



**Title of Proposal** - Industrial Development: 39-58 Marshall Court, Altona North

## Section 1 - Summary of your proposed action

Provide a summary of your proposed action, including any consultations undertaken.

### 1.1 Project Industry Type

Commercial Development

### 1.2 Provide a detailed description of the proposed action, including all proposed activities.

The study area, located at 39-43 (Lot 18) and 44-58 (Lot 19) Marshall Court, Altona, Victoria is proposed to be subdivided and developed for industrial use. The site is proposed to be cleared and benched for the purpose of constructing one or more warehouse type buildings with associated internal access ways, loading areas, offices, carparking and landscaping.

### 1.3 What is the extent and location of your proposed action? Use the polygon tool on the map below to mark the location of your proposed action.

Area	Point	Latitude	Longitude
Study Area	1	-37.847383318999	144.78545480605
Study Area	2	-37.845146676405	144.78584104415
Study Area	3	-37.845146676405	144.78615218039
Study Area	4	-37.845205982198	144.78664570685
Study Area	5	-37.845333065879	144.78724652167
Study Area	6	-37.845434732666	144.7876113021
Study Area	7	-37.845900703648	144.78772931929
Study Area	8	-37.846697083599	144.78834086295
Study Area	9	-37.847374846996	144.78882366057
Study Area	10	-37.847518870915	144.78923135634
Study Area	11	-37.847840805718	144.7901111209
Study Area	12	-37.847942469048	144.79008966322
Study Area	13	-37.847967884858	144.78988581534
Study Area	14	-37.847400263002	144.78546553488
Study Area	15	-37.847383318999	144.78545480605



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**1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland).**

The study area is located at 39 - 58 Marshall Court, Altona North, Victoria, approximately 15 kilometres west of Melbourne's CBD. The site covers approximately 5.9 hectares and is bound by the Princes Highway on-ramp to the north, Marshall Court to the south, Kayes Drain to the east and existing industrial development to the west. The study area is generally flat, with no ridges, crests within or immediately adjacent to the site. The artificial waterway Kayes Drain borders the eastern boundary of the study area.

Lot 18 comprises 2.5 hectares, and Lot 19 comprises 3.4 hectares.

**1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?**

5.9 hectares

**1.7 Is the proposed action a street address or lot?**

Street Address

39-58 Marshall Court  
Altona VIC 3018  
Australia

**1.8 Primary Jurisdiction.**

Victoria

**1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?**

No

**1.10 Is the proposed action subject to local government planning approval?**

Yes

**1.10.1 Is there a local government area and council contact for the proposal?**

Yes

**1.10.1.0 Council contact officer details**



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#### **1.10.1.1 Name of relevant council contact officer.**

Mark Tenner

#### **1.10.1.2 E-mail**

mtenner@hobsonsabay.vic.gov.au

#### **1.10.1.3 Telephone Number**

03 9932 1157

#### **1.11 Provide an estimated start and estimated end date for the proposed action.**

Start date 07/2018

End date 12/2018

#### **1.12 Provide details of the context, planning framework and State and/or Local government requirements.**

##### ***Environment Protection and Biodiversity Conservation Act 1999***

The EPBC Act establishes a Commonwealth process for the assessment of proposed actions likely to have a significant impact on any matters of NES.

##### Existing Approvals

Lot 19 within the study area was previously subject to referral EPBC 2004/1901 which determined that the action to develop Lots 1, 2, 3, 16, 17 and 19 was not a controlled action. It is understood that the approval granted as part of EPBC 2004/1901 has no time limitations, and therefore, the EPBC Act is no longer relevant to the development of Lot 19, and no further approvals under this legislation are required.

Lot 18 was subject to referral EPBC 2004/1820 which was determined as a controlled action. As part of the approval conditions, the proponent was required to salvage and translocate 25 Spiny Rice-flower in accordance with the Conservation Agreement between Multiplex and the Commonwealth of Australia (Commonwealth of Australia 2006). However, as the EPBC 2004/1820 approval only had effect until 31 October 2010, any future impact to matters of NES proposed after this date will be subject to the legislative implications of the EPBC Act.

