2007	12
<i>Viminaria juncea</i>	Golden Spray				2004	2
<i>Lachnagrostis billardierei s.l.</i>	Coast Blown-grass				1995	7
<i>Acacia pravissima</i>	Ovens Wattle	Native but some stands may be alien			2002	2
<i>Olearia lirata</i>	Snowy Daisy-bush				2011	6
<i>Typha domingensis</i>	Narrow-leaf Cumbungi				2009	6
<i>Pelargonium australe</i>	Austral Stork's-bill				2011	4
<i>Lagenophora sublyrata</i>	Slender Bottle-daisy				2004	11
<i>Distichlis distichophylla</i>	Australian Salt-grass				1995	8
<i>Senecio spathulatus s.l.</i>	Dune Groundsel				1999	1
<i>Rytidosperma laeve</i>	Smooth Wallaby-grass				2008	4
<i>Dianella revoluta var. revoluta s.l.</i>	Black-anther Flax-lily				2007	7
<i>Pterostylis spp.</i>	Greenhood				2009	1

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<i>Corybas spp.</i>	Helmet Orchid				1999	2
<i>Actites megalocarpus</i>	Dune Thistle				1994	3
<i>Pterostylis concinna</i>	Trim Greenhood				1999	3
<i>Rumex crispus</i>	Curled Dock	Introduced			2015	8
<i>Stellaria media</i>	Chickweed	Introduced			2011	10
<i>Fumaria muralis</i> <i>subsp. muralis</i>	Wall Fumitory	Introduced			2002	1
<i>Sporobolus africanus</i>	Rat-tail Grass	Introduced			2018	8
<i>Hakea sericea s.l.</i>	Bushy Needlewood				1990	1
<i>Olearia axillaris</i>	Coast Daisy-Bush				1999	6
<i>Hordeum marinum</i>	Sea Barley-grass	Introduced			2003	3
<i>Crataegus monogyna</i>	Hawthorn	Introduced			2002	3
<i>Carex appressa</i>	Tall Sedge				2011	7
<i>Acacia verticillata</i>	Prickly Moses				2011	15
<i>Rubus parvifolius</i>	Small-leaf Bramble				2015	3
<i>Festuca arundinacea</i>	Tall Fescue	Introduced			2010	4
<i>Pterostylis curta</i>	Blunt Greenhood				1989	2
<i>Salicornia</i> <i>quinqueflora subsp.</i> <i>tasmanica</i>	Beaded Glasswort	Native but some stands may be alien			1989	5
<i>Amaryllis belladonna</i>	Belladonna Lily	Introduced			1999	1
<i>Rhamnus alaternus</i>	Italian Buckthorn	Introduced			2015	3
<i>Freesia spp.</i>	Freesia	Introduced			2023	4
<i>Rumex spp.</i>	Dock				2011	2
<i>Acacia verticillata</i> <i>subsp. verticillata</i>	Prickly Moses				1999	9
<i>Laphangium</i> <i>luteoalbum</i>	Jersey Cudweed				2010	10
<i>Amperea xiphoclada</i> <i>var. xiphoclada</i>	Broom Spurge				2006	6
<i>Lachnagrostis</i> <i>filiformis s.l.</i>	Common Blown- grass				2008	12
<i>Acacia decurrens</i>	Early Black-wattle	Introduced			2008	1
<i>Gahnia trifida</i>	Coast Saw-sedge				2003	3
<i>Eleocharis acuta</i>	Common Spike- sedge				2010	8
<i>Senecio pterophorus</i>	African Daisy	Introduced			2008	1
<i>Galium leiocarpum</i>	Maori Bedstraw				1986	3
<i>Agapanthus praecox</i> <i>subsp. orientalis</i>	Agapanthus	Introduced			2010	6
<i>Veronica gracilis</i>	Slender Speedwell				2011	9
<i>Calochlaena dubia</i>	Common Ground- fern				2009	8

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Amyema pendula</i> <i>subsp. pendula (s.s.)</i>	Drooping Mistletoe				2008	9
<i>Bursaria spinosa</i> <i>subsp. spinosa var. macrophylla</i>	Tree Bursaria				1995	2
<i>Lagurus ovatus</i>	Hare's-tail Grass	Introduced			1999	9
<i>Chrysocephalum apiculatum s.s.</i>	Common Everlasting				1970	1
<i>Cardamine hirsuta s.l.</i>	Common Bitter-cress	Introduced			1999	2
<i>Senecio quadridentatus</i>	Cotton Fireweed				2010	9
<i>Cotoneaster glaucophyllus</i>	Large-leaf Cotoneaster	Introduced			2010	4
<i>Juncus bufonius</i>	Toad Rush	Native but some stands may be alien			1989	3
<i>Chiloglottis trapeziformis</i>	Dainty Wasp-orchid				1989	1
<i>Geranium potentilloides</i>	Soft Crane's-bill				1992	1
<i>Corybas incurvus</i>	Slaty Helmet-orchid				1989	3
<i>Agrostis capillaris var. capillaris</i>	Brown-top Bent	Introduced			2010	7
<i>Grevillea rosmarinifolia</i>	Rosemary Grevillea	Native but some stands may be alien			2002	1
<i>Acianthus exsertus s.l.</i>	Gnat Orchid				1989	7
<i>Sprengelia incarnata</i>	Pink Swamp-heath				2003	2
<i>Luzula campestris s.l.</i>	Field Woodrush				1970	1
<i>Eutaxia microphylla</i>	Common Eutaxia				2010	3
<i>Deyeuxia minor</i>	Small Bent-grass				1998	1
<i>Bromus hordeaceus</i>	Soft Brome	Introduced			2007	6
<i>Xanthorrhoea australis</i>	Austral Grass-tree				1992	7
<i>Senecio pinnatifolius</i>	Variable Groundsel				1995	5
<i>Sphaerolobium vimineum s.l.</i>	Leafless Globe-pea				1992	1
<i>Plantago coronopus subsp. coronopus</i>	Buck's-horn Plantain	Introduced			2008	3
<i>Eucalyptus pauciflora</i>	Snow Gum				2015	10

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<i>Olearia ramulosa</i>	Twiggy Daisy-bush				1999	24
<i>Rytidosperma pilosum</i> var. <i>pilosum</i>	Velvet Wallaby-grass				1999	4
<i>Goodenia lanata</i>	Trailing Goodenia				1987	1
<i>Microtis parviflora</i>	Slender Onion-orchid				1990	4
<i>Cordyline</i> spp.	Palm Lily	Introduced			1999	1
<i>Callistemon rugulosus</i>	Scarlet Bottlebrush	Native but some stands may be alien			1999	1
<i>Caladenia australis</i>	Southern Spider-orchid				1927	1
<i>Nasturtium officinale</i>	Watercress	Introduced			2003	2
<i>Senecio hispidulus</i> s.s.	Rough Fireweed				2010	1
<i>Chiloglottis valida</i>	Common Bird-orchid				2011	3
<i>Acacia dealbata</i>	Silver Wattle				2011	2
<i>Cakile maritima</i> subsp. <i>maritima</i>	Sea Rocket	Introduced			1995	4
<i>Isolepis fluitans</i>	Floating Club-sedge				1999	3
<i>Parapholis strigosa</i>	Slender Barb-grass	Introduced			2004	1
<i>Bursaria spinosa</i> subsp. <i>spinosa</i> var. <i>spinosa</i>	Sweet Bursaria				1992	7
<i>Asperula scoparia</i> subsp. <i>scoparia</i>	Prickly Woodruff				1991	1
<i>Tropaeolum majus</i>	Nasturtium	Introduced			2007	3
<i>Selaginella uliginosa</i>	Swamp Selaginella				2003	2
<i>Poa clelandii</i>	Noah's Ark				2000	6
<i>Cistus inflatus</i>	White Rock-rose	Introduced			2003	4
<i>Grevillea</i> spp.	Grevillea				2004	1
<i>Poa sieberiana</i> var. <i>sieberiana</i>	Grey Tussock-grass				1999	5
<i>Rumex conglomeratus</i>	Clustered Dock	Introduced			2003	6
<i>Cyperus eragrostis</i>	Drain Flat-sedge	Introduced			2002	2
<i>Senecio odoratus</i>	Scented Groundsel				2011	2
<i>Myoporum petiolatum</i>	Sticky Boobialla				1999	2
<i>Epacris obtusifolia</i>	Blunt-leaf Heath				2003	2
<i>Sonchus hydrophilus</i>	Native Sow-thistle				1987	1

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<i>Caesia parviflora</i>	Pale Grass-lily				1990	2
<i>Myoporum insulare</i>	Common Boobialla	Native but some stands may be alien			2004	5
<i>Delairea odorata</i>	Cape Ivy	Introduced			2010	5
<i>Crassula sieberiana</i> s.s.	Sieber Crassula				2010	1
<i>Pterostylis melagramma</i>	Tall Greenhood				2011	2
<i>Hordeum spp.</i>	Barley Grass	Introduced			2009	2
<i>Apium prostratum</i> subsp. <i>prostratum</i> var. <i>prostratum</i>	Sea Celery				1943	1
<i>Hakea salicifolia</i> subsp. <i>salicifolia</i>	Willow-leaf Hakea	Introduced			2001	2
<i>Rorippa palustris</i>	Marsh Yellow-cress	Introduced			2002	1
<i>Acacia myrtifolia</i>	Myrtle Wattle				2011	3
<i>Lotus subbiflorus</i>	Hairy Bird's-foot Trefoil	Introduced			2010	4
<i>Tortula atrovirens</i>	Flamingo Moss				1952	1
<i>Euphorbia peplus</i>	Petty Spurge	Introduced			2023	4
<i>Ficinia nodosa</i>	Knobby Club-sedge				2003	9
<i>Cotoneaster spp.</i>	Cotoneaster	Introduced			2023	7
<i>Lysimachia arvensis</i> var. <i>arvensis</i>	Scarlet Pimpernel	Introduced			2011	2
<i>Avena spp.</i>	Oat	Introduced			2023	3
<i>Acaena echinata</i>	Sheep's Burr				2011	7
<i>Gahnia filum</i>	Chaffy Saw-sedge				1995	3
<i>Ilex aquifolium</i>	English Holly	Introduced			1999	1
<i>Lotus corniculatus</i>	Bird's-foot Trefoil	Introduced			1989	3
<i>Schoenus brevifolius</i>	Zig-zag Bog-sedge				2003	2
<i>Eucalyptus viminalis</i> subsp. <i>viminalis</i>	Manna Gum				2011	2
<i>Rubus ulmifolius</i> var. <i>ulmifolius</i>	Elm-leaf Blackberry	Introduced			1999	4
<i>Cortaderia selloana</i> subsp. <i>selloana</i>	Pampas Grass	Introduced			2010	4
<i>Trifolium resupinatum</i> var. <i>resupinatum</i>	Shaftal Clover	Introduced			1978	2
<i>Caladenia pusilla</i>	Tiny Pink-fingers				1989	1
<i>Agonis flexuosa</i>	Willow Myrtle	Introduced			1987	2
<i>Bursaria spinosa</i>	Sweet Bursaria				2018	6

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<i>Melaleuca spp.</i>	Honey-myrtle				2010	3
<i>Hovea heterophylla</i>	Common Hovea				2011	2
<i>Anthosachne scabra s.l.</i>	Common Wheat-grass				1989	1
<i>Eragrostis brownii</i>	Common Love-grass				2011	7
<i>Austrostipa flavescens</i>	Coast Spear-grass				1995	2
<i>Plantago major</i>	Greater Plantain	Introduced			2002	2
<i>Calystegia sepium subsp. roseata</i>	Large Bindweed				2011	2
<i>Hypochaeris spp.</i>	Cat's Ear	Introduced			2011	2
<i>Chiloglottis spp.</i>	Bird Orchid				2011	2
<i>Veronica hederifolia</i>	Ivy-leaf Speedwell	Introduced			1989	1
<i>Juncus spp.</i>	Rush				2011	8
<i>Muellerina spp.</i>	Mistletoe				2011	2
<i>Threlkeldia diffusa</i>	Coast Bonefruit				1995	2
<i>Avena barbata</i>	Bearded Oat	Introduced			2007	2
<i>Acacia spp.</i>	Wattle				1999	2
<i>Salix spp.</i>	Willow	Introduced			2007	3
<i>Cerastium spp.</i>	Mouse-ear Chickweed	Introduced			2009	1
<i>Cardamine flexuosa</i>	Wood Bitter-cress	Introduced			1992	1
<i>Fumaria bastardii</i>	Bastard's Fumitory	Introduced			2007	1
<i>Ehrharta calycina</i>	Perennial Veldt-grass	Introduced			1987	1
<i>Rytidosperma penicillatum</i>	Weeping Wallaby-grass				2010	2
<i>Passiflora tarminiana</i>	Banana Passion-fruit	Introduced			1999	2
<i>Austrostipa rudis subsp. australis</i>	Veined Spear-grass		Endangered		2008	2
<i>Solanum pseudocapsicum</i>	Madeira Winter-cherry	Introduced			2002	2
<i>Echium plantagineum</i>	Paterson's Curse	Introduced			1999	4
<i>Eucalyptus spp.</i>	Eucalypt				2023	7
<i>Acacia howittii</i>	Sticky Wattle	Native but some stands may be alien	Vulnerable		2010	2
<i>Oxalis incarnata</i>	Pale Wood-sorrel	Introduced			1999	3
<i>Crassula decumbens var. decumbens</i>	Spreading Crassula				1999	2
<i>Austrostipa stipoides</i>	Prickly Spear-grass				1994	7

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Cassytha glabella</i>	Slender Dodder-laurel				1999	5
<i>Poa labillardierei</i> var. <i>labillardierei</i>	Common Tussock-grass				2015	2
<i>Plantago</i> spp.	Plantain				2011	2
<i>Thelymitra rubra</i>	Salmon Sun-orchid				1990	1
<i>Prunus cerasifera</i>	Cherry Plum	Introduced			2007	2
<i>Fraxinus angustifolia</i> subsp. <i>angustifolia</i>	Desert Ash	Introduced			1989	1
<i>Cordyline australis</i>	New Zealand Cabbage-tree	Introduced			1999	1
<i>Rytidosperma pallidum</i>	Silvertop Wallaby-grass				1991	6
<i>Polygonum aviculare</i> s.s.	Hogweed	Introduced			2008	2
<i>Salsola tragus</i> subsp. <i>pontica</i>	Coast Saltwort		Endangered		1995	2
<i>Stellaria pungens</i>	Prickly Starwort				2007	2
<i>Austrostipa rudis</i> subsp. <i>rudis</i>	Veined Spear-grass				2010	4
<i>Persicaria decipiens</i>	Slender Knotweed				2011	3
<i>Convolvulus erubescens</i> s.l.	Pink Bindweed				1999	1
<i>Lepidosperma semiteres</i>	Wire Rapier-sedge				2015	2
<i>Poranthera microphylla</i> s.s.	Small Poranthera				2010	2
<i>Hibbertia stricta</i> s.l.	Upright Guinea-flower				1999	2
<i>Ranunculus inundatus</i>	River Buttercup				1989	1
<i>Correa alba</i> var. <i>alba</i>	White Correa				1947	1
<i>Juncus subsecundus</i>	Finger Rush				2008	2
<i>Lepidosperma longitudinale</i>	Pithy Sword-sedge				2003	2
<i>Pimelea</i> spp.	Rice Flower				1989	1
<i>Malus pumila</i>	Apple	Introduced			1992	2
<i>Luzula meridionalis</i> var. <i>flaccida</i>	Common Woodrush				2003	2
<i>Stenocarpus salignus</i>	Scrub Beefwood	Introduced			1998	1
<i>Pterostylis nana</i>	Dwarf Greenhood				1999	2
<i>Callistemon linearis</i>	Stiff Bottlebrush	Introduced			1998	1
<i>Angophora costata</i> subsp. <i>costata</i>	Smooth-barked Apple	Introduced			1998	1
<i>Cassinia longifolia</i>	Shiny Cassinia				1992	1

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Corunastylis despectans</i>	Sharp Midge-orchid				1989	2
<i>Luzula meridionalis</i>	Common Woodrush				1987	1
<i>Pimelea glauca</i>	Smooth Rice-flower				1999	1
<i>Cycnogeton procerum s.s.</i>	Common Water-ribbons				2007	3
<i>Trifolium fragiferum var. fragiferum</i>	Strawberry Clover	Introduced			2003	3
<i>Tetragonia tetragonioides</i>	New Zealand Spinach				1999	2
<i>Boronia muelleri</i>	Forest Boronia				1856	1
<i>Homalanthus populifolius</i>	Bleeding Heart	Introduced			1999	1
<i>Thysanotus tuberosus</i>	Common Fringe-lily				2019	1
<i>Fraxinus spp.</i>	Ash	Introduced			2002	1
<i>Calicotome spinosa</i>		Introduced			2010	1
<i>Thelymitra ixioides s.l.</i>	Spotted Sun-orchid				2020	1
<i>Trifolium spp.</i>	Clover	Introduced			2009	1
<i>Trifolium dubium</i>	Suckling Clover	Introduced			1989	4
<i>Stenotaphrum secundatum</i>	Buffalo Grass	Introduced			1999	2
<i>Caladenia carnea sensu Willis (1970)</i>	Pink Fingers				1989	4
<i>Malva spp.</i>	Mallow				2003	2
<i>Tritonia gladiolaris</i>	Lined Tritonia	Introduced			2000	1
<i>Lotus corniculatus var. tenuifolius</i>	Narrow Bird's-foot Trefoil	Introduced			2002	1
<i>Pultenaea stricta</i>	Rigid Bush-pea				2019	3
<i>Cynodon dactylon</i>	Couch	Native but some stands may be alien			2023	4
<i>Eucalyptus crenulata</i>	Buxton Gum	Native but some stands may be alien	Endangered		1990	1
<i>Chrysocephalum apiculatum s.l.</i>	Common Everlasting				1970	1
<i>Malva parviflora</i>	Small-flower Mallow	Introduced			2023	4
<i>Sisyrinchium micranthum</i>	Striped Rush-leaf	Introduced			2010	5

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Convolvulus remotus s.l.</i>	Grassy Bindweed				1990	2
<i>Eucalyptus radiata subsp. radiata</i>	Narrow-leaf Peppermint				2010	6
<i>Arum italicum subsp. italicum</i>	Italian Cuckoo-pint	Introduced			1987	1
<i>Alternanthera denticulata s.l.</i>	Lesser Joyweed				2002	2
<i>Grevillea rosmarinifolia hybrids</i>	Rosemary Grevillea hybrids	Introduced			2010	1
<i>Lindsaea linearis</i>	Screw Fern				2011	2
<i>Atriplex prostrata</i>	Hastate Orache	Introduced			1995	4
<i>Senecio prenanthoides</i>	Beaked Fireweed				1991	2
<i>Acacia pycnantha</i>	Golden Wattle				2010	5
<i>Rumex spp. (naturalised)</i>	Dock (naturalised)	Introduced			2007	2
<i>Hypoxis s.l. spp.</i>	Hypoxis				1989	1
<i>Eucalyptus cladocalyx</i>	Sugar Gum	Introduced			1991	2
<i>Acacia longifolia</i>	Sallow Wattle	Native but some stands may be alien			2020	4
<i>Imperata cylindrica</i>	Blady Grass	Native but some stands may be alien			1991	3
<i>Drosera spp.</i>	Sundew				2020	3
<i>Solanum furcatum</i>	Broad Nightshade	Introduced			2016	3
<i>Senecio linearifolius</i>	Fireweed Groundsel				1999	1
<i>Vellereophyton dealbatum</i>	White Cudweed	Introduced			2010	1
<i>Carex gaudichaudiana</i>	Fen Sedge				2011	2
<i>Acacia stricta</i>	Hop Wattle				2011	2
<i>Cryptostylis spp.</i>	Tongue Orchid				1986	1
<i>Rytidosperma lepidopodium</i>	Scaly-foot Wallaby-grass				2000	4
<i>Deyeuxia spp.</i>	Bent Grass				1986	1
<i>Solanum spp.</i>	Nightshade				2010	1
<i>Schoenus tesquorum</i>	Soft Bog-sedge				1989	2
<i>Orchidaceae spp.</i>	Orchid				1999	1
<i>Dichelachne spp.</i>	Plume Grass				1990	1
<i>Diuris palustris</i>	Swamp Diuris		Endangered		1926	1

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Cynodon transvaalensis</i>	Bermuda Couch	Introduced			1990	1
<i>Rumex brownii</i>	Slender Dock				2004	2
<i>Aizoon pubescens</i>	Galenia	Introduced			2010	1
<i>Lagenophora spp.</i>	Bottle Daisy				2011	2
<i>Crassula natans var. minus</i>	Water Crassula	Introduced			2009	1
<i>Allocasuarina spp.</i>	Sheoak				1991	2
<i>Lomandra multiflora subsp. multiflora</i>	Many-flowered Mat-rush				2000	2
<i>Juncus caespiticus</i>	Grassy Rush				2003	3
<i>Ranunculus sceleratus subsp. sceleratus</i>	Celery Buttercup	Introduced			1987	3
<i>Erica lusitanica</i>	Spanish Heath	Introduced			2018	6
<i>Hypericum perforatum subsp. veronense</i>	St John's Wort	Introduced			1991	1
<i>Euchiton involucratus s.l.</i>	Common Cudweed				2004	3
<i>Rytidosperma indutum</i>	Shiny Wallaby-grass				1987	1
<i>Aira cupaniana</i>	Quicksilver Grass	Introduced			1994	2
<i>Setaria verticillata</i>	Whorled Pigeon-grass	Introduced			2004	1
<i>Coronidium scorpioides s.s.</i>	Button Everlasting				2000	5
<i>Tribolium oblitterum</i>	Desmazeria	Introduced			1989	1
<i>Melaleuca decussata</i>	Totem-poles	Native but some stands may be alien			1998	1
<i>Pittosporum crassifolium</i>	Karo	Introduced			1999	1
<i>Xanthosia pilosa</i>	Woolly Xanthosia				1989	1
<i>Spinifex sericeus</i>	Hairy Spinifex				1995	1
<i>Carpobrotus edulis</i>	Hottentot Fig	Introduced			1995	2
<i>Wahlenbergia multicaulis</i>	Branching Bluebell				1997	2
<i>Chiloglottis gunnii s.l.</i>	Common Bird-orchid				1992	2
<i>Brunonia australis</i>	Blue Pincushion				1990	1
<i>Persicaria maculosa</i>	Redshank	Introduced			1987	1
<i>Cyclosporum leptophyllum</i>	Slender Celery	Introduced			2003	2

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Hypolepis spp.</i>	Ground Fern				1989	1
<i>Carex spp.</i>	Sedge				2000	2
<i>Medicago polymorpha</i>	Burr Medic	Introduced			2007	2
<i>Hookerchloa hookeriana</i>	Hooker Fescue				2003	2
<i>Leptospermum lanigerum</i>	Woolly Tea-tree				2003	2
<i>Dianella longifolia var. longifolia s.l.</i>	Pale Flax-lily				2019	5
<i>Blechnum minus</i>	Soft Water-fern				2003	3
<i>Caesia spp.</i>	Grass Lily				1989	1
<i>Machaerina tetragona</i>	Square Twig-sedge				2003	2
<i>Tetrarrhena spp.</i>	Rice Grass				1989	1
<i>Sparaxis bulbifera</i>	Harlequin Flower	Introduced			1995	1
<i>Hypolepis glandulifera</i>	Downy Ground-fern				1999	1
<i>Potamogeton ochreatus</i>	Blunt Pondweed				2007	1
<i>Oxalis latifolia</i>	Fish-tail Wood-sorrel	Introduced			1969	1
<i>Myriophyllum amphibium</i>	Broad Water-milfoil				2003	1
<i>Ottelia ovalifolia subsp. ovalifolia</i>	Swamp Lily				2004	1
<i>Trifolium scabrum</i>	Rough Clover	Introduced			1978	2
<i>Scaevola hookeri</i>	Creeping Fan-flower				1990	1
<i>Rumex pulcher subsp. pulcher</i>	Fiddle Dock	Introduced			1986	1
<i>Solenogyne dominii</i>	Smooth Solenogyne				1991	1
<i>Elymus repens</i>	English Couch	Introduced			1986	1
<i>Carduus spp.</i>	Slender Thistle	Introduced			1999	2
<i>Urtica urens</i>	Small Nettle	Introduced			2004	1
<i>Blechnum rupestre</i>	Small Rasp-fern				2003	1
<i>Cerastium glomeratum s.s.</i>	Sticky Mouse-ear Chickweed	Introduced			2007	2
<i>Montia australasica</i>	White Purslane				2004	1
<i>Juncus australis</i>	Austral Rush				2004	2
<i>Ailanthus altissima</i>	Tree of Heaven	Introduced			1990	1
<i>Thinopyrum junceiforme</i>	Sea Wheat-grass	Introduced			1995	3
<i>Geranium molle</i>	Dove's Foot	Introduced			2003	1
<i>Gaudinia fragilis</i>	Fragile Oat	Introduced			1978	2
<i>Erigeron bonariensis</i>	Flaxleaf Fleabane	Introduced			2023	3

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Patersonia spp.</i>	Purple Flag				2004	2
<i>Cardamine spp.</i>	Bitter Cress				1999	1
<i>Crassula spp.</i>	Crassula				1991	1
<i>Ranunculus muricatus</i>	Sharp Buttercup	Introduced			2003	1
<i>Hypolepis muelleri</i>	Harsh Ground-fern				2003	1
<i>Juncus sarophorus</i>	Broom Rush				2007	2
<i>Thelymitra X macmillanii</i>	Crimson Sun-orchid		Vulnerable		1865	1
<i>Senecio vulgaris</i>	Common Groundsel	Introduced			2003	1
<i>Myriophyllum spp.</i>	Water Milfoil				2004	1
<i>Coprosma robusta</i>	Karamu	Introduced			2011	1
<i>Coprosma hirtella</i>	Rough Coprosma				2011	1
<i>Hackelia latifolia</i>	Forest Hound's-tongue				2011	1
<i>Fumaria spp.</i>	Fumitory	Introduced			2020	4
<i>Haloragis heterophylla</i>	Varied Raspwort				1999	1
<i>Blechnum nudum</i>	Fishbone Water-fern				2011	1
<i>Blechnum watsii</i>	Hard Water-fern				2011	1
<i>Galium australe s.l.</i>	Tangled Bedstraw				2011	3
<i>Myosotis arvensis</i>	Field Forget-me-not	Introduced			2011	1
<i>Kennedia rubicunda</i>	Dusky Coral-pea	Native but some stands may be alien			1999	1
<i>Polyscias sambucifolia</i>	Elderberry Panax				2011	1
<i>Mentha australis</i>	River Mint				2011	1
<i>Solanum mauritianum</i>	Wild Tobacco Tree	Introduced			2011	1
<i>Tetrarrhena juncea</i>	Forest Wire-grass				2011	1
<i>Lythrum salicaria</i>	Purple Loosestrife				2011	1
<i>Parapholis incurva</i>	Coast Barb-grass	Introduced			1994	3
<i>Cassinia spp.</i>	Cassinia				2010	1
<i>Pinus spp.</i>	Pine	Introduced			2010	1
<i>Bromus spp.</i>	Brome				2010	1
<i>Gamochaeta purpurea s.s.</i>	Spiked Cudweed	Introduced			2010	1
<i>Melilotus spp.</i>	Melilot	Introduced			2015	1
<i>Lotus spp.</i>	Trefoil				2010	2
<i>Viola odorata</i>	Common Violet	Introduced			1991	1

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Dipodium roseum s.l.</i>	Rosy Hyacinth-orchid				2010	1
<i>Acer spp.</i>	Maple	Introduced			2010	1
<i>Hemichroa pentandra</i>	Trailing Hemichroa				1995	1
<i>Arthropodium strictum s.s.</i>	Chocolate Lily				2007	2
<i>Goodenia elongata</i>	Lanky Goodenia				1999	1
<i>Pultenaea tenuifolia</i>	Slender Bush-pea				1995	2
<i>Wahlenbergia gracilentia s.l.</i>	Annual Bluebell				1999	1
<i>Pterostylis sanguinea</i>	Banded Greenhood				1929	1
<i>Eucalyptus cephalocarpa s.s.</i>	Mealy Stringybark				1997	1
<i>Festuca rubra s.l.</i>	Red Fescue	Introduced			1998	1
<i>Crassula tetragona subsp. robusta</i>	Shrubby Crassula	Introduced			1991	1
<i>Dillwynia hispida</i>	Red Parrot-pea				1963	1
<i>Phlebopus marginatus</i>					2020	1
<i>Hydrocotyle callicarpa</i>	Small Pennywort				1997	1
<i>Hydrocotyle foveolata</i>	Yellow Pennywort				1997	2
<i>Passiflora caerulea</i>	Blue Passion-fruit	Introduced			1992	1
<i>Calochilus robertsonii s.l.</i>	Purple Beard-orchid				1770	1
<i>Aphelia pumilio</i>	Dwarf Aphelia				1997	1
<i>Lyperanthus suaveolens</i>	Brown-beaks				1770	1
<i>Muehlenbeckia adpressa</i>	Climbing Lignum				1995	2
<i>Thuidiopsis furfurosa</i>	Golden Weft-moss				2000	1
<i>Trifolium campestre var. campestre</i>	Hop Clover	Introduced			2000	1
<i>Brassica fruticulosa</i>	Twiggy Turnip	Introduced			2018	1
<i>Phalaris arundinacea</i>	Reed Canary-grass	Introduced			1990	1
<i>Trachymene composita var. composita</i>	Parsnip Trachymene				1970	1
<i>Bellardia viscosa</i>	Yellow Bartsia	Introduced			1989	1
<i>Moenchia erecta</i>	Erect Chickweed	Introduced			1989	1
<i>Pseudoscleropodium purum</i>	Neat Feather-moss	Introduced			2010	1
<i>Viola labradorica</i>	Labrador Violet	Introduced			1999	1
<i>Eucalyptus saligna</i>	Sydney Blue-gum	Introduced			1999	1




Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Sematophyllum homomallum</i>	Bronze Signal-moss				1947	1
<i>Rytidosperma bipartitum s.l.</i>	Leafy Wallaby-grass				1997	1
<i>Hypericum spp.</i>	St John's Wort				1990	1
<i>Lobelia pratoides</i>	Poison Lobelia				1986	1
<i>Malus spp.</i>	Apple	Introduced			2007	1
<i>Isopogon ceratophyllus</i>	Horny Cone-bush				2007	1
<i>Spergularia media s.l.</i>	Coast Sand-spurrey				1994	1
<i>Malva nicaeensis</i>	Mallow of Nice	Introduced			2007	1
<i>Tritonia crocata</i>	Orange Tritonia	Introduced			2000	1
<i>Vicia sativa subsp. sativa</i>	Common Vetch	Introduced			2007	1
<i>Iridaceae spp.</i>	Irid				2007	1
<i>Epilobium billardioreanum subsp. billardioreanum</i>	Smooth Willow-herb				2007	1
<i>Raphanus raphanistrum</i>	Wild Radish	Introduced			1976	1
<i>Gazania linearis</i>	Gazania	Introduced			1994	1
<i>Sonchus asper s.s.</i>	Rough Sow-thistle	Introduced			2007	1
<i>Polycarpon tetraphyllum</i>	Four-leaved Allseed	Introduced			2023	3
<i>Conium maculatum</i>	Hemlock	Introduced			2007	1
<i>Suaeda australis</i>	Austral Seablite				1976	1
<i>Stylidium dilatatum</i>	Tasman Triggerplant				2004	1
<i>Hibbertia sericea var. sericea s.s.</i>	Silky Guinea-flower				2004	1
<i>Polypogon maritimus var. subspathaceus</i>	Coast Beard-grass	Introduced			1994	1
<i>Allocasuarina paludosa</i>	Scrub Sheoak				2007	1
<i>Pelargonium X domesticum</i>	Regal Pelargonium	Introduced			2010	1
<i>Aizoon secundum</i>	Galenia	Introduced			1976	1
<i>Cotula australis</i>	Common Cotula	Native but some stands may be alien			1999	1
<i>Diuris punctata var. punctata</i>	Purple Diuris		Endangered		1999	1
<i>Asteraceae spp.</i>	Composite				1999	1

Scientific Name	Common Name	Origin	FFG Act	EPBC Act	Last Year Observed	Record Number
<i>Caladenia phaeoclavia</i>	Brown-clubbed Spider-orchid				1999	1
<i>Cakile edentula</i>	American Sea Rocket	Introduced			1976	1
<i>Chenopodium album</i>	Fat Hen	Introduced			1976	1
<i>Selaginella gracillima</i>	Tiny Selaginella				1947	1
<i>Drosera macrantha subsp. planchonii</i>	Climbing Sundew				1999	1
<i>Agrostis stolonifera</i>	Creeping Bent	Introduced			1976	1
<i>Acaulon spp.</i>	Pygmy Moss				1999	1
<i>Lysimachia minima</i>	Chaffweed	Introduced			1999	1
<i>Genista spp.</i>	Broom	Introduced			1999	1
<i>Viola hederacea sensu Willis (1973)</i>	Ivy-leaf Violet				2011	48
<i>Onopordum illyricum</i>	Illyrian Thistle	Introduced			1992	1
<i>Vicia spp.</i>	Vetch	Introduced			2020	1
<i>Onopordum acanthium</i>	Scotch Thistle	Introduced			1970	1
<i>Euchiton spp.</i>	Cudweed				2020	1
<i>Setaria pumila</i>	Pale Pigeon-grass	Introduced			2010	1
<i>Gazania spp.</i>	Gazania	Introduced			2020	1
<i>Cordyline stricta</i>	Slender Palm-lily	Introduced			2010	1
<i>Polygonum aviculare s.l.</i>	Prostrate Knotweed	Introduced			2023	1
<i>Pandorea pandorea</i>	Wonga Vine				2011	3
<i>Portulaca oleracea</i>	Common Purslane	Native but some stands may be alien			2023	1
<i>Tradescantia fluminensis</i>	Wandering Jew	Introduced			1999	2
<i>Melilotus indicus</i>	Sweet Melilot	Introduced			2023	1
<i>Medicago arabica</i>	Spotted Medic	Introduced			2023	1
<i>Vulpia muralis</i>	Wall Fescue	Introduced			2023	1
<i>Setaria parviflora</i>	Slender Pigeon-grass	Introduced			1991	1

Appendix 2. Maps

The maps start on the next page.





<p>Disclaimer Practical Ecology bears no responsibility for the accuracy and completeness of this information and any decisions or actions taken on the basis of the map. While information appears accurate at publication, nature and circumstances are constantly changing.</p>	<p>Legend</p> <ul style="list-style-type: none"> Study Area Parcels Contours (10m) Natural watercourse 	<p>Details Mapping by: Ali Nia Date: 2/13/2024 Version: 1 Aerial photography from Nearmap (Aug. 2024). Data Source: Base layers courtesy of VicMap, Copyright © State of Victoria.</p>	<p style="text-align: center;">Map 1. Study Area The Briars Community Forest, Mornington</p> <div style="text-align: right;">  </div> <div style="text-align: right;">  </div> <p>Scale: 1:2,300 (Page size A3)</p>
 <p>practical ECOLOGY ecological restoration & consulting p (03) 9484 1555 e enquiries@practicalecology.com.au</p>			



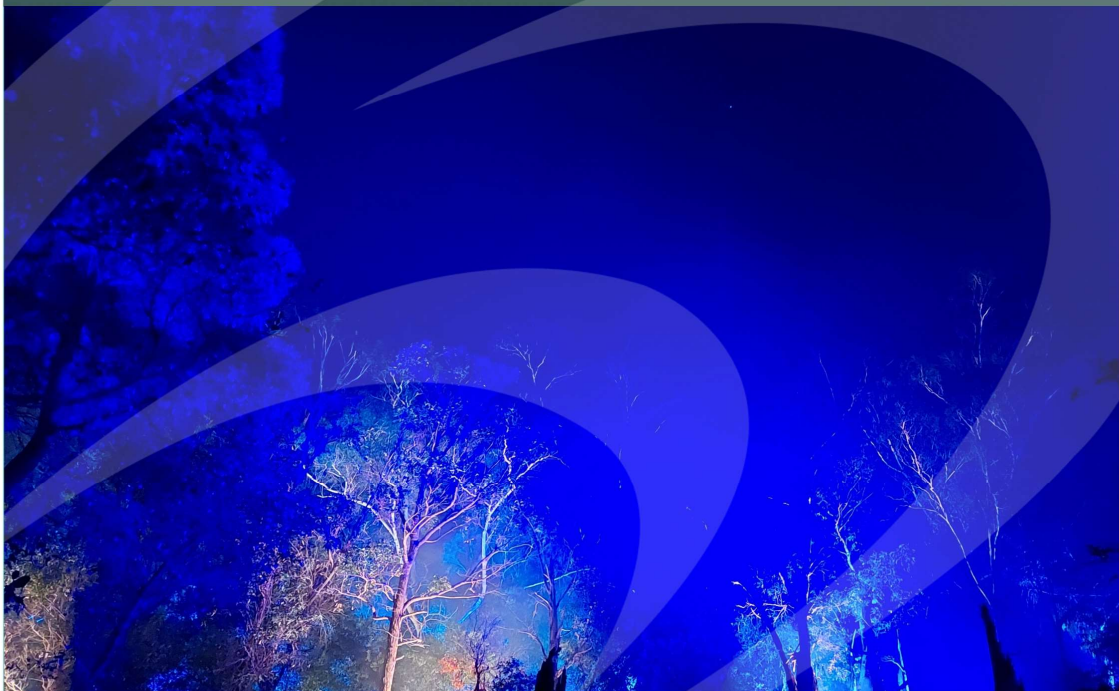
<p>Disclaimer Practical Ecology bears no responsibility for the accuracy and completeness of this information and any decisions or actions taken on the basis of the map. While information appears accurate at publication, nature and circumstances are constantly changing.</p>	<p>Legend</p> <ul style="list-style-type: none"> Study Area Constructed watercourse Natural watercourse <p>Victorian Biodiversity Atlas (Flora records)</p> <ul style="list-style-type: none"> Listed under the FFG Act and/or the EPBC Act Not listed under the FFG Act or the EPBC Act 	<p>Details Mapping by: Ali Nia Date: 2/13/2024 Version: 1 Aerial photography from Esri World Imagery. Data Source: Base layers courtesy of VicMap, Copyright © State of Victoria.</p>	<p>Map 2. Victorian Biodiversity Atlas – Flora records The Briars Community Forest, Mornington</p> <div style="text-align: right;"> <p>N</p> <p>0 100 200m</p> <p>Scale: 1:8,000 (Page size A3)</p> </div>



<p>Disclaimer Practical Ecology bears no responsibility for the accuracy and completeness of this information and any decisions or actions taken on the basis of the map. While information appears accurate at publication, nature and circumstances are constantly changing.</p>  <p>ecological restoration & consulting p (03) 9484 1555 e enquiries@practicalecology.com.au</p>	<p>Legend</p> <ul style="list-style-type: none"> Study Area Constructed watercourse Natural watercourse <p>Victorian Biodiversity Atlas (Fauna records)</p> <ul style="list-style-type: none"> ● Listed under the FFG Act and/or the EPBC Act ● Not listed under the FFG Act or the EPBC Act 	<p>Details</p> <p>Mapping by: Ali Nia Date: 2/13/2024 Version: 1 Aerial photography from Esri World Imagery. Data Source: Base layers courtesy of VicMap, Copyright © State of Victoria.</p>	<p>Map 3. Victorian Biodiversity Atlas – Fauna records</p> <p>The Briars Community Forest, Mornington</p> <div style="text-align: right;">  <p>Scale: 1:8,000 (Page size A3)</p> </div>
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Flora and fauna monitoring for the Forbidden Forest Experience at The Briars Community Forest



Prepared for: Mornington Peninsula Shire Council

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Cover photo: Forbidden Forest Experience lighting at The Briars Community Forest. ©Timon van Asten

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Flora and fauna monitoring for the Forbidden Forest Experience at The Briars Community Forest



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Ecology Australia acknowledges the Traditional Custodians of Country throughout Australia, and we pay our respects to their Elders past, present and future.

