



Grassy Plains Network

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Banner image: Ajax Road Grassland.

The Hon Gayle Tierney
Minister for Agriculture
Level 1, 2 Treasury Place, East Melbourne, Victoria, 3002

18 July 2022

Re: Request for enforcement of CaLP Act compliance for failure to manage noxious weeds at 37–45 Ajax Road, Altona 3018

Dear Minister Tierney,

We request that your department acts to require Axxcel Management Services, the owner of 37–45 Ajax Road, Altona 3018, to fulfil its obligations under the Catchment and Land Protection Act and to take immediate action to rid its property of declared noxious weeds.

The property includes 35 hectares of critically endangered Natural Temperate Grassland of the Victorian Volcanic Plain.

A recent VCAT case, *Axxcel Management Services Pty Ltd v Hobsons Bay CC* [2022] VCAT 528, confirmed that the developer has for numerous years been aware of the national significance of the grassland on its property, which includes federally and state-listed threatened species such as Spiny Rice-flower and Tussock Skink.

The developer is, however, deliberately allowing weeds to spread in order to, at least potentially, reduce the conservation value of the property and thus the offset costs associated with any native vegetation clearing that might occur as part of any future development. Those weeds include: *Nassella neesiana* (Chilean Needle-grass), *Cynara cardunculus* (Artichoke Thistle), *Dittrichia graveolens* (Stinkwort), *Foeniculum vulgare* (Fennel), *Genista linifolia* (Flax-leaf Broom), *Juncus acutus* subsp. *acutus* (Spiny Rush), *Lycium ferocissimum* (African Box-thorn), *Marrubium vulgare* (Horehound), *Moraea setifolia* (Thread Iris), *Nassella trichotoma* (Serrated Tussock), *Oxalis pes-caprae* (Soursob), *Rosa rubiginosa* (Sweet Briar), and *Ulex europaeus* (Gorse).

This clearing of native vegetation by stealth through the spread of weeds such as the above is unconscionable, especially when the developer is aware of the conservation significance of the vegetation that is, in effect, being cleared through inaction. During the case the developer went so far as to use this ongoing degradation of a critically endangered grassland as a bargaining tool – in essence arguing that it should be allowed to develop the property or

otherwise ongoing mismanagement of the grassland will cause the grassland to degrade further. The VCAT members, in their finding (paragraph 102), note that this “has weighed heavily on us”.

The noxious weeds on this property are also of concern because of their capacity to impact other areas of environmental significance. We note that the property is immediately adjacent to Truganina Swamp, which is of state significance, and close to Maidstone Street Grassland, also of state significance.

We urge you to help rectify this egregious disregard for both the law and decent behaviour by notifying the owner of its obligations under the CaLP Act and to enforce compliance.

The Grassy Plains Network advocates for the protection of Melbourne’s urban grasslands, and represents a broad membership of land managers, land holders, academics, ecologists and concerned community. Two GPN members were parties to the recent VCAT case. For your convenience, I have attached the VCAT finding and the most recent fauna and Flora Assessment of the property, which was referred to throughout the VCAT hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrian Marshall". The signature is fluid and cursive, with a long horizontal stroke at the end.

Adrian Marshall,
Facilitator, the Grassy Plains Network