##### Spiny Rice-flower

A total of one Spiny Rice-flower was recorded within Lot 18 during the targeted surveys. Based on the significant impact guidelines for the species (DEWHA 2009), an impact to one specimen does not constitute a significant impact.



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### Golden Sun Moth

Despite the presence of suitable habitat and targeted surveys undertaken at an appropriate time of year, Golden Sun Moth was not identified within the study area. Based on targeted survey results, and the known presence of the species at nearby reference sites, Golden Sun Moth is considered unlikely to occur within the study area.

### Striped Legless Lizard

No Striped Legless Lizards were recorded during the targeted surveys. Based on the results of the targeted survey, a population of Striped Legless Lizards are considered unlikely to be present in the study area, or if present, in very low numbers.

### **Implications**

Due to the existing EPBC 2004/1901 approval, the EPBC Act is no longer relevant to the development of Lot 19, and no further approvals under this legislation are required in this part of the study area. Within Lot 18, there is suitable habitat for two fauna species (Striped Legless Lizard and Golden Sun Moth) and confirmed presence of one flora species (Spiny Rice-flower) listed under the EPBC Act. A total of 1.765 hectares of the nationally significant ecological community NTGVVP is present within the study area, with 0.173 hectares located within Lot 18. A referral to the Commonwealth Environment Minister is required to assess impacts to matters of NES within Lot 18 (NTGVVP) under the EPBC Act.

In accordance with the EPBC Act-significant impact guidelines for Golden Sun Moth (DEWHA 2009b), and the referral guidelines for Striped Legless Lizard (SEWPaC 2011) the proposed subdivision and future development is not likely to have a significant impact to either species and associated habitat, as no Striped Legless Lizard or Golden Sun Moth were found on site.

### ***Flora and Fauna Guarantee Act 1988***

The FFG Act is the primary legislation dealing with biodiversity conservation and sustainable use of native flora and fauna in Victoria. Proponents are required to apply for an FFG Act Permit to 'take' listed and/or protected flora species, listed vegetation communities and listed fish species in areas of public land (i.e. within road reserves, drainage lines and public reserves). An FFG Act permit is generally not required for removal of species or communities on private land, or for the removal of habitat for a listed terrestrial fauna species.

There is suitable habitat within the study area for several species listed or protected under the FFG Act. In addition, there is the confirmed presence of the Western (Basalt) Plains Grassland community. An FFG Act permit will not be required to remove these values within the study area, as the permitting provisions do not apply to privately owned land.

### ***Planning and Environment Act 1987***



The Planning and Environment Act 1987 outlines the legislative framework for planning in Victoria and for the development and administration of planning schemes. All planning schemes contain native vegetation provisions at Clause 52.17 which require a planning permit from the relevant local Council to remove, destroy or lop native vegetation.

The study area is located within the Hobsons Bay City Council municipality. The study area is zoned Special Use Zone - Schedule 4 (SUZ4), with no overlays affecting the site. A Planning Permit from Hobsons Bay City Council is required to remove, destroy or lop any native vegetation. In this instance, the application will be referred to DELWP as a recommending referral authority.

### The Guidelines

The State Planning Policy Framework and the decision guidelines at Clause 52.17 (Native Vegetation) and Clause 12.01 require Planning and Responsible Authorities to have regard for the Guidelines.

### The Guidelines

The study area is within Location A, with 1.916 hectares of native vegetation proposed to be removed. As such, the permit application falls under the Moderate Risk-based pathway. The offset requirement for native vegetation removal is 0.760 General Biodiversity Equivalence Units (BEUs).