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- | | |
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Summary

Background

An interactive public event called the Forbidden Forest Experience was undertaken at The Briars Community Forest between April and July 2024. The event presented themed displays using light and sound effects along a visitor trail. Ecology Australia was commissioned by the Mornington Peninsula Shire Council to monitor impacts of the event on flora and fauna. Fauna throughout the Community Forest were monitored between February and August 2024 using spotlight transects, remote cameras and audio recorders to identify possible changes in numbers and distribution of animals before, during and after the event. A flora assessment was also conducted post-event, with the results compared to a pre-event assessment, to determine the impact of event-related activities on vegetation around the visitor trail.

Results and conclusions

Thirty-six fauna species were recorded across all surveys at the site, including grey-headed flying fox and Lewin's rail, listed as vulnerable under the FFG Act and EPBC Act (grey-headed flying fox only). The herbaceous flora within the event impact zone was dominated by introduced pasture species. No unpermitted destruction of vegetation was observed.

Overall, the event did not seem to have had a significant impact on any of the flora and fauna species and communities recorded in sufficient numbers on any of the surveys. Especially, there was no measurable impact on any species listed as threatened. However, it is possible that the event may have had minor impacts to some species, as reflected by some reduced activity around the event trail area. These species may have compensated for event disturbances by using other parts of the site or off-site habitat instead.

It is difficult to determine whether the event impacted the activity of any uncommon, typically more cryptic or shy fauna species. However, the likelihood of any such impacts and their significance were deemed to be very low, given the location and habitat of the site and the temporary nature of the event.

Recommendations

Revegetation, monitoring and weed control is recommended for disturbed areas, to prevent outbreaks of noxious weeds. Protection of exposed tree roots along boundary tracks is also recommended to protect established trees from inadvertent damage from traffic and track maintenance.

Longer term fauna monitoring of the site is advised to inform whether numbers for some species would return to pre-event levels over time. In addition, in relation to similar future events it is recommended that monitoring be carried out at a control site as well as the event site to allow for better differentiation between seasonal (natural) and event effects on wildlife. Future event planning should also consider avoiding the most sensitive or biodiverse areas at proposed event sites, to avoid or minimise impacts to significant natural values.

1 Introduction

In January 2024, Ecology Australia was commissioned by the Mornington Peninsula Shire Council (Council) to conduct flora and fauna monitoring around the planned Forbidden Forest Experience event (hereafter referred to as ‘the event’). This event ran from 6 April to 14 July 2024 and consisted of light and sound installations along a forest trail at The Briars Community Forest (hereafter referred to as ‘the site’) in Mount Martha, Victoria. Lights, sounds and some fog machines were turned on between 4:30–10:30 pm most nights, while visitors walked along the trail.

It is well established that human-generated light and noise at night can significantly impact animal behaviour (Newport *et al.* 2014; Schroer and Hölker 2016; Jägerbrand and Spoelstra 2023). Nocturnal animals can be especially sensitive to artificial lighting as they are adapted to being active at low light levels. At the same time, day-active animals may experience reduced sleep in the presence of artificial lighting. The event’s extensive use of light and sound effects therefore had the potential to disrupt the typical movement and behaviour of wildlife inhabiting the site.

Fauna monitoring was conducted to determine behavioural responses of common (mainly nocturnal) animals inhabiting the site to the event. Monitoring consisted of spotlight surveys and installation of remote cameras and audio recorders throughout the site, covering a period from one month before to one month after the event. The main aim was to capture fauna presence and movement within the site over the duration of the event.

In addition to the fauna monitoring, an evaluation of the condition of flora along the event trail was also conducted post-event to determine if and how this was impacted by event-related activities. Upgrading of existing trails, installation of props among the trees on either side of the trail and a sudden large increase in foot traffic all have the capacity to impact sensitive flora.

The flora and fauna monitoring findings presented in this report will inform future decision-making and management to protect natural values and general animal wellbeing for similar future events organised by Council.

1.1 Pre-event surveys

Rapid desktop and site flora and fauna surveys had been conducted for the site by other consultants prior to the event set-up phase (Shepherd 2024; Practical Ecology 2024; unnamed zoologist, 2024). Reports on these surveys were provided to Ecology Australia by Mornington Peninsula Shire Council’s Manager - Destination, Recreation and Community Connection. No threatened flora or fauna were detected on site prior to the event and no historical threatened species records for the site exist in the Victorian Biodiversity Atlas (VBA). Practical Ecology (2024) noted that no targeted surveys for threatened species had been conducted and that there was some potential for listed species including swift parrot *Lathamus discolor* and powerful owl *Ninox strenua* to visit the site on occasion.

The pre-event flora survey by Shepherd (2024) was used as the baseline for Ecology Australia’s assessment of flora impacts from the event.

2 Study Site

The Briars Community Forest is a small, 19.5 ha urban forest within Mount Martha and is part of The Briars Park. It was planted in the early 1980s with community funding on formerly cleared farmland. Most trees and shrubs planted are native to Australia, but the majority is not indigenous to the area. The ground cover vegetation consists mainly of introduced pasture grasses and herbs.

The site is bordered by the Nepean Highway (to the west), with the Mount Martha township directly beyond. Pastures of The Briars occur to the north and east, and privately owned open farmland occurs to the south. A small, unnamed creek line containing some slow-flowing water runs north to south through the eastern half of the site. Around 2.4 km of established trails run north to south through the site and along the site's perimeter (Figure 1).

Some corridors containing native trees and shrubs connect the site with other bushland patches in the surrounding landscape, mainly along paddock boundaries and roadsides. The unnamed creek line connects the site with The Briars Wildlife Sanctuary, which contains some significant species. Here, the creek flows into Balcombe Creek. Recent tree plantings along the connecting section of the creek line should make this corridor more significant for wildlife movement between the Community Forest and Wildlife Sanctuary in the future.

Currently, the site is mostly used by local (dog) walkers with generally low numbers of foot traffic at any one time. Some of the existing trails were upgraded (i.e. levelled and widened) for the event and it is our understanding that Council hopes for improved visitor experience and accessibility of the site beyond the event, with potential further site improvements and weed control.

The study area for the flora assessment was the same as the study area outlined in Figure 4 of the letter report prepared by Mark Shepherd Ecological Consulting titled 'Biodiversity assessment: The Briars Community Forest' (Shepherd 2024), presented in Figure 1 below. This area is referred to hereon as the 'flora assessment study area'.

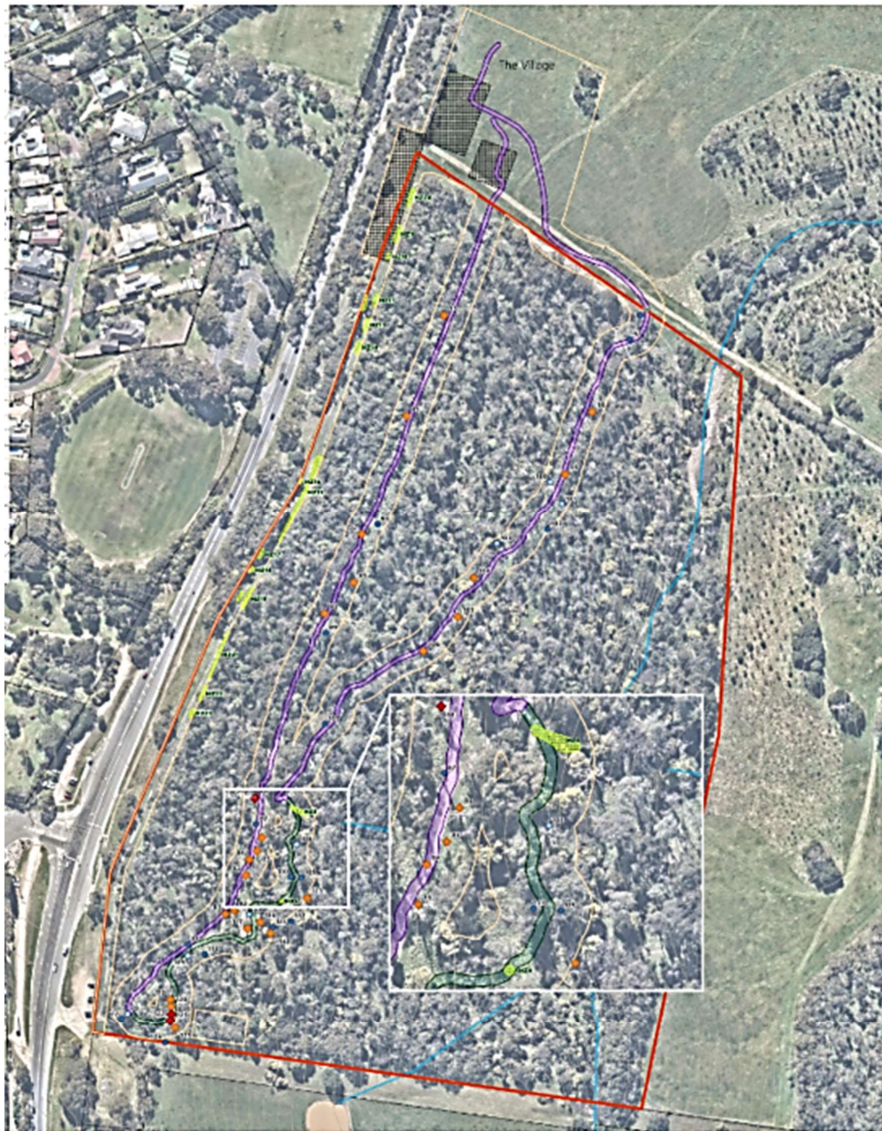


Figure 4: Native vegetation impacts
The Briars Community Forest

- | | | | |
|---|--------------------------------|---|---|
|  | The Briars Community Forest |  | Native vegetation patch removal |
|  | Vegetation |  | Exposed ground |
|  | Proposed path/structure change |  | Tree (less than 20cm DBH) |
|  | Existing track |  | Dead - Pruned (highly considered removed) |
|  | Non-track |  | Living - Pruned |
| | |  | Living - Pruned (highly considered removed) |

Map prepared by Ecology Australia
Date: 15/09/2024
Scale: 1:10,000
Map ID: 2024-09-15-001

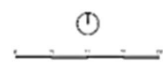


Figure 1 Flora assessment study area, shown in brown outline, with the site boundary shown in red outline (image sourced from Shepherd 2024b).

3 Methods

3.1 Fauna surveys

Surveys were conducted throughout the site from late February until late August 2024 (Figure 3). Several different techniques were employed to gain optimal insight into the movement and general activity of commonly encountered species across the site over the duration of the event.

3.1.1 Spotlighting

Four parallel survey transects were set up, running north to south across the site (Figure 3) at different distances from the event trail. Transect placement was determined mostly by accessibility of the terrain after dark and with optimal visibility of the surrounding vegetation. Each transect was marked with pink flagging tape to assist navigation after dark and for consistency.

Spotlighting surveys were conducted from at least 30 minutes after sunset on nights with little to no rain and avoiding high winds. Two observers walked two transects each per survey night (transect 1 and 2, or 3 and 4). Care was taken to not let the same observer survey the same two transects each time to avoid observer bias. On average, each transect took about one hour to survey. While walking a transect, an observer recorded any animal seen or heard, documenting the following information:

- Species
- Location where the animal was observed, recorded using a handheld GPS device (Garmin GPSMAP 66s)
- Approximate height from ground level
- Type of vegetation the animal was observed in (if relevant)

General weather data, including temperature, relative humidity, cloud cover and moon phase, were recorded at the start of each spotlight survey using a portable weather meter (Kestrel 3000).

Overall, 24 spotlight surveys were conducted (Figure 2):

- Four pre-event.
- Four during the acclimatisation period (i.e. a period of two weeks before the event opening, during which lights and sound effects were gradually turned on to allow wildlife to adjust to the changing conditions).
- Twelve over the duration of the event, including:
 - Eight on nights the event was running ('on' nights)
 - Four on nights the event was closed and lights, sound and fog turned off ('off' nights).
- Four post-event.

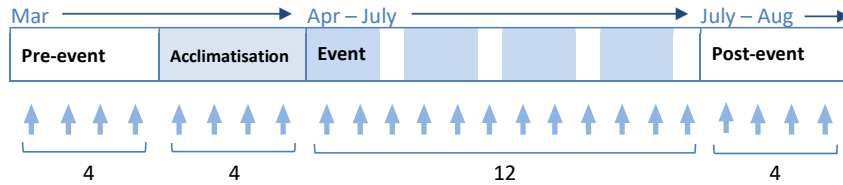


Figure 2 Spotlight survey timing in relation to the event. White background indicates no light, sound, or fog effects active. Shaded background indicates some effects (Acclimatisation) or all effects (Event) active. Arrows indicate timing of a spotlight survey. The event period in this figure has been simplified to visualise the order of surveys over this period. In reality there were more on and off instances over the course of the event (the event was closed Mon–Wed most weeks).

3.1.2 Camera traps

Nineteen remote infrared cameras were deployed throughout the site over the pre- to post-event period (Figure 3). Cameras were distributed as equally as practicable across the site, where vegetation structure allowed, to best capture fauna activity at a range of distances from the event. The southwestern and northeastern corners of the site contained too much dense vegetation to allow useful deployment of cameras. Nine cameras were installed within 100 m of the event trail, and 10 cameras were over 100 m away from the event trail. Cameras were mounted on tree trunks within 1.5 m of ground level. Cameras were generally aimed at locations that were most likely to yield wildlife traffic, such as the creek line, bases of trees potentially used by arboreal mammals, and small trails running through shrubby vegetation. Any movement would trigger a camera to take a rapid series of 5 photographs, stored on an SD card for later extraction and analysis. An effort was made to prevent surrounding vegetation from falsely triggering cameras by camera placement and minor removal of potentially triggering vegetation.

Labels containing names and the number of individuals of each species per camera trigger (i.e. series of five images) were assigned to each image using ExifPro software. All images were analysed, including those taken during daylight hours. Following the image analysis, the minimum number of individuals seen each day on each camera was recorded in a datasheet. Because individual animals in most cases cannot be confidently identified in separate trigger events, the minimum number of individuals on each day was determined by the maximum number of individuals of a species seen together in one image.

Following data entry, an activity score was assigned to each species for each month the cameras had been active. This score is based on the sum of the minimum number of unique individuals recorded each day per camera for each month. This does mean that the same individual(s) could be counted on different cameras on the same day and across different days. The score is therefore not a reflection of the actual number of individuals recorded at the site for each month, but rather a combination of abundance, activity, and movement around the site by different species in any given month.

3.1.3 Audio recorders

Twelve audio recorders (AudioMoth) were deployed throughout the site over the pre- to post-event period (Figure 3). Audio recorders were deployed at remote camera locations, where vegetation structure allowed sufficient space to pick up sound from the wider surroundings with minimal

interference from moving foliage and branch noise. The recorders were programmed to record 10 minutes of audio every two hours between 5pm and 1:15am each night.

Audio from 24 days of recording was analysed. We analysed days following a spotlight night where light and sound activity was the same as during spotlighting. This resulted in analysis of audio following the same pre-event, acclimatisation, event 'on' and 'off', and post-event pattern as the spotlight surveys. Audio from spotlight nights was not analysed to avoid possible disturbance effects of the spotlight surveys and to pick up any potential fauna calling that wasn't present on spotlight nights for other reasons. Any sound that could be assigned to a particular species (or group of species, in the case of microbats) was recorded in a datasheet.

3.2 Flora assessment

A flora assessment was conducted on 8 August 2024 by Davide Coppolino (Senior Botanist) and Gary Palmer (Senior Scientist – Botany), after the event. During this assessment, Davide and Gary walked or drove along the fire access track along the western edge of site and the event trail while visually inspected the extent of the flora assessment study area (Figure 1).

All habitat zones mapped by Shepherd (2024b) were visited to confirm their current extent and condition, with the following information recorded:

- Sections of habitat zones which were retained (intact and undisturbed, or degraded) or removed (the extent of removal was mapped using a GPS-enabled device).
- Descriptions of any observed disturbance/damage to retained sections of habitat zones.
- Photograph of the location of the habitat zone (whether still present or not).

This information was used to compare the extent of approved versus actual native vegetation removal.

General site observations of recent disturbance within the flora assessment study area were also documented, as were any declared noxious weeds incidentally observed in the area. The above information was recorded to inform compliance with condition 3 of Mornington Peninsula Shire Planning Permit P24/0453, and to identify impacts of the event on flora.

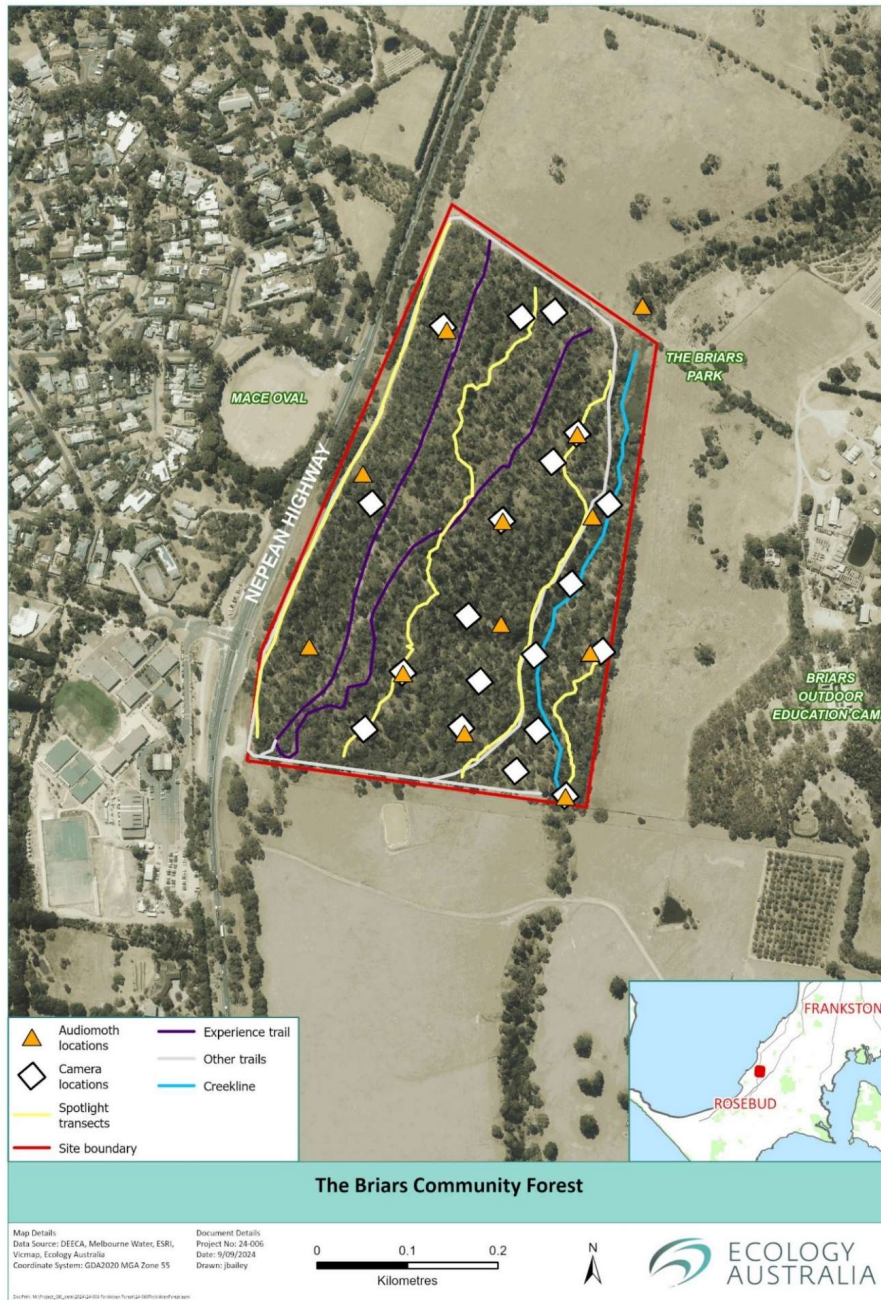


Figure 3 The Briars Community Forest fauna survey map, showing positioning of four spotlight transects, 19 remote cameras and 12 audio recorders, relative to the event trail.

3.3 Limitations

Since the event spanned a period of several months, it was difficult to disentangle effects of the event itself and general seasonal effects on wildlife activity at the site. Distance of survey locations to the event could be used, to an extent, to differentiate between natural changes and changes from the event. However, the habitat at survey locations farther from the event, in the eastern half of the site, differed markedly from the habitat at survey locations near the event. This difference could have influenced the results. Ideally, a control site would have been established within similar habitats to those affected by the event but outside the influence of the event'. The limited time available prior to the event and the lack of accessible, nearby, comparable habitats outside the event's influence meant a control could not be established for the current monitoring. However, establishment of a control should be considered for future monitoring of events

In addition, the spotlight surveys relied mostly on the detection of eye-shine to identify the presence of nocturnal animals. Near the event, where the canopy was lit up, detection of eye-shine could have been hindered, leading to an underestimate of the number of nocturnal animals in the area. This was also true for the event sound effects, which likely masked many vocalisations produced by animals or sounds produced by their movements.

Weather conditions could have affected the fauna detected during spotlight surveys. Even though spotlighting was generally only conducted on nights without rain and up to moderate wind speeds, conditions over days prior to each survey could have affected activity of some nocturnal species (Wayne *et al.* 2005).

Images for one camera could not be analysed, as the camera was found by a member of the public on a trail on the ground near its original location without its memory card. Two cameras, one along the creek line and one near the event trail, drained their batteries and only recorded data up to May.

Finally, cameras and audio recorders were set up without baits to attract wildlife. This was mainly done to record natural presence and movement of animals throughout the site. Consequently, some species present at the site may not have been recorded on cameras or audio recorders.

4 Results

4.1 Spotlight surveys

A total of 21 fauna species were recorded across all spotlight surveys (Appendix 2). Four species were seen on most surveys (more than 16 surveys), while 11 were only seen sporadically (on fewer than four surveys). A table containing survey dates and conditions during spotlight nights can be found in Appendix 1.

4.1.1 Most commonly detected mammals

Eastern ring-tailed possums (ERP) *Pseudocheirus peregrinus* were by far the most commonly recorded species during spotlighting. Numbers ranged from 29–65 individuals per night (Table 1). Overall, numbers of ERP seemed to decline over the monitoring period, although there was considerable variation in numbers between survey nights (Figure 4). Most of the decline was attributable to numbers recorded along the transects closer to the event. There was a tendency for numbers along the transects farther from the event to go up when those closer to the event went down and vice versa (Figure 5). Numbers rose again slightly after conclusion of the event (Figure 4), when sightings were spread a bit more evenly across the site compared to the event period (Figure 5). ERP were most frequently observed in gums and *Acacia* species (Figure 5). They used gums and acacias equally frequently before and after the event but tended to proportionally use gums a bit more during the event period.

Common brush-tailed possums (CBP) *Trichosurus vulpecula* and Krefft's gliders *Petaurus notatus* were seen on almost every survey night, albeit in much lower numbers than ERP (Table 1). Like ERP, both species showed a modest decline in numbers over the event period (Figure 4). The main difference was that CBP were present in similar numbers near and farther from the event trail, while Krefft's gliders were more numerous in the eastern half of the site, along the transects farther away from the event trail (Appendix 3). CBP observations also tended to return to pre-event levels during the post-event surveys, while this was not the case for Krefft's gliders (Figure 4).

CBP sightings were not clearly linked to event on or off nights but did show a similar pattern across both closer transects and transects farther from the event. Sightings of Krefft's gliders seemed to follow the event on/off pattern a bit more closely, but the link was still not very strong. Because most Krefft's gliders were seen on transects farther from the event, the overall pattern was largely driven by sightings in the eastern half of the site, where habitat along the creek line was more suitable for the species (Appendix 3).

4.1.2 Other mammals

Microbats were seen mostly along the two transects through the western half of the site during the pre-event and acclimatisation surveys. There was still some microbat activity early on while the event was running, but this activity then decreased (Table 1; Figure 4). After conclusion of the event, microbats were recorded again on two spotlight nights, mostly in the eastern half of the site, along transect 2 (Appendix 4).

Eleven eastern grey kangaroos (EGK) *Macropus giganteus* were recorded over four surveys after June (Appendix 2): two on event 'on' surveys, near the start of the event trail, and nine on two post-event surveys, mostly in the middle of the site.

Flora and fauna monitoring for the Forbidden Forest Experience at The Briars Community Forest



Table 1 Fauna species observed on at least 3 spotlight surveys.

Species*	Survey#^																							
	Pre-event				Acclimatisation				Event on/off nights												Post-event			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Australian magpie	-	-	-	-	-	1	-	-	-	-	3	2	-	-	-	2	-	-	-	-	-	-	-	-
Common brush-tailed possum	3	7	4	7	2	5	2	4	3	-	2	3	4	3	1	2	-	1	4	3	3	6	4	4
Common eastern froglet	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	2	-	5	-	15	-
Eastern grey kangaroo	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	7	-	2	-	-
Eastern ring-tailed possum	59	57	58	62	53	54	63	57	36	55	62	65	41	49	56	39	29	38	33	38	44	42	50	50
Grey-headed flying fox	-	-	-	-	-	-	1	-	-	-	7	-	-	-	-	-	-	-	-	1	-	-	-	-
Krefft's glider	3	2	4	5	-	5	7	7	3	3	4	1	2	3	3	2	3	-	-	1	4	4	3	1
Microbat sp.	4	1	2	3	2	1	6	5	-	3	2	-	-	1	-	-	-	-	-	-	-	2	-	3
Noisy miner	8	-	7	4	-	2	8	6	7	5	4	3	6	10	1	2	2	1	3	-	-	4	6	2
Rat sp. (unidentified)	-	-	-	-	1	-	2	2	1	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Tawny frogmouth	-	-	1	1	-	-	1	-	1	2	-	1	2	-	1	-	1	-	-	-	1	-	1	-

* See Appendix 1 for a table containing all fauna recorded during spotlight surveys.

^ Unshaded cells refer to surveys conducted without active sounds and lighting (i.e. pre-event, event off nights and post-event). Shaded cells refer to surveys conducted with some (acclimatisation period) or all (event on nights) of the light and sound effects running.

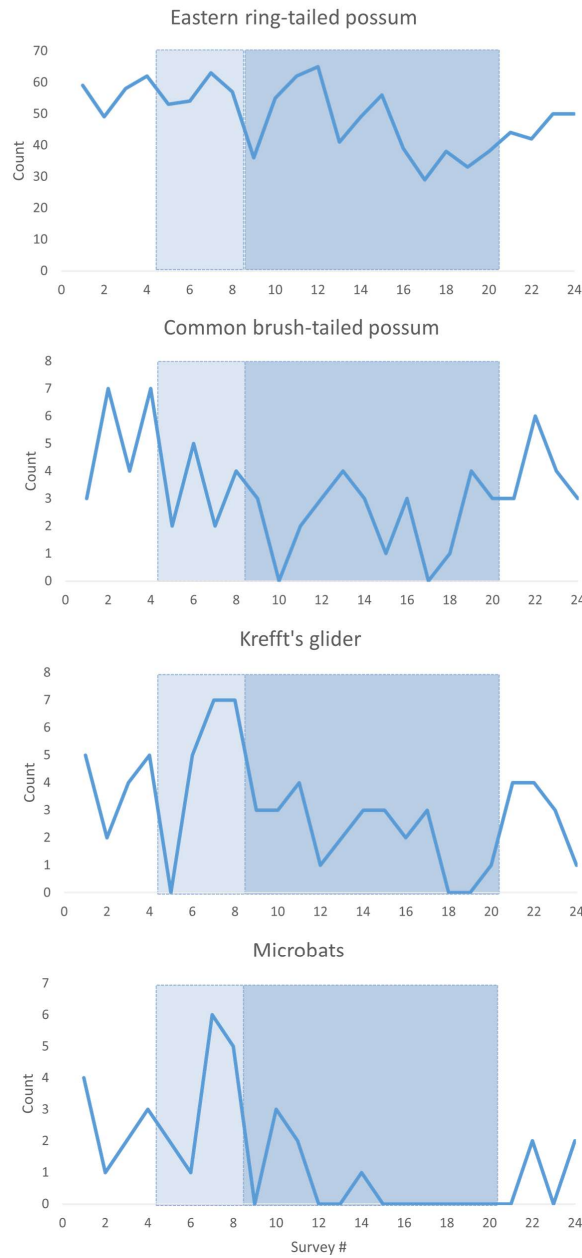


Figure 4 Counts of individuals for each spotlight survey of the 3 most commonly encountered mammals and microbats. Shading indicates acclimatisation (lighter blue) and event (darker blue) periods.

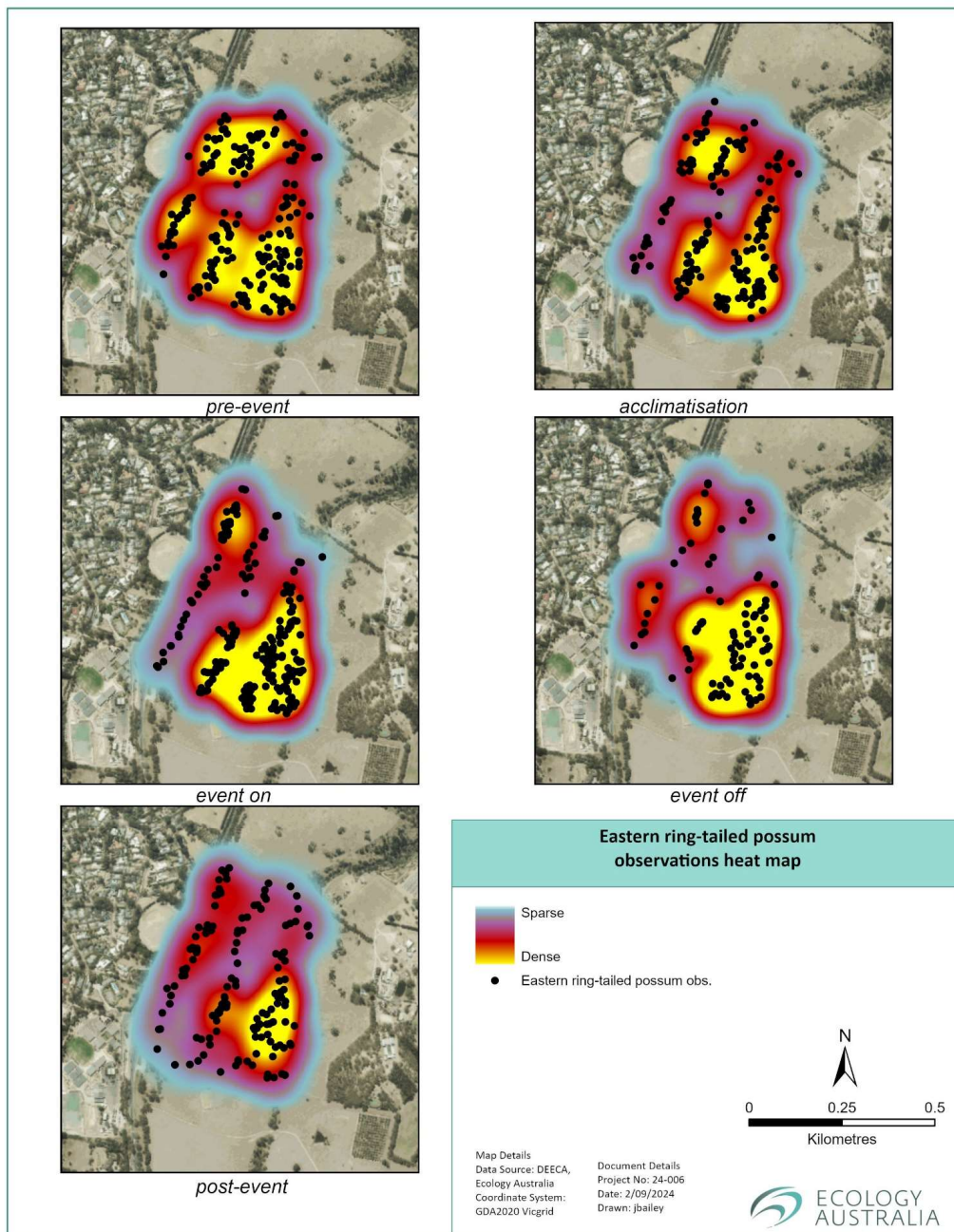


Figure 5 Heat map of the distribution of eastern ring-tailed possums recorded during spotlight surveys for each phase around the event.

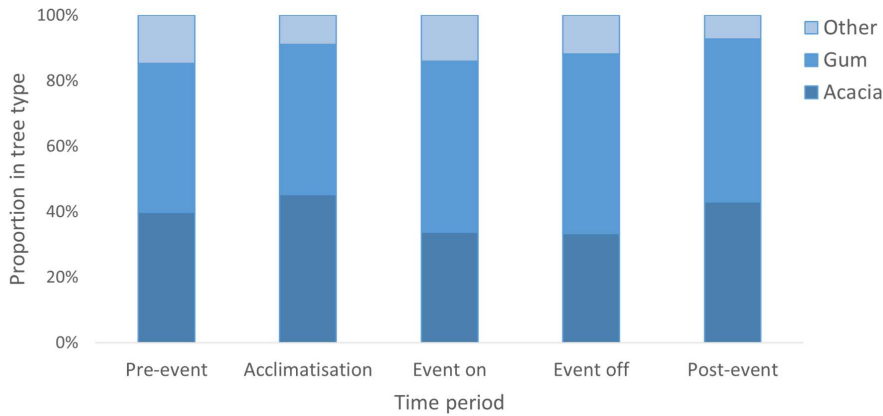


Figure 6 Vegetation groups ERP were seen in during spotlight surveys across the monitoring period.

Some rats (unknown species) and one red fox *Vulpes vulpes* were observed, mostly during the acclimatisation and early event periods (Appendix 2)

Finally, grey-headed flying foxes *Pteropus poliocephalus* (listed as vulnerable under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* [EPBC Act] and Victorian *Flora and Fauna Guarantee Act 1988* [FFG Act]) were observed during three spotlight surveys. Most notably, seven individuals were recorded feeding on some flowering *Corymbia* sp. along one of the transects on an event ‘off’ night in late April.

4.1.3 Birds

Three nocturnal bird species were recorded during the spotlight surveys, most frequently the tawny frogmouth *Podargus strigoides* on 11 surveys spread across all event phases, followed by southern boobook *Ninox boobook* during two event ‘off’ surveys and an eastern barn owl *Tyto javanica* during a pre-event survey (Appendix 2).

Diurnal birds were also recorded, mostly roosting in trees and shrubs spread across the site, but occasionally identified from calls. The most commonly observed diurnal birds were noisy miners *Manorina melanocephala*, with 1–10 individuals observed roosting in 20 out of the 24 surveys (Table 1). Other diurnal birds were only recorded occasionally during spotlighting. These included Australian magpie *Gymnorhina tibicen*, Australian wood duck *Chenonetta jubata*, common bronzewing *Phaps chalcoptera*, galah *Eolophus roseicapilla* (observed in the opening of a large hollow in a dead tree along the creek line), grey butcherbird *Cracticus torquatus*, laughing kookaburra *Dacelo novaeguineae* and red wattlebird *Anthochaera carunculata*.