### ***Catchment and Land Protection Act 1994***

The *Catchment and Land Protection Act 1994* (CaLP Act) contains provisions relating to catchment planning, land management, noxious weeds and pest animals. Landowners are responsible for the control of any infestation of noxious weeds and pest fauna species to minimise their spread and impact on ecological values. Weeds listed as noxious under the CaLP Act were recorded during the assessment (Chilean Needle-grass, Artichoke Thistle, Spear Thistle, Boxthorn, Serrated Tussock, African Thistle and Fennel). Similarly, there is evidence that the study area is currently occupied by several pest fauna species listed under the CaLP Act, including European Rabbit and Red Fox. Pest flora and fauna management and mitigation measures should be included in a Construction Environmental Management Plan (CEMP) prepared for the site as part of any future development approvals.

### **1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders.**

No public consultation has been undertaken to date.

### **1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project.**



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The proposed development is not subject to any State environmental impact assessments.

The parcel at 44-58 Marshall Court (Lot 19) within the study area was previously subject to referral EPBC 2004/1901 which determined that the action to develop Lots 1, 2, 3, 16, 17 and 19 was not a controlled action. It is understood that the approval granted as part of EPBC 2004/1901 has no time limitations, and therefore, assessment under the EPBC Act is no longer relevant to the development of Lot 19, and no further approvals under this legislation are required.

The parcel at 39-43 Marshall Court (Lot 18) was subject to referral EPBC 2004/1820 which was determined as a controlled action. As part of the approval conditions, the proponent was required to salvage and translocate 25 Spiny Rice-flower in accordance with the Conservation Agreement between Multiplex and the Commonwealth of Australia (Commonwealth of Australia 2006). However, as the EPBC 2004/1820 approval only had effect until 31 October 2010, any future impact to matters of NES proposed after this date will be subject to the legislative implications of the EPBC Act.

As such, based on the above, this referral only considers matters of National Environmental Significance (NES) within Lot 18 with regards to the assessment of significant impacts, as it is understood that no further approval is required for development in Lot 19 under the EPBC Act.

**1.15 Is this action part of a staged development (or a component of a larger project)?**

No

**1.16 Is the proposed action related to other actions or proposals in the region?**

No



## Section 2 - Matters of National Environmental Significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The [interactive map tool](#) can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest. Consideration of likely impacts should include both direct and indirect impacts.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The following resources can assist you in your assessment of likely impacts:

- [Profiles of relevant species/communities](#) (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- [Significant Impact Guidelines 1.1 – Matters of National Environmental Significance](#);
- [Significant Impact Guideline 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies](#).

**2.1 Is the proposed action likely to have ANY direct or indirect impact on the values of any World Heritage properties?**

No

**2.2 Is the proposed action likely to have ANY direct or indirect impact on the values of any National Heritage places?**

No

**2.3 Is the proposed action likely to have ANY direct or indirect impact on the ecological character of a Ramsar wetland?**

No

**2.4 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?**

Yes

### 2.4.1 Impact table

Species	Impact
Natural Temperate Grassland of the Victorian	A total of 0.173 hectares of the NTGVVP



Species	Impact
Volcanic Plain (NTGVVP)	ecological community within Lot 18 is proposed.
Spiny Rice-flower <i>Pimelea spinescens</i> subsp. <i>spinescens</i>	1 plant recorded in Lot 18 (none in Lot 19). Based on the significant impact guidelines for the species (DEWHA 2009), an impact to one specimen does not constitute a significant impact.
Golden Sun Moth <i>Synemon plana</i>	Despite the presence of suitable habitat and targeted surveys undertaken at an appropriate time of year, Golden Sun Moth was not identified within the study area. Based on targeted survey results, and the known presence of the species at nearby reference sites, Golden Sun Moth is considered unlikely to occur within the study area
Striped Legless Lizard <i>Delma impar</i>	No Striped Legless Lizards were recorded during the targeted surveys. Based on the results of the targeted survey, a population of Striped Legless Lizards are considered unlikely to be present in the study area, or if present, in very low numbers.

#### 2.4.2 Do you consider this impact to be significant?

No

#### 2.5 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed migratory species, or their habitat?

No

#### 2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

No

#### 2.7 Is the proposed action to be taken on or near Commonwealth land?

No

#### 2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?

No





**2.9 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?**

No

**2.10 Is the proposed action a nuclear action?**

No

**2.11 Is the proposed action to be taken by the Commonwealth agency?**

No

**2.12 Is the proposed action to be undertaken in a Commonwealth Heritage Place Overseas?**

No

**2.13 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?**

No



## Section 3 - Description of the project area

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed in Section 2).

### 3.1 Describe the flora and fauna relevant to the project area.

#### Flora

Thirty-five (35) flora species (12 indigenous and 23 non-indigenous or introduced) were recorded within the study area during the field assessment. Remnant native vegetation in the study area is representative of one Ecological Vegetation Class (EVC): Heavier Soils Plains Grassland (EVC 132\_61).

*Heavier Soils Plains Grassland* is predominantly located throughout the middle of the study area, with smaller, discrete patches also recorded near the northern and eastern boundaries. Three habitat zones of varying quality were recorded (PG1, PG2 and PG3), with differences in quality due to the diversity of native species present, the cover of weeds, and/or the cover of bare ground availability for recruitment (Ecology and Heritage Partners 2018a).

Habitat zone PG1 was the highest quality, and dominated by a dense cover of Kangaroo-grass *Themeda triandra*, with scattered occurrences of Rigid Panic *Walwhalleya proluta*, Knead Spear-grass *Austrostipa bigeniculata*, Wallaby-grass *Rytidosperma* spp., Cotton Fireweed *Senecio quadridentatus*, Native Flax *Linum marginale*, Sheep's Burr *Acaena echinata* and Common Everlasting *Chrysocephalum apiculatum*.

Due to the cover of Kangaroo-grass in PG1 exceeding 50%, this habitat zone meets the thresholds that define the nationally significant ecological community *Natural Temperate Grassland of the Victorian Volcanic Plain*.

Areas not supporting remnant native vegetation have a high cover (>90%) of exotic grass species. Although scattered native grasses or herbs are occasionally present in these areas, they do not have the required 25% cover to be considered a remnant patch. Non-native areas were dominated by Chilean Needle-grass, with occurrences of Artichoke Thistle *Cynara cardunculus*, Onion Grass *Romulea rosea* and Ribwort *Plantago lanceolata* common throughout. Additional noxious weeds observed included Spear Thistle *Cirsium vulgare*, Boxthorn *Lycium ferocissimum*, Serrated Tussock *Nassella trichotoma*, African Thistle *Berkheya rigida* and Fennel *Foeniculum vulgare*.

Suitable habitat was identified for the nationally significant Spiny Rice-flower, as well as several State-significant grassland species (Ecology and Heritage Partners 2018a). One Spiny Rice-flower specimen was recorded during the targeted survey. It is considered likely that the specimen recorded during the targeted survey was a relatively recent recruit, with previously



known specimens removed from the study area as part of the conditions of EPBC 2004/1820.

## Fauna

The majority of the study area consists of land which contain exotic pastures, likely to be used as a foraging resource by common generalist bird species which are tolerant of modified open areas. Fauna observed using this habitat included; Australian Magpie *Cracticus tibicen*, Common Blackbird *Turdus merula*, Little Raven *Corvus mellori*, Magpie-lark *Grallina cyanoleuca*, House Sparrow *Passer domesticus*, Willie Wagtail *Rhipidura leucophrys*, Red Fox *Vulpes vulpes* and European Rabbit *Oryctolagus cuniculus*. Areas of native grassland provide suitable habitat attributes for an array of common native fauna, including snakes, lizards and skinks, and grassland birds.

Based on the condition of habitat within the study area, landscape context and the proximity of previous records, there was considered to be suitable habitat for the nationally significant Striped Legless Lizard *Delma impar*, Golden Sun Moth *Synemon plana*, as well as several State-significant species.