4.2 Camera surveys

Thirty fauna species were recorded on the remote cameras between February and August 2024 (Appendix 6). The four cameras positioned along the creek line recorded the highest species diversity (29 out of the 30 species), while the nine cameras closest to the event (19–56 m from the trail) recorded 14 species.

4.2.1 Nocturnal species

The nocturnal species with the highest activity scores were the common brush-tailed possum and eastern ring-tailed possum, recorded on nine and six of the 19 cameras, respectively. The majority of records for these species came from one camera positioned near a log crossing the creek line, with crossings recorded each month of the camera survey period (Figure 7). Agile antechinus *Antechinus agilis* was also recorded across the survey period, except for May, when none were detected by the cameras. Finally, an eastern barn owl and southern boobook were recorded once each along the creek line.

4.2.2 Other species

Some species that can be active both during daytime and nighttime hours were also recorded. The most frequent and wide-spread examples of such species were the black rat *Rattus rattus*, red fox and eastern grey kangaroo (EGK). The former two species were recorded across the survey period and over most of the site (on 10 and 14 of the 19 cameras, respectively). EGK were observed on 16 of the 19 cameras and were only recorded from May onwards but utilised most of the site of all species recorded on the cameras (Figure 7). Rabbits were recorded semi-regularly on three of the cameras and occasionally on two others, all near the creek line and throughout the survey period (Figure 7).

The most commonly recorded diurnal species were the eastern rosella *Platycercus eximius* (11 cameras, mostly near the creek line, especially in March), buff-banded rail *Hypotaenidia philippensis* (nine cameras, mostly near the creek line in February and March) and Australian magpie (9 cameras, mostly near the event trail throughout the survey period) (Figure 7). See Appendix 6 for a full list of species recorded on all cameras, including some diurnal species not mentioned here.

One further noteworthy species was recorded only on two cameras along the creek line in February and March. This species was Lewin's rail, listed as vulnerable under the FFG Act.

4.3 Audio recorders

Calls of four nocturnal fauna species, as well as those of microbat species were recorded on the AudioMoths across the 24 analysed nights between March and August 2024 (Table 2). Microbat species can be difficult to analyse based on call data alone and therefore we have grouped them here to illustrate how this specific class of species may have been affected by the event. ERP were heard sporadically throughout the analysis period, while eastern barn owl and Krefft's glider and eastern barn owl were heard only once and twice, respectively. Grey-headed flying foxes were heard in late April and early May at times the event was not active, as was the case during the spotlight surveys. Finally, microbats were heard throughout the survey period, with the highest call rates between March and May and only 1–4 calls recorded per month over the June–August period.

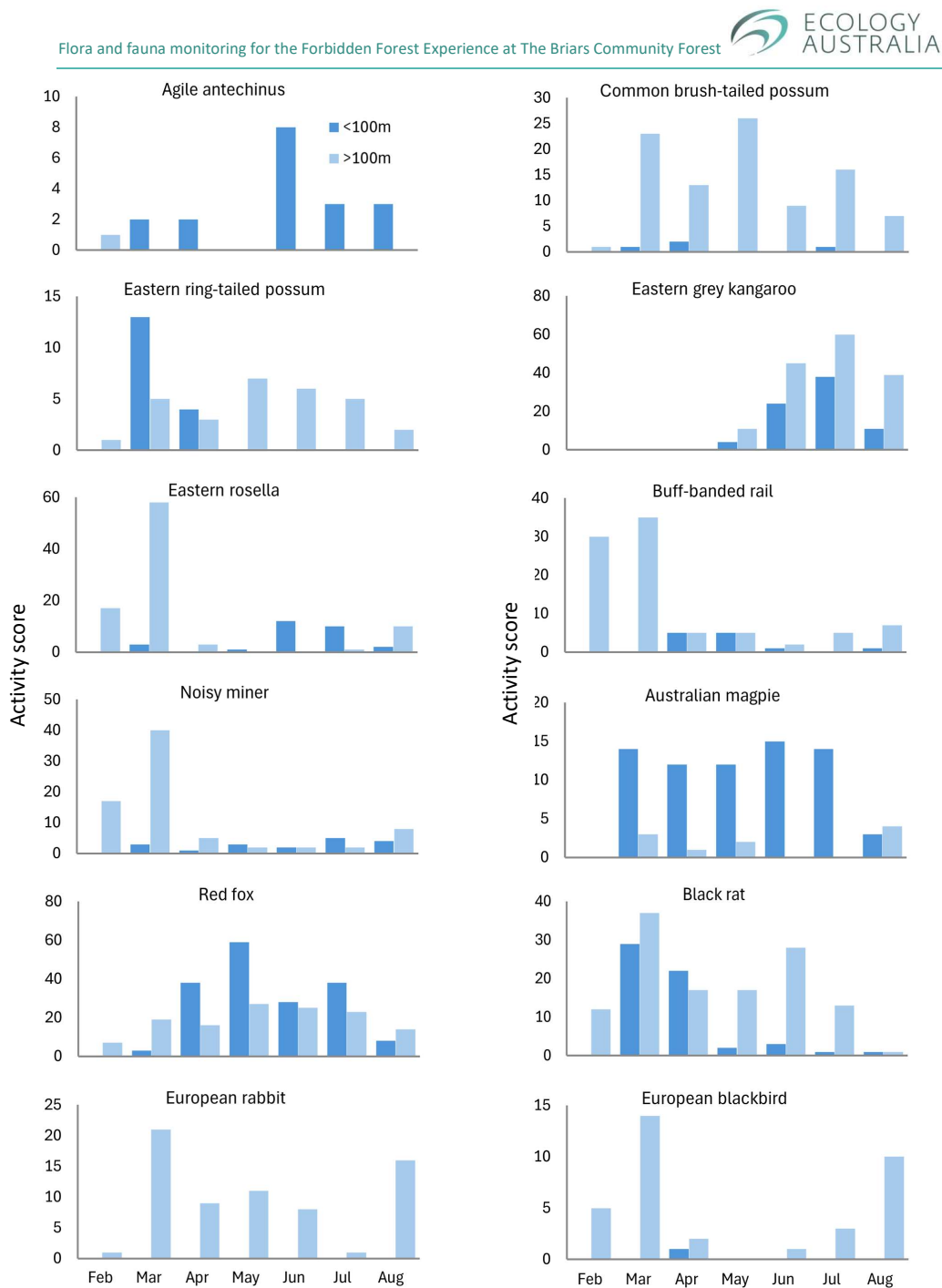


Figure 7 Activity scores for the most commonly recorded fauna species on remote cameras, with data divided for cameras closer to (<100 m, dark blue) and farther from (>100 m, light blue) the event trail.

Table 2 Activity scores of species recorded on audio recorders throughout the Community Forest between March and August 2024.

Common name	Scientific name	Month					
		Mar	Apr	May	Jun	Jul	Aug
Eastern barn owl	<i>Tyto javanica</i>	2	-	-	-	-	-
Eastern ring-tailed possum	<i>Pseudocheirus peregrinus</i>	7	2	7	4	-	1
Grey-headed flying fox	<i>Pteropus poliocephalus</i>	-	1	13	-	-	-
Kreff's glider	<i>Petaurus notatus</i>	-	-	1	-	-	-
Microbat sp.		56	18	31	4	1	2

Shading indicates activity score height (darker = higher) to aid in visualising species' activity patterns.

4.4 Flora survey

During the flora assessment, all materials and temporary facilities from the event had been removed, except:

- a shipping container in 'the Village' location, in the north-western part of the flora assessment study area
- temporary fencing along the western boundary of site
- some small areas of mulch, which had been placed over introduced pasture grasses and herbs
- some small boards which had been laid on the ground.

Mulch temporarily laid for the event had been recently removed from the fire access track along the western boundary of the site, as part of the post-event site cleanup (Mornington Peninsula Shire personnel pers. comm.). This had left a cleared, dirt maintenance track. Some tree roots from the adjacent planted trees were exposed along this track. Mornington Peninsula Shire Council staff advised further, minor track surface levelling was to be undertaken along the track (e.g. by running a bar along the track surface to remove minor ruts and bumps).

Observed recent clearing of ground layer vegetation included:

- clearing associated with the establishment of the new trail in the southern part of the flora assessment study area
- likely minor clearing associated with upgrades to the existing trails used for the event (i.e. to improve safety and accessibility)
- clearing associated with the establishment of a small, flat hardstand in the north-eastern part of the flora assessment study area
- clearing of some small, scattered areas due to mechanical scraping (potentially from the removal of mulch), trampling or smothering (e.g. by temporary event displays, facilities and materials which had since been removed from site)
- a thin layer of mulch covering some small areas.

Impacts to native vegetation permitted to be removed under Mornington Peninsula Shire Planning Permit P24/0453 are shown in Figure 8 and summarised in Table 3. In total, approximately 0.008 ha of the permitted 0.047 hectares of native vegetation removal had occurred. The cover of introduced annual grasses (e.g. panic and annual veldt-grasses) within habitat zones appeared to be much greater than was the case during the pre-event assessment undertaken by Shepherd (2024b). This difference was likely due to natural seasonal growth pulses of these annual species.

No unpermitted removal, destruction or lopping on native vegetation requiring a planning permit was observed. Shepherd (2024b) had previously reported that a planning permit was not required to remove, destroy or lop Habitat Zones 11, 16, 17 or 18, as an exemption applied. We provided information on these habitat zones to provide a complete account of event-related impacts, although not directly relevant to Planning Permit P24/0453.

No clearing of trees or shrubs was observed.

Outside pre-mapped habitat zones, the herbaceous vegetation beneath the planted trees and shrubs throughout the flora assessment study area almost exclusively comprised introduced pasture species. The predominant species included *kikuyu *Cenchrus clandestinus*, *panic veldt-grass *Ehrharta erecta*, *cocksfoot *Dactylis glomerata* and *annual veldt-grass *Ehrharta longiflora*. The ground layer vegetation clearing had also impacted these pasture grasses and herbs as well as very few, scattered indigenous plants outside habitat zones (mainly weeping grass *Microlaena stipoides* var. *stipoides*).

The following declared noxious weeds and Weeds of National Significance were fairly sparsely scattered in various parts of the flora assessment study area, but were in low cover:

- Common blackberry *Rubus anglocandicans*
- Bridal creeper *Asparagus asparagoides*
- Bulbil watsonia *Watsonia meriana* var. *bulbillifera*.

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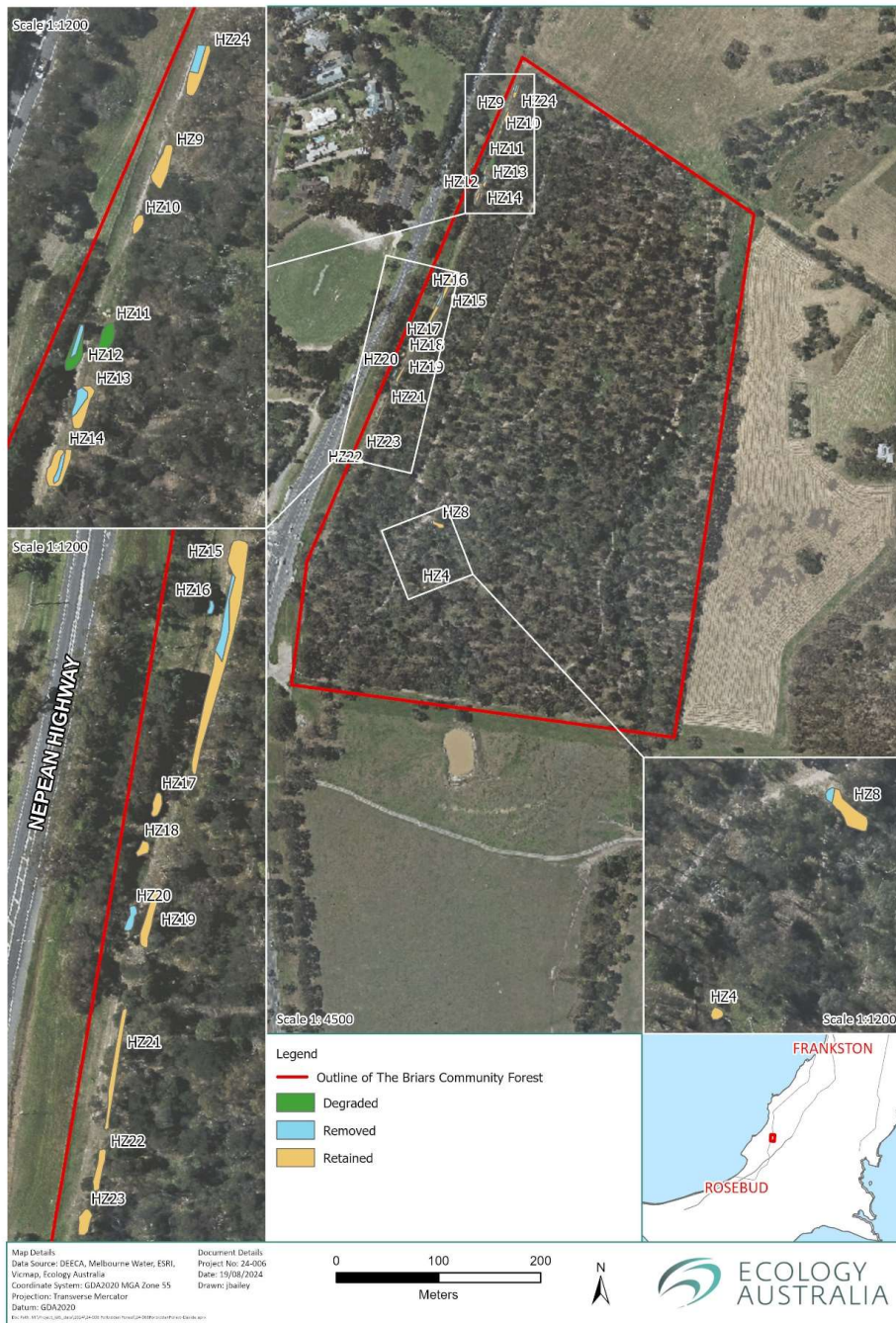



Figure 8 Extent of native vegetation habitat zone clearing

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Table 3 Current status of habitat zones previously mapped in the flora assessment study area

Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
4	Grassy Woodland (EVC 175)	0.001	0.001	0.000	Intact and undisturbed	



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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
8	Grassy Woodland (EVC 175)	0.004	0.003	0.001	Partial removal	

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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
9	Grassy Woodland (EVC 175)	0.003	0.003	0.000	Intact and undisturbed	

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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
10	Grassy Woodland (EVC 175)	0.001	0.001	0.000	Intact and undisturbed	

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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
11	Grassy Woodland (EVC 175)	0.002	0.002 (degraded)	0.000 (degraded)	<p>Degraded (patchy partial removal) Approximately 65 to 70% scraped or smothered. About 30% of damaged weeping grass resprouting.</p>	



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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
12	Grassy Woodland (EVC 175)	N/A (0.002)	N/A (>0.001)	N/A (<0.001)	<p>Partial removal and degraded</p> <p>Remaining parts disturbed from vehicle wheel marks.</p> <p><i>(Shepherd 2024) noted a planning permit was not required to remove, destroy or lop this habitat zone as an exemption applied. Therefore, Mornington Peninsula Shire Planning Permit P24/0453 did not apply to this habitat zone.</i></p>	



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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
13	Grassy Woodland (EVC 175)	0.002	Slightly less than 0.002	<0.001	Partial removal	
14	Grassy Woodland (EVC 175)	0.003	0.002	0.001	Partial removal	



Final

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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
15	Grassy Woodland (EVC 175)	0.013	0.010	0.003	Partial removal	
16	Grassy Woodland (EVC 175)	<0.001	0.000	<0.001	<p>Complete removal (effectively)</p> <p>Only scattered weeping grass plants remaining amongst cleared vegetation.</p> <p><i>(Shepherd 2024) noted a planning permit was not required to remove, destroy or lop this habitat zone as an exemption applied. Therefore, Mornington Peninsula Shire Planning Permit P24/0453 did not apply to this habitat zone.</i></p>	



Flora and fauna monitoring for the Forbidden Forest Experience at The Briars Community Forest

Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
17	Grassy Woodland (EVC 175)	0.001	0.001	0.000	<p>Intact and undisturbed</p> <p>Some bare ground that is not from recent disturbance</p> <p><i>Shepherd (2024b) noted a planning permit was not required to remove, destroy or lop this habitat zone as an exemption applied. Therefore, Mornington Peninsula Shire Planning Permit P24/0453 did not apply to this habitat zone.</i></p>	 <p>8 August 2024 10:49 am</p>
18	Grassy Woodland (EVC 175)	0.001	0.001	0.000	<p>Intact and undisturbed</p> <p>Partially surrounded by temp fence</p> <p><i>Shepherd (2024b) noted a planning permit was not required to remove, destroy or lop this habitat zone as an exemption applied. Therefore, Mornington Peninsula Shire Planning Permit P24/0453 did not apply to this habitat zone.</i></p>	 <p>8 August 2024 10:51 am</p>

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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
19	Grassy Woodland (EVC 175)	0.004	0.004	0.000	Intact and undisturbed	


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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
20	Grassy Woodland (EVC 175)	0.001	0.000	0.001	Complete removal	




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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
21	Grassy Woodland (EVC 175) Grassy Woodland (EVC 175)	0.005	0.005	0.000	Intact and undisturbed	




Flora and fauna monitoring for the Forbidden Forest Experience at The Briars Community Forest

Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
22	Grassy Woodland (EVC 175)	0.002	0.002	0.000	Intact and undisturbed	
23	Grassy Woodland (EVC 175)	0.002	0.002	0.000	Intact and undisturbed This habitat zone only contains scattered weeping grass amongst introduced grasses and herbs	



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Habitat Zone	EVC	Original area (ha) (Shepherd 2024)	Remaining area (ha)	Extent of actual removal (ha)	Condition notes	Photo/s
24	Grassy Woodland (EVC 175)	0.003	0.002	0.001	Partial removal. Some soil disturbance (scraping) in remaining part of patch. About 50% of veg cover removed, native and exotic. Native weeping grass appears intact.	
TOTALS		approx. 0.051 ha, including approx. 0.046 ha* approved for removal plus approx. 0.005 ha of exempt native vegetation	approx. 0.041 ha (>0.003 ha comprised exempt native vegetation)	approx. 0.010 ha (<0.002 ha comprised exempt native vegetation removal)		

* = The 0.001 ha difference between this figure and the total approved area of native vegetation removal in the NVR Report associated with the planning permit (i.e. 0.047 ha) is due to rounding issues in the latter.

5 Discussion

Artificial sound and light at night has the potential to significantly affect foraging and other activities of local wildlife (Newport *et al.* 2014; Jägerbrand and Spoelstra 2023). Nocturnal and diurnal species can be affected in different ways. For example, artificial light may cause area avoidance behaviour in nocturnal animals preferring the cover of darkness to avoid detection by predators, while it could reduce sleep in diurnal species. Noise pollution can hinder communication between individuals or reduce the detection probability of predators by prey species. The surveys conducted over the course of the Forbidden Forest Experience event at the site aimed to investigate whether artificial light and sound effects from the event had an impact on the local wildlife.

A total of 36 fauna species were recorded at the site across all surveys, spanning a period from February to August 2024. Some species showed temporal changes in presence or abundance, while others did not or were detected too infrequently to determine any patterns over time. The event itself also varied temporally and spatially at the site. The light and sound installations were concentrated in the western half of the site and active between 5 and 11 pm, 4–7 days per week. This means fauna in the western half of the site was exposed to much more noise and artificial light, albeit temporarily, than individuals in the eastern half, where only some of the sound effects were audible. Especially the south-eastern corner of the site was relatively dark and quiet, even when the event was running. In addition, the creek line running through the eastern half of the site provided potentially favourable habitat for a number of fauna species compared to the drier and flatter habitat in the western half of the site.

Here we discuss spatial and abundance patterns observed in the most commonly detected species across the surveys and comment on some other significant species recorded. Finally, we summarise our findings and discuss the possible overall effect(s) the Forbidden Forest Experience event may have had on the local fauna at the site.

5.1 Impacts on most commonly detected species

5.1.1 Eastern ring-tailed possum

Eastern ring-tailed possum (ERP) observations showed a somewhat downward trend over the period the event was active, with a small increase in the number of individuals observed over the four post-event surveys. Numbers observed varied considerably between surveys. However, some event 'on' nights yielded higher numbers than event 'off' nights, indicating a lack of a direct effect of the event on ERP numbers at the site level. The fact that overall numbers tended to be lower nearer the event during the event period may mean some ERP had moved away from the event location, or adjusted their foraging pattern to avoid overlap with event activities.

ERP are not hollow-dependent and can build dreys (ball-shaped nests) in trees or shrubs in which they spend the day sleeping (Thomson and Owen 1964). They are therefore more capable of moving their shelter to a more desired location than hollow-dependent species like common brush-tailed possums. They are folivores, feeding mostly on eucalyptus leaves and to a lesser extent leaves of a range of shrubs (Pahl 1987), allowing flexibility in feeding times and locations. This species would therefore be able to cope relatively easily with small-scale or temporary changes to its environment.

Some factors other than the event itself could also have caused the apparent decrease in numbers of ERP observed during the event period, however. For example, nightly temperatures dropped over the monitoring period (Appendix 1) and there was an increase in rain events from autumn into winter. Both lower temperatures and days following rain can cause reduced activity or detectability in possums (Thomson and Owen 1964; Wayne *et al.* 2005). Autumn is also the start of the breeding season for ERP, which could be associated with further changes in distribution and activity (Strahan 2023). Another possibility is that ERP were still out foraging while the event was in progress, but that the light installations hindered the detection of eye-shine. Weather conditions are the more likely cause of variations in observed numbers of ERP, however, as numbers recorded on event 'off' nights did not differ from those of 'on' nights.

The slight increase in ERP observed post-event also coincided with a slight increase in nighttime temperatures and flowering of many *Acacia* species and some eucalypts. It is therefore equally challenging to tease apart the effect of the event ending and other, co-occurring environmental changes. To improve the ability to distinguish between effects of an event and natural, seasonal changes in ERP activity, a future study should incorporate surveys at a control site away from the event location, or the same area should be monitored over the same period across multiple years.

5.1.2 Common brush-tailed possum

The number of common brush-tailed possums (CBP) observed during spotlight surveys tended to be lower during the event period than pre- and post-event. However, because numbers were much lower than for ERP, it is likely that this is partly driven by chance. CBP are also more restricted than ERP when it comes to shelter locations, as they are strictly hollow-dependent (Strahan 2023). Indeed, CBP were often observed in the same few general locations across spotlight surveys. One area that showed a reduced number of detections during the acclimatisation and event surveys was the northern section, between the start and end sections of the event trail. The lower numbers observed there, as with the ERP, are likely the result of either lower eye-shine detection rates due to lighting, delayed onset of emergence from shelters due to lights and sounds, or temporary movement out of this area. The latter might be the most likely scenario, as there were no detections of CBP in this area on event off-nights either. CBP activity in other areas did not seem to decline much during the event, including activity recorded on remote cameras.

5.1.3 Krefft's glider

Krefft's glider observations showed a peak in the acclimatisation period and two dips during the event period, while otherwise generally fluctuating around 3–4 observations per night. Most Krefft's gliders were recorded in the eastern half of the site, away from the lights of the event, which likely reduced any impact the event could have had on their behaviour. This species potentially naturally prefers the eastern side of the site, as it is farther away from the noisy and lit-up Nepean Highway running along the western boundary. The creek line habitat may also provide more resources for Krefft's gliders.

As for CBP, the number of Krefft's gliders recorded each night were low, which means fluctuations appeared larger if the number of animals seen between nights differed by only two or three, which can easily happen by chance. Overall, there is very little evidence the event had any effect on Krefft's glider activity or presence at the site.

5.1.4 Eastern grey kangaroo

Only few eastern grey kangaroos (EGK) were observed during spotlight surveys, but there were frequent observations across the site on the remote cameras from May until August. The number of individuals utilising the site is hard to determine from camera images. However, the largest number of individuals captured together in one image was five, making this the minimum count. EGK were captured at the site both during night- and daytime hours. They likely experienced only limited effects from the event, as they are a very mobile species, capable of leaving the site and foraging elsewhere when desired, especially after dusk when the event was active. Some EGK were observed near the event trail during spotlight surveys on event 'on' nights. This observation indicates a limited effect of the event on this species' behaviour. Presence of this species at the site is more likely related to seasonal movements.

5.2 Other species observations

5.2.1 Microbats

Microbats, likely free-tailed bat species, were seen in small numbers until mid-May, with no sightings after that until early August during spotlight surveys. As microbats are very mobile, double-counting could have occurred and numbers may therefore be more reflective of activity than actual individuals present. A few detections on the audio recorders during June and July indicate they were present at least occasionally over this period as well.

The low number of microbat observations between May and August is likely due to a combination of the event and other factors. The event sound effects in particular could have made foraging by echolocation very ineffective. However, some microbats were recorded near the event trail while the event was active. It is possible that they were hunting for insects attracted by the event's light effects. This could also explain the peak in microbat sightings during the acclimatisation period, when sound effects were still limited.

In general, microbat detections were low across the site over the May to August period, indicating activity was reduced by factors other than the event. Activity of white-striped freetail bats *Austronomus australis*, which likely made up the majority if not all of the microbat sightings, decreases at lower temperatures (Straka *et al.* 2016). Temperatures from mid-May until August generally were the lowest of the survey period, which could help explain the reduced microbat activity observed. Finally, microbats could have been more difficult to detect in the event area while the event was active, or only foraged at the site after the event finished each night.

5.2.2 Other mammals

Perhaps the most significant mammal observed during the surveys was the EPBC Act and FFG Act-listed grey-headed flying fox. Other than one individual seen flying over before and after the event, there was a brief presence on-site during late April and early May of multiple individuals feeding on flowering *Corymbias*. This species is fairly sensitive to disturbance and was only recorded on event off-nights and at times after the event had closed for the night. It is possible that the event, while active, deterred flying foxes from feeding on trees nearby. However, the number of suitable feeding trees on the site was low, while flying foxes are very mobile, covering large distances each night in search of food. This makes it unlikely that the event caused major disturbance to the species' foraging activity.

Other frequently recorded mammals were exotic species including red fox, black rat and European rabbit, mostly identified from camera images. Red fox and black rat are both well adapted to thrive in urban environments and were both active throughout the survey period across the site. However, black rat activity near the event trail was strongly reduced from May onwards. European rabbits were only recorded farther away from the event trail, mostly near the creek line, likely because there they had more ready access to the surrounding open grassland. Overall, as expected, these exotic species did not show a clear response to the event. Other, native mammals recorded on cameras such as agile antechinus and swamp rat *Rattus lutreolus* did not occur in numbers high enough to make any inference about how the event may have affected their activity.

5.2.3 Birds

Nocturnal birds are the most likely bird species to show a response to the event. However, only one nocturnal bird, the tawny frogmouth, was recorded more than three times across the survey period. This species was seen across the site, including on event 'on' nights, but mostly away from the event trail. Tawny frogmouths are regularly found in suburban parks, streets and gardens and therefore seem to have adapted well to life with artificial lighting and in proximity to human activity. It is therefore no surprise to have recorded this species at the site throughout the event period, with the event likely having only a minor impact on their normal activity.

Diurnal birds may also be impacted by light and noise pollution, especially when they are attempting to roost. Not many diurnal bird species were found roosting during spotlight surveys. However, one species (i.e. the noisy miner) was regularly seen roosting in trees and shrubs throughout the site. On some occasions, roosting individuals were located close to the event trail and the spotlights did not visibly rouse them wherever they were observed. It is therefore likely that the resident population of noisy miners at the site experienced no or only minor impact on their roosting abilities. Other diurnal bird species were observed roosting too infrequently to determine whether the event had an impact on them. However, given the low numbers observed pre-event and during event 'off' nights, it is likely disturbance of roosting birds by the event was minimal overall.

Based on the remote camera data, daytime activity of the most commonly recorded diurnal bird species did not experience a clear drop during the event period, although eastern rosellas, noisy miners and buff-banded rails all showed highest activity in February and March. This is most likely a seasonal effect, as activity did not increase again post-event compared to the event period. However, we cannot exclude the possibility that some diurnal birds were discouraged from roosting at the site due to the event and therefore reduced their activity.

Finally, a noteworthy result from the camera survey was the detection of the FFG Act-listed Lewin's rail along the creek line in the east of the site. We did not find any historical records for this species in the Community Forest. This may encourage Council to maintain or improve the creek line habitat to allow this species to keep utilising the site. It is unlikely the event had any negative impact on the presence of Lewin's rail, as its main habitat would be along the creek line, which experienced very limited direct impact from the event, except for a temporary increase in traffic across the culvert at the northeastern corner of the Community Forest.

5.3 Conclusion

Overall, the event did not seem to have had a significant impact on any of the flora and fauna species and communities recorded in sufficient numbers on any of the surveys. Especially, there was no measurable impact on any species listed as threatened. However, it is possible that the event may have impacted some species in a minor way, as reflected by some reduced activity around the event trail area. These species may have compensated for this disturbance by using other parts of the site or off-site habitat instead. Some longer-term post-event monitoring could inform whether species that showed a decline in numbers would return to pre-event densities over time.

It is difficult to determine whether the event impacted the activity of any uncommon, typically more cryptic or shy fauna species. More intensive, targeted survey methods would be required to gain a better understanding of any impacts on species that are generally more difficult to detect remotely. However, we deem the likelihood of any such impacts and their significance very low, given the location and habitat of the site and the temporary nature of the event.

6 Recommendations

6.1 Flora

All disturbed surfaces of the land covered by Mornington Peninsula Shire Planning Permit P24/0453 must be revegetated and stabilised to the satisfaction of the Responsible Authority, in accordance with condition 4 of the planning permit. It is likely introduced pasture species (kikuyu, cocksfoot, panic veldt-grass and annual veldt-grass) will readily re-establish themselves in the disturbed areas, following any outstanding topsoil releveling. However, some re-seeding (e.g. using readily available species such as perennial rye-grass *lolium perenne*) may be required to ensure full revegetation of some areas.

Routine inspections of the site should include monitoring (e.g. by Council staff) of any outbreaks of noxious weed species within disturbed soils and mulched areas left by the event. This monitoring should continue until vegetation has re-established on the disturbed areas. Any detected outbreaks should be promptly controlled. Control of noxious weed outbreaks would ensure compliance with the Victorian *Catchment and Land Protection Act 1994*. It would also assist with the natural reinstatement of pasture grasses and herbs, which dominate the groundcover across much of the flora assessment study area.

The planted trees in the flora assessment study area are not the subject of Mornington Peninsula Shire Planning Permit P24/0453. However, consideration could be given to engaging an arborist to recommend measures to protect the exposed tree roots along the fire access track extending along the western boundary of the site. This would help protect any effected planted trees from inadvertent damage from future use or maintenance of the track.

6.2 Fauna

To be able to say more conclusively what, if any, impact the event had on the local wildlife, we would recommend surveying the same area again over the same period next year. However, given that most species encountered are adapted to live near human centres of activity, conducting such surveys would not be critical, but rather mostly informative.

With an eye on future events similar to the Forbidden Forest Experience at the Community Forest, we would recommend avoiding traffic and effects near the creek line as much as practicable, as this seemed to be a hotspot for species diversity within the site. It also provided habitat for the FFG Act-listed Lewin's rail, which was unlikely to be significantly affected by the current event. In general, species closely related to creek line habitat with more limited mobility would have fewer opportunities to move away if required and would therefore be more likely to experience serious impacts if disturbed.

Where a similar event would be held at a different outdoor location, it is recommended that a thorough survey be conducted prior to event planning, determining the (likelihood of) presence of any significant species, communities and species hotspots. The event footprint should then be adjusted (reduced, isolated, or repositioned) to minimise and ideally avoid disturbance to such species, their habitat, or to species hotspots.

7 References

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Flora and fauna monitoring for the Forbidden Forest Experience at The Briars Community Forest

Appendix 1 Table of dates, times and weather conditions at the start of each spotlight survey.

Survey	Date	Start time	Moon (%)	Night light	Cloud	Temp	RH*	Wind	Precip.	Flowering^
Pre-event 1	5/03/2024	20:56	40	Low	30	-	-	Light	No rain	Light
Pre-event 2	7/03/2024	20:32	75	Medium	0	15.1	75	Light	No rain	Light
Pre-event 3	12/03/2024	20:36	2	Medium	85	19.6	67	Calm	No rain	Light
Pre-event 4	14/03/2024	20:20	2	Low	10	16.9	76	Light	No rain	Light
Acclimatisation 1	18/03/2024	20:12	55	Medium	50	23.7	66	Calm	No rain	Light
Acclimatisation 2	20/03/2024	20:31	60	Medium	0	11.4	61	Light	No rain	Light
Acclimatisation 3	25/03/2024	19:56	100	High	0	17.3	70	Calm	No rain	Light
Acclimatisation 4	27/03/2024	20:09	80	Low	0	16.8	61	Calm	Fog / drizzle	Medium
Event on 1	9/04/2024	18:49	0	Medium	95	13.3	74	Light	Fog / drizzle	Medium
Event on 2	22/04/2024	18:28	80	Medium	0	17.9	67	Calm	No rain	Light
Event off 1	30/04/2024	18:20	60	Low	20	12.9	79	Calm	Fog / drizzle	Light
Event on 3	9/05/2024	18:31	35	Low	100	14.8	68	Calm	No rain	Medium
Event on 4	16/05/2024	18:47	55	Low	0	-	-	Calm	No rain	Light
Event off 2	21/05/2024	18:45	80	-	-	13.3	68	-	-	-
Event on 5	13/06/2024	17:40	42	Low	100	11.5	85	Calm	No rain	None
Event on 6	27/06/2024	18:25	65	Low	0	13.7	66	Calm	No rain	None
Event off 3	3/07/2024	18:12	5	Medium	20	8.8	80	Calm	No rain	None
Event on 7	4/07/2024	18:14	1	Low	50	13.6	71	Calm	No rain	None
Event on 8	9/07/2024	18:17	10	Low	95	13.7	84	Calm	Light rain	None
Event off 4	24/07/2024	18:02	89	Low	100	15	58	Moderate	No rain	Light
Post-event 1	1/08/2024	18:10	10	Low	0	9.7	74	Calm	No rain	Medium
Post-event 2	7/08/2024	18:12	8	Low	40	14.7	66	Calm	No rain	Medium
Post-event 3	15/08/2024	18:28	55	Low	30	16.9	71	Calm	No rain	Medium
Post-event 4	22/08/2024	18:31	85	Low	10	14.8	67	Light	No rain	Medium

* Relative humidity ^Intensity of flowering vegetation (trees and shrubs)

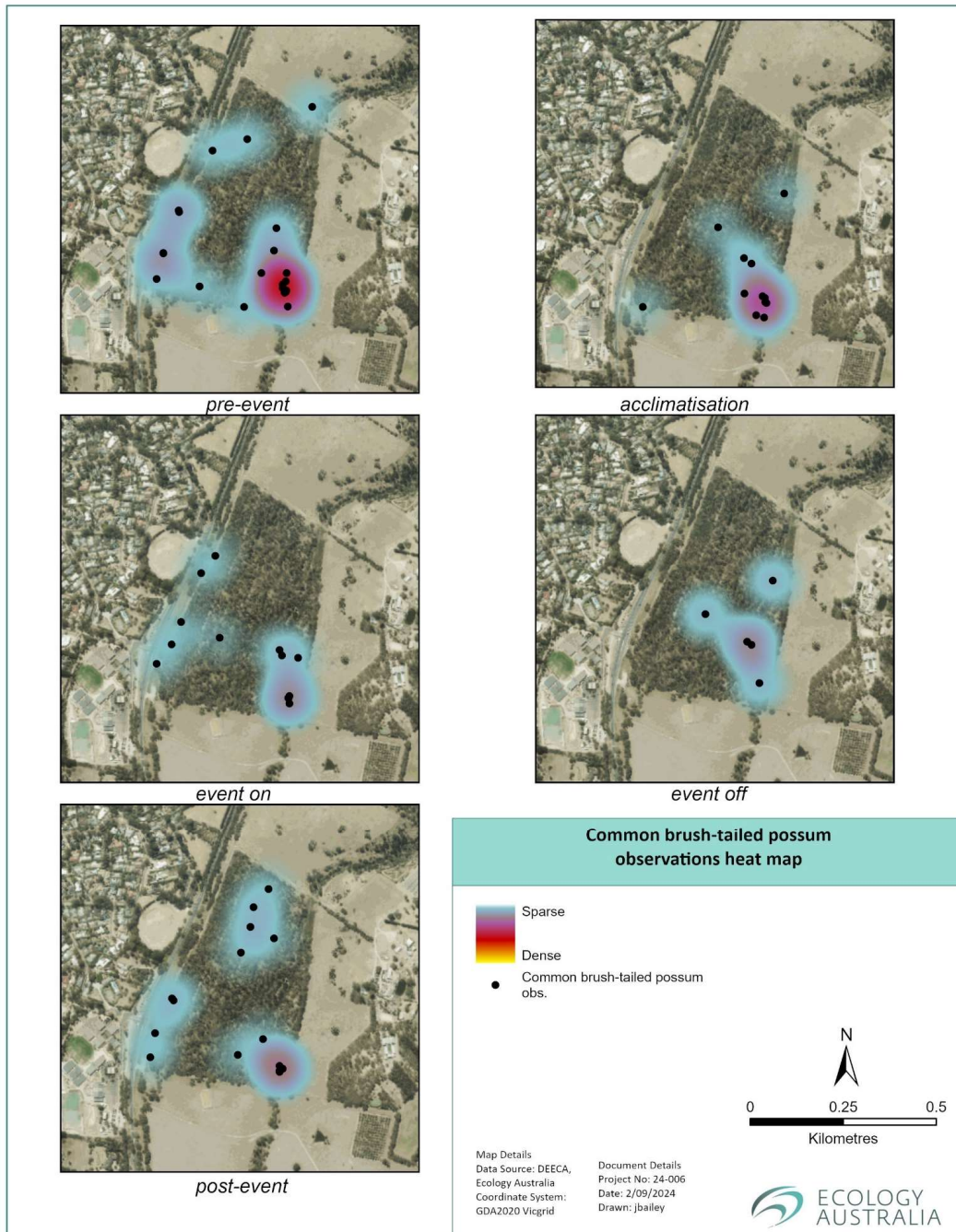


Flora and fauna monitoring for the Forbidden Forest Experience at The Briars Community Forest