No Striped Legless Lizards were recorded during the targeted survey, and based on the results of the targeted survey, a population of Striped Legless Lizards are considered unlikely to be present in the study area, or if present, in very low numbers (Ecology and Heritage Partners 2018b).

Despite the presence of suitable habitat and targeted surveys undertaken at an appropriate time of year, Golden Sun Moth was not identified within the study area. Based on targeted survey results, and the known presence of the species at nearby reference sites, Golden Sun Moth is considered unlikely to occur within the study area (Ecology and Heritage Partners 2018b).

## Communities

Habitat zone PG1 within the study area was consistent with the condition thresholds for the nationally significant NTGVVP ecological community as greater than 50% of the perennial ground cover comprised native tussock grasses. Field surveys recorded approximately 1.765 hectares of this community within the study area. Of this, a total of 0.173 hectares is located in Lot 18.

One FFG Act-listed ecological community - Western (Basalt) Plains Grassland, is present in the study area (Habitat zone PG1 - 1.765 hectares).

### 3.2 Describe the hydrology relevant to the project area (including water flows).

No creeks or tributaries are located within the study area or likely to be affected by the proposed development. Kayes Drain is located adjacent to the eastern boundary of the study area. However, it is not proposed to be directly or indirectly impacted by the proposed development.



### **3.3 Describe the soil and vegetation characteristics relevant to the project area.**

The study area is within the Victorian Volcanic Plain bioregion. The main geomorphological features in the bioregion include steeply sloped valleys, extensive broad flat to undulating plains, stony rises and remnant volcanic cones. The soils of the Victorian Volcanic Plain are variable and range from red friable earths to scoriaceous material that supports Plains Grassland ecosystems. In terms of native vegetation, the bioregion is characterised by open areas of grassland, small patches of open woodland, stony rises denoting old lava flows dominated by characteristic shrubs and grasses, the low peaks of long-extinct volcanoes and numerous scattered large shallow lakes supporting wetland vegetation.

The native vegetation in the study area represents the typical grassland remnant in an urban context, with moderate species diversity, high weed cover and limited connectivity to other remnants in the local area. The study area contains some embedded rock. The area is regularly slashed, presumably as a biomass control measure. Surface soil disturbance in the study area is likely the result of the regular mowing regime and disturbance due to vehicle movement. Weed encroachment, particularly by Chilean Needle-grass is affecting the overall quality and integrity of the grassland and may diminish the extent of the grassland over time.

### **3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area.**

No outstanding natural features were recorded on the site.

### **3.5 Describe the status of native vegetation relevant to the project area.**

Remnant native vegetation in the study area is representative of *Heavier-soils* Plains Grassland (EVC 132\_61). *Heavier-soils* Plains Grassland is listed as Endangered within the Victorian Volcanic Plain bioregion. The remainder of the study area comprises introduced vegetation.

A total of 1.916 hectares of Plains Grassland is present in the study area, of which 1.765 qualifies as the nationally significant NTGVVP community, as well as the FFG Act-listed ecological community - Western (Basalt) Plains Grassland. A total of 0.173 hectares of NTGVVP is present in Lot 18.

### **3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.**

Not applicable.

### **3.7 Describe the current condition of the environment relevant to the project area.**



Similar to the environment in the immediate vicinity, the study area is comprised on modified grassland of low species diversity (Ecology and Heritage Partners 2018a). The study area is zoned Industrial 1 Zone under the Hobson's Bay planning scheme, and is located in a large industrial estate, with all adjacent parcels having been either previously developed, or are currently undergoing development, for industrial purposes.

It is proposed to develop the entire site with no native vegetation to be retained. Given the inner city urban location of the study area, with all adjacent land previously, or currently being developed for industrial purposes, the fragmented nature of the grassland with regards to connectivity (or lack thereof) to higher quality grassland remnants located elsewhere in the local area, and low quality condition of the grassland, it is evident that the study area and surrounds are not being managed in a way that promotes the biodiversity values that may have previously been present.