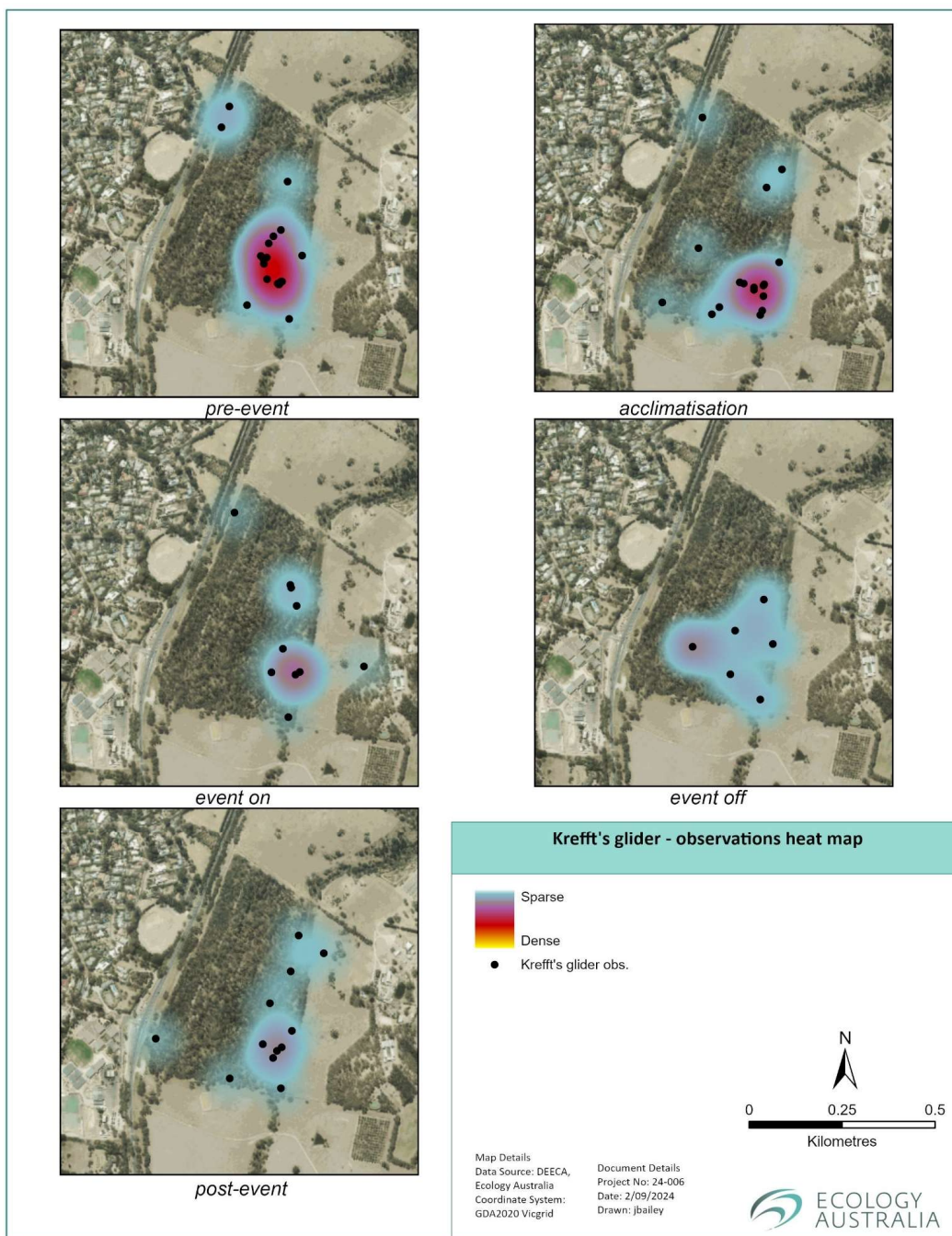
Appendix 2 Counts of all fauna species seen during each spotlight survey

Common name	Scientific name	Survey#																							
		Pre-event				Acclimatisation				Event on/off nights												Post-event			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Australian magpie	<i>Gymnorhina tibicen</i>	-	-	-	-	-	1	-	-	-	-	3	2	-	-	-	2	-	-	-	-	-	-	-	
Australian wood duck	<i>Chenonetta jubata</i>	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	
Barn owl	<i>Tyto javanica</i>	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Common bronzewing	<i>Phaps chalcoptera</i>	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Common brush-tailed possum	<i>Trichosurus vulpecula</i>	3	7	4	7	2	5	2	4	3	-	2	3	4	3	1	2	-	1	4	3	3	6	4	3
Common eastern froglet	<i>Crinia signifera</i>	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	2	-	5	-	15	-	
Eastern grey kangaroo	<i>Macropus giganteus</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	7	-	2	-	-	
Eastern ring-tailed possum	<i>Pseudocheirus peregrinus</i>	59	57	58	62	53	54	63	57	36	55	62	65	41	49	56	39	29	38	33	38	44	42	50	50
Galah	<i>Eolophus roseicapilla</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Grey butcherbird	<i>Cracticus torquatus</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-
Grey-headed flying fox	<i>Pteropus poliocephalus</i>	-	-	-	-	-	-	1	-	-	-	7	-	-	-	-	-	-	-	-	1	-	-	-	-
Kreffft's glider	<i>Petaurus notatus</i>	3	2	4	5	-	5	7	7	3	3	4	1	2	3	3	2	3	-	-	1	4	4	3	1
Laughing kookaburra	<i>Dacelo novaeguineae</i>	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Microbat sp.		4	1	2	3	2	1	6	5	-	3	2	-	-	1	-	-	-	-	-	-	-	2	-	3
Noisy miner	<i>Manorina melanocephala</i>	8	-	7	4	-	2	8	6	7	5	4	3	6	10	1	2	2	1	3	-	-	4	6	2
Rat sp. (unidentified)		-	-	-	-	1	-	2	2	1	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Red fox	<i>Vulpes vulpes</i>	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Red wattlebird	<i>Anthochaera carunculata</i>	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Southern boobook	<i>Ninox boobook</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	1	-	-	-	-	-	-	-
Southern brown tree frog	<i>Litoria ewingii</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	-
Tawny frogmouth	<i>Podargus strigoides</i>	-	-	1	1	-	-	1	-	1	2	-	1	2	-	1	-	1	-	-	-	1	-	1	-

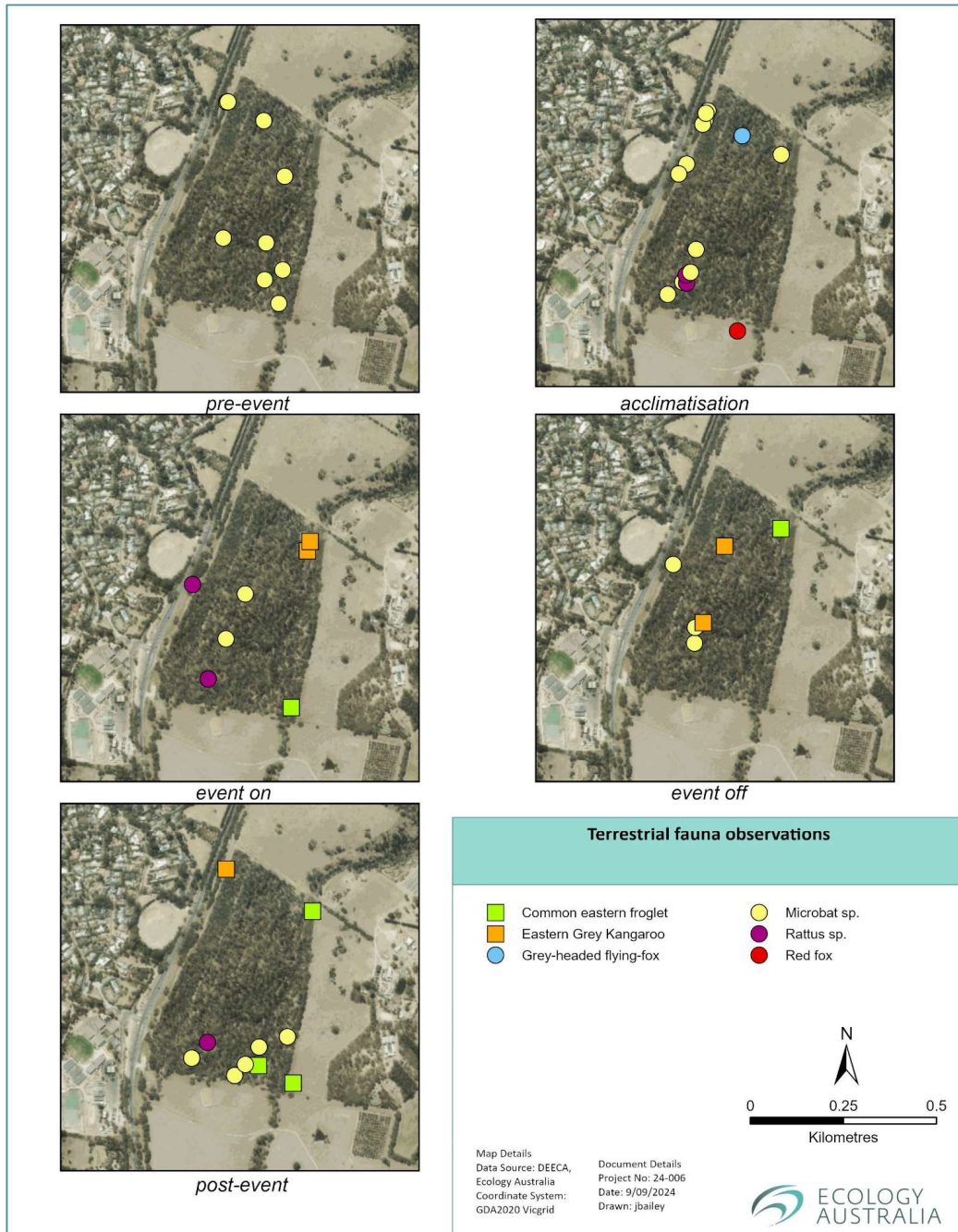
Appendix 3 Heat maps of the distribution of common brush-tailed possums and Krefft's gliders (next page) during the spotlight surveys for each phase around the event.



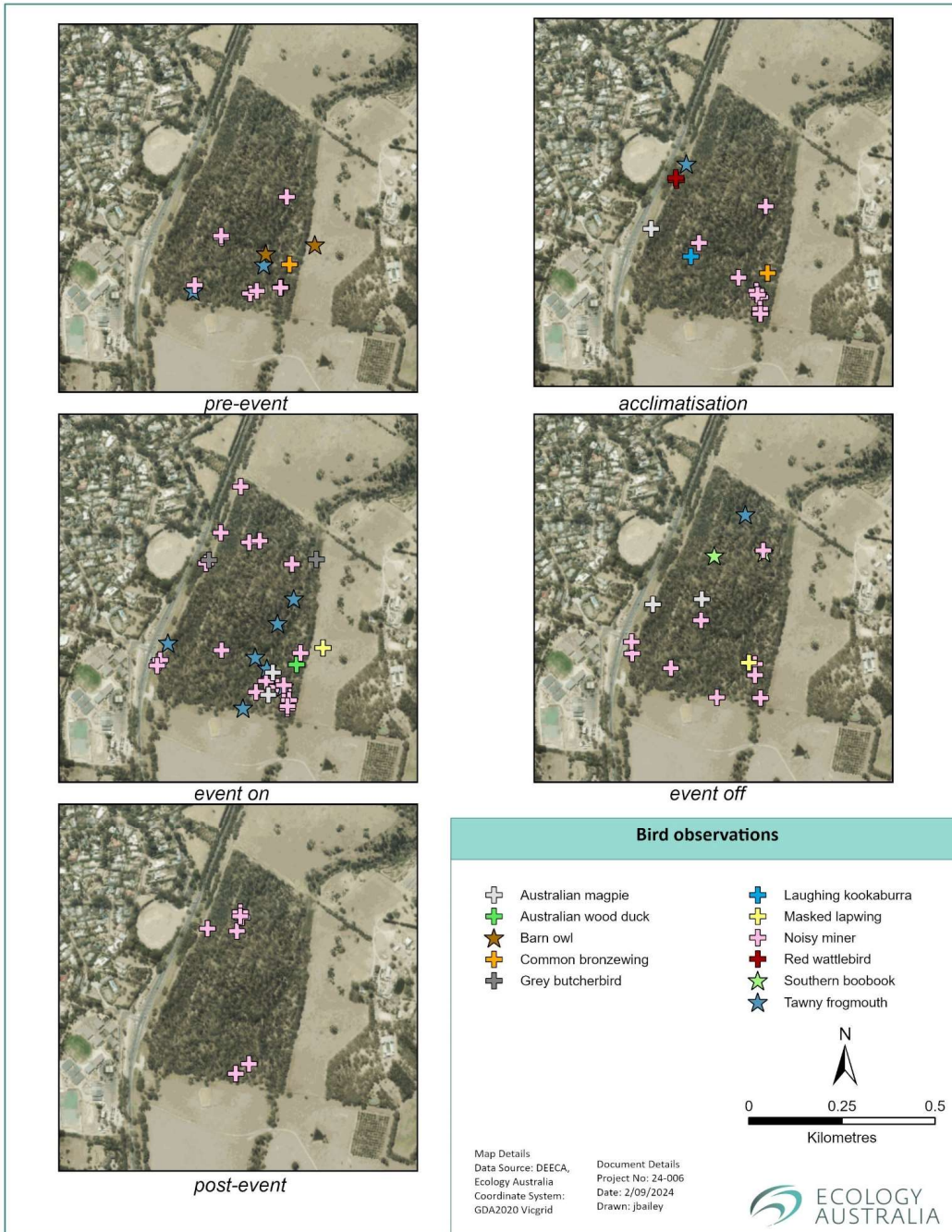
Flora and fauna monitoring for the Forbidden Forest Experience at The Briars Community Forest



Appendix 4 Locations of less commonly recorded terrestrial fauna observed during spotlight surveys for each phase around the event.



Appendix 5 Locations of bird species recorded during spotlight surveys for each phase around the event. Stars indicate nocturnal species and crosses indicate diurnal species.



Appendix 6 Activity scores of species recorded on remote cameras throughout the Community Forest between February and August 2024.

Common name	Scientific name	Month						
		Feb	Mar	Apr	May	Jun	Jul	Aug
Agile antechinus	<i>Antechinus agilis</i>	1	2	2	-	8	3	3
Australian magpie	<i>Gymnorhina tibicen</i>	-	17	13	14	15	14	7
Australian wood duck	<i>Chenonetta jubata</i>	-	-	-	-	-	-	1
Black rat*	<i>Rattus rattus</i>	12	66	39	19	31	14	2
Brown goshawk	<i>Tachyspiza fasciata</i>	-	2	-	-	-	1	-
Brown thornbill	<i>Acanthiza pusilla</i>	-	1	-	-	-	-	-
Buff-banded rail	<i>Hypotaenidia philippensis</i>	30	35	10	10	3	5	8
Common bronzewing	<i>Phaps chalcoptera</i>	18	3	1	-	-	-	-
Common brush-tailed possum	<i>Trichosurus vulpecula</i>	1	24	15	26	9	17	7
Crested pigeon	<i>Ocyphaps lophotes</i>	1	-	-	-	-	-	-
Crimson rosella	<i>Platycercus elegans</i>	-	-	-	1	-	-	-
Eastern barn owl	<i>Tyto javanica</i>	-	-	-	-	1	-	-
Eastern blue-tongued lizard	<i>Tiliqua scincoides</i>	1	-	-	-	-	-	-
Eastern grey kangaroo	<i>Macropus giganteus</i>	-	-	-	15	69	98	50
Eastern ring-tailed possum	<i>Pseudocheirus peregrinus</i>	1	18	7	7	6	5	2
Eastern rosella	<i>Platycercus eximius</i>	17	61	3	1	12	11	12
European blackbird*	<i>Turdus merula</i>	5	14	3	-	1	3	10
European rabbit*	<i>Oryctolagus cuniculus</i>	1	21	9	11	8	1	16
Grey butcherbird	<i>Cracticus torquatus</i>	3	-	1	-	-	-	1
Grey fantail	<i>Rhipidura albiscapa</i>	-	-	-	1	-	-	-
King parrot	<i>Alisterus scapularis</i>	-	-	-	1	-	-	-
Kreff's glider	<i>Petaurus notatus</i>	-	-	-	-	1	-	1
Laughing kookaburra	<i>Dacelo novaeguineae</i>	2	4	-	-	-	-	-
Lewin's rail^	<i>Lewinia pectoralis</i>	5	4	-	?	?	?	?
Mouse*	<i>Mus musculus</i>	3	7	2	-	-	-	-
Noisy miner	<i>Manorina melanocephala</i>	17	43	6	5	4	7	12
Red fox*	<i>Vulpes vulpes</i>	7	22	54	86	53	61	22
Red wattlebird	<i>Anthochaera carunculata</i>	1	-	-	-	-	-	-
Southern boobook	<i>Ninox boobook</i>	-	-	-	-	-	1	-
Swamp rat	<i>Rattus lutreolus</i>	-	5	2	?	?	?	?

^FFG Act-listed

*Exotic species

Shading indicates activity score height (darker = higher) to aid in visualising species' activity patterns. Fields denoted with a question mark (?) indicate instances where a species had mainly been detected on a camera that stopped recording prematurely, hence not reflecting true absence of that species at the site.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



Overview

The review is in response to the Council decision on 28 May 2024 to conduct a review of the processes leading to and the outcomes of the event held at the Briars.

In accordance with the Briars Event Review Scope (Attachment 1) approved by the Chief Executive Officer (CEO) and the Mayor on 15 July 2024, this report addresses sections one and two which was to conduct an independent review into the processes undertaken that supported the Council decision on 22 August 2023 to approve the event and the subsequent Council decision on 13 February 2024 to relocate the event site from the Briars Sanctuary to the Community Forest.

Each section includes the components of methodology, findings and learnings and has regard for basic decision-making principles including:

- what was the decision and how was the decision made
- what information was used to inform the decision
- what alternatives were considered and how were these evaluated
- what were the risks and how were these addressed
- what are the benefits of the decision
- what were the available resources to inform the decision, etc.

Independence

This review has been undertaken by the current acting Manager Governance who was not involved in the processes leading to the initial decision to hold the event in August 2023 and the subsequent decision to relocate the event in February 2024. Given the one-month timeframe to conduct the assessment, the review was necessarily focused on key areas and the depth was not as comprehensive as could have been achieved with a longer period. While the findings are valuable, a more thorough analysis would have been possible with additional time.

In line with the approved review scope, the independent Governance review has been referred to a probity advisor Comprara for an independent assessment. Comprara specialises in end-to-end procurement, probity, policy, capability development and spend analysis services for the Australian public sector and has an interest in Local Government.

Methodology:

The methodology of this review included:

- A search of emails from officers to identify relevant communications and information.
- Discussions and meetings with relevant officers including the Director Community Strengthening, Manager Destination Recreation and Community Connection, Team Leader Destination Experience and Peninsula Events and the CEO to gain an understanding of what discussions were had and when.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

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- Gathered data including email trails, meeting notes, briefing recording, reports from external consultants, legal advice, external organisation documentation.
- Analysis of the data.
- Findings, Recommendations and Learnings.
- Referral to Probity Advisor.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



1 Part 1 – An assessment and review of the processes leading up to and including the initial Council Decision to hold the event at the Sanctuary.

1.1 Discussions / Findings

IMG, a global sports, fashion, events, and media company based in New York, made initial contact on January 26 during the Our Survival Day at the Briars. A representative of IMG approached the Shire's Team Leader Destination Experience and Peninsula Events whilst undertaking traffic management, to enquire if large events were held or considered at the Briars.

IMG is the event group acting on behalf of Fever and Warner Bros Entertainment, one of the world's largest producers of film and television. The organisation was keen to deliver the Harry Potter: Forbidden Forest Experience which had recently completed successful seasons in Europe and North America.

Following the initial approach, officers met on 31 January 2023 at the Briars to assess the potential track and evaluate the feasibility of the path widths and their impacts.

On 1 February 2023, Shire officers met with representatives of IMG for a site overview and walk-through, discussing possible locations and car park capacity. No specific location was proposed, but officers suggested the community forest. IMG agreed to send a site summary to Fever and return to film both the Sanctuary and the community forest options. Shire officers had insisted both options were filmed given the Community Forest was the preferred option of the Shire.

On 2 February 2023, IMG was given examples of event permit requirements, outlining the Council-adopted process that all event organisers must follow to obtain a permit. The same day, a further site walk was undertaken exploring potential experience trails and checking sensitive vegetation and wildlife to inform the risk assessment. Discussions were then had on site widths required for the event and considered which areas of the trails could accommodate the required widths.

On 3 February, confirmation of possible path widths and locations was provided to IMG and Fever. The path width details were required to ensure the volumes of people could be accommodated to make the event viable while also minimising negative impacts to vegetation. A draft site trail map was developed to inform future discussions.

Filming of the Wildlife Sanctuary and Community Forest trails by Fever was completed on 6 February 2023. Shire officers having communicated the preferred location was the Community Forest, ensured that this was also filmed. The recording was not provided to the Shire but was used for Warner Bros to assess the site and decide if they wanted to explore the site further.

On 15 March 2023, IMG confirmed Warner Brothers had provided conditional approval for the venue which allowed conversations to advance. The Team Leader Destination Experience and Peninsula Events was requested to sign an NDA given the confidential nature of the project. The NDA was sent to the Shire's legal team, including the Manager Legal and Governance, for review and consideration on 16 March 2023 and to the CEO on 21 March 2023.

Governance Review of the Briars Event decision processes – CONFIDENTIAL



Objective ID:

IMG Events wrote to the Shire on 24 March 2023 confirming they were happy to progress to the planning phase of the event at the Wildlife Sanctuary, outlining a proposal with several requirements they would like considered.

On 28 April 2024, a meeting was held with the CEO, Director Community Strengthening, Acting Manager Destinations, Recreation and Community Connection and the Team Leader Destination Experience and Peninsula Events to discuss the following:

- Confirmed with the CEO that after several meetings with IMG, the Briars had been selected as the inaugural venue in the Asia Pacific Region to host the Harry Potter: A Forbidden Forest experience.
- The past few weeks officers had been conducting their due diligence and exploring the benefits, impacts and risks.

[REDACTED]

- [REDACTED] with 90% visitation from outside the Peninsula, expected benefit to local businesses over the winter period would be \$30M. This was calculated using Tourism Australia assessment tools.

[REDACTED] A preference for use of local businesses and staff was communicated to the event team. [REDACTED]

- Hosting an international event positions the Briars and the Mornington Peninsula as a premier tourist destination promoting to a new audience and helping to build a strong relationship with Visit Victoria.
- Risks:
 - Powerful Owl – could move to another nesting site or not breed.
 - Reputational damage to the Shire with negative feedback and could damage relationships with conservation groups.
- Risk mitigation could include a carefully thought-out communications plan highlighting the conservation work already done planting trees and respecting the forest areas.
- Also highlight the benefits including the income that could fund the expansion of the Wildlife Sanctuary and the creation of more accessible tracks.

Early in the event scoping period, advice was sought from an independent heritage consultant [REDACTED] to determine if a permit or permit exemption was required. Advice provided was that a Cultural Heritage Management Plan (CHMP) was not required given the works to be delivered would not trigger a CHMP. There was to be no digging at the site nor other activities which would trigger a CHMP, and significant care was taken to ensure this was the case, including adding these constraints to the scope for path works.

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Late in the planning phase (January 2024), an issue arose due to the works being undertaken on the Sanctuary expansion project (a separate infrastructure project). This issue was raised by the heritage consultant [REDACTED] who were working on both projects. They determined that the CHMP being undertaken for the Sanctuary Expansion project had uncovered Aboriginal artefacts in an area whose buffer zone (of 50m) slightly overlapped with the Harry Potter trail.

As a result, further advice was sought from the Bunurong Land Council (BLCAC) on what permit conditions would be required to protect the site. Before receiving their response, the event location was changed. The heritage consultant [REDACTED] confirmed the new site wasn't within an Aboriginal Cultural Overlay and didn't require a CHMP.

1.2 Powerful Owls

The greatest risk identified for holding the event at the Sanctuary was the potential impact on the Powerful Owls. These owls have bred in a nest box at the Briars Wildlife Sanctuary for the past two years, marking only the second time Powerful Owls have been recorded using a nest box for breeding. Radio tracking data indicates that their foraging activity is concentrated primarily within the Briars, especially in the wildlife sanctuary, with much of their activity confined to the property.

Shortly after the event was proposed, Briars staff consulted with the Deakin University Owl Research Team, which includes Associate Professor John White and Professor Raylene Cooke, both experts in Powerful Owl biology and ecology. Their team, including current and past PhD students, has extensive experience studying Powerful Owls, including GPS tracking of the species across the Mornington Peninsula and at the Briars. They have a deep understanding of the owls' habitat use at the Briars and the behaviour of other pairs in the region.

Their studies confirmed that the proposed event dates fell within the owls' breeding season. They also noted that the expected nightly frequency, visitor numbers, artificial light, and projections could significantly disturb the nesting pair of Powerful Owls in the Sanctuary, particularly as their nightly foraging activities may be impacted. The risk to the powerful owls was communicated to Practical Ecology who undertook the due diligence assessment and provided risk mitigation measures.

The Briars staff conducted ongoing risk assessments of the Sanctuary area. On 27 April 2023, the Acting Manager Destinations, Recreation, and Community Connection emailed the CEO, Director of Community Strengthening, and relevant team leaders about potential risks to the Powerful Owl pair in the Sanctuary. Mitigation strategies, including reducing light, sound, and event duration, were recommended. A follow-up meeting was held on April 28 2023, and discussions about the event progression and risk updates continued between the above parties from May to August 2023.

A thorough risk assessment (Attachment 4) was undertaken to ensure the Shire had identified potential impacts to flora and fauna in the Briars reserve. The assessment commenced early in the event planning process, from January 2023, with the live document updated regularly as there was more understanding of the event and the risks. The Shire Safety team assisted with the compilation of the risk assessment as well as onsite conservation staff who sought advice from key contacts at the Department of Energy, Environment and Climate Action

Governance Review of the Briars

Event decision processes –

CONFIDENTIAL



MORNINGTON
PENINSULA
Shire

Objective ID:

(DEECA), Practical Ecology, threatened species recovery groups and stakeholders at Deakin University.

Discussions quickly ensued from this point to explore the feasibility of holding the proposed event at the Briars Sanctuary.

Practical Ecology was engaged to assess the experience and provide recommendations to ensure compliance with relevant acts, including the *Wildlife Act 1975*. Their due diligence report (Attachment 5) dated 10 July 2024 included recommendations that were made non-negotiable conditions in the license agreement with the event organiser to ensure adherence. Practical Ecology had worked with organisations such as the Royal Botanic Gardens in Melbourne to assess and mitigate risks from experiences including Lightscape.

1.3 Mitigation strategies included:

- Avoiding direct illumination of hollows (tree and ground), cracks, fissures or where dreys or nests may be present.
- Not directing smoke and audio into hollows (tree and ground), cracks, fissures or where dreys or nests may be present.
- Placing audio devices as close to the ground as reasonably possible.
- Not using animal calls, in particular Australian fauna.
- Focusing lights on paths and avoiding light spill where possible.
- Not illuminating the banks and islands of waterbodies where fauna is likely to be present.
- Avoiding the use of lasers or moving lights.
- Removing projections during the day.
- Using adaptive light controls to manage light timing, intensity and colour.
- Lighting only the object or area intended.
- Keeping lights close to the ground, directed and shielded to avoid spill, especially to sensitive areas.
- Using the lowest intensity lighting to achieve the desired effect.
- Using lights with reduced or filtered blue, violet and ultra-violet wavelengths.
- Not using sound frequencies known to significantly stress animals.
- Using sound dampening devices in sensitive areas.
- The gradual introduction of light and sound to acclimate wildlife to the experience.
- Investigation as to whether the introduction of positive items such as natural food, will enable wildlife to associate the changed experience with a positive outcome.
- Conducting wildlife welfare checks pre and during the event.
- The gradual and directional turning on of the light and sound elements so fauna is not startled and can move away gradually from the experience.

The scope of works for Practical Ecology and the animal acclimatisation consultant (Wildlife Sidekicks) to guide their proposal for the ongoing monitoring and impact mitigation works included:

- Ensuring the current state of fauna was captured.
- Review and advise on a wildlife acclimatisation plan.
- Assistance with assessment of behaviour as acclimatisation measures are introduced.

6

Governance Review of the Briars Event decision processes – CONFIDENTIAL



Objective ID:

- During the April to July event – site walks during the event monitoring and recording animal behaviour.
- Post bump out assessment of impacts to flora and fauna.
- Final impact report and recommendations.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Several meetings were held to keep the CEO informed about the identified wildlife risks, mitigation efforts, financials, negotiations with the event organiser, and concerns raised by Briars staff regarding the location's suitability.

Negotiations were ongoing with the event organiser on the [Redacted]

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



that the NDA's should be signed by Councillors to enable them to be informed of the name of the event.

11 August 2023 – the acting CEO (Director Community Strengthening) had a catch-up with the Mayor confirming the preference and proposed recommendation to hold the event pending a Council decision.

15 August 2023 – Councillors were briefed – refer below for detailed discussions.

22 August 2023 – Councillors were requested to sign an NDA to enable them to be advised of the name of the Experience. One Councillor did not sign the NDA, but this did not prevent them from voting at the meeting or receiving all the information that was included with the Council Report.

It should be noted that the CEO was on leave from 4 to 29th August and therefore was not present for the briefing or Council Meeting. The Director Community Strengthening was the acting CEO through this time and progressed discussions according to the recommendations of the CEO.

1.4 Briars Master Plan

The Briars Master Plan 2019-2029 outlines the shared vision of the Council and community for The Briars' future, highlighting its role in supporting the Mornington Peninsula through alignment with the Council and Wellbeing Plan 2021-2025. Developed through extensive consultation with the community, stakeholders, and experts, the plan ensures compliance with planning regulations and legislation. One of the main aims during the development of the plan was to keep what was already loved and bring in some new, carefully considered experiences that allow more people to enjoy the Briars.

To sustain The Briars as a vital community asset, a variety of events and activities are organised to enhance financial viability and promote wildlife conservation. These include daily nature and heritage tours, cultural heritage walks, educational programs, and major commercial events like Day on the Green and the Country Music Festival. The programs aim to deepen community connection to nature and attract visitors, ensuring the preservation of The Briars' natural, cultural, and heritage values.

1.5 Discussions

As part of the investigative work in undertaking the review of the decision-making process, several meetings and requests for information were made to understand what led to the decision to present the proposed experience to the Council for endorsement.

Meetings were undertaken with Briars staff, the CEO, the Director Community Strengthening and the Mayor at the time.

The Mayor recalled discussing the details of the event with the CEO during their regular catch-ups prior to the briefing on 15 August. Given the Mayor signed the NDA in May 2023, he was careful not to inform Councillors prior to the briefing or reveal the name of the event.

Discussion with Councillors took place once the matter appeared in the Council briefing papers. He was unable to recall any discussion post decision until it was publicly announced due to the confidentiality requirements.

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The CEO confirmed there were many meetings with the Briars Team and Director Community Strengthening where updates were provided on the feasibility of the event, benefits and risks, risk mitigations and advice from consultants.

1.6 Council Briefing and Council Meeting

1.6.1 15 August 2023 – Council Briefing (Confidential Attachment 6)

At the Council Briefing, officers who were in attendance had signed a Non-Disclosure Agreement with the organisers and were careful not to reveal the name of the organisation that had approached to the Shire to hold the event. The Briars Event Proposal PowerPoint (Confidential Attachment 7) was shared with Councillors at the briefing.

Officers briefed Councillors on the proposed event being a family friendly evening experience to take place during the winter months in 2023. The event was to be a 2km walk through the Briars Sanctuary with props and characters as well as interactive experiences featuring low level lighting and sound effects. It was hoped the event would attract more than 250,000 visitors including overseas and interstate. It would be highly visible worldwide given the organisation and the economic flow on the community would be significant depending on the capacity rate.

Works would be required at the Briars to accommodate the volumes of people expected such as path widening, gate works to facilitate the flow of visitors, and car park improvements.

Councillors were provided an overview of the investigations and risk assessments that had been undertaken by Practical Ecology which were outlined in the PowerPoint Presentation. The event would be held for one year with the possibility of an extension depending on the success of the event.

Some of the concerns Councillors raised were around the location being the Sanctuary and how a light and sound show with a lot of visitors would impact the wildlife Sanctuary.

Officers have heard loud and clear from Councillors that they want opportunities that bring benefit to the Shire that are different.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Governance Review of the Briars Event decision processes – **CONFIDENTIAL**

Objective ID:



[REDACTED]

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



[REDACTED]

1.6.2 22 August 2023 – Council Meeting – decision to hold the Briars event (Confidential Attachments 9 and 10) (redacted versions available online).

Council resolved as follows:

1. *That Council seeks to enter into an agreement with the event organiser to hold this event at The Briars in 2024 as detailed in the officer report.*
2. *That the funding required to undertake the works required will be sourced through the capital works program and updated in the mid-year review.*
3. *That officers seek grant opportunities to reduce the capital works costs to Council.*

Part B That Council resolves that the report and Council decision be retained as a confidential item pursuant to section 3 (1) (a) of the Local Government Act 2020 as it contains confidential Council business information.

[REDACTED]

The report included event details, costs, benefits and a table highlighting the risks identified including wildlife impacts and mitigation responses.

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Objective ID:



Council was provided with two options in the report being:

1. *That Council enters into an agreement to host the event at the Briars.*
2. *That Council declines to enter into an agreement to host the event at the Briars.*

The Council report noted given the confidentiality of the proposal, that community consultation had not been undertaken and a detailed communications plan had not yet been developed. It was noted if Council provided approval, the Communications team would work with the event organiser and state and federal tourism bodies to communicate the event. Further, a detailed communications plan to address community questions and concerns would be developed and delivered.

Given the item was considered 'in camera' Council Reports officers and the Manager Legal and Governance left the meeting. There was no record of discussions or questions asked during the item and Councillor voting was not officially recorded. Given the matter was decided 'in camera', Councillor voting was not included in the minutes due to the limitations of section 61 (5) (b) of the *Local Government Act 2020* which states 'voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public'.

1.7 Findings

Over a period of eight months, significant investigation regarding the risks and benefits of holding the event was undertaken by Shire officers and expert consultants with discussions held regarding the feasibility of the site with the event organiser.

This included potential risk mitigation strategies, conditions that would need to be met for the event to proceed and the range of benefits and opportunities for the Briars.

It is noted that the officers flagged the Community Forest as an alternative option for the event at the early stages and maintained this view throughout discussions and negotiations.

Confidential Attachment 11 outlines the numerous meetings, discussions, phone calls, and site visits conducted to assess the event's viability for the Mornington Peninsula and gather sufficient information for the Council briefing on 15 August 2023.

It could be argued that Councillors should have been involved earlier and community feedback sought before endorsing the event at the Wildlife Sanctuary. However, given the confidentiality restrictions in the Event Licence, community consultation was not considered to be feasible and would likely have prevented the event from being explored and proceeding, as the Sanctuary was the only available location at the time.

This also does not consider the need for confidentiality. If the community had been consulted about an event in the Sanctuary without full context, it is likely there would have been pushback, potentially jeopardising the event before its details could be properly communicated and understood.

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There is substantial evidence of collaboration with governance, legal, and risk teams, as well as consultations with external experts, the BLCAC, and other specialists to ensure all issues and risks were thoroughly addressed and mitigated.

The rigor around the preparations for the experience conveys that a thorough and detailed approach was taken. The dedication and attention to detail demonstrated the lengths officers were willing to go to, ensuring that no stone was left unturned, and every effort was made to minimise the impact on flora and fauna if the event proceeded.

The decision-making process undertaken was in accordance with Council's Governance Rules.

1.8 Non-Disclosure Agreements

Officers and Councillors were required to sign Non-Disclosure Agreements (NDAs) due to confidentiality agreements with Fever and Warner Bros. Although signing the NDA was not a prerequisite for voting, it was necessary for Councillors to gain detailed knowledge that the event involved Harry Potter and Warner Bros. All Councillors received the confidential briefing and reports about the event and could vote regardless of whether they signed the NDA. However, only those who signed were privy to the specifics of the event.

The draft NDAs were reviewed by the internal legal team and although there were some initial concerns, the advice provided to Councillors was to sign. Councillors were requested on 22 August to sign an NDA – this was the day of the Council Meeting to enable the name of the event to be provided to them prior to the meeting. All Councillors signed an NDA except Cr David Gill.

- Chief Executive Officer Mr John Baker – 22 March 2023
- Mayor Steve Holland – 14 May 2023
- Cr Anthony Marsh – 22 August 2023
- Cr Lisa Dixon – 22 August 2023
- Cr Sarah Race – 22 August 2023
- Cr Despi O'Connor – 22 August 2023
- Cr Susan Bissinger – 22 August 2023
- Cr Antonella Celi - 22 August 2023
- Cr Simon Brooks – 22 August 2023
- Cr Kate Roper – 22 August 2023
- Cr Debra Mar – 22 August 2023
- Cr David Gill – Did not sign.

The CEO signed NDAs on behalf of Briars staff which was supported by the internal legal team. The NDA was signed in respect to the following positions:

- Director Community Strengthening
- Manager of Destination, Recreation and Community Connection
- Team Leader of Destination, Experience and Peninsula Events
- Team Leader of Destination, Conservation and Operations.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



The following officers signed NDAs on 22 August 2023:

- Chief Financial Officer
- Director Planning and Infrastructure
- Director Corporate Strategy and Business Improvement

1.9 Learnings and Recommendations

It could have been considered beneficial to request an NDA earlier in the planning process, allowing for the event's concept to be discussed confidentially with Councillors at an earlier stage. By securing an NDA, officers would have had the opportunity to share sensitive details with Councillors without the risk of premature public disclosure. This approach would have fostered a more collaborative relationship between officers and Councillors and enabled a deeper understanding of the event's vision, potential impacts, and necessary preparations.

While earlier engagement with Councillors under the protection of an NDA could have been beneficial and allowed for earlier and more thorough communication with Councillors, it is unlikely that the core information or recommendations of officers would have changed. The officer's focus would have remained on ensuring that preparations for the event were conducted responsibly and in alignment with the broader interests of the community and environment.

The primary concerns, such as environmental impacts, community reactions, and logistical considerations, would have likely remained the same, regardless of when the event was introduced to Councillors. The advice and guidance offered would have still focused on ensuring that the event addressed potential risks, and balanced the interests of the community, environment, and local businesses.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



2 Part 2 – An assessment and review of the processes leading up to and including the Council decision to relocate the event to the community forest.

2.1 Discussion/Findings

After the Council approved the event on 22 August 2023, numerous meetings, site visits, and discussions took place with event organisers, consultant ecologists, and the animal acclimation consultant (Wildlife Sidekicks) to address and mitigate all potential identified risks.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In December 2023, multiple meetings were held to finalise the event schedule, draft the event hire agreement and licence, plan post-ticket-sale communications, prepare a letter for The Briars' neighbours and the Briars tenants, and inform the rest of the Briars Team about the Council's decision to approve the HP experience. Until then, only the Manager of Destination, Recreation and Community Connection, the Team Leader of Destination, Experience and Peninsula Events, and the Team Leader of Destination, Conservation and Operations were aware of the details of the HP experience.

On 12 December 2023 – Councillors were advised via email by the Manager Destination, Recreation and Community Connection that the first announcement of the HP Experience would go live the same day. This was to be a smaller announcement with a larger one on 18th December 2023. Draft FAQs were provided to Councillors and Customer Service officers to assist in answering any questions from the community.

[REDACTED]

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



[REDACTED]

Around this time, discussions were taking place with [REDACTED] who were liaising with the BLCAC on whether a cultural heritage permit would be required and the costings for this.

On 18 December, tickets went on sale and the press release (Attachment 12) was launched.

Shortly after the ticket release when the community became aware of the event and the proposed site, members of the community with an interest in the Briars started raising concerns with onsite protests, the establishment of the Save the Briars group, an online petition, various communications with the Shire and Councillors and complaints.

Contact was made by MP Chris Crewther who used his Facebook page to support the community and call for the event to be moved from the Wildlife Sanctuary.

On 2 January 2024 - in response to Councillors' concerns and suggestion to take the event to the Hastings Foreshore, the Director Community Strengthening confirmed the event company only had interest in the Briars due to very niche specifications and reiterated that the Wildlife Sanctuary was their only preference. Further emails were received from Councillors questioning the cost to get out of the contract etc.

At this point external lawyers were briefed to establish the Shire's full commercial position and subsequent exposure. It was considered a breach of contract, should Council withdraw from the event, that could open the Shire up for claim for costs, lost revenue, brand damage etc. particularly given the event had been advertised, tickets were already selling etc. This was in reaction to the strong community response and threats of legal action by community members. While the due diligence report had addressed compliance with the relevant acts, it was felt important to engage a legal provider to prepare the Shire should the threats of action come to fruition. Seeking legal advice before any action was taken ensured the lawyers were well across the event details and ready to respond to any action raised.

On 3 January 2024, Councillors were provided with an update that confirmed ticket sales were at [REDACTED], an outline of the HP experience design and map, and communications on Fever's approach to wildlife management and the animal acclimatisation plan.

15 January 2024, [REDACTED] alerted the Shire to the fact they had discovered an overlap of the HP experience with the Sanctuary expansion works. Specifically, when undertaking a CHMP for the Sanctuary Expansion project, artefacts had been discovered. A "no works" buffer zone of 50m from an artefact is required to protect them - this slightly overlapped the Harry Potter trail. [REDACTED] advised an alternative permit may be required, or a change to the HP experience trail. [REDACTED] further raised a concern that given the community backlash to the event, the BLCAC may refuse a permit on philosophical grounds. There was no indication from the BLCAC that this may occur however [REDACTED] felt it was worth discussing with the Shire. A plan to meet with the BLCAC for further discussions was confirmed.

[REDACTED]

Governance Review of the Briars Event decision processes – CONFIDENTIAL



Objective ID:

On 18 January 2024, an officer of DEECA reached out to Shire officers via email, seeking background information on the event due to correspondence they had received. She was keen to understand the background before assessing further. The following day, 19 January 2024, the Director of Community Strengthening provided detailed information on the identified risks and the mitigation strategies implemented. On 5 February 2024, the DEECA officer contacted the Director Community Strengthening again, requesting contact details for the event organiser to discuss specific matters related to the proposed event.

Throughout this period, investigations into using the Community Forest as an alternative location to the Wildlife Sanctuary were underway, including site walks and assessments of planning permits and cultural sensitivity. Briars staff composed the Species Significance Report, and Practical Ecology was engaged for a further due diligence report. Discussions with DEECA and [REDACTED] ensured compliance with conservation and heritage regulations. Local ecologists and [REDACTED] conducted onsite surveys to assess flora and fauna, while the Development and Project Delivery Teams assisted with planning permits and preparations that would be required to make the Community Forest usable.

During this time due to the confidentiality obligations owed to Fever and Warner Bros, the Shire was hampered in their ability to respond to many of the questions raised by the community. On 30 January 2024 legal advice was sought to assist with what the Shire could say or release without breaching any obligations.

[REDACTED]

[REDACTED]

The CEO indicated that relocating to the off-leash dog trail could be a favourable outcome but acknowledged potential logistical issues and potential additional costs that would need to be addressed. The CEO committed to keeping the Councillors informed as the situation evolved.

Numerous complaints from community members and community groups were received, the Save the Briars Group in particular that was formed in response to the HP Experience. Many concerns raised were about the claims in the media about Councillors not being able to vote if they hadn't signed an NDA. This was incorrect with all Councillors receiving the same information and updates. The one Councillor who did not sign the NDA did not know the experience was Harry Potter until the announcement of the event in December. There were also concerns with the perceived lack of transparency and consultation with the community.

Official responses were provided to all complainants along the following lines:

Engaging meaningfully and with transparency is critical to the work we do for the community. However there are many matters which are brought to Council which are considered "commercial in confidence" discussions.

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Objective ID:



The Non-Disclosure Agreement was provided to protect the interests of the submitting entity but did not and does not exclude the voting process should the NDA not be signed.

Councillors are already compelled by S125 of the Local Government Act to maintain confidentiality on matters which they know, or should reasonably know to be confidential. Council can close a meeting from the public if the information being discussed is deemed to be confidential under the definitions as prescribed by The Local Government Act 2020 being;

S3 (1) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

S 3 (1) (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

To clarify, the details of the experience, excluding the name of the experience and owner organisation, were available to all Councillors in both Council briefings and meetings regardless of whether the NDA was signed. The NDA only related to the names of the experience and owner organisation. Councillors were not excluded from voting if they did not sign the NDA. The details of the experience, including images and the risks and benefits involved in hosting the experience were presented to all Councillors for their consideration.

We understand some in the community are concerned about the impact this experience will have on the Briars. We share our community's love for this space and are putting in place detailed strategies which will minimise the impact to flora and fauna. Much of this detail is already in our FAQ's and we look forward to sharing further detail as the experience develops.

It is worth noting that there was also a significant volume of positive responses about the event from the community and broader online community.

To facilitate an urgent decision a public meeting was scheduled for 13 February 2024 at 12pm, preceded by a briefing at 10am to answer any questions.

On 12 February 2024, the CEO emailed Councillors with the Council Report for their consideration at the Council meeting. Documents were also uploaded to Big Tin Can but were circulated directly due to time constraints.

The CEO highlighted that a range of teams had worked hard since the opportunity to relocate arose. Officers had been finalising and pulling together the information over the weekend and all were convinced that this was a great outcome.

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Objective ID:



The new site was easier to review from both ecological and engineering perspectives and was supported by Planning and the Ecology report. A final aspect of the ecology report, still pending, would be available soon. The decision was contingent on obtaining any necessary planning permits and a satisfactory ecology report. If either was unsatisfactory, the CEO promised to update the Council formally and provide ongoing briefings as the project progressed.

2.2 Council Meetings and decisions

2.2.1 6 February 2024 – Council Meeting – Urgent Business (Attachment 13)

COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Gill

That Council designate the Council decision and report on item 7.1 considered on 22 August 2023 non-confidential, either in part or in full, subject to legal review.

Carried Unanimously.

Cr Dixon and Cr Holland were apologies for the meeting. Cr Marsh left the meeting at 10.17pm and was not present for voting.

Cr Roper left the meeting at 10.26pm and was not present for voting.

At the Council Meeting on 6 February 2024, Cr Celi sought to move urgent business that had been flagged by Cr Marsh who was not in attendance at the meeting, to make the Council Decision of 22 August 2023 non-confidential.

The decision and a redacted version of the report was updated on the Shire website on 27 Feb 2024. The report contained 'Event benefits and Risks' in Tables 1 and 2 which were taken from the risk report. This can be found on the Council meeting minutes page for the 22 August 2023 meeting and is titled 'Council Meeting Addendum Agenda 22 August 2023 – Redacted.

In addition, 27 public questions (Attachments 14 and 15) were submitted for this meeting with the subject around the Environmental Impact Assessment, lack of consultation with the community, wildlife and the original decision. Responses to the questions were read out at the meeting and have been published on the Shire website.

Also at this meeting, an online petition was tabled with 23,000 signatures opposing the Sanctuary as an acceptable venue for the event.

2.2.2 13 February 2024 – Council Meeting – The Briars – Event Experience Trail Location (Attachments 16 and 17):

That Council:

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



1. ***Approves the relocation of the 2024 Harry Potter Forbidden Forest (HPFF) event experience trail from The Briars Sanctuary to The Briars Community Forest (dog walking park) and adjacent overflow parking paddocks.***
2. ***Notes that the relocation is unlikely to require any planning permission (as detailed in this report).***
3. ***Notes that the relocation is subject to an assessment of finalised ecology reports and relevant permits (if required) under the relevant provisions of the planning scheme.***
4. ***Authorises the Chief Executive Officer to negotiate and enter into a revised licence agreement with the event organiser to affect the new event experience trail location.***

COUNCIL DECISION

Moved: Cr O'Connor

Seconded: Cr Marsh

That the recommendation be adopted.

Carried Unanimously

Cr Dixon and Cr Holland were apologies for the meeting.

An Unscheduled Meeting was held on 13 February 2024 where Officers brought a report to Council to recommend relocation of the event from the Briars Sanctuary to the Community Forest. This was in response to the rising level of community concern about holding the event at the Sanctuary. The report was titled 'The Briars – Event experience trail relocation' as we avoided using the HP phrase which required approval which takes time.

Officers spoke to the due diligence undertaken to address concerns on impacts to the wildlife and the forest and outlined the range of expert specialists that had been consulted to provide Council with advice regarding the proposed relocation of the experience. Questions were asked by Councillors for clarification prior to debate and voting on the item. Some of the answers were:

- No impact to anyone who had already purchased tickets to the event.
- Any works to be done in the new location were in line with the Masterplan. Works to be undertaken would be improvements to what was currently in place.
- Information to be posted to Council's website at the conclusion of the meeting regarding the decision.
- Officers working with businesses on opportunities for patrons to purchase packages so people who are buying tickets to Harry Potter could take the opportunity to visit the Peninsula more broadly and enjoy the full range of experiences the Peninsula offers.
- Employment opportunities created to support the event.

Governance Review of the Briars Event decision processes – **CONFIDENTIAL**

Objective ID:



[Redacted text block]

2.3.1 14 May 2024 – Notice for Unscheduled meeting at 9am 14 May 2024

[Redacted text block]

Governance Review of the Briars Event decision processes – **CONFIDENTIAL**

Objective ID:



[REDACTED]

2.3.2 14 May 2024 – Council Meeting – Independent Review – Briars

All Councillors were in attendance.

The Council Meeting on 14 May commenced at 10am and was adjourned at 4.32pm. The meeting resumed at 9.32am on Wednesday 15 May. Apologies at the resumption meeting were received from Cr Roper, Cr Holland, Cr Celi and Cr O'Connor. Cr Marsh joined online.

[REDACTED]

The meeting was then reopened to the public.

2.3.3 28 May 2024 – Decision to conduct a review of the processes leading to the event and outcomes (Attachment 18)

Councillor Holland was an apology for the meeting.

That Council:

1. ***Resolves that a review of the processes leading to, and the outcomes of the event being held at The Briars will be undertaken. This will be on completion of the event and a report presented to Councillors prior to the commencement of Caretaker Period.***
2. ***Notes that the review will include;***

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- A. An assessment and review of the processes leading up to, and including, the initial Council decision to hold the event at the Sanctuary, and subsequent Council decision to relocate the event with reference to the key outcomes (stated below).*
- B. An evaluation including the local and broader economic outcomes and impacts, to be supported by Culture Counts, and an independent ecological evaluation being a post event assessment of the environmental impact to be supported by consultants and Ecology Australia with reference to the pre assessment (pre-event assessment has been completed).*
- C. The key outcomes:*
- i. Determination of any improvement areas (if any) and success measures of the event deliverables.*
 - ii. Outcomes for the Mornington Peninsula Shire owned venue (The Briars) i.e., tree sales, anticipated increased profile, positive publicity and branding visitation, site improvements, accessibility etc.*
- 3. The scope of the review would be determined and confirmed by the Mayor in consultation with the Chief Executive Officer.*
 - 4. The review will be presented to Councillors through a briefing and subsequent Council report.*
 - 5. The review and any reports prepared will be required to adhere to all confidentiality requirements according to the Local Government Act 2020 provisions and the ongoing confidentiality obligations owed to Fever/Warner though where possible, in the interests of transparency, the review will be made public.*
 - 6. Public release of any information including this decision, report and any public announcement about this matter must be reviewed by Council's lawyers having regard to confidentiality obligations and legal privilege.*
 - 7. The review to be subject to the rules of procedural fairness, including non-bias and administrative law principles.*
 - 8. The review will be independently assessed against the above criteria by a Probity Adviser.*

PART B

- 1. That Council resolves that the report (excluding decision) be retained as confidential item pursuant to section 3 (1) (g) (ii) of the Local Government Act**

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Objective ID:



2020 where it contains information that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. This is in line with the ongoing confidentiality obligations owed to Fever/Warner.

2. *That Council resolves that the attachment to this report be retained as a confidential item pursuant to section 3 (1) (e) of the Local Government Act 2020 where it contains legal privileged information, being information to which legal professional privilege or client legal privilege applies.*
3. *Council resolves that the Council decision is not confidential pursuant to section 3 (1) of the Local Government Act 2020 subject to legal review by Council's lawyers having regard to confidentiality obligations and legal privilege.*

The meeting commenced at 6.30pm and was adjourned at 10.28pm as all items on the agenda had not been addressed. The meeting recommenced at 9.04am on 29 May 2024. Cr Marsh was an apology for the resumption meeting.

The item was discussed 'in camera'.

Council reaffirmed their commitment to conduct a full review into the processes leading to, and the outcomes of the event being held at the Briars upon completion of the event. The event concluded on 14 July 2024.

2.4 Ombudsman Enquiry

On 3 January 2024, the Shire received a request from the Ombudsman (Attachment 19) for information regarding the 22 August 2023 decision to hold the event at the Sanctuary. This was in response to the media article in the ABC news on 31 December 2023 that incorrectly suggested that Councillors were excluded from voting on the event unless they had signed a non-disclosure agreement.

In the Shire's response on 25 January 2024, it was confirmed that Councillors were not excluded from voting regardless of whether they signed the agreement or not. The Shire provided details about how the event type and risk classification was determined and details of external advice sought on environmental and cultural impacts the event may have. The below responses were provided to the Ombudsman's queries along with copies of the Shire's Events Policy, the Environmental Assessment by Practical Ecology and the 15 August 2023 Council Briefing PowerPoint presentation:

- **Advice on how Councillor's being subject to a non-disclosure agreement to be able to vote on a matter, aligns with Mornington Peninsula's Governance Rules (adopted 24 August 2021).**
Councillors were not excluded from voting on the matter regardless of whether they signed the non-disclosure agreement or not. Event information and details were provided to all Councillors, with only the name and organiser of the event not disclosed to those electing not to sign the non-disclosure agreement.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

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- **The event type and risk classification determined by the Council for the event. The Council's rationale for the risk classification.**
The event is classified as medium-impact. This classification is primarily due to the sale of alcohol at the event, the volume and staggered arrival of attendees, and the traffic management plan minimising risk of disruptions to normal traffic meeting the medium impact event classification. The event does not trigger a high-impact classification as it does not include high risk activities such as amusement rides or fireworks.

Council's Event Policy (Attachment 1 – Mornington Peninsula Shire Events Policy) sets the criteria that determined the event's classification.

- **If considered a high impact event;**
 - **details of the community consultation process undertaken by the event applicant.**
 - **a copy of the assessment report and recommendations prepared by the Council.**

N/A – the event is not considered a high impact event.

- **Details of any internal and/or external advice on environmental and cultural impacts the event may have on the Briars nature reserve.**
Council engaged ecological consultants Practical Ecology to undertake an environmental assessment and provide risk mitigation recommendations (Attachment 2 – Environmental Assessment). These recommendations are included in the contact with the event organiser. Council has engaged heritage consultant [REDACTED] to ensure Aboriginal Cultural Heritage Overlays are complied with and to obtain the necessary permits. [REDACTED] are liaising with the Bunurong Land Council to complete this process.
- **Any further information the Council considers is relevant to my understanding of the matter.**
Detailed information was provided to Councillors about the event, including the presentation at Attachment 3 – Briars Event Proposal.
Council has developed a series of FAQs published on its website to address public concerns and provide information about the event. [Forbidden Forest Experience - FAQs - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](#)

On 5 February 2024, the Ombudsman advised the complaint was closed and were satisfied with the Shire's responses. They advised they were of the view the risk classification definitions in the Shire's Events Policy were vague and left the categorisation of events open to interpretation. It was suggested the definitions be revised to provide better clarity.

The Ombudsman further advised they would use the information provided to respond to any future complaints received. The Shire has not been made aware of any further complaints made to the Ombudsman.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



2.5 Hire Agreement and Event Licence

Holding Redlich were instructed to act for Council to review a draft Hire Agreement and Event Licence between the Council and Kzemos Australia ("Fever") "the Event Licence". The Event Licence was negotiated between Council's lawyers and Fever and executed by John Baker, CEO on 15 December 2023 on behalf of Council.

[REDACTED]

[REDACTED]

[REDACTED]

2.6 Staffing Issues

In December 2023, the CEO and Director of Community Strengthening met with the Briars team to discuss their concerns around the use of the Wildlife Sanctuary as the venue for the HP Experience. The CEO emphasised that Council decisions must be implemented by Shire staff, who are responsible for managing risks and protecting Council's reputation. Briars staff were encouraged to contribute their expertise to ensure the event's success and prioritise wildlife welfare.

The Shire's People and Culture team continues to investigate issues that have been raised.

2.7 Security Issues

Due to the tactics undertaken by members of the public, security guards were employed to ensure the safety of staff and visitors, and staff were provided with access to a psychologist and to the Shire's Employee Assistance Program. Security issues were reported with vandalism on site, the car counter and camera blackened out, solar panels damaged, and lights ripped off.

Procedures were implemented including escalating issues to management and staff were asked to submit incident reports when exposed to inappropriate behaviour. Staff also worked with onsite tenants whose patrons were also subjected to inappropriate behaviour, including making reports to Victoria Police.

Officers worked with contractors whose staff faced aggression, including death threats and threats to their businesses. They assisted in handling complaints and contacted Victoria Police as needed.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



2.8 Findings

The Council approved the event at the meeting on 22 August 2023, based on an evaluation of benefits and risks. The decision to proceed was made with the understanding that a comprehensive set of risk mitigation strategies would be implemented to protect wildlife and ensure the sustainability of natural vegetation.

Following the release of ticket sales on 18 December 2023, the interest by the community expressing their concern of the location of the event was significant with an online petition of 23,000 signatures tabled at the Council Meeting on 6 February 2024 along with 27 public questions, large volumes of correspondence and media enquiries, misinformation in the media and an enquiry from the office of the Victorian Ombudsman.

Opposition to the event was generally focused on the location of the event trail rather than the event itself. Some community members who contacted the Shire recognised the event's benefits, such as investment in the Briars and positive economic impacts but opposed the location due to concerns about wildlife impact, despite Council assurances. Ongoing discussions between the Shire, Warner Bros, Fever, and IMG aimed to address community concerns to ensure the event benefits the broader community and local businesses. It could be concluded that the main driver of the change of venue was the outcry of the community, in particular the Save the Briars Group

2.9 Comparison of the event at the Community Forest versus the Sanctuary

After the decision was made to change the event location, the event's scope was significantly modified to suit the new venue. [REDACTED]

[REDACTED]

[REDACTED]

Ultimately, the relocation to the Community Forest not only preserved the integrity of the more sensitive Sanctuary but also enabled the event to expand its offerings in a way that was both environmentally responsible and more engaging for the audience. This strategic adjustment highlighted the importance of selecting appropriate venues that balance ecological concerns with event objectives.

Governance Review of the Briars Event decision processes – CONFIDENTIAL

Objective ID:



2.10 Recommendations and Learnings

Due to the confidential nature of the event's owner, identifying an optimal time for community engagement was challenging. Early disclosure to the community would likely have sparked significant opposition, especially since the event was initially planned to be held at the Sanctuary, a sensitive area where public concern would have been heightened.

It has been suggested that the community should have been engaged prior to the decision to hold the event in August 2023, however this was impossible due to the confidentiality obligations owed to Fever and Warner Bros.

The event's success ultimately justified the approach taken. High ticket sales and overwhelming support from attendees demonstrated strong public interest. Additionally, the event did not result in any reported adverse effects on local wildlife, flora, or fauna, which was a critical concern. The economic impact was also substantial, with local businesses benefiting from increased visitation, heightened demand for accommodation, and a boost to hospitality services. The financial boost to the Shire further underscored the event's value.

This success not only affirmed the decision to host the event but also highlighted the Mornington Peninsula as a prime location for large-scale events, enhancing its reputation as a sought-after destination. The experience showcased the region's capacity to balance community concerns with the economic and cultural benefits of hosting major events.

Any future events should take into consideration the learnings from this process to ensure the community are consulted, where possible.

More general learnings were:

- Lack of mechanism for discussing commercial in confidence matters that are not covered by Tender processes – this was an approach from an external organisation to hold the event. Council does not yet have a policy position for Market Led Proposals however this is something that the Shires Property and Commercial Services team are currently exploring.
- Whilst not usual practice, the full operational working risk assessment could have been provided to Council at the Meeting on 22 August 2023 as well as the full independent ecology report as confidential documents/attachments. Noting that the Director Community Strengthening acknowledged this in email correspondence to the Councillor group on 9 January 2024.
- Whilst the advice or information provided Councillors may not have changed, an NDA should have been requested and the idea for the event could have been discussed with Councillors in confidence earlier.
- Given the confidentiality of the proposal, community consultation was not undertaken. Council regularly holds events without consulting the community where they align with existing Council endorsed plans, Master Plans and strategies, These include the Council and Wellbeing Plan, Arts and Culture Plans, Music Plan, Briars Master Plan. Council's Event Policy currently requires event organisers to inform residents who will be directly impacted by the event, in this case the Briars neighbours. Otherwise, broader community consultation is not required under the adopted policy.

Governance Review of the Briars Event decision processes – **CONFIDENTIAL**

Objective ID:



- Stricter guidance for staff during induction, along with reminders, that they need to understand their role in respecting Council decisions and their responsibility to implement them, and conflict of interest requirements.
- Events Policy – recommendation from the Ombudsman that the risk classification definitions in the policy are vague which leaves the categorisation of events open to interpretation. It was suggested that Council revise the definitions to provide better clarity.

HP Project Risk Assessment and Register

Operational Risk Register

Harry Potter and the Forbidden Forest Experience

DR&CC

ID	Potential Consequence / Impacts (What could go wrong?)	Likelihood	controls in place		Risk Rating	Controls (what we are already doing about it)	Treatments (What are we going to do about it?)	Likelihood	Consequence	Risk Rating		
			Consequence	Risk Rating								
Key	Describe the consequence and impacts	Degree of possibility that the risk might eventuate as per matrix	Outcome if the risk eventuates and the impact on objectives as per matrix	Rating of risk based on its likelihood and consequence		Summary description of planned risk treatments to reduce the likelihood of the risk eventuating and/or the impact of the risk eventuating. [Can reference a specific risk treatment plan that includes additional details]	Rating of risk based on its likelihood	Whether the risk is active and open, or ended	Since the risk was last reported, indicate if			
Maintain integrity of Sa	- Breaches in sanctuary fence by patrons sneaking into event					Daily patrols of fencing to monitor and rectify breaches	Complete	Briars staff onsite throughout event operation - patrols with temporary fence fixing equipment onboard. Air lock created at Event entry/exit point Increased frequency of fence checks Require event producer to provide staff and security - complete Reinforce fencing at sensitive points Repair kit in patrol vehicles DC&O team deliver training to DePe team on fence repairing Conversations and strategies developed with Event organiser and incorporated into their security plan Creation of response guide for HP event with instructions included	Underway	Rare	Insignificant	Low
Negative feedback from community about this event in the wildlife sanctuary	Loss of social capital/trust for appropriate management of the site					Communications plans which address identified concerns	Complete	Detailed comms plan addressing risks and benefits with community feedback management in place. Implement processes to ensure staff can effectively manage issues including protests and media attending site Work to deliver & promote positive outcomes eg - donation to trees, connecting people to green spaces; economic benefits to region (particularly covid recovery) Income raised from the event has positive conservation outcomes - identify links to conservation work Promote event producer planting trees as result of event - possible influence provider to plant trees on peninsula FAQ's for councillors, DR&CC and customer service Make the most of new path - use for education and accessible experiences in future - promote these	Complete	Possible	Moderate	Moderate
Impacts on staff wellbeing due to community feedback / questions	Negative impact on staff wellbeing. Disengagement. Trauma associated with threatening, aggressive or coercive behaviour	Likely	Moderate	Moderate		Responding to difficult people training for staff	Underway	All initial questions / concerns sent to Beck & Jo Making FAQ's available onsite to direct visitors to the right place Ongoing effective communication, scheduled team updates and meetings Work with P&C to engage consultant to offer support services to staff Provide additional support to people leaders to ensure can effectively lead team through experience Additional training provided to staff re responding to protests / media etc Effective procedures in place to respond to media / protests / aggressive behaviour, including 2 people on site at all times	Ongoing	Likely	Moderate	Moderate
Event damages conservation stakeholder relationships	Whether or not the wildlife within the may determine whether conservation agencies working with The Briars are deterred from undertaking future projects with us. Initial conversations have indicated a low level of concern from these agencies.	Unlikely	Moderate	Moderate		ement plans to ensure critical stakeholders consulted to minimise risk	Complete	Initial expert advice from critical stakeholders to understand risk level - indicated as low. Ongoing engagement with others in like industries to understand tips / tricks for minimising negative impacts Confirmation of impact of introductions - confirmed ok	Complete	Rare	Minor	Low
powerful owl	Impact to Powerful owl (listed threatend species) due to event					Maintaining anonymity of nest location to prevent disturbance of nest	Ongoing	Seek advice from experts Plan for mitigation measures Explore animal acclimatisation strategies Ecologists and staff working with event organiser to adjust sound and lighting to minimise impacts. Mitigatory measures signed into lease agreement with event organiser. Retain anonymity of location of powerful owl so as not to	Complete	Possible	Moderate	Moderate
						event organiser to adjust the lighting and sounds, to minimise the impact to wildlife.	Ongoing	Ensure small portion of the Wildlife Sanctuary used for the experience, wildlife will have space to move away from the experience. Develop an acclimatisation project for the sanctuary animals to mitigate the impacts of light and sound during the event. Explore opportunity to have sanctuary expansion fencing	Complete	Unlikely	Moderate	Moderate
						h tourism industry organisations to ensure are supportive. Present economic impacts to councillors	Complete				nor	Low
						Research into impacts of the event on flora and fauna, including the implementation of mitigation strategies Ensure the event has positive conservation outcomes eg - donation to trees, connecting people to green spaces; economic benefits to region (particularly covid recovery) Income raised from the event delivers positive conservation outcomes Promote event producer planting trees as result of event - possible influence provider to plant trees on peninsula FAQ's for councillors, DR&CC and customer service ew path - use for education and more	Ongoing			Unlikely	Minor	Low
						ificant s for the community and the support his experience will give The Briars' conservation projects. Develop clear communication that promotes the care and planning that has gone into the event highlighting the mitigation work undertaken. Work to deliver & promote positive outcomes eg - donation to trees, connecting people to green spaces; economic benefits to region (particularly covid recovery) Income raised from the event has positive conservation outcomes - identify links to conservation work Promote event producer planting trees as result of event - possible influence provider to plant trees on peninsula FAQ's for councillors, DR&CC and customer service Capitalize on new path - use for education and accessible experiences in future - promote these	Ongoing	Possible	Moderate	Moderate		

HP Project Risk Assessment and Register

Carparking becomes too wet	Carpark has areas which get extremely wet and unusable during certain seasons.	Possible	Minor	Moderate	Adjustment of parking areas and frequency of events in wet seasons	Complete	Plan and implement mitigation measures with roads team			Minor	Low
							Parking allowed in lower				
Tracks / Event lawn become muddy	Areas of the event lawn can become boggy in times of high rainfall	Possible	Minor	Moderate	Management of event lawn through maintenance and rectifications - budgeted annually	Complete	Plan and implement mitigation measures with P&R team		U	Minor	Low
							Event matting and other materials available				
								Underway			
Operational Capacity	Event draws significant operational resources away from existing programs/projects. Staff fatigue / fitness for work impacted	Possible	Moderate	Moderate	Use of EAP to support team wellbeing	Complete	Review operational requirements and resources, plan for gaps / pain			Minor	Low
Breach of Wildlife Act	Experience breaches relevant wildlife acts	Unlikely	Major	High							
Event conflicts which land zoning of PCR purpose		Rare	Mo							ifico	Low
Tracks / event lawn damaged after event (outside Sanctuary - event lawn)	Given le required. None of this mitigation work involves native / sensitive vegetation	Likely	Minor	Moderate						or	Moderate
Costs exceed estimates	Initial costings were estimations, completed with the project delivery team. Quotes were not able to be obtained due to time frame provided by event organiser	Likely	Minor	Moderate	Contingency funds included in projects	Complete	Officers sought to negotiate a financial agreement w cover all costs incurred by Council final offer provi			r	Low
					Consultation wit						
Damage to cultural heritage (trac event establishment)	sensitivity layer.	Unlikely	Moderate								Low
Wide paths - damage to vegetation	To facilitate the volume of participants required, the paths at The Briars would need to be widened beyond the standard accessible width to 2-3 metres. Vegetation where the works are proposed is dominated by Grassy Woodlands - an endangered Ecological Vegetation Class (EVC). Offset vegetation would be required. 75% vegetation next to paths is weedy. No veg clearance for props	Possible	Minor	Moderate							Low
Requirement for CHMP	Given Aboriginal significance and overlays in the area, certain works will trigger a CHMP. The event timeline does not allow for this work to be undertaken. Further, damage or disturbance to artefacts is an unacceptable outcome.	Unlikely	Moderate	Moderate	Engagement of experts to provide advice at start of project	Complete	Understand works which would trigger CHMP. Communicate these to contractor wi				Low
Delays in culvert bridge works	Bump in or run	Possible	Moderate								Moderate
Delays in Briars path development	Bump in and ev	Possible	Moderate								Moderate
Breach of Wildlife display license	Visitors in sanct	Possible	Insignificant	Low							Low
Tree or ng event	Could result injury, damage to equipment or event cancellation			High	Existing procedures - maintenance requests and follow up with IS	Complete	Tree assessment completed/document and remedial works completed prior to event bump in	Complete	Unlikely	Minor	Low
					Emergency contractors listed in visitor centre, for quick / urgent response	Complete	Closure of wildlife sanctuary and experience during extreme weather where winds are above 35kmph - included in license agreement	Ongoing			
							Site reopening checks completed after sanctuary closures	Ongoing			
							Event safety procedures and engineering certifications checked via the buildings team and POPE application procedure	Underway			
							contractor and or procedure in place for removal of fallen limbs/tree or debris within 24hrs.	Complete			
							ocumentation of works and sign offs critical to	Complete			
Overflow carpark works not completed in time for bump in	The entry and village experience is planned to occur in t Overflow carpark. We are required to remove the hump and prepare a flat gravelled surface prior to site handover. Consequence of not being ready is the Event delayed/cancelled and we are in breach of License agreement	P					line for obtaining permit if required	Underway	Unlikely	Minor	Low
							Strategies implemented to fast track works if required	Complete			
							Plan B & C prepared	Complete			
Water and sewage connection project delays	IMG have requested direct plumbing into Briars sewerage points near the Visitor Centre (including water point access) and will contribute this cost. This will become a legacy item for	Possible	Minor					late	Possible	Minor	Moderate
								Complete			
Tenants, weddings and other site operations	Minimising disruption of events / functions by HO	Rare	Minor	Low				plete	Unlikely	Minor	Low
								erway			
Neighbours disturbed	Sounds / lights impact neighbours.	Rare	Minor	Low	Requirement to align with Management Plan - approved by				Rare	Insignifica	Low
					Sound and light requirements included in			Underway			
					Communication with neighbours re Briars events			Complete			
Briars event operations	Survival Day and Colour run	Unlikely	Minor	Low	As per current communication process	Complete	Effec around HP Master timeline do		Rare	Insignifica	Low
Rubbish in sanctuary and elsewhere	Ensure effective waste management plan in place	Possible	Minor	Moderate	Rubbish management included in event permitting process, and aligns with MPS SUP and other policies	Complete	As per Shire's waste polic		ikely	Minor	Low
							Event staff patrol sanctuary to remove rubbish pos	Ongoing			
							Event staff patrol Briars to remove rubbish each morning	Ongoing			
							Possible increase rubbish / cleaning patrols from contractors.	Ongoing			
Biosecurity breach in sanctuary	Incursion of weeds into sanctuary	Possible	Minor	Moderate			Create enviro mgt plan incl biosecurity measures - incl in event permit requirements.	Underway	Unlikely	Minor	Low

HP Project Risk Assessment and Register

		Possible			Early engagement with consultant to seek advice and integrate into project processes Complete	Engage heritage insights to liaise and provide advice to increase risk of success Complete						
					Ensure works align with permitting requirements and overlays / Acts Complete	If changes to works required, complete with event producer Pending						
					Heritage advisor Complete	If opposition is on philosophical grounds, refer to CEO / Director Pending						
					ion meet requirements; address behavioural issues appropriately Complete			Unlikely	Minor			Low
					meet requirements; address behavioural issues appropriately Complete							
					g to delivery of event - compromising quality of event and risk mitigation strategies er Unlikely	Major	High					
					Ensure compliance with MPS Child Safety policies. Engagement with Child Safety officer Complete	Ensure all staff recruited to event have WWCC checks and comply Ongoing		Unlikely	Minor			Low
						Development of response procedure in these instances Complete		Unlikely	Minor			Low
						Ongoing training for staff, to respond to difficult situations Underway						
						Monitoring social media activity to identify dates / times of possible protests Ongoing						
					Moderate	Contract reviewed by MPS and external legal teams Complete	Ongoing monitoring of activities to ensure complies with contract Ongoing	Unlikely	Minor			Low
						Alert legal to possible breaches in contract Ongoing						
						Regular event meetings to ensure oversight of experience by MPS staff. Ongoing						
					Visitor experience completed to required standards Ongoing	Ensure path and carpark construction is to required standards Underway						
					Event organiser required to have safety and emergency response plans as part of event permitting Underway	Ongoing regular assessment of walking route by event and Briars staff - scheduled into Briars work plans Ongoing		Unlikely	Moderate			Moderate
					Arborist review of walk and tree pruning to reduce hazards Complete							
					Daily walks of event route to identify maintenance requirements Ongoing							
					Identify available contractor panel staff to rapidly respond to issues Complete							

[REDACTED]
Team Leader – Precinct Experience
Mornington Peninsula Shire

10th July, 2023

Due Diligence Fauna Assessment Report

Potential impacts of Lightscape Experience

Briars Wildlife Sanctuary

Practical Ecology Pty Ltd was commissioned by Mornington Peninsula Shire to undertake a due diligence fauna assessment to determine the fauna and fauna habitat present within proximity of the proposed Lightscape Experience at the Briars Wildlife Sanctuary. This assessment aims to provide a broad overview of the potential impacts on fauna associated with the proposal and identify the relevant mitigation measures to avoid or minimise potential impacts to the fauna present.