Large protected remnants of Plains Grassland exist within the locality, including the Laverton North Grassland Reserve and the Altona Nature Conservation Reserve which was created as a result of the initial industrial subdivision and land swap associated with the original creation of the industrial estate in this section of Altona.

Due to the fragmented and degraded nature of the grassland within the study area in relation to other remnants, it is likely that the condition of native vegetation within the study will continue to degrade further regardless of the future use of the study area, and it is considered that the retention of any small pockets of remnant grassland vegetation as part of the proposed industrial development is unlikely to result in a sustainable, long-term biodiversity benefit.

### **3.8 Describe any Commonwealth Heritage Places or other places recognised as having heritage values relevant to the project area.**

Not applicable

### **3.9 Describe any Indigenous heritage values relevant to the project area.**

Indigenous heritage values are unknown within the study area.

### **3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area.**

Freehold

### **3.11 Describe any existing or any proposed uses relevant to the project area.**



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The study area is currently vacant. It is proposed to be subdivided and developed for industrial purposes as per the previous or impending development of neighboring properties within the area.



## Section 4 - Measures to avoid or reduce impacts

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

### 4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action.

It is proposed to develop the entire site with no native vegetation to be retained. Given the inner city urban location of the study area, with all adjacent land previously, or currently being developed for industrial purposes, the fragmented nature of the grassland with regards to connectivity (or lack thereof) to higher quality grassland remnants located elsewhere in the local area, and low quality condition of the grassland, it is evident that the study area and surrounds are not being managed in a way that promotes the biodiversity values that may have previously been present.

Large protected remnants of Plains Grassland and NTGVVP exist within the locality, including the Laverton North Grassland Reserve and the Altona Nature Conservation Reserve which was created as a result of the initial industrial subdivision and land swap associated with this section of Altona.

Due to the fragmented and degraded nature of the grassland within the study area in relation to other remnants, it is likely that the condition of native vegetation within the study will continue to degrade further regardless of the future use of the study area, and it is considered that the retention of any small pockets of remnant grassland vegetation as part of the proposed industrial development is unlikely to result in a sustainable, long-term biodiversity benefit.

### 4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved.

A total of 0.173 hectares of NTGVVP within Lot 18 is proposed to be impacted. Although an area of NTGVVP is present in Lot 19, it is considered that any impact to this area does not require additional approval under the EPBC Act due to the existing EPBC 2004/1901 approval conditions.

One Spiny Rice-flower will be impacted. However, in accordance with the significant impact guidelines for the species (DEWHA 2009), an impact to one specimen does not constitute a significant impact.

If the removal of 0.173 hectares of NTGVVP is assessed as a 'controlled action', a



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commensurate offset in accordance with Commonwealth policy will be secured.





## **Section 5 – Conclusion on the likelihood of significant impacts**

A checkbox tick identifies each of the matters of National Environmental Significance you identified in section 2 of this application as likely to be a significant impact.

Review the matters you have identified below. If a matter ticked below has been incorrectly identified you will need to return to Section 2 to edit.

### **5.1.1 World Heritage Properties**

No

### **5.1.2 National Heritage Places**

No

### **5.1.3 Wetlands of International Importance (declared Ramsar Wetlands)**

No

### **5.1.4 Listed threatened species or any threatened ecological community**

No

### **5.1.5 Listed migratory species**

No

### **5.1.6 Commonwealth marine environment**

No

### **5.1.7 Protection of the environment from actions involving Commonwealth land**

No

### **5.1.8 Great Barrier Reef Marine Park**

No

### **5.1.9 A water resource, in relation to coal/gas/mining**

No



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#### **5.1.10 Protection of the environment from nuclear actions**

No

#### **5.1.11 Protection of the environment from Commonwealth actions**

No

#### **5.1.12 Commonwealth Heritage places overseas**

No

#### **5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action.**

As discussed earlier, it is understood that the approval granted as part of EPBC 2004/1901 relating to Lot 19 has no time limitations, and therefore, the EPBC Act is no longer relevant to the development of Lot 19, and no further approvals under this legislation are required.