The Briars Wildlife Sanctuary is located in Mount Martha and is approximately 90 hectares in size. The sanctuary is surrounded by predator-free fencing and provides habitat to a diverse range of birds, mammals, reptiles and amphibians, including numerous State and Federally listed species, resulting in the sites high environmental significance. It provides a key area for passive recreation and an important resource for community education and conservation.

Study Area and proposed light and interactive trail

The Lightscape interactive installation is an immersive, after-dark experience proposed for the Briars Wildlife Sanctuary. Council is currently in the early stages of assessing the feasibility of implementing the Lightscape Experience within the sanctuary and therefore limited information regarding the installations and interactive aspects of the trail has been provided.

It is understood that the proposed Lightscape Experience will operate for a limited period of three months approximately from May to August, seven days a week, with sessions running from last light to 11pm. As such the lighting will be in operation from approx. 5:15 pm – 11:00 pm, Monday – Sunday. It is understood that many of the installations will be accompanied by audio recordings, and will include both LED screens (12m x 2m) and multiple projections ranging from 25m x 10m to 8m x 6m in size will be installed throughout the sanctuary, accompanied by smoke machines.

Figure 1 below shows the proposed Lightscape Experience route which includes the area of assessment for this study. The area of study also included assessing approximately 20m on either side of the route, hence targeting the vegetation likely to be directly impacted by the installation and

vegetation with potential indirect impacts. During the site assessment, the route was broken down into six sections based on the varying habitat attributes and potential impacts identified. The potential impacts identified within each section are discussed in more detail below.



Figure 1. Proposed Lightscape Experience route (provided via email 18/05/2023 – Joanne Fyfe). Red indicates where paths will need to be upgraded (with gravel) and existing paths in yellow. Black arrows indicate each section identified during the site assessment

Fauna Habitat

The sanctuary contains a wide range of terrestrial, semi-permanent wetland habitats and creeks which support ten Ecological Vegetation Classes (EVCs), many of which are listed as endangered within the Gippsland Plains Bioregion. The vegetation quality is of high standard with little weed invasion, with the potential to support a wide range of native fauna.

The due diligence assessment included a brief survey of the vegetation along the Lightscape route, with consideration of ~20m on either side of the paths, to determine habitat that actively supports or has the potential to support native fauna and identify evidence of fauna activity (i.e. scratchings, scats, and tracks). This survey also included an assessment of the biological significance of the identified fauna species as it relates to the sanctuary.

Key habitat components observed along the Lightscape route and surrounds included:

- Areas of dense vegetation (dominated by Bracken *Pteridium esculentum* along the pathways (Figure 2).
- High density of leaf litter in some areas with denser vegetation.
- Large logs, sticks and ground hollows throughout (Figure 3).
- Large mature trees dominated by Manna Gum *Eucalyptus viminalis* and Narrow-leaf Peppermint *Eucalyptus radiata subsp. radiata* (Figure 4).
- Numerous medium and small hollows (Figure 5).
- Trees with fissures, cracks and loose bark (Figure 6).
- Connected tree canopies throughout.
- Wetlands with dense vegetation and central islands (Figure 7).
- Small vegetated depressions.
- Open grassed areas (Figure 8).



Figure 2. Dense vegetation throughout the route



Figure 3. Large logs and sticks along the route



Figure 4. Large mature Eucalypts throughout the Lightscape route



Figure 5. Small to medium hollows along the route



Figure 6. Small to medium hollows along the route



Figure 7. Wetlands with vegetated island



Figure 8. Open grassed areas around wetlands

Fauna Present

The sanctuary and its unique range of habitats support a high diversity of vertebrate fauna species and population densities. From the Victorian Biodiversity Atlas (VBA) post 1980's records and fauna records detailed in the *Fauna Assessment of The Briars Wildlife Sanctuary, Mount Martha* report (Legg 2014), vertebrate fauna records within the Briars Wildlife Sanctuary include:

- 9 amphibian species;
- 12 reptile species;
- over 27 species of wetland birds;
- over 66 species of woodland birds;
- over 13 mammal species
- over 6 species of microbats; and
- 1 monotreme species

The sanctuary provides critical habitat for numerous fauna species for breeding, foraging, hunting refuge and connectivity to the wider landscape. The predator-proof fencing that is implemented around the sanctuary prevents predators such as foxes and cats from inhabiting and reduces the pressures on native fauna and, in particular, on more sensitive, migratory and threatened fauna species, further highlighting the significance of the site. Significant species that occur or have been recorded within the sanctuary are detailed in the section below.

Potential Impacts

This due diligence study was undertaken to broadly identify the potential impacts of the proposed Lightscape Experience in the Briars Wildlife Sanctuary on native fauna. Note, at this stage detailed plans of the proposed Lightscape Experience layout were not provided and therefore the content of this due diligence is high level, focusing on the potential general impacts to fauna rather than species specific impacts.

Light is a critical input for animals to orient themselves within their niche environment, forage for food, to control the timing of processes, and for reproduction and communication. Hence it is important to consider taxa that may be present, how they may be affected and methods to avoid or minimise potential impacts.

Key fauna within the sanctuary that may have greatest potential to be impacted by the proposed Lightscape Experience include:

- Hollow dependent mammals, parrot and owl species such as Sugar Gliders *Petaurus breviceps*, Swift Parrot *Lathamus discolor* and Powerful Owl *Ninox strenua*
- Microbats such as White-striped Freetail Bat *Tadarida australis* and Large Forest Bat *Vespadelus darlingtoni*

- Wetland birds such as Buff-banded Rail *Gallirallus philippensis* and Latham's Snipe *Gallinago hardwickii*
- Non-hollow dependent mammals such as Southern Brown Bandicoot *Isoodon obesulus* (when re-introduced) and Agile Antechinus *Antechinus agilis*

Light impacts are often species specific, being dependent on aspects such as their ecology, visual sensitivity and species-specific physiological responses. However, according to published literature, artificial light and noise in the urban landscape often has the following general impacts on fauna:

- Confusion and dis-orientation during movement (Schroer and Hölker 2016)
- Random fluctuations in light intensity amongst foliage may impact bird and small mammal roosting/ nesting behaviour (Schroer and Hölker 2016)
- Changes in foraging behaviour, timing and level of activity (Commonwealth of Australia 2020; Stone, Harris and Jones 2015)
- Disturbed and altered sleep regimes (Aulsebrook et al. 2022; Aulsebrook et al. 2020)
- Increased attraction of predators to an area (Commonwealth of Australia 2020)

Specific Concerns

Hollows/fissures/cracks

Numerous small to medium hollows, fissures and cracks were observed within trees and fallen limbs along the proposed route. Numerous mammal, bird, reptile and amphibian species require these habitat components for breeding and shelter. Aspects of the light installation such as illumination of hollows/fissures/cracks directly or in close proximity (likely screens and projections), audio recordings, specifically with the use of animal calls and the use of smoke machines within reach of these habitat types may result in any one of the impacts stated above. Impacts may be increased for diurnal species that will be occupying such habitat during the occupation of the Lightscape Experience.

Threatened species

It is understood that a nesting pair of Powerful Owls are located approximately 324m east of the path within Section 3. This species is listed Vulnerable under the *Flora and Fauna Guarantee Act 1988* (FFG Act), and according to Briars management staff, this is one of the first known pairs to occupy an artificial nestbox. The specific impacts that the light and sound from the Lightscape Experience may have on the nesting pair are unknown. However, the species is nocturnal and would therefore be present throughout the proposed route while hunting its preferred prey, possums, of which would be in high abundance within this section. With this, it can be assumed that the hunting ability of the species would be impacted by the proposed route. It should also be noted that prolonged exposure to "harsh light" (e.g. glare, light clutter, camera flash lights, spotlights) has the potential to cause damage to the eyes of owls. When the eye is exposed to bright light the

photoreceptor cells can become saturated, causing brief functional blindness lasting from five to 30 seconds or in some case permanent blindness if exposed for long periods (Ambrose 2022).

Threatened wetland and terrestrial birds such as but not limited to the Eastern Great Egret *Ardea alba modesta* (Vulnerable under FFG Act), Swift Parrot (Critically Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and FFG Act), White-throated Needletail *Hirundapus caudacutus* (Vulnerable under EPBC and FFG Act), Hardhead *Aythya australis* (Vulnerable under FFG Act), Lewin's Rail *Lewinia pectoralis* (Vulnerable under FFG Act) and Latham's Snipe (Listed as migratory under EPBC Act) all have the potential to be impacted by the proposed Lightscape experience.

Wetlands

The three wetlands present along the proposed route have well vegetated banks and islands that provide habitat to a range of wetland birds and amphibians, and provide a consistent water source for all fauna present within the sanctuary. The Lightscape Experience route is proposed to follow the banks of the three wetlands, an area that does not have defined paths and end with a finale including a 25m x 10m screen on the island of the last wetland. As there are no paths to this section of the sanctuary, the wetlands are exposed to minimal human presence in comparison to the remaining areas.

Directing the Lightscape route around these waterbodies with the addition of a large screen on the last island is likely to result in any one of the impacts mentioned above. Wetland birds that are not typically exposed to light, sound or human presence especially at night will be exposed to some level of disturbance. A number of papers have documented changed behaviour and sleep patterns in avian species due to artificial lights including earlier onset of daily activity, increased night time activity, and changes to sleep composition, continuity and intensity (Aulsebrook et al. 2022; Aulsebrook et al. 2020). As the three wetlands will be exposed to some level of lighting either from the installations or the large screen within the island, the area available to wetland birds to roost or forage will be greatly reduced. In addition, the three wetlands provide specific habitat components (e.g. dense vegetated areas) that are not present at the larger waterbody, resulting in limited alternative habitat for the disturbed fauna to disperse to.

Audio recordings

It is understood that some of the light installations will be accompanied by audio recordings. Audio recordings playing soft background music from speakers low to the ground are not anticipated to be of great concern. However, the use of audio recordings of fauna, in particular Australian fauna has the potential result in any one of the general impacts mentioned above, though overall may cause undue stress to fauna present along the route from the audio recording either being perceived as a predator or breeding mate.

Smoke machines

There is little to no information available regarding the potential impacts that smoke machines may have on fauna. However, multiple studies investigating the impact of smoke machines on humans resulted in short term impacts such as wheezing, shortness of breath, dizziness, difficulty breathing, coughing, eye irritation, headache and nausea and long-term impacts such as acute chest tightness, cough or lower lung function (Varughese et al. 2005). From these results we can assume that the varying impacts that may arise in humans exposed to smoke machines are likely transferable to fauna. With this, the use of smoke machines along the Lightscape route may have varying impacts to the fauna inhabiting hollows, foraging or roosting, impacts of which are greatly unknown. The use of smoke machines may also impact the flight path of nocturnal birds and microbats, especially with microbats as their prey species (invertebrates) are likely to be more drawn to lights present.

Screens/projections

It is understood that multiple LED screens (12m x 2m) and projections of various sizes (8m x 6m and 25m x 10m) are proposed to be installed along the Lightscape route (from 350m to 2km). The extent of light that would be emitted from the screens and projections, especially LED lights, have the potential to cause any one of the general impacts stated above. It is also understood that projections will be fixed between trees, which poses a risk to nocturnal fauna that likely to be hunting and foraging between trees within the area. Potential impacts may include collision and/or entanglement with the particular medium used. This would also be the case for diurnal birds, if the projections are to remain throughout the day.

Increase in human presence

Historically the sanctuary has had little foot traffic at night, with occasional events such as spotlighting occurring along the paths. With the proposed Lightscape Experience predicted to bring in over 250,000 people into the sanctuary over the three-month period, operating 7 days a week, human presence will drastically increase. The impacts from the increase in human presence may result in any one of the general impacts mentioned above, though with the potential to be intensified as the local fauna within the sanctuary would not have been exposed to such levels of consistent light, noise and overall human presence that the Lightscape Experience will bring.

Mitigation Measures

As mentioned previously, the content of this due diligence is high level and therefore only general mitigation measures to reduce the potential impact that light, sound and increased human presence may have on the fauna present within the sanctuary are proposed.

The National Light Pollution Guidelines for Wildlife (Commonwealth of Australia 2020) gives general principles for minimising light pollution impacts. These include:

1. Use adaptive light controls to manage light timing, intensity and colour.

2. Light only the object or area intended – keep lights close to the ground, directed and shielded to avoid spill, especially to sensitive areas
3. Use the lowest intensity lighting to achieve the desired effect
4. Use lights with reduced or filtered blue, violet and ultra-violet wavelengths.

Sensitivity to Blue Light

It is believed that, as with humans, many wildlife may have increased sensitivity to UV/violet/blue light wavelengths. This may be the case for several reasons:

- The production of melatonin, which controls sleep in mammals, is known to be affected by exposure to UV/violet/blue light.
- Nocturnal mammals have low-light adapted vision which relies on high numbers of rods as opposed to cones, that are more sensitive to shorter wavelengths (Commonwealth of Australia 2020).

According to (Commonwealth of Australia 2020) white and coloured LEDs generally contain a significant component of short wavelength blue light.

Hence it is important to have an understanding of the LEDs in use and choose ones to reduce the short wavelength component throughout the sanctuary.

The Lightscape Experience route was broken down into six sections based broadly on the fauna habitat attributes present, their distribution, amount and significance along the proposed route. The general light mitigation measures mentioned above should be considered within each section of the sanctuary. To avoid repeating mitigation measures for each section, the general measures that can be adopted to reduce fauna impacts include:

- Avoid direct illumination of hollows (tree and ground), cracks, fissures or where dreys or nest may be present
- Avoid directing smoke and audio into hollows (tree and ground), cracks, fissures or where dreys or nest may be present
- Audio recorders to be placed as close to the ground as possible and animal calls in particular Australian fauna should not be used
- Focus lights to the proposed path and avoid light spill where possible
- Avoid illuminating the banks and islands of waterbodies where fauna are likely to be present
- Avoid the use of lasers or moving lights throughout the proposed route
- Avoid the establishment of new paths where possible
- Remove projections during the day to avoid increased hazard to fauna

Section 1

This section of the route had more open grassed areas and immature trees and shrubs that are less likely to be utilised by fauna during the night, though possums and owls may utilise the openness to forage or hunt. This section is also more frequented by people, with school education programs held there. Direct illumination of hollows, nest boxes and the waterbody present within this section should be avoided.

Section 2

Large trees and dense understorey vegetation was present within this section providing nesting, roosting and foraging habitat to a range of fauna. The above mitigation measures should be adopted within this section with a focus on avoiding direct light, smoke and audio to hollows, fissures, cracks, dreys and nests. Due to the habitat values present along the route and surrounding area it is recommended that the food truck is not placed within this area.

Section 3

This section contained the highest quality vegetation along the proposed route with numerous large trees with hollows, fissures and cracks and dense understorey vegetation. With this section likely to have the highest fauna activity it is critical that the mitigation measures stated above are implemented in order to reduce the impacts to the numerous fauna species present. Potential impacts to the nesting Powerful Owl pair within the vicinity should be investigated further.

Section 4 and 5

Both sections contained more open woodland with lower density of hollows and understorey vegetation, with existing wide paths present in areas. These sections are likely to have more ground dwelling fauna present due to the openness of the vegetation. The mitigation measures stated above should be adopted throughout these sections.

Section 6

As mentioned above, the waterbodies present within this section are unique to the sanctuary providing habitat attributes that are not present within surrounding waterbodies and therefore likely to attract different species of wetland birds and amphibians. The presence of light, sound, smoke, and human activity within this section is likely to disturb and deter numerous fauna species. Implementing the mitigation measures stated above may reduce impacts to the potential fauna present however, with the proposed installations, projections and close proximity of the paths to the water's edge impacts to fauna within this section will be unavoidable and an alternate route should be further investigated.

Summary

Overall, the Briars Wildlife Sanctuary is of high biodiversity significance within the Mornington Peninsula Shire, supporting a diverse range of fauna of varying conservation status. The presence of predator-proof fencing further highlights the importance of this sanctuary for the conservation of its local and migratory fauna.

The Lightscape Experience that is proposed throughout the sanctuary will impact the fauna present at varying degrees, most of which are difficult to determine due to the lack of species-specific research available. Impacts on fauna are likely to be reduced through implementing the mitigation measures detailed within this report. However, it should be noted that the sanctuary is currently exposed to minimal light, sound and overall human activity at night and therefore it can be assumed that the local fauna within the sanctuary may be impacted at a higher level due to the lack of anthropogenic stimuli that they have been exposed to previously during the night.

It is understood that the Lightscape Experience will be in operation for approximately 3 months, which is a relatively short period of time, however, the experience is proposed to run 7 days a week within that period, resulting in fauna exposed to various disturbing stimuli for 90 days straight. In addition, the works and time that will be required to establish paths, bump in and bump out the Lightscape Experience, it can be assumed that the total period that fauna would be exposed to varying levels of disturbance within the sanctuary will more likely be around 5 months.

As mentioned throughout this report, artificial light and noise can result in various impacts on fauna, the severity and or duration of such impacts are largely unknown. Fauna present throughout the sanctuary will be impacted by the proposed Lightscape Experience though to what degree and severity is difficult to determine without a further understanding of the Lightscape design and detailed assessment of the proposed route.

I trust the above information will meet the requirements of the Due Diligence fauna assessment for the proposed Lightscape Experience within the Briars Wildlife Sanctuary.

If you require clarification on the above, please do not hesitate to contact me.

Also note that Practical Ecology can, if requested, conduct a detailed assessment of the site if the Lightscape Experience proposal is approved by Council. Please contact me if you would like assistance with this process moving forward.

Yours sincerely,



Freya McKinnon
Zoological Consultant
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Harry Potter: A Forbidden Forest Experience to open on Melbourne's Mornington Peninsula this autumn

*Follow the forest light trail and discover illuminated moments
from the Wizarding World.*



Melbourne | December 18, 2023 -- Following a massively successful run in the US and the UK, Warner Bros. Discovery Global Themed Entertainment in partnership with Fever and IMG, has announced that *Harry Potter: A Forbidden Forest Experience* will open in Melbourne in autumn 2024.

For the first time in Australia, the breathtaking light trail will open on April 6, 2024 for Wizarding World fans of all ages to enjoy in the awe-inspiring woods of The Briars, Mount Martha on the Mornington Peninsula. Tickets will be available for purchase starting December 20, but fans who sign up for the [waitlist](#) today will unlock exclusive access to secure tickets.

Inspired by the iconic Forbidden Forest and featuring creatures from the *Harry Potter™* and *Fantastic Beasts™* series, mesmerising lights will transform the landscape into a magical outdoor trail. Visitors will discover some of their favourite moments from the Forbidden Forest, encounter mystical creatures such as Hippogriffs, Unicorns, and Nifflers, and practice casting their very own spells.

Harry Potter: A Forbidden Forest Experience is for the whole family and promises a wonderful time for fans of all ages, giving them the opportunity to experience the magic of the Wizarding World in a whole new way. Visitors will also find a themed village at the end of the trail where they can enjoy delicious food and drink, as well as a gift shop with merchandise from the *Harry Potter* and *Fantastic Beasts* movies. An unforgettable evening lies ahead!

The outdoor experience was created by Warner Bros. Discovery Global Themed Entertainment in partnership with leading entertainment discovery platform Fever, and award-winning theatrical designers Thinkwell and Unify.

The arrival of *Harry Potter: A Forbidden Forest Experience* in Melbourne is the latest drop of magic from the beloved franchise to come to Australia, following the four-year spell of *Harry Potter and the Cursed Child* at the Princess Theatre and national retail programs like the Magical Builders collectables at Coles.

Currently Wizarding World fans in Sydney can experience Warner Bros. Discovery Australia's *Harry Potter Christmas Lights*, a Harry Potter-themed Christmas lights setup. The enchanting Christmas lights display is open to the public and free to enjoy until December 26th at 30 Alfred Street, Ramsgate Beach

Tickets for *Harry Potter: A Forbidden Forest Experience* will be available for purchase from December 20, with prices starting at \$56 for adults and \$41 for children. You can read more about the experience and sign up for the ticket waitlist at hpforbiddenforestexperience.com/melbourne. Downloadable images of *Harry Potter: A Forbidden Forest Experience* can be found [HERE](#).

-ENDS-

Press

press@hpforbiddenforestexperience.com

Contact

Warner Bros. Discovery Global Themed Entertainment

Lindsay.Kiesel@wbd.com

About Warner Bros. Discovery Global Themed Entertainment

Warner Bros. Discovery Global Themed Entertainment (WBDGTE), part of Warner Bros. Discovery Global Brands, Franchises, and Experiences, is a worldwide leader in the creation, development, and licensing of location-based entertainment, live events, exhibits, and theme park experiences based on the biggest franchises, stories and characters from Warner Bros.' film, television, animation, and games studios, HBO, Discovery, DC, Cartoon Network and more. WBDGTE is home to the groundbreaking locations of The Wizarding World of Harry Potter at Universal theme parks around the world, Warner Bros. World Abu Dhabi, The WB Abu Dhabi, The FRIENDS Experience, The Game of Thrones Studio Tour and countless other experiences inspired by the Wizarding World, DC, Looney Tunes, Scooby-Doo, Game of Thrones, FRIENDS and more. With best-in-class partners, WBDGTE allows fans around the world to physically immerse themselves inside their favorite brands and franchises.

About Wizarding World

From the moment Harry Potter was whisked from King's Cross Station onto Platform nine and three quarters, his adventures left a unique mark on popular culture. Over 20 years later, the Wizarding World is established one of the world's best-loved franchises and boasts a passionate community of fans of all ages.

Today, it represents an ever evolving and vast interconnected universe. Eight blockbuster *Harry Potter* films brought J.K. Rowling's magical stories to life and fans can now dive into three epic *Fantastic Beasts* films, gasp at the multi-award-winning *Harry Potter and the Cursed Child*, play state-of-the-art games from Portkey Games, discover innovative consumer products, and thrill at spectacular location-based experiences - including five theme park lands at Universal Studios locations around the world, ground-breaking touring experiences and events, and more which celebrate special moments and locations from the magical world.

This expanding portfolio of Warner Bros. Discovery-owned Wizarding World offerings also includes the Platform 9 ¾ retail shops and Harry Potter New York – the iconic flagship store. Fans and newcomers alike can also delight in exploring the behind-the-scenes secrets at *Warner Bros. Studio Tour London – The Making of Harry Potter* and *Warner Bros. Studio Tour Tokyo – The Making of Harry Potter*.

With a new Max Original TV series based on the Harry Potter books on the way, the Wizarding World continues to evolve to provide its global community with fresh and exciting ways to engage. For its worldwide fans, and for generations to come, it welcomes everyone in to explore and discover the magic for themselves.

For the latest news and features across the Franchise, visit Wizarding World Digital at www.wizardingworld.com.

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About Fever

Fever is the leading global live-entertainment discovery platform which has helped millions of people enjoy the best experiences in their cities since 2014. With a mission to democratise access to culture and entertainment in real life through its platform, Fever inspires users to enjoy unique local experiences and events, from immersive exhibitions, interactive theatrical experiences, and festivals to molecular cocktail pop-ups, while empowering creators with data and technology to create and expand experiences across the world.

About IMG

IMG is a global sports and culture company. It is a leader in rights management, multi-channel content production and distribution, consultancy and fan engagement; owns, produces and commercially represents hundreds of live events and experiences; and

manages licensing programs for the world's best-known brands and trademarks. IMG is a subsidiary of Endeavor, a global sports and entertainment company.

6 URGENT BUSINESS

Under Council's Governance Rules, no business may be admitted as urgent business unless it:

1. relates to a matter which has arisen since distribution of the Agenda
2. cannot because of its urgency, be reasonably listed in the Agenda of the next Council Meeting
3. Councillors by a majority vote, vote in favour of a matter being dealt with as urgent business.

This item was considered after 7.1 on the agenda.

6.1 Council decision and report confidentiality - legal review

PROCEDURAL MOTION

Moved: Cr Celi
Seconded: Cr Bissinger

That this item be heard as urgent business.

Carried

Attendance

Cr Roper left the meeting at 10.26pm and was not present for voting on this item.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Gill

That Council designate the Council decision and report on item 7.1 considered on 22 August 2023 non-confidential, either in part or in full, subject to legal review.

Carried Unanimously

[REDACTED]

From: Council Reports
Sent: Friday, 2 February 2024 12:02 PM
To: [REDACTED]
Cc: Council Reports; [REDACTED]
Subject: Public Questions - Briars Harry Potter Event

Categories: Harry Potter, Council meetings including Infocouncil

Hi [REDACTED],

Please see below public question submissions with notice, all in relation to the Briars Harry Potter Event. Could you please provide us with a combined response for the CEO to read out at the Council Meeting on 6 February by **COB Monday 5 February** and ensure all sub-topics are covered. Highlighted names/questions have not been accepted yet as these people have submitted in excess on their two questions but would probably be best to have a response ready that covers all sub topics at this stage. Any public question received from now will treated as questions without notice.

Sub-Topic	Submitter	Question
Wildlife/Wildlife carers	Katrina Larsen	What financial, emotional, and practical support will the council offer to wildlife rescuers and carers when the fallout from this event starts and will councillors be personally volunteering at wildlife shelters and be going out and picking up dead and injured wildlife as a result of this event?
Wildlife	Karen Lloyd	Why are you willing to accept any level of impact on our precious flora and fauna?
Wildlife	Carolyn Patricia Harbord	How much of the Briars sanctuary is open to public during Harry Potter event and will the event displays be fenced/cordoned off if so what happens to the wildlife within that fenced area ?
Wildlife	Fay Sicker	What penalties will apply to the event organiser for any damages done to the park and/or wildlife during construction prior to the event, operation during the event and deconstruction after the event.
Wildlife	Julia Pickwick	Please specify what measures will be used to minimise the impact of the event on wildlife and confirm who developed these measures.
Wildlife	Pia Spreen	How are you going to remedy any detrimental impacts on the land and animals?
Wildlife carers	Melissa Vezelici	Are there any wildlife carers on board this project? If not why?
Decision to host event	Sue Boggan	Who were the parties/ person's, that entered into the agreement to decide a) on agreeing to the Harry Potter light show and b) on using the Wildlife Sanctuary at the Briars before it was presented at Council?
Decision to host event	Jack Knobel	Why did the council agree to hold this event in a protected animal sanctuary?

Decision to host event	Keith Old	Without stating particulars, does the partnership with Warner's include penalties for them causing damage and does it allow for an extension of the period and/or a repeat next year.
Decision to host event	Louise Page	Why are we not allowed to know how our individual elected Councillors voted. Why is this confidential. Are individual Councillors allowed to reveal how they voted if they choose to do so.
Decision to host event	Karen Lloyd	MPSC website states re: education programs at The Briars - "our Rangers who are trained conservationists, environmentalists and educators....." Why then, were they not all consulted and their opinions and experience taken into account about the HPFFE prior to contracts being signed with Warner Bros/Fever/IMG?
Relocation of event	Janet Street	Will you Mr John Baker and the Executives have discussions with Warner Bros. / Fever Entertainment to relocate the event - ' Harry Potter : Forbidden Forest Experience' - from the Briars Wildlife Sanctuary to a more suitable location ?
Relocation of event	Sue Boggan	Given all the information that has come forward regarding the sensitive and inappropriateness of the venue for the Harry Potter event at the Briars wildlife sanctuary, will you as CEO ensure an alternative venue be made available.
Relocation of event	Angela Square	What are Council's intentions regarding the review of this current contract and in particular the steps which can be taken to negotiate a change of venue or alteration of exact location for this event?
Relocation of event	Donna Morabito	Please also explain barriers to relocation to community forest at Briars.
Community Consultation	Pia Spreen	Why NO community consultation?
Community Consultation	Donna Morabito	Will you commit to a stakeholder engagement process for future events of this scale on sensitive public assets?
Community Consultation	David Smith	Is it ethical or even legal for the council to agree to hold this major public event and sign Non-Disclosure Agreements with a company before holding any public consultations and then proceed to hide behind these secret agreement's.
Ecology Report	Heather McKeon	Why are you not revealing to the public the ecology report until after the event starts?
Ecology Report	Donna Morabito	Will you release the ecological assessment report for the Harry Potter event at the Briars Sanctuary as a matter of urgency?
Ecology Report	Keith Old	WHY can we not see the ecology report for the Harry Potter event that Council claims to vindicate their statement that impacts will be minimal?
Environmental Impact Assessment	Fay Sicker	Why has the council not released the details of the environmental impact assessment completed for the Harry Potter Forbidden Forest Experience?
Environmental Impact Assessment	Pia Spreen	I would like to understand the environmental impact survey that has been conducted. When, how long and by whom?

Traditional Owners	Heather McKeon	What is the status of the signing off of the traditional owners regarding cultural heritage as the site is registered on the Victorian Cultural Heritage Register?
Traditional Owners	Pia Spreen	Who from Bunerong/ Boonerwong signed off on this and when?
How Many Public Questions	Louise Page	How many public questions have been submitted to council for this meeting (Feb 6) regarding the appalling decision to hold the Harry Potter forbidden forest experience in The Briars WIDLIFE SANCTUARY 27 questions with notice regarding the Briars Harry Potter Event been submitted. XX questions without notice regarding the Briars Harry Potter Event been submitted.

Many Thanks,



[Redacted] | Council Reports Officer

Email: [Redacted]

Phone: 03 5950 1667

Private Bag 1000, Rosebud VIC 3939 | 90 Besgrove Street, Rosebud VIC 3939

Follow us on social media!



Mornington Peninsula Shire acknowledges and pays respect to the Bunurong people, the Traditional Custodians of these lands and waters.
We are committed to carbon neutrality.

Council Meeting Minutes

6 February 2024

2.7 Public Question Time

The aim of public question time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Questions with or without notice can be submitted.

Questions with notice are to be received in writing by 12.00pm the Friday prior to the relevant Council Meeting and can be lodged via the Shire's website. Questions received by this time will be provided with a considered response prepared by the relevant Shire officer and read by the Chief Executive Officer (CEO) at the Council Meeting.

Questions without notice must be lodged in person no later than 15 minutes prior to the commencement of the meeting. The question will be read by the CEO and taken on notice with a written response forwarded to the person asking the question within 7 days of the Council Meeting and published on the Shire's website.

This segment does not substitute for appeal or other formal business procedures with the Council.

Written Responses

Glass Recycling

Frederick Crump, a resident of Hastings asked the following question:

At the Council meeting in May last year a question was asked about a separate recycling bin for glass bottles following the West Wimmera Shire's decision to give residents an extra bin. I was told that the Shire was going to make a statement in November pending the approval from State Government. It is now 2024, four months later and no feedback. What is going on?

Council advises:

The Victorian Container Deposit Scheme (CDS) commenced on 1 November 2023. The CDS is a State Government managed initiative which includes the responsibility of providing appropriate collection points throughout the state which they have managed by appointed partners/contractors. The introduction of this scheme on 1 November 2023 was publicised by the State Government across various media channels. The Shire has included relevant information on our website.

Victoria's Container Deposit Scheme, 'CDS' will allow Victorians to return certain used drink cans, bottles and cartons for a 10-cent refund. The returned containers will be recycled into new products. It's anticipated that a large number of glass drink bottles will be recovered/recycled through this scheme.

Like many other Victorian Councils the Shire wants to understand what impact the CDS will have on the volume of glass that will end up in the recycling bin from the 1 November 2023. This will then help inform what is the most appropriate type of glass collection service to be provided to our community.

From 1 November 2023 and for the following 12 months the Shire will monitor the impact of the CDS on our recycling stream. It's envisaged that this will then assist with a decision in 2025 on the type of glass service to be provided to the community.

It should be noted that there will be a cost to the community/rate payers if a kerbside glass bin service is provided given the requirement to purchase the appropriate bins and provide a collection service.

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Kerbside Maintenance

Frederick Crump asked another question:

Grass left long along fence lines, long grass at the back of Kmart, no use of edging machine and no use of a brush cutter. This would never be allowed in my days at the City of Casey, especially at the height of fire season. When is this Council going to employ qualified groundsmen instead of useless contractors?

Council advises:

During the extension year of the contract the Service Provider is mowing open space locations on a six weekly mowing schedule until the 30 June 2024. Effective from 1 July 2024 the open space mowing will be completed on a monthly schedule, including detailing (brush cutting). At this time the Shire is working closely with the Service Provider as they are having difficulties resourcing people and equipment to deliver the standard of service.

Harry Potter Experience at the Briars

Ann Robb, a resident of Mornington asked the following:

How will the event be powered? In view of Council's commitment/declaration of a climate emergency.

Council advises:

The event will be powered through generators. Each ticket purchaser has the option to donate a tree to the Briars, which will greatly enhance our revegetation works and contribute to Council's aim of becoming carbon-neutral.

Anne Robb, asked another question:

Can the public see the Environmental Assessment and the Risk Assessment and when?

Council advises:

The Due Diligence Fauna Assessment Report has been published on the Shire's website:

[Forbidden Forest Experience - FAQs - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://mornpen.vic.gov.au/forbidden-forest-experience-faqs-mornington-peninsula-shire)

Carolyn Hine, a resident of Cape Schanck asked the following:

What financial benefit, incentive, inducement or dollar arrangement did Warner Bros and their subsidiary offer to agree with the Mornington Peninsula Shire Council, individual Council members and their families for holding Harry Potter event at The Briars? Did National Trust agree to this?

Council advises:

This information is commercial-in-confidence and will not be released due to confidentiality agreements made with the event organisers based on business concepts. We can confirm that no incentives were offered by the event organisers, to individual Council members or their families.

Carolyn Hine asked another question:

Who conducted the Ecology study on the impact on The Briars of set up, performance and pack down of Harry Potter Event? How long did this process take and what is the relationship

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of the ecologist to Warner Bros and their subsidiaries, Mornington Peninsula Shire Council and individual Council members?

Council advises:

Much of the content of the ecologists report is in the publicly available FAQ's. Out of consideration to the authors of the ecology report, the Shire sought their permission before releasing their details. Having obtained their approval, this report has now been made available to the public on the website.

[Forbidden Forest Experience - FAQs - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://mornpen.vic.gov.au)

Briars staff and Practical Ecology conducted the impact assessment and provided Council with mitigation actions which are and will continuously be implemented. Practical Ecology have been engaged by the Shire for other work within the Shire. We cannot comment on their relationship with Warner Bros. We are not aware of any conflict of interest.

Anne Pollard, a resident of Safety Beach asked the following:

Who is liable for the costs of relocating this event?

Council advises:

Works had not commenced at the sanctuary so as a result, Council has not been required to pay for two sets of work.

Anne Pollard asked another question:

What steps were made to advise public of this event taking place?

Council advises:

It is not unreasonable or unusual for a Council to enter into agreements without community consultation. Sometimes commercial in confidence matters prevent Council from undertaking public consultation. Confidentiality is a part of normal business arrangements where the intellectual property and the business of other third parties must be protected.

Sue Scholey, a resident of Tootgarook asked the following:

Did Council sign a contract that had a clause that allows or prohibits changes after signing? Does it specify a process for making changes such as a written notice, mutual consent or arbitration?

Council advises:

Details of the contract are confidential and cannot be commented on.

Anne Bridges, a resident of Blairgowrie asked the following:

Does the Shire have a Cultural Heritage Management Plan and did they contact the Bunurong Land Aboriginal Council before signing off on the Harry Potter experience?

Council advises:

Heritage advisors were engaged early in the event design process to provide expert advice to ensure no harm is done to cultural heritage. The advisors and Shire officers are working with the Bunurong Land Aboriginal Council to ensure all appropriate measures are taken to ensure we are compliant with the *Aboriginal Heritage Regulations 2018*.

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Anne Bridges, asked another question:

Does the Shire have a planning permit for the Harry Potter event?

Council advises:

A planning permit is not required for events such as this one. The Harry Potter event at the Briars is a temporary event. Events on public land are exempt from Planning Permits by Clause 62.03 of the Mornington Peninsula Planning Scheme. This is a State-wide provision. Given that the event has been authorised by Council as the relevant Public Land Manager the exemption applies as it does for any other event on public land across the Shire and including existing events at the Briars.

Sally Baillieu, a resident of Boneo asked the following:

Why has the Environmental impact assessment not been made public, and how could it possibly have been completed with any rigour in the short time between Council learning of the Harry Potter project and then voting for it?

Council advises:

The Impact Assessment has been made public.

[Forbidden Forest Experience - FAQs - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](http://mornpen.vic.gov.au)

Julie Gunn, a resident of Dromana asked the following:

With research partnerships with the State Government and universities underway regarding rare bandicoot breeding at the Sanctuary, how do you manage the loss of faith by the partnerships with this event, which will compromise the partnerships and the success of the introduction of endangered species there?

Council advises:

Conversations with the relevant agencies were held prior to this event being approved by Council. No concerns were raised by these parties at that time. Conversations with these agencies will continue to progress our efforts to reintroduce species to the Sanctuary.

Janet Street, a resident of Mornington asked the following:

Please provide a hardcopy of the non-disclosure agreement which was presented to and signed by nine of the Councillors with regard to the ' Harry Potter: Forbidden Forest ' experience to be held within the Briars Wildlife Sanctuary? The hardcopy to be provided will be the original copy, unsigned.

Council advises:

This information is confidential and will not be released.

Verity Mapp, a resident of Rosebud asked the following:

Who is conducting the wildlife welfare check, who is paying them to do so and if they should provide evidence of harm, what steps will be taken?

Council advises:

Ecologists and Zoologists have been engaged to monitor and report on any impacts to wildlife. Should any detrimental impacts to wildlife be noted, staff, event organisers and

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ecologists will work to alter the experience to rectify the issue. As with any wildlife health issue at the Briars, local veterinarians will be the Shire's first point of contact.

Sarah Sampson, a resident of Flinders asked the following:

Who is responsible for the traffic management for the duration of this event? And what hours/days will it be in place?

Council advises:

A traffic management plan has been developed and signed off by the Shire's Traffic and Transport team. The plan ensures there is minimal impact to traffic on the Nepean Highway to ensure residents are not inconvenienced.

The experience is expected to attract up to 3,000 people a night, across several hours. Arrivals will be staggered to reduce the traffic arriving at any one time. Previous events at the Briars have attracted much larger numbers, most of whom arrived at the one time. Based on the flows of traffic to these events, we are confident that the proposed traffic flow for the upcoming experience will have minimal impact on the Nepean Highway.

Works undertaken a couple of years ago to widen the Briars entrance improved traffic flow and further alleviated any traffic issues.

Sarah Sampson, asked another question:

Did the 'ecology report' used to permit this event include the entomology of The Briars upon which the birds, mammals and reptiles rely on as a food source?

Council advises that Council allocated funds to engage an ecologist to monitor any impacts to wildlife and provide mitigation measures. These mitigation measures will be delivered to minimise the impact to wildlife. Please see the FAQ's on the website for the detailed measures that are in place.

Trish Barr, a resident of Cape Schanck asked the following:

What contingency plan on the damage caused by this event and will the funds that the Shire has been paid to hold the event cover the monitoring of this damage to nature?

Council advises:

Council allocated funds to engage an ecologist to monitor any impacts to wildlife and provide mitigation measures. These mitigation measures will be delivered to minimise the impact to wildlife. Please see the FAQ's on the website for the detailed measures that are in place.

[Forbidden Forest Experience - FAQs - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://www.mornpen.vic.gov.au/forbidden-forest-experience-faqs)

Trish Barr asked another question:

Why would Council wish destroying a precious environment for local flora and fauna for dollars, which will never replace the destruction such events will cause? Did you not research the previous such events, e.g. Belgium?

Council advises:

This is not the intention nor, based on expert assessments would have been the result of the event at the previous location however Council have heard community concerns and endorsed moving the location to a more acceptable area.

Council Meeting Minutes

6 February 2024

Peter Foley, a resident of Mount Martha asked the following:

Did Council seek a report from the wildlife officers of the Briars who are expert in their field and if so can it be released?

Council advises:

Shire officers at the Briars were consulted about the event from the start of conversations with the event organisers. The expertise of those involved was sought throughout the period in which the event was explored. Shire officers worked alongside the ecologists to identify the risks involved and to understand the benefits to the site and broader region. Following Council's decision to hold the event, Shire officers have continued to work alongside event organisers to ensure that the design of the experience minimises the risk to the environment.

Gidga Walker, a resident of St Andrews Beach asked the following question:

Does the Shire have a planning permit for sheds, vegetation clearance, land disturbance which is in contravention of ESO 3, ESO 17, ESO 28 and PCRZ?

Council advises:

Temporary structures ('sheds') associated with the event also do not require planning permits and are exempt under Clause 62.03 of the Mornington Peninsula Planning Scheme, as explained above.

Even if sheds (or other buildings and works) were not related to an event, they would be exempt under the PCRZ as they would be conducted 'by or on behalf of Council' as the relevant public land manager and numerous other exemptions could apply depending on the proposed buildings and works. However, Council has not had to rely on any other exemptions in this instance. As such, the works that have occurred are not considered in contravention of the PCRZ or overlays.

It should also be noted that the ESO17 and ESO28 do not apply to the area of the event or vegetation removal so it cannot be in contravention of those provisions.

With respect to a planning permit for vegetation removal, a planning permit was required under Clause 52.17 – Native vegetation and the ESO3 of the Planning Scheme for removal of native grasses. Council granted planning permit P24/0453 on 20 March 2024 for removal of native vegetation (grasses). Council considered the relevant provisions of the Planning and Environment Act 1987 and Mornington Peninsula Planning Scheme, before granting the planning permit. The planning permit was exempt from public notice (advertising) by Clause 52.31-2 of the Planning Scheme.

Rosemary Race, a resident of Moe asked the following question:

Has the Council adhered to the Environmental Overlay 1 (EO1) and EO2 Amendments and legislation of the Briars sanctuary?

Council advises:

It is not clear which 'Environmental Overlay' you refer to. The Environmental Significance Overlay 1 and 2 (ESO1 and ESO2) in the Mornington Peninsula Planning Scheme do not apply to the Briars Sanctuary and there is no other 'Environmental Overlay' in the Planning Scheme that is applicable to the site. Nevertheless, the experience has now relocated and Council continues to comply with the relevant legislation.

Ann Scally, a resident of Mount Martha asked the following question:

Council Meeting Minutes**6 February 2024**

Grant of \$1.53 million from Victorian Government Regional Tourism Investment Fund was given to the Shire for extra 40 hectares of sanctuary with 2.5 kilometres of connecting pathways and boardwalks, to be used 2024. Has any of this money been used, or is going to be used, for the Harry Potter event?

Council advises:

No funds from the Victorian Government Regional Tourism Investment Fund have been nor will be used for the event.



**MORNINGTON
PENINSULA**
Shire

ADDENDUM AGENDA

COUNCIL MEETING

TUESDAY, 13 FEBRUARY 2024

12.00PM

ONLINE ZOOM MEETING

Council Meeting Agenda

13 February 2024

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

Briars	Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor
Cerberus	Cr Lisa Dixon
Nepean	Cr Susan Bissinger Cr Sarah Race
Red Hill	Cr David Gill
Seawinds	Cr Simon Brooks Cr Antonella Celi Cr Debra Mar
Watson	Cr Kate Roper

EXECUTIVE TEAM

Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh Mr Bulent Oz	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure Chief Financial Officer
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RECORDING

Please note that this Council Meeting will be livestreamed to the Mornington Peninsula Shire's YouTube channel and a recording of the meeting will be available on the Shire's website.

Council Meeting Agenda

13 February 2024

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Council Meeting Agenda

13 February 2024

1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Simon Brooks

1.1 Acknowledgement of Country

To be read by Cr Celi

Mornington Peninsula Shire acknowledges the Bunurong people, who have been the custodians of this land for many thousands of years; and pays respect to their elders past and present. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong peoples' living culture continues to have a unique role in the life of this region.

Council Meeting Agenda

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2 PROCEDURAL MATTERS

2.1 Apologies

2.2 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the
Local Government Act 2020

3 MANAGEMENT REPORTS

COMMUNITY STRENGTHENING

3.1 The Briars - Event Experience Trail Location

Prepared By	Tanya Scicluna, Director - Community Strengthening; Rebecca Levy, Manager - Destination, Recreation & Community Connection; David Simon, Manager - Development Services; David Taylor, Manager - Legal & Governance; Randal Mathieson, Manager - Advocacy, Communications and Engagement
Authorised By	Chief Executive Officer
Document ID	A12909584
Briefing Note Number	
Attachment(s)	<ol style="list-style-type: none">1. HP Risk Assessment and Register_February 2024 ↓2. Staff site assessment and desktop review_Species Significance_Community Forest ↓3. Mornington Peninsula - 62.03 EVENTS ON PUBLIC LAND ↓4. Mornington Peninsula - 62.02 BUILDINGS AND WORKS ↓5. Mornington Peninsula - 52.17 NATIVE VEGETATION ↓6. Mornington Peninsula Shire Council\Desktop\Mornington Peninsula - 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY ↓7. Mornington Peninsula - 43.01 HERITAGE OVERLAY ↓8. Community Forest Fauna Survey ↓

EXECUTIVE SUMMARY

In August 2023, Council resolved to hold the Harry Potter and the Forbidden Forest (HPFF) experience at the Briars, in the Wildlife Sanctuary. Despite strong support for the event there has also been significant community opposition to the proposed location on the basis that it is not appropriate given its purpose as a wildlife sanctuary.

In February 2024 the MPS Chief Executive Officer commenced discussions with HPFF event organisers to explore relocating the experience proposed for the Briars Wildlife Sanctuary to an alternative site within The Briars.

The purpose of this Council meeting is to seek Council's endorsement for the proposal to relocate the event experience to The Briars Community Forest (off-leash dog park).

RECOMMENDATION

That Council;

1. Approves the relocation of the 2024 Harry Potter Forbidden Forest (HPFF) event experience trail from The Briars Sanctuary to The Briars Community Forest (dog walking park) and adjacent overflow parking paddocks.

Council Meeting Agenda

13 February 2024

3.1 (Cont.)

2. **Notes that the relocation is unlikely to require any planning permission (as detailed in this report)**
3. **Notes that the relocation is subject to an assessment of finalised ecology reports and relevant permits (if required) under the relevant provisions of the planning scheme.**
4. **Authorises the Chief Executive Officer to negotiate and enter into a revised licence agreement with the event organiser to affect the new event experience trail location.**

COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

Theme 1: A healthy natural environment and well-planned townships.

- Strategic Objective 1.1: An accessible and unique natural environment that helps our community to be healthy and well.

Theme 2: A robust, innovative and diverse economy.

- Strategic Objective 2.3: A thriving entrepreneurial economy, with a vibrant tourism sector, that provides accessible employment to our diverse community

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.4: A community with vibrant arts, culture, sport and recreational opportunities that foster connections and participation across generations, backgrounds and abilities.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, C and G which are:

B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations;

C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;

G. The ongoing financial viability of the Council is to be ensured;

RELEVANT COUNCIL DECISIONS AND POLICIES

- At the Council Meeting held on 22 August 2023 Council resolved to enter into an agreement with the event organiser to hold this event at The Briars in 2024.
- This experience relates to delivery of The Briars Master Plan
- This experience will comply with the MPS Event Policy.

Council Meeting Agenda

13 February 2024

3.1 (Cont.)**DISCUSSION****Purpose**

The purpose of this report is to seek Council's endorsement to relocate the Harry Potter Forbidden Forest event experience trail from the Briars Wildlife Sanctuary to the Briars Community Forest (off leash dog park).

Background

In January 2023, Mornington Peninsula Shire (MPS) was approached by the IMG event team, with a proposal for The Briars Wildlife Sanctuary to be used as a location for the Harry Potter and the Forbidden Forest (HPFF) experience. The Event organisers had explored a range of possible sites across Australasia and were looking for a site which created the forest-like atmosphere seen in the movies. After much deliberation The Briars sanctuary was chosen by the event organisers as their preferred site in Australasia which is undoubtedly a significant coup for the MPSC and an incredible endorsement for The Briars.

Over a period of 8 months, significant investigation regarding the risks and benefits of the event was undertaken by Shire officers and expert consultants with discussions held regarding feasibility of the site with the event organiser. This included potential risk mitigation strategies, Shire conditions that would need to be met for the event to proceed, the range of benefits and opportunities for The Briars (such as tree donation and infrastructure improvements) and possible alternate event trail locations. In initial discussions Shire officers flagged the Community Forest as a potential alternate option.

Following a briefing of Councillors on 15 August 2023 the opportunity to hold the event was considered and subsequently approved by Council on 22 August 2023 in accordance with the Council Meeting Agenda. As this item contained commercial in confidence information, it was listed and heard as a Confidential Business Item under S66 (2) (a) of the Local Government Act 2020. This decision to proceed was made considering a range of benefits and risks, and on the basis that a comprehensive range of risk mitigation strategies would be put in place to ensure the protection of wildlife and sustainability of the natural vegetation.

The interest by the community expressing their concern of the location of the event has been significant with an online petition of 23,000 signatures tabled to Council on 6 February 2024, large volumes of correspondence, media interest and an inquiry from the Office of the Victorian Ombudsman.

In general, opposition to the event has centred on the location of the event experience trail and not the event itself. Several community members who have contacted the Shire acknowledged the benefits of the event for the Mornington Peninsula, including the investment in The Briars, broader economic impacts, opportunity for local businesses and local employment. However, they oppose the location due to the perceived potential impacts to wildlife despite Council providing assurances to the contrary.

Ongoing discussions between the MPS and event organisers (Warner Bros, Fever and IMG) have focussed on these community concerns with all parties wanting to ensure that this event experience can be enjoyed by all of community, and one which many businesses and others could benefit from.

Option for consideration

In February 2024, acknowledging the community concern, the MPS Chief Executive Officer and Senior Shire officers engaged in discussions with representatives of all parties to determine whether a change of the event experience trail location, within The Briars, could be feasible.

Council Meeting Agenda
3.1 (Cont.)

13 February 2024

The Community Forest had also been highlighted by objectors to the existing site and was put forward as the potential option for exploration. This site is considered lower impact, given the flora and fauna recorded in this site to date and is currently actively used by the community as a walking trail and off leash dog area. Previous significant events such as Day on the Green have been held within the vicinity of this area.

While Shire Officers understood the feasibility of holding the experience in this site due to earlier conversations with event organisers, further due diligence was undertaken including reviewing the applicable statutory planning, legal, construction, wildlife and heritage requirements of the proposed new trail site. This process included seeking additional advice from independent expert consultants and relevant State government agencies.

Figure 1. The Briars site (red square represents the Briars Homestead).

The current experience trail in the Sanctuary is noted in yellow. The new proposed preliminary experience trail within the Community Forest is noted in red. The proposed locations of the Village (not to scale) and carparking are also noted.

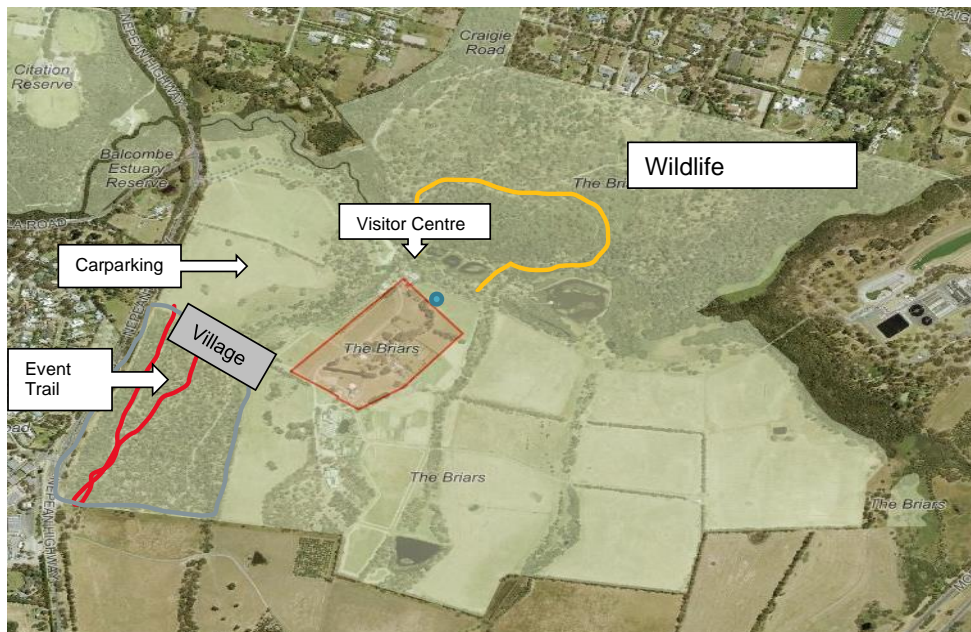


Figure 2. (below) Close view of the proposed experience trail

Council Meeting Agenda
3.1 (Cont.)

13 February 2024



ENGAGEMENT

There has been a cohort of the community who have expressed support for the event itself, but strongly opposed the location of the event experience trail within the Sanctuary. Some of these community members have also suggested the Community Forest as an alternative site.

This feedback has been noted and considered by all parties in determining to re-evaluate the event trail location within The Briars.

A range of Shire officers, teams and independent expert consultants/specialists have been consulted to provide Council with advice regarding the proposed relocation of the experience.

These include;

Heritage Insights	Impact on Aboriginal and European Heritage – overlays and permits
Practical Ecology	High level flora and fauna impact assessment
Living Space Ecology	Site surveying advice – day and night
MPS Statutory Planning	Planning requirements / permitting
MPS Project Delivery	Works/construction requirements and cost estimates
MPS Natural Systems	Vegetation assessments

Council Meeting Agenda

13 February 2024

3.1 (Cont.)

MPS Briars visitor experience rangers and events teams	Flora and fauna review, advice regarding proposed works, event design
MPS Governance	Governance advice
MPS Legal	Contractual obligations, legislative requirements, compliance with relevant Acts
MPS Communications	Adjusted communications planning response. Liaison with event organiser communications and marketing leads
MPS Risk & OHS advisor	Risk assessment and register, OHS advice

Feasibility & Due Diligence

Implications and assessment of proposed new location impacts

Investigation of the implications, risks and benefits of relocating the event experience trail from the Sanctuary to the Community Forest within The Briars has been undertaken with the input of several MPS teams and expert consultants. Following these investigations, the initial Event risk assessment and risk register has been updated, with each initial risk re-assessed against the proposed new location.

The following is a summary of the impact of the proposed new location on the critical risks, originally identified for the Sanctuary site. Refer to attachment 1 for the Event Risk Assessment Summary.

Table 1: Reduction in Critical Risks

Original critical risks identified (Sanctuary trail) that will be reduced or eliminated by relocation	Risk Reduction Rationale
Impact to Flora and Fauna Guarantee Act listed species – Powerful Owl	Powerful Owls have not been recorded either nesting or hunting / moving in the community forest. The Atlas of Living Biodiversity does not list them as a species recorded in this area. Therefore, initial assessment indicates that moving the experience to the community forest would reduce or eliminate any potential impact on the Powerful Owl.
Impact to Wildlife	Most of the species listed as having been recorded in the community forest are common and widespread. There are no Listed species recorded in this area. Wildlife can move freely in and out of the area. This site is not fenced and is currently also used as an off-leash dog walking area.
Impact to Cultural Heritage	Advice from heritage consultants (Heritage Insights) has confirmed that the community forest is not within an area of cultural heritage sensitivity, nor are there

Council Meeting Agenda
3.1 (Cont.)

13 February 2024

	any registered cultural heritage places within this area.
Impact to Council's Reputation	Council and the event organisers have heard and responded to the feedback received from our community.
Cost over-runs	<p>The cost to improve the paths and carpark may be higher due to the increased volumes of material required.</p> <p>This will be offset by reductions in operating costs, as the Visitor Centre and event entry and exit points will not need to be staffed by Shire officers during the experience.</p>

Table 2: Event Benefits

Economic benefit to the region	<p>Bringing this experience to the MPS and to the Briars is a significant coup and will benefit the broader community. Economic assessment modelling was completed using Tourism Research Australia and economic impact reports from previous Harry Potter experiences. It is estimated that there will be around \$27-35 million in flow-on economic benefits to the region. Economic benefits to the broader region include employment of locals to staff the event, flow on visitation to restaurants, accommodation and other experiences and increased awareness of the region as a destination.</p> <p>The event organisers and the Shire's Economic Development team are developing packages and other experiences that businesses across the Peninsula can take on to encourage visitation to their business.</p> <p>Visitor numbers unlikely to be impacted. It is anticipated that most ticket purchasers are not residents of the MPS and therefore may have limited knowledge of the Briars. A change in location may result in more people who were previously opposed to the location, but supportive of the event, purchasing tickets</p>
Improved accessibility	<p>General accessibility and safety improvements will be made to the Community Forest with minimal to no impact to indigenous species.</p> <p>Improvements to an internal management track will provide longer term benefits to The Briars with improved Emergency Services access to the site.</p>
Improvements to the carparks	Small improvements will be made to the event carpark as originally planned.

Council Meeting Agenda
3.1 (Cont.)

13 February 2024

Benefit to The Briars operations and viability	<p>Events are critical to support the ongoing financial viability of The Briars and will help secure the longer-term sustainability of this vital and critically important community asset.</p> <p>This experience will continue to be promoted locally by the Shire, while the event organiser will be promoting the experience nationally and internationally. This will raise the profile of The Briars, as well as the region and continue to position the Mornington Peninsula and venues such as The Briars on the world stage as a great place to visit.</p> <p>Visitors will continue to have the option to donate a tree to the Briars when they purchase a ticket, and these will help with accelerating our ongoing revegetation program.</p> <p>To date around 1000 trees have been donated. Officers intend to work with local nursery's that are registered charities to provide the trees and will partner with local community planting / interest groups to facilitate tree planting days in The Briars.</p>
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Flora / Fauna

Shire officers from The Briars have undertaken site walks to assess the flora and fauna present and to record signs (scats, diggings etc) of other wildlife, including ground dwelling mammals. An ecological consultant was engaged to undertake a further site survey, including both day and night-time surveys to confirm the species onsite (attachment 8)

An assessment of the vegetation included assessing the age and hollow-bearing nature of the trees and potential of the habitat to host various species has been completed. A desktop assessment of historic records was undertaken to understand the species recorded at the site (see report attachment 2).

A list of recorded species in the Community Forest shows:

Most of these species on site are listed as common and widespread throughout Victoria and are not Listed Species.

According to the Atlas of Living Australia Biodiversity Map, there are no present migratory or current threatened species recorded within the space. Therefore, there is no impact under the Flora and Fauna Guarantee Act nor Environmental Protection and Biodiversity Acts.

Koalas have not been recorded in the Community Forest

Powerful Owls have not been recorded nesting nor hunting / moving through the Community Forest

There are no macropods and few ground dwelling mammals recorded in this site.

Records and assessments by Shire Rangers show:

The flora at the proposed site is of less ecological value, as is primarily weedy and not entirely endemic.

Council Meeting Agenda
3.1 (Cont.)

13 February 2024

The ground flora is less than 25% indigenous species.

There is one notable species that has been recorded on site; *Corybus incurvus*, Helmet Orchid. The observation point of this species requires further investigation as the habitat value of the site would not generally be conducive to the presence of this species. It is important to note however that no orchids have been detected in the proposed experience area.

Cultural Heritage and Planning requirements

As noted above, the site is not within an area of cultural heritage sensitivity (ACHS), nor are there any registered cultural heritage places within the area of works (RCHP). Officers have confirmed both through GIS records and VicPlan layers that the Community Forest is outside the ACHS and ACHS (see below). As such, even if a planning permit was required, a Cultural Heritage Management Plan (CHMP) would not be required before a planning permit could be issued (as is the case if it is in an ACHS).

The Briars (Homestead) is on the Victorian Heritage Register (VHR HO320) and covered by the Heritage Overlay within the Planning Scheme (HO147). However, it is outside the area of the Community Forest or area of necessary works. As such, no permission is required under these provisions.

HO148 (The Briars Landscapes) applies to the rest of the Briars site under the Planning Scheme. This is discussed and considered below in the context of potential planning permission.

Planning Scheme (Planning Permit)

As per the Sanctuary site, Clause 62.03 of the planning scheme (see attachment 3) would exempt:

- the use; and
- construction of a building or construction or carrying out of works

for an event on public land, so long as the buildings and works are temporary and where that event has been authorised by the public land manager (Council).

This exempts most of the proposal from planning permission. Even if some of the works are not temporary in nature, they are exempt under Clause 62.02-1 (attachment 4) as they would meet the other exemption for:

Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.

These two provisions override the Green Wedge Zone (GWZ) and all potentially applicable overlays (Bushfire Management Overlay, Erosion Management Overlay, Environmental Significance Overlays, Heritage Overlay). Note: not all overlays apply to the specific location of any necessary works so they would not necessarily require a permit if the overlay does not apply to the whole site of the proposed works (i.e. no works within EMO).

Most of the works are also in areas where paths / trails / tracks already exist. These works are exempt under Clause 62.02-2 for:

Repairs and routine maintenance to an existing building or works.

The works have an estimated cost of less than \$1,000,000 in totality, including any that could be considered 'repairs and routine maintenance'. As such, these exemptions are satisfied.

Council Meeting Agenda
3.1 (Cont.)

13 February 2024

The above exemptions for events and the construction or carrying out of works do not override the potential requirements for a planning permit to remove, destroy or lop vegetation under Clause 52.17 (attachment 5) – Native vegetation or overlays. Each provision (52.17 and overlays) contains its own potential exemption in relation to vegetation removal. Based on site inspections and information provided by Council as the proponent, it is considered that the proposed works will not require the removal of any trees or native vegetation.

As can be seen from the aerial below circa 1986 (below), most of the land comprising the Community Forest was cleared pasture prior to planting of approximately 3,500 trees since 1983. The site inspections revealed that plants native to Australia exist within the Community Forest, but some of these plants are not native to Victoria and therefore not considered 'native' in the context of the planning scheme provisions. "Native vegetation" is defined by the planning scheme as:

Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.



Figure 3: Aerial photo of Community Forest circa 1986

Some plants are also regrowth less than 10 years old, and some are weeds (blackberry, etc.). The whole of the area north of the Community Forest, that has been used for car parking for previous events and that is proposed to be used for this event, does not contain any native vegetation as it has been cleared and used for pasture (grazing or hay making) for a considerable period of time. No native vegetation was observed other than in the fenced sections that are largely planted or regrowth and not proposed to be disturbed by the event or works.

Sweet pittosporum (*Pittosporum undulatum*) is also present, and this is exempt from planning permission under Clause 52.17 and the ESO3 (attachment 6). Whilst none is proposed to be removed, removing it could be beneficial to the longer-term biodiversity and improvement of the Community Forest. If any Sweet pittosporum were removed, only the HO148 (attachment 7) would require planning permission to do so.

Clause 52.17 – Native vegetation provides a relevant exemption for planted vegetation and regrowth less than 10 years old.

Council Meeting Agenda
3.1 (Cont.)

13 February 2024

Summary of planning controls

The table below summarises the planning controls and applicable exemptions.

Planning control	Permit requirement	Information required
Clause 35.04 Green Wedge Zone, Schedule 3 (GWZ3)	No planning permit is required for the use and development of land for an event pursuant to Clause 62.03, 62.02-1 and 62.02-2.	N/A
Clause 42.01 Environmental Significance Overlay Schedule 3 (ESO3)	No planning permit is required for vegetation removal as no native vegetation will be removed, destroyed or lopped. Weed removal or spraying of weeds does not require a planning permit. ESO3 exempts non-native vegetation removal and Sweet pittosporum listed in the schedule to Clause 52.17. No planning permit is required for the development of land for an event pursuant to Clause 62.03, 62.02-1 and 62.02-2.	N/A
Clause 42.01 Environmental Significance Overlay Schedule 17 (ESO17)	No planning permit is required as this overlay only affects a portion of the land and no works or vegetation removal will be undertaken within that area.	N/A
Clause 43.01 Heritage Overlay Schedule 148 (HO148) – tree controls apply	No planning permit is required for vegetation removal as no trees will be removed, destroyed or lopped. No permit is required for removal of shrubs, grasses or ground covers. No planning permit is required for the development of land for an event pursuant to Clause 62.03, 62.02-1 and 62.02-2.	N/A
Clause 44.01 Erosion Management Overlay (EMO)	No planning permit is required as this overlay only affects a portion of the land and no works or vegetation removal will be undertaken within that area.	N/A
Clause 44.06 Bushfire Management Overlay (BMO)	No planning permit is required for the development of land for an event pursuant to Clause 62.03, 62.02-1 and 62.02-2.	N/A
Clause 52.06 Car Parking	No planning permit is required provided that the car parking rate is met with at least 0.3 car parking spaces provided per patron.	A car parking plan must be prepared to the satisfaction of the Responsible Authority prior to the event commencing.
Clause 52.17 Native Vegetation	No planning permit is required for vegetation removal as no native	N/A

Council Meeting Agenda
3.1 (Cont.)

13 February 2024

	vegetation will be removed, destroyed or lopped. Even if vegetation was proposed to be removed to facilitate development, relevant exemptions apply under clause 52.17 for planted vegetation, regrowth less than 10 years old and Sweet pittosporum.	
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If any vegetation removal was required to facilitate the works, the existing planning permit application for the Sanctuary site could be formally amended by Council (as the proponent) and Council (as the Responsible Authority under the Planning and Environment Act 1987) could process and grant a planning permit under the relevant overlay/s (HO or ESO3). Such an application would be exempt from notice (public advertising) and (VCAT) review by operation of Clause 52.31-2 of the planning scheme if it met the following criteria:
Less than:

- 0.5 hectares of native vegetation other than a tree; or
- 15 native trees with a trunk diameter of less than 40 cm at a height of 1.3 m above ground level; or
- 5 native trees with a trunk diameter of 40 cm or more at a height of 1.3 m above ground level.

If a planning permit was required under the HO or ESO3, no native vegetation offsets would be required.

COMMUNICATIONS PLAN

LEGAL AND REGULATORY FRAMEWORK

This event will be required to comply with:

- Local Government Act 2020
- Flora and Fauna Guarantee Act 1988
- Wildlife Act 1975
- Aboriginal Heritage Act 2006
- Heritage Act 2017
- MPS Event Policy
- MPS Planning Scheme

FINANCIAL CONSIDERATIONS

Events are critical to the ongoing financial viability of Council assets such as The Briars. The current annual operating cost FY2024 of The Briars is detailed below. This budget includes operating, capital and other projects.

Council Meeting Agenda
3.1 (Cont.)

13 February 2024

Adopted FY24 Briars Operating Budget & Capital Works incl carry forwards		
		\$
The Briars	Income	(93,015)
	Expenditure	873,227
	Overheads	358,487
	NET COST/(BENEFIT)	1,138,698
Briars Gift Shop	Income	(10,000)
	Expenditure	7,500
	Overheads	-
	NET COST/(BENEFIT)	(2,500)
Briars Nursery	Income	(190,090)
	Expenditure	751,035
	Overheads	122,335
	NET COST/(BENEFIT)	683,280
BRIARS OPERATIONAL BUDGET		
	Income	(293,105)
	Expenditure	1,631,761
	Overheads	480,822
	NET COST/(BENEFIT)	1,819,478
BRIARS CAPITAL WORKS		
	Income	(3,094,538)
	Expenditure	5,921,369
	NET COST/(BENEFIT)	2,826,831
FY24 NET BRIARS COST		4,646,309

Income from events is vital to help manage these costs and to keep such sites viable as a community asset. This event will help secure the longer-term sustainability of this community asset and deliver improvements to the site not previously scheduled or budgeted.

It is anticipated that the investment of the relocated trail/path construction will increase, due to the requirement for a larger volume of materials in the Community Forest.

However, this will be offsite in a reduction in operational costs resulting from no longer needing to manage the Wildlife Sanctuary as per our wildlife license requirements.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Ticket purchasers will continue to have the option to add a tree donation to each ticket. This event has resulted in the planting of over 49,000 trees across the world. All trees donated will add to revegetation projects at the Briars, rapidly accelerating the revegetation works already underway.

This will significantly increase habitat for wildlife, improve soil health and contribute to the Shire's efforts to become carbon neutral. The community and special interest groups will be invited to participate in planting days at the Briars.

Works to the Briars Community Forest are anticipated to include the reduction in weed species through the forest. These works will accelerate weed-removal efforts in this environment.

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3.1 (Cont.)

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

Operational Risk Assessment & Register			
Harry Potter and the Forbidden Forest Experience	Last updated 09.02.2024		
Risk	Potential Consequence / Impacts (What could go wrong?)	Change to risk rating w/ new location	Rationale
Maintain integrity of Sanctuary fence	Breaches in sanctuary fence by patrons sneaking into event integrity breach - fox in emu out etc Gates left open by event staff	No longer applicable	The Community Forest is not surrounded by a feral-proof fence
Negative feedback from community about this event in the wildlife sanctuary	Loss of social capital/trust for appropriate management of the site	Reduction	Action taken in response to community feedback Community members suggested the community forest as a suitable alternative.
Impacts on staff wellbeing due to community feedback / questions	Negative impact on staff wellbeing. Disengagement. Through to trauma associated with threatening, aggressive or coercive behaviour	Reduction	Initial feedback from staff regarding the proposed location is very positive. Staff are heavily involved in the delivery of the new project.
Event damages conservation stakeholder relationships	Whether or not the wildlife within the Sanctuary is impacted may determine whether conservation agencies working with The Briars are deterred from undertaking future projects with us. Initial conversations have indicated a low level of concern from these agencies.	Reduction	Based on current feedback, a change of location to a site with less environmental significance will have a positive impact on stakeholder relationships
Impact on site flora and fauna - powerful owl	Impact to Powerful owl (listed threatened species) due to event coinciding with breeding season. Powerful owl - Rare - listed as vulnerable in Victoria in the Flora and Fauna Guarantee Act (1988). Over the last two years a pair has bred at The Briars. Owl nest is over 300m from closest point of event. Lights and sounds from the installation may disrupt their breeding, with the worst-case scenario being that there is no breeding or that the owls leave the site in response to the experience	Reduction	Powerful Owls not recorded nor known to nest in the Community Forest. GIS records do not show Powerful Owls flying through the Community Forest.
Disruption to general wildlife	Disruption to wildlife, particularly nocturnal species as per ecology report (disorientation due to light, alterations to behaviour and feeding behaviour) etc	Reduction	Risk reduced based on available data on species present in area. Species also able to freely move from site if required. Few ground-dwelling mammals recorded in forest. No macropods, nor koalas recorded here. Planned mitigation measures will be delivered in this new space.
Impact on species release	Potential impacts to species release given location / potential impacts of experience	Reduction	Experience no longer impact the Sanctuary, where species re-introductions will take place.
Reputational if we don't run the event	Event has significant flow-on economic, social and cultural benefits to residents on the MP. Further, Tourism Victoria, the MPRTB and other key agencies are aware of the project, which is raising the profile of the MPS and the Briars	No change	
Reputation of the Briars	Concern about the perceived level of development proposed in The Briars Master Plan	Reduction	Change to new location confirms Sanctuary's purpose as a haven for wildlife and a low-impact visitor space.
Reputation of the MPS to the community	There are many within the community who will love and benefit from this experience, either by directly attending it or due to the flow on benefits created. However, it is likely concerns will be raised by regular visitors to the Wildlife Sanctuary, who value the quiet, natural environment.	Reduction	The event is being moved to a space with a very different function to the Sanctuary. Given the space will not be available for dog walks during the event, options including the golf course will be provided to dog walkers.
Carparking becomes too wet	Carpark has areas which get extremely wet and unusable during certain seasons.	No change	
Tracks /Event lawn become muddy	Areas of the event lawn can become boggy in times of high rainfall	No change	
Operational Capacity	Event draws significant operational resources away from existing programs/projects. Staff fatigue / fitness for work impacted	Reduction	The requirement to staff the site during the event is no longer applicable, therefore pressure on operational capacity is reduced.
Breach of Wildlife Act	Experience breaches relevant wildlife acts	Reduction	No Listed species are recorded in the Community Forest.

Council Meeting Agenda
3.1 (Cont.)

13 February 2024
Attachment 1

Event conflicts which land zoning of PCRZ the purpose	Event unable to proceed due to planning restrictions.	No change	The Community Forest is within the Green Wedge Zone. Planning advice demonstrates this area is subject to similar requirements as the Sanctuary
Tracks / event lawn damaged after event (outside Sanctuary - event lawn)	Given length of experience, lawn repairs / recovery will be required. None of this mitigation work involves native / sensitive vegetation	No longer applicable	The event lawn will no longer be used.
Costs exceed estimates	Initial costings were estimations, completed with the project delivery team. Quotes were not able to be obtained due to time frame provided by event organiser	No change	The proposed works will be delivered within the existing project budget.
Damage to cultural heritage (track works and/or event establishment)	Most of the affected area is covered by the cultural heritage sensitivity layer.	No longer applicable	The Community Forest is not within a Cultural Heritage Sensitivity Layer, nor are there Registered Places here. Standard measures will be put in place to protect unknown cultural heritage, including no digging.
Wide paths – damage to vegetation	To facilitate the volume of participants required, the paths at The Briars would need to be widened beyond the standard accessible width to 2-3 metres.	Reduction	Evidence shows the vegetation within the Community Forest is approximately 25% indigenous, on average. There is significant weedy vegetation in this area, reducing the likelihood that indigenous vegetation will be damaged.
Wide paths – damage to vegetation	Vegetation where the works are proposed is dominated by Grassy Woodlands – an endangered Ecological Vegetation Class (EVC). Offset vegetation would be required.	No longer applicable	The event area does not overlap an EVC. Data shows no more than 25% of the species in the community forest are endemic to the region.
Requirement for CHMP	Given Aboriginal significance and overlays in the area, certain works will trigger a CHMP. The event timeline does not allow for this work to be undertaken. Further, damage or disturbance to artefacts is an unacceptable outcome.	No longer applicable	The Community Forest is not near a Registered Place nor subject to a Cultural Heritage Sensitivity Overlay
Delays in culvert bridge works	Bump in or running of the event is delayed	Reduction	Bump in will not require access across the culvert.
Delays in Briars path development	Bump in and event delayed	No change	
Breach of Wildlife display license	Visitors in sanctuary with no Shire staff onsite	No longer applicable	The Community Forest is not subject to a wildlife license
Tree or vegetation falls during event	Could result injury, damage to equipment or event cancellation	Reduction	There are fewer old, larger trees in the Community Forest. Trees will continue to be managed to ensure visitor safety. A tree assessment will be completed prior to the event.
Overflow carpark works not completed in time for bump in	The entry and village experience is planned to occur in the Overflow carpark. We are required to remove the hump and prepare a flat gravelled surface prior to site handover. Consequence of not being ready is the Event delayed/cancelled and we are in breach of License agreement	No longer applicable	This carpark will not be used for the experience.
Water and sewage connection project delays	IMG have requested direct plumbing into Briars sewerage points near the Visitor Centre (including water point access) and will contribute this cost. This will become a legacy item for the Briars and reduce the cost of running events for future event hirers	No longer applicable	
Tenants, weddings and other site operations	Minimising disruption of events / functions by HO	Reduction	The Community Forest is well away from other site operations.
Neighbours disturbed	Sounds / lights impact neighbours.	No change	
Briars event operations	Survival Day and Colour run	Reduction	The location of this experience is away from other function and event areas at the Briars, reducing the likelihood of clashes.
Rubbish in sanctuary and elsewhere	Ensure effective waste management plan in place	No change	Waste will continue to be stringently managed as per the requirements of the MPS Event Policy.
Biosecurity breach in sanctuary	Incursion of weeds into sanctuary	Reduction	The Community Forest is used by visitors and dogs, with a higher risk of weed spread already present. There is a significant volume of weeds in the Forest. Introduction of additional weed species will have a lower ecological impact than if introduced into the Sanctuary
Child Safety Issues	Breach of child safety laws by event provider	No change	
Eco - Activism	Protests onsite disrupting visitor experience, other events and affecting the wellbeing of staff	Reduction	The Community Forest is of lower ecological importance and therefore unlikely to attract the same level of opposition.
Contractual risks	Risk subject to commercial-in-confidence requirements therefore detail not included.		
Member of public injured	Member of public injured on walk due to path, branches, tripping hazards, carpark / path, village	No change	
Impact of traffic on the Nepean Highway	Event traffic causes delays on the Nepean Highway	No change	

Species Significance within the Community Forest – Desktop Assessment

Background:

The Community Forest was first established in 1983 with the help of Rotary and the Mount Martha Community. 3500 trees were planted of a broad variety, many not indigenous to the area. The tracks within the space, inclusive of the perimeter, are around 2.4km in length. This does not include the smaller tracks weaving throughout the vegetation.

Significant species:

Although this space does provide a level of habitat value to a variety of indigenous fauna species, it appears that most of these species on site are listed as common and widespread throughout Victoria and are not Listed Species.

Ground flora:

Generally, throughout this space the ground flora is less than 25% indigenous species. There are small pockets of *Microlaena stipoides* and *Rytidosperma* spp present, some located on track edges, which require careful consideration.

There is one notable species that has been recorded on site; *Corybus incurvus*, Helmet Orchid. The observation point of this species requires further investigation as the habitat value of the site would not generally be conducive to the presence of this species.

Hollow density and habitat value:

Trees within this space appear largely less than 100 years old, leading to a reduction in hollow density. There are some areas with a small number of hollows present, usually within old Eucalyptus spp and stags that will require consideration, but for the most part the invasive species within the area are not hollow bearing.

Smaller, dense trees and shrubs allow for nocturnal mammal, nocturnal bird and small bird habitat. This requires further investigation as to the specific species that use this habitat. During a brief walkthrough, a variety of medium sized birds such as Rainbow Lorikeets, Bronzewings and Noisy Minors were present. In large part, the middle story flora species within this space are invasive.

Alongside the track edges, there were several significant trees regarding Microbat habitat as they contained stringy bark, small hollows and fissures, but these were not in great abundance. This habitat may also be utilized by Sugar Gliders, but without further investigation it is unclear whether this species maintains a significant presence in the area.

The Community Forest has limited debris, such as large habitat logs and fallen limbs, due to the species present within the forest. This reduces the habitat for ground dwelling mammals and reptiles. Determining the species using the limited number of these spaces would require further investigation. There are dense patches of invasive *Rubus* that likely provide elements of this habitat for small birds, mammals and reptiles.

FFG and EPBC Act relevance:

According to the Atlas of Living Australia Biodiversity Map, there are no present migratory or current threatened species recorded within the space.

Presence and abundance:

The presence of several species, primarily avian species and *Vulpes vulpes*, was visible.

On a quick walkthrough, minimal evidence of ground dwelling mammals was present. This refers to diggings, scats or tracks. This is likely due to the consistency of dogs within the space and the accessibility for terrestrial predators to enter.

Within the trees on either side of the track, there was a presence of dreys and nests. Mitigation efforts should encourage these animals to move along prior to the event being undertaken. This can include the installation of nest boxes in surrounding vegetation.

No evidence was immediately present that macropods use this space, but further studies would be required considering that there are several mobs of Eastern Grey Kangaroos that use the surrounding paddocks.

Change in foot traffic:

Historically, the Community Forest experiences a limited amount of foot traffic, limited mostly to walkers and dogs as well as maintenance vehicles and mowing crew.

An increase in foot traffic will impact the area, increasing the compaction of the soil and altering the way that the fauna interacts with the space. Mitigation efforts, such as the use of matting, path improvements and fauna impact mitigation can significantly reduce the severity of these changes.

Ecological Vegetation Classes (Naturekit):

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- Primary: 175 Grassy Woodland (Highly Degraded, Endangered FFG/EPBC Act)
- Secondary: 83 Swampy Riparian Woodland (Highly Degraded)

Due to the level of degradation to the site, over 75% weed coverage, it is incredibly difficult to map the vegetation classes within this area.

Pest animal densities and impacts:

Vulpes vulpes, scats present throughout the site. Further presence through possible diggings, these could also be caused by the off-leash dogs within the area. The high density of invasive *Rubus* populations also leads to an increased likelihood that this area is regularly used by *Vulpes vulpes*.

Cultural heritage impacts:

The creek line within the Community Forest is not listed by Aboriginal Victoria as an area of Cultural Significance.



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62.03 **EVENTS ON PUBLIC LAND**

28/03/2018
VC145

Any requirement in this scheme relating to the use of land or the construction of a building or the construction or carrying out of works does not apply to:

- an event on public land; or
- temporary buildings or works required for the event;

where that event has been authorised by the public land manager or by the council under a local law.

An event includes land used to provide temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

This does not apply to public land where a local provision of this scheme specifically regulates an event for a particular site.

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62.02 BUILDINGS AND WORKS

15/03/2019
VC157

Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

62.02-1 Buildings and works not requiring a permit

14/12/2023
VC253

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- Buildings or works which provide for fire protection under relevant legislation.
- Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.
- Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.
- Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.
- An anemometer located on a site for three years or less.
- Buildings and works associated with a use on adjoining land or street trading if authorised under a local law.
- Gardening.
- Buildings and works associated with a minor utility installation.
- Power lines and electrical sub-stations associated with an Energy generation facility or Geothermal energy extraction if a permit was issued for such use or development prior to the approval date of Amendment VC157.
- Buildings or works which are a modification necessary to comply with a direction under the *Dangerous Goods Act 1985* or the *Occupational Health and Safety Act 2004* or a Development Licence, Operating Licence or notice under the *Environment Protection Act 2017*.
- Buildings and works for a telecommunications facility exempt from a permit under clause 52.19-1.
- Buildings and works associated with a dam if a licence is required to construct the dam or to take and use water from the dam under the *Water Act 1989*.
- Buildings and works associated with a carnival or circus if the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997 are met.
- Buildings and works associated with apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- A temporary portable classroom associated with an education centre located on a site for three years or less.
- A temporary shed or temporary structure for construction purposes, or a temporary portable land sales office located on the land for sale.
- A children's cubbyhouse.
- External lighting normal to a dwelling or small second dwelling.
- The construction, alteration, removal or demolition of an observational bore where a licence has been issued for those works under Part 5 of the *Water Act 1989*.
- Any works associated with the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
- A crop support or protection structure associated with horticulture, including a trellis, cloche, net and shadecloth. It does not include a structure with a solid roof or solid wall such as a glass house or igloo.
- An annexe attached to a movable caravan located on land used for a camping and caravan park.
- Works associated with geotechnical testing or service proving.
- Buildings and works associated with the use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.

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- The construction of or putting up for display a sign consistent with the requirements of Clause 52.05-10.
- Temporary buildings and works associated with environmental monitoring (including monitoring groundwater, noise or air quality) constructed or carried out by or on behalf of the Head, Transport for Victoria.

62.02-2
14/12/2023
VC253

Buildings and works not requiring a permit unless specifically required by the planning scheme

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- A fence.
- The construction of or putting up for display a sign (except for a sign consistent with the requirements of Clause 52.05-10 which is provided for in Clause 62.02-1).
- Roadworks.
- Buildings and works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria. If the buildings or works are on land in an Urban Floodway Zone, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay and will redirect or obstruct the water flow path, they must be constructed and carried out to the satisfaction of the relevant floodplain management authority.
- Street furniture including post boxes, telephone booths, fire hydrants, bus shelters, shade sails, traffic control devices and public toilets.
- Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets.
- Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.
- Disability access and disability facilities associated with an education centre (not including a lift external to a building).
- Art work that is carried out by or on behalf of a public land manager.
- Oil pipelines.
- Buildings and works associated with a moveable unit as defined in the *Housing Act 1983*, carried out by or on behalf of the Chief Executive Officer, Homes Victoria.
- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.
- Repairs and routine maintenance to an existing building or works.
- Domestic services normal to a dwelling or small second dwelling.
- A rainwater tank with a capacity of not more than 10,000 litres.
- Bicycle pathways and trails.
- A television antenna.
- A flagpole.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- An open-sided pergola or verandah to a dwelling or small second dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of three metres above ground level.
- A deck to a dwelling or small second dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.

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- A solar energy system attached to a building that primarily services the land on which it is situated.
- Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling.
- Services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

62.02-3 Vegetation removal

30/08/2006
VC40

Any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation.

This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.

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52.17 NATIVE VEGETATION

14/07/2022
VC213

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

52.17-1 Permit requirement

12/12/2017
VC138

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

52.17-2 Application requirements

14/07/2022
VC213

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

52.17-3 Property vegetation plans

12/12/2017
VC138

A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:

“This permit will expire if one of the following circumstances applies:

- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

52.17-4 Decision guidelines

12/12/2017
VC138

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.

52.17-5 Offset requirements

14/07/2022
VC213

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

52.17-6 Transitional provisions

20/03/2023
VC229

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to

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apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
 - the original permit application was lodged before that date; or
 - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department's native vegetation information systems within 12 months before that date.

52.17-7
20/03/2023
VC229

Table of exemptions

The requirement to obtain a permit does not apply to:

Conservation work	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work: <ul style="list-style-type: none"> • which provides an overall improvement for biodiversity; and • with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Crown land	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land: <ul style="list-style-type: none"> • by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the <i>Procedure for the removal, destruction or lopping of native vegetation on Crown land</i>; or • with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Dead native vegetation	Native vegetation that is dead. This exemption does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
Emergency works	Native vegetation that is to be removed, destroyed, or lopped: <ul style="list-style-type: none"> • in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or • where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.
Existing buildings	Native vegetation that is to be removed, destroyed, or lopped to the minimum

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The requirement to obtain a permit does not apply to:

extent necessary to enable the use or maintenance of a building constructed in accordance with a planning or building permit issued before 15 September 2008.

This exemption does not apply to:

- the operation or maintenance of a fence; or
- native vegetation located more than 10 metres measured from the outermost point of the building.

Existing buildings and works in the Farming Zone and Rural Activity Zone

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone.

This exemption does not apply to:

- the use or maintenance of a Dwelling; or
- the operation or maintenance of a fence; or
- native vegetation located more than 10 metres measured from the outermost point of the building or works.

Extractive industry

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority under that Act.

Fences

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:

- the operation or maintenance of an existing fence; or
- the construction of a boundary fence between properties in different ownership.

The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.

Fire protection

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:

- fire fighting;
- planned burning;
- making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
- making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as

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The requirement to obtain a permit does not apply to:

- constituted under Part 2 of the *Conservation, Forests and Lands Act 1987* ;
- in accordance with a fire prevention notice issued under either:
 - Section 65 of the *Forests Act 1958* ; or
 - Section 41 of the *Country Fire Authority Act 1958* .
- keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998* ;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004* .

Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.

Geothermal energy exploration and extraction	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Geothermal Energy Resources Act 2005</i> .
Grasses	Native grass that is to be mowed or slashed for maintenance only, provided that the grass is: <ul style="list-style-type: none"> • located within a lawn, garden or other landscaped area; or • maintained at a height of at least 10 centimetres above ground level.
Grazing	Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on: <ul style="list-style-type: none"> • freehold land; or • Crown land in accordance with a license, permit or lease granted under applicable legislation.
Greenhouse gas sequestration and exploration	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Greenhouse Gas Geological Sequestration Act 2008</i> .
Harvesting for timber production – naturally established native vegetation	Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the <i>Code of Practice for Timber Production 2014 (as amended 2022)</i> (Department of Environment, Land, Water and Planning, 2022) and are: <ul style="list-style-type: none"> • undertaken on public land under a licence or permit issued under section 52 of the <i>Forests Act 1958</i> ; or

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The requirement to obtain a permit does not apply to:

- authorised in accordance with Part 5 of the *Sustainable Forests (Timber) Act 2004*.

Land management or directions notice Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*.

Land use conditions Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*.

Lopping and pruning for maintenance Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned.

This exemption does not apply to:

- the pruning or lopping of the trunk of a native tree; or
- native vegetation on a roadside or railway reservation.

Mineral exploration and extraction Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the *Mineral Resources (Sustainable Development) Act 1990*:

- that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or
- in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.

Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.

New buildings and works in the Farming Zone and Rural Activity Zone Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to the construction or operation of a pivot irrigation system or horticultural trellising.

MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

New dwellings in the Farming Zone and Rural Activity Zone

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a dwelling in the Farming Zone or Rural Activity Zone.

The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 300 square metres of native vegetation which does not include a tree.
- 5 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 1 native tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.

Personal use

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to obtain reasonable amounts of wood for personal use by the owner or lawful occupier of the land.

For the purpose of this exemption personal use means uses such as heating and cooking, building and fence construction on land, and hobbies such as arts and craft.

This exemption does not apply to:

- contiguous land in one ownership that has an area of less than 10 hectares;
- the removal, destruction or lopping of native vegetation by means other than cutting or chopping; or
- a standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

Pest animal burrows

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:

- in accordance with written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988* ; or
- provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following:
 - 1 hectare of native vegetation which does not include a tree; or
 - 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

Planted vegetation

Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.

This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless

MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.

Railways Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

Regrowth Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:

- less than 10 years old; or
- bracken (*Pteridium esculentum*); or
- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation; or
- less than ten years old at the time of a property vegetation plan being signed by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*), and is:
 - shown on that plan as being 'certified regrowth'; and
 - on land that is to be used or maintained for cultivation or pasture during the term of that plan.

This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

Road safety Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

Site area Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.

This exemption does not apply to native vegetation on a roadside or rail reservation.

Stock movements on roads Native vegetation that is to be removed, or destroyed by stock being moved along a road.

This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.

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The requirement to obtain a permit does not apply to:

Stone exploration	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none">• 1 hectare of native vegetation which does not include a tree.• 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.• 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the <i>Surveying Act 2004</i>) using hand-held tools to establish a sightline for the measurement of land.</p>
Traditional owners	<p>Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</p> <ul style="list-style-type: none">• a natural resource agreement under Part 6 of the <i>Traditional Owner Settlement Act 2010</i> ; or• an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i> as those sections were in force immediately before the commencement of section 24 of the <i>Traditional Owner Settlement Amendment Act</i> in 2016 (1 May 2017).
Tram stops	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.</p>
Transport land	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).</p>
Utility installations	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</p> <ul style="list-style-type: none">• to maintain the safe and efficient function a Minor utility installation; or• by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).

MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

Vehicle access from public roads

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.

This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

In this exemption, roadside and public road have the same meanings as in section 3 of the *Road Management Act 2004*.

Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.

Weeds

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

52.17-8 Melbourne Strategic Assessment Levy Area

14/07/2022
VC213

The following provisions apply to the removal, destruction or lopping of native vegetation in the levy area within the meaning of the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*.

Despite clauses 52.17-2, 52.17-4, 52.17-5 and anything in the Guidelines:

- An application to remove, destroy or lop native vegetation is not required to be accompanied by an offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- Before deciding on an application, a responsible authority is not required to consider whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- The biodiversity impacts of the removal, destruction or lopping of native vegetation are not required to be offset in accordance with the Guidelines.

MORNINGTON PENINSULA PLANNING SCHEME

42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as ESO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

42.01-1 Environmental significance and objectives

31/07/2018
VC148

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

42.01-2 Permit requirement

14/12/2023
VC253

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
 - If a schedule to this overlay specifically states that a permit is not required.
 - If the table to Clause 42.01-3 specifically states that a permit is not required.
 - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none">• The area of either lot is reduced by less than 15 percent.• The general direction of the common boundary does not change.	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none">• The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under	Clause 59.02

MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
<p>this scheme.</p> <ul style="list-style-type: none"> An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. 	
<p>Subdivide land into 2 lots if:</p> <ul style="list-style-type: none"> The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. Has started lawfully. The subdivision does not create a vacant lot. 	Clause 59.02
<p>Construct a fence.</p>	Clause 59.05
<p>Remove, destroy or lop one tree provided:</p> <ul style="list-style-type: none"> A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months. There is no other current VicSmart application to remove, destroy or lop a tree on the same land. 	Clause 59.06
<p>Construct a building or construct or carry out works for:</p> <ul style="list-style-type: none"> A carport, garage, pergola, verandah, deck, shed or similar structure. A rainwater tank. <p>The buildings and works must be associated with a dwelling or a small second dwelling.</p>	Clause 59.05

42.01-3
17/02/2022
VC200

Table of exemptions

The requirement to obtain a permit does not apply to:	
Emergency works	<p>Vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.

MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

Extractive industry	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.
Fire protection	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</p> <ul style="list-style-type: none"> • fire fighting; • planned burning; • making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres; • making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>); • is ground fuel within 30 metres of a building and is vegetation other than native vegetation; • in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> • Section 65 of the <i>Forests Act 1958</i> ; or • Section 41 of the <i>Country Fire Authority Act 1958</i> . • keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the <i>Electricity Safety Act 1998</i> ; • minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the <i>Road Management Act 2004</i> . <p><i>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</i></p>
Geothermal energy exploration and extraction	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Geothermal Energy Resources Act 2005</i> .
Greenhouse gas sequestration and exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Greenhouse Gas Geological Sequestration Act 2008</i> .
Land management or directions notice	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <i>Catchment and Land Protection Act 1994</i> .

MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

Land use conditions	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i> .
Mineral exploration and mining	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the <i>Mineral Resources (Sustainable Development) Act 1990</i> : <ul style="list-style-type: none"> • that is low impact exploration within the meaning of Schedule 4A of the <i>Mineral Resources (Sustainable Development) Act 1990</i> ; or • in accordance with a work plan approved under Part 3 of the <i>Mineral Resources (Sustainable Development) Act 1990</i> . <p><i>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</i></p>
Noxious weeds	Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the <i>Catchment and Land Protection Act 1994</i> . This exemption does not apply to Australian Dodder (<i>Cuscuta australis</i>).
Pest animal burrows	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the <i>Flora and Fauna Guarantee Act 1988</i> is required before the vegetation can be removed, destroyed or lopped.
Planted vegetation	Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.
Railways	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Regrowth	Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is: <ul style="list-style-type: none"> • bracken (<i>Pteridium esculentum</i>); or • within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation. <p>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the

MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

	safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Stone exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following: <ul style="list-style-type: none"> • 1 hectare of vegetation which does not include a tree. • 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. • 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. This exemption does not apply to costeaning and bulk sampling activities.
Surveying	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the <i>Surveying Act 2004</i>) using hand-held tools to establish a sightline for the measurement of land.
Traditional owners	Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: <ul style="list-style-type: none"> • a natural resources agreement under Part 6 of the <i>Traditional Owners Settlement Act 2010</i>; or • an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i> as those sections were in force immediately before the commencement of section 24 of the <i>Traditional owners Settlement Amendment Act</i> in 2016 (1 May 2017).
Tram stops	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure.

42.01-4 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in a schedule to this overlay.

42.01-5 Decision guidelines

31/07/2018

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VC148

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay.

MORNINGTON PENINSULA PLANNING SCHEME

43.01 HERITAGE OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as **HO** with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

43.01-1 Permit requirement

14/12/2023
VC253

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
 - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
 - A solar energy system attached to a building that primarily services the land on which it is situated if the system is visible from a street (other than a lane) or public park and if the schedule to this overlay specifies the heritage place as one where solar energy system controls apply.
 - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
 - A fence, if the fence is visible from a street (other than a lane) or public park.
 - Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
 - Buildings or works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria.
- Street furniture other than:
 - Traffic signals, traffic signs, bus shelters, fire hydrants, parking meters, post boxes and seating.
 - Speed humps, pedestrian refuges and splitter islands.
- A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park
- Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
- An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.

MORNINGTON PENINSULA PLANNING SCHEME

- Services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.
- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
- If the tree presents an immediate risk of personal injury or damage to property.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none">• Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the common boundary does not change.• Subdivide land into lots each containing an existing building or car parking space where:<ul style="list-style-type: none">• The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.• An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.• Subdivide land into 2 lots if:<ul style="list-style-type: none">• The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.• The construction or carrying out of the approved building or works on the land has started lawfully.• The subdivision does not create a vacant lot.• Demolish or remove an outbuilding (including a carport, garage, pergola,	Clause 59.07

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Class of application

Information requirements and decision guidelines

verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to the Heritage Overlay.

- Demolish or remove a fence unless the fence is specified in the schedule to the Heritage Overlay.
- Externally alter a non-contributory building.
- External painting.
- Construct a fence.
- Construct a carport, garage, pergola, verandah, deck, shed or similar structure.
- Construct and install domestic services normal to a dwelling.
- Construct and install a non-domestic disabled access ramp.
- Construct a vehicle cross-over.
- Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construct a rainwater tank.
- Construct or display a sign.
- Lop a tree.
- Construct or install a solar energy system attached to a dwelling or small second dwelling.
- Construct and install an electric vehicle charging station.
- Construct and install services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

43.01-2 Places in the Victorian Heritage Register

21/11/2017
VC141

A heritage place which is included in the Victorian Heritage Register is subject to the requirements of the *Heritage Act 2017*.

Permit requirement

A permit is required under this overlay to subdivide a heritage place which is included in the Victorian Heritage Register. This includes the subdivision or consolidation of land including any building or airspace.

Referral of applications

An application to subdivide a heritage place which is included in the Victorian Heritage Register must be referred to the relevant referral authority under Section 55 of the Act in accordance with Clause 66 of this scheme.

43.01-3 No permit required

14/12/2023
VC253

No permit is required under this overlay:

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- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the *Cemeteries and Crematoria Act 2003*.
- To develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.
- To construct a building or construct or carry out works for a small second dwelling if all the following requirements are met:
 - The building height must not exceed 5 metres.
 - The building must be finished using muted tones and colours.

43.01-4 Exemption from notice and review

14/12/2023
VC253

An application under this overlay for any of the following classes of development is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to this overlay.
- Demolition or removal of a fence unless the fence is specified in the schedule to this overlay.
- External alteration of a building.
- External painting.
- Construction of a fence.
- Construction of a carport, garage, pergola, verandah, deck, shed or similar structure.
- Domestic services normal to a dwelling.
- Carry out works, repairs and routine maintenance.
- Internally alter a building.
- Non-domestic disabled access ramp.
- Construction of a vehicle cross-over.
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a rainwater tank.
- Construction or display of a sign.
- Lopping of a tree.
- Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.
- Roadworks.
- An electric vehicle charging station.
- Services normal to a building other than a dwelling or a small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

43.01-5 Statements of significance

Page 4 of 6

MORNINGTON PENINSULA PLANNING SCHEME

24/01/2020
VC160

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- A heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- A registered heritage place included in the Victorian Heritage Register established under Part 3 of the *Heritage Act 2017*.
- A heritage place included in the schedule to this overlay on an interim basis.

43.01-6 Heritage design guidelines

31/07/2018
VC148

The schedule to this overlay may specify heritage design guidelines for any heritage place included in the schedule. A heritage design guideline must not contain any mandatory requirements.

43.01-7 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in the schedule to this overlay.

43.01-8 Decision guidelines

24/01/2020
VC160

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

43.01-9 Use of a heritage place

31/07/2018
VC148

A permit may be granted to use a heritage place (including a heritage place which is included in the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

MORNINGTON PENINSULA PLANNING SCHEME

- The schedule to this overlay specifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the effect of the use on the amenity of the area.

43.01-10 Aboriginal heritage places

31/07/2018
VC148

A heritage place specified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the *Aboriginal Heritage Act 2006*.

Late Afternoon Survey

Date: 11/02/24

Duration: 1h 15min

Temperature: 31 degrees C

Cloud cover: 0%

Wind: Low wind

Birds

Species	Abundance
Australian Magpie <i>Cracticus tibicen</i>	4
Black-shouldered Kite <i>Elanus axillaris</i>	1
Noisy Miner <i>Manorina melanocephala</i>	23
Common Myna <i>Acridotheres tristis</i>	1
Eastern Rosella <i>Platycercus eximius</i>	9
Welcome Swallow <i>Hirundo neoxena</i>	1
Common Bronzewing <i>Phaps calcoptera</i>	2
White-browed Scrubwren <i>Sericornis frontalis</i>	6
Grey Butcherbird <i>Cracticus torquatus</i>	2
Musk Lorikeet <i>Glossopsitta concinna</i>	3
Superb Fairywren <i>Malurus cyaneus</i>	6
Laughing Kookaburra <i>Dacela novaeguineae</i>	2
Red Wattlebird <i>Anthochaera carunculata</i>	5
Common Blackbird <i>Turdus merula</i>	1
Brown Goshawk <i>Accipiter fasciatus</i>	1
Brown Thornbill <i>Acanthiza pusilla</i>	1

Mammals

- Swamp Rat *Rattus lutreolus* digging - scattered widely.



- Two Red Fox *Vulpes vulpes* dens located on the eastern bank of the creek



- Rabbit *Oryctolagus cuniculus* scats and digging along eastern bank of the creek
- Two Common Ringtail Possum *Pseudocheirus peregrinus* dreys

R



P

Council Meeting Agenda
3.1 (Cont.)

13 February 2024
Attachment 8

Night Spotlighting Survey

Date: 11/02/24

Duration: 1h 15min

Temperature: 23 degrees C

Cloud cover: 0%

Wind: Low wind

Amphibians

- Several Whistling Tree Frogs *Litoria verreauxii* and Peron's Tree Frogs *Litoria peronii* heard calling from the paddock to the east of the forest.

Mammals

- High densities of Common Ringtail Possums were recorded (39 individuals detected across the site)
- Four Common Brushtail Possums were detected.
- The high ratio of Ringtail to Brushtail possum numbers reflects the low density of hollows in the site. This is because Brushtail possums are hollow dependent whilst Ringtail possums can build dreys as an alternative to hollows.
- White-striped free-tailed bats were heard calling twice during the survey.

Birds

- Two Tawny Frogmouths sighted
- Nine roosting Noisy Miners
- One roosting Common Bronzewing
- Two roosting Mudlarks and two Mudlark nests
- One Superb Fairywren calling

Aquatic Fauna

- One Short-finned Eel
- ~50 Glass Shrimp



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 13 FEBRUARY 2024

12.00PM

ONLINE ZOOM MEETING

Council Meeting Minutes

13 February 2024

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

Briars	Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor
Cerberus	Cr Lisa Dixon
Nepean	Cr Susan Bissinger Cr Sarah Race
Red Hill	Cr David Gill
Seawinds	Cr Simon Brooks Cr Antonella Celi Cr Debra Mar
Watson	Cr Kate Roper

EXECUTIVE TEAM

Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh Mr Bulent Oz	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure Chief Financial Officer
--	--

RECORDING

Please note that this Council Meeting was livestreamed to the Mornington Peninsula Shire's YouTube channel and a recording of the meeting is available on the Shire's website.

Council Meeting Minutes

13 February 2024

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Council Meeting Minutes

13 February 2024

1 OPENING AND WELCOME

Meeting opened at 12.01pm

Appointed Chairperson – Mayor, Cr Simon Brooks

1.1 Acknowledgement of Country

(Read by Cr Celi)

Mornington Peninsula Shire acknowledges the Bunurong people, who have been the custodians of this land for many thousands of years; and pays respect to their elders past and present. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong peoples' living culture continues to have a unique role in the life of this region.

Council Meeting Minutes

13 February 2024

2 PROCEDURAL MATTERS

Present

Cr Simon Brooks (Chairperson)
Cr Susan Bissinger
Deputy Mayor, Cr Antonella Celi
Cr David Gill
Cr Debra Mar
Cr Anthony Marsh
Cr Despi O'Connor
Cr Sarah Race
Cr Kate Roper

Mr John Baker, Chief Executive Officer

2.1 Apologies

Cr Lisa Dixon
Cr Steve Holland

2.2 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the *Local Government Act 2020*

Nil.

3 MANAGEMENT REPORTS

COMMUNITY STRENGTHENING

3.1 The Briars - Event Experience Trail Location

RECOMMENDATION

That Council:

1. Approves the relocation of the 2024 Harry Potter Forbidden Forest (HPFF) event experience trail from The Briars Sanctuary to The Briars Community Forest (dog walking park) and adjacent overflow parking paddocks.
2. Notes that the relocation is unlikely to require any planning permission (as detailed in this report).
3. Notes that the relocation is subject to an assessment of finalised ecology reports and relevant permits (if required) under the relevant provisions of the planning scheme.
4. Authorises the Chief Executive Officer to negotiate and enter into a revised licence agreement with the event organiser to affect the new event experience trail location.

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr Marsh

That the recommendation be adopted.

Carried Unanimously

4 MEETING CLOSE

As there was no further business, the meeting closed at 12.54pm

Confirmed this 20th day of February 2024

.....
Cr Simon Brooks, Chairperson - Council

Council Meeting Minutes

28 May 2024

RECOMMENDATION

That Council considers the confidential report listed below in a meeting closed to the public in accordance with section 66 (2) (a) of the *Local Government Act 2020*:

7.1 Social Housing Expression of Interest

This matter is considered to be confidential under sections 3 (1) (a), (c) and (e) of the *Local Government Act 2020* as it contains information in relation to Council business information, land use planning information and legal information. The report and the draft Expression of Interest document contains property and planning details that could pose a risk if prematurely released to market..

7.2 Event Review - The Briars

This matter is considered to be confidential under section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains information that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage due to ongoing confidentiality obligations owed to the event organisers.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr O'Connor

That the recommendation be adopted.

Carried

Council Meeting Minutes

8 May 2024

7.2 Event Review - The Briars

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr Celi

That Council:

1. Resolves that a review of the processes leading to, and the outcomes of the event being held at The Briars will be undertaken. This will be on completion of the event and a report presented to Councillors prior to the commencement of Caretaker Period.
2. Notes that the review will include;
 - A. An assessment and review of the processes leading up to, and including, the initial Council decision to hold the event at the Sanctuary, and subsequent Council decision to relocate the event with reference to the key outcomes (stated below).
 - B. An evaluation including the local and broader economic outcomes and impacts, to be supported by Culture Counts, and an independent ecological evaluation being a post event assessment of the environmental impact to be supported by consultants and Ecology Australia with reference to the pre assessment (pre-event assessment has been completed).
 - C. The key outcomes:
 - i. Determination of any improvement areas (if any) and success measures of the event deliverables.
 - ii. Outcomes for the Mornington Peninsula Shire owned venue (The Briars) i.e., tree sales, anticipated increased profile, positive publicity and branding visitation, site improvements, accessibility etc.
3. The scope of the review would be determined and confirmed by the Mayor in consultation with the Chief Executive Officer.
4. The review will be presented to Councillors through a briefing and subsequent Council report.
5. The review and any reports prepared will be required to adhere to all confidentiality requirements according to the *Local Government Act 2020* provisions and the ongoing confidentiality obligations owed to Fever/Warner though where possible, in the interests of transparency, the review will be made public.
6. Public release of any information including this decision, report and any public announcement about this matter must be reviewed by Council's lawyers having regard to confidentiality obligations and legal privilege.
7. The review to be subject to the rules of procedural fairness, including non-bias and administrative law principles.
8. The review will be independently assessed against the above criteria by a Probity Adviser.

Council Meeting Minutes

28 May 2024

7.2 (Cont.)**Part B**

1. That Council resolves that the report (excluding decision) be retained as confidential item pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* where it contains information that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. This is in line with the ongoing confidentiality obligations owed to Fever/Warner.
2. That Council resolves that the attachment to this report be retained as a confidential item pursuant to section 3 (1) (e) of the *Local Government Act 2020* where it contains legal privileged information, being information to which legal professional privilege or client legal privilege applies.
3. Council resolves that the Council decision is not confidential pursuant to section 3 (1) of the *Local Government Act 2020* subject to legal review by Council's lawyers having regard to confidentiality obligations and legal privilege.

Carried

Council Meeting Minutes

8 May 2024

PROCEDURAL MOTION

Moved: Cr Roper
Seconded: Cr O'Connor

That the Meeting be re-opened to the public

Carried

From: [REDACTED]
Sent: Monday, 5 February 2024 1:54 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: C/24/162 - Request for information under section 13A of the Ombudsman Act 1973 (Vic)

OFFICIAL

OFFICIAL

Dear [REDACTED],

Thank you for providing information regarding the process followed by the Council in its decision to hold the Harry Potter Experience at the Briars.

Having reviewed the Council's events policy, it is our office's view that the risk classification definitions (pages 5 and 11), used to determine whether an event is classified as a low, medium or high impact event, are vague. This leaves it open to interpretation about how the Council categorises events. The Council may wish to consider revising the definitions to provide better clarity for residents and applicants.

Our office will use the response you provided to inform our response to further complaints about the Harry Potter Experience at the Briars. Noting, we may make future enquiries if additional issues regarding the council's decision are raised.

This complaint will now be closed.

Yours sincerely,

[REDACTED]
Investigation Officer

VICTORIANombudsman

Phone: +61 3 9613 6222 | Toll Free: 1800 806 314

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OFFICIAL

From: [REDACTED]
Sent: Thursday, January 25, 2024 4:47 PM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: C/24/162 - Request for information under section 13A of the Ombudsman Act 1973 (Vic)

You don't often get email from diana.harris@mornpen.vic.gov.au. [Learn why this is important](#)

OFFICIAL

Dear [REDACTED],

Thank you for your email below and for granting an extension of time for our reply. Please find following Council's responses to your questions.

- Advice on how Councillor's being subject to a non-disclosure agreement to be able to vote on a matter, aligns with Mornington Peninsula's Governance Rules (adopted 24 August 2021).

Councillors were not excluded from voting on the matter regardless of whether they signed the non-disclosure agreement or not. Event information and details were provided to all Councillors, with only the name and organiser of the event not disclosed to those electing not to sign the non-disclosure agreement.

- The event type and risk classification determined by the Council for the event. The Council's rationale for the risk classification.
The event is classified as medium-impact. This classification is primarily due to the sale of alcohol at the event, the volume and staggered arrival of attendees, and the traffic management plan minimising risk of disruptions to normal traffic meeting the medium impact event classification. The event does not trigger a high-impact classification as it does not include high risk activities such as amusement rides or fireworks. Council's Event Policy (Attachment 1 – Mornington Peninsula Shire Events Policy) sets the criteria that determined the event's classification.
- If considered a high impact event;
 - details of the community consultation process undertaken by the event applicant.
 - a copy of the assessment report and recommendations prepared by the Council.

N/A – the event is not considered a high impact event.
- Details of any internal and/or external advice on environmental and cultural impacts the event may have on the Briars nature reserve.
Council engaged ecological consultants Practical Ecology to undertake an environmental assessment and provide risk mitigation recommendations (Attachment 2 – Environmental Assessment). These recommendations are included in the contact with the event organiser. Council has engaged heritage consultant Heritage Insights to ensure Aboriginal Cultural Heritage Overlays are complied with and to obtain the necessary permits. Heritage Insights are liaising with the Bunurong Land Council to complete this process.
- Any further information the Council considers is relevant to my understanding of the matter.
Detailed information was provided to Councillors about the event, including the presentation at Attachment 3 – Briars Event Proposal.
Council has developed a series of FAQs published on its website to address public concerns and provide information about the event. [Forbidden Forest Experience - FAQs - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](#)

Please contact me should you require further information.
Kind regards



[Redacted] | Governance Officer

Email: diana.harris@mornpen.vic.gov.au

Phone: 03 5950 1225

Private Bag 1000, Rosebud VIC 3939 | 90 Besgrove Street, Rosebud VIC 3939

Follow us on social media!



Mornington Peninsula Shire acknowledges and pays respect to the Bunurong people, the Traditional Custodians of these lands and waters.
[We are committed to carbon neutrality.](#)

OFFICIAL

OFFICIAL

From: [Redacted]
Sent: Wednesday, January 3, 2024 3:52 PM
To: [Redacted]
Cc: [Redacted]
Subject: C/24/162 - Request for information under section 13A of the Ombudsman Act 1973 (Vic)
Dear Pamela Vercoe
Request for information under section 13A of the Ombudsman Act 1973 (Vic)

I refer to a recent [media article](#) posted by ABC News on 31 December 2023 about Mornington Shire Council's decision to allow a Harry Potter 'Forbidden Forrest Experience' event in the Briars nature reserve at Mount Martha Park.

I understand from the minutes of the Council meeting held on 22 August 2023, where the matter was considered and approved, that the meeting was closed to the public under section 66(2)(a) of the Local Government Act 2020, for reason that it contained Council business information. The media article indicates that Councillors were excluded from voting on the event unless they signed a non-disclosure agreement.

I am requesting information as part of enquiries under section 13A of the *Ombudsman Act 1973 (Vic)* to better understand the Council's decision making about the event.

I would appreciate the following information be provided to me by 22 January 2024:

- Advice on how Councillor's being subject to a non-disclosure agreement to be able to vote on a matter, aligns with Mornington Peninsula's Governance Rules (adopted 24 August 2021).
- The event type and risk classification determined by the Council for the event. The Council's rationale for the risk classification.
- If considered a high impact event;
 - details of the community consultation process undertaken by the event applicant.
 - a copy of the assessment report and recommendations prepared by the Council.
- Details of any internal and/or external advice on environmental and cultural impacts the event may have on the Briars nature reserve.
- Any further information the Council considers is relevant to my understanding of the matter.

If you have any questions, please contact me via return email or call (03) 9603 6143.

Yours sincerely

([REDACTED])
 Manager, Statutory Functions (Early Resolution Team)
VICTORIANombudsman
 Phone: +61 3 9613 6222 | Toll Free: 1800 806 314
 Fax: +61 3 9602 4761
 Level 2, 570 Bourke Street, Melbourne, VIC 3000
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