The 0.173 hectares of NTGVVP within Lot 18 is generally low in species diversity (Ecology and Heritage Partners 2018a). The community is dominated by a dense cover of Kangaroo-grass, with only scattered occurrences of other native grasses and herbs present. Weed cover within the NTGVVP in Lot 18 is approximately 45%, and predominantly comprised of the Weed of National Significance (WoNS) Chilean Needle-grass *Nassella neesiana*. Further, given the inner city urban location of the study area, with all adjacent land previously, or currently being developed for industrial purposes, the fragmented nature of the grassland with regards to connectivity (or lack thereof) to higher quality grassland remnants located elsewhere in the local area, and low quality and diversity of the grassland, it is evident that the study area and surrounds are not being managed in a way that promotes the biodiversity values that may have previously been present. Due to the degraded nature of the grassland within the study area, it is likely that the condition of native vegetation within the study will continue to degrade further due to the spread of Chilean Needle-grass regardless of the future use of the study area.

Although the removal of 0.173 hectares of NTGVVP will result in a small reduction to the extent of this Critically Endangered ecological community, given that this area is relatively small, and the vegetation is of low quality and low diversity, it is not considered to constitute a significant impact to the community as a whole.

A total of one Spiny Rice-flower was recorded within Lot 18 during the targeted surveys. Based on the significant impact guidelines for the species (DEWHA 2009), an impact to one specimen does not constitute a significant impact.

Despite the presence of suitable habitat and targeted surveys undertaken at an appropriate time of year, Golden Sun Moth was not identified within the study area. Based on targeted survey results, and the known presence of the species at nearby reference sites, Golden Sun Moth is considered unlikely to occur within the study area (Ecology and Heritage Partners 2018b). As



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such, there is not considered to be a significant impact to Golden Sun Moth.

Based on the results of the targeted survey, a population of Striped Legless Lizards are considered unlikely to be present in the study area, or if present, in very low numbers (Ecology and Heritage Partners 2018b). As such, there is not considered to be a significant impact to Striped Legless Lizard. Whilst there is a low likelihood of Striped Legless Lizard occurring on-site, procedures should be included in the project Construction Environment Management Plan (CEMP) to address the potential unexpected discovery of this species, and/or any other significant species protected under Commonwealth or State legislation.



## **Section 6 – Environmental record of the person proposing to take the action**

Provide details of any proceedings under Commonwealth, State or Territory law against the person proposing to take the action that pertain to the protection of the environment or the conservation and sustainable use of natural resources.

### **6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Please explain in further detail.**

Logos Development Management Pty Ltd

Logos Development Management Pty Ltd will engage suitably qualified and experienced consultants/contractors to carry out the proposed actions. Contractors will be required to achieve prequalification with Logos by completing and passing the 'Logos Potential Contractor WHSE Checklist' prior to being engaged to carry out the works.

Checkpoints include:

- Identification of similar works previously undertaken;
- Presentation of Environmental Management Plan and accreditation compliance;
- Describing process for identifying relevant environmental legislation, Codes of Practice and guidelines applicable to each project.

Site and project specific Environmental Management Plan will also be provided prior to commencement of proposed works including specific reference to actions considered under this EPBC referral.

### **6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application.**

There are no past or current proceedings against the persons proposing to, or making the application.

### **6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?**

Yes

#### **6.3.1 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework.**



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Logos Development Management Pty Ltd works under Logos Property Group's Corporate Responsibility Policy which includes the group's environmental policies. These policies include the promotion of responsible environmental practices, minimization of risk to the environment and respect of indigenous and cultural heritage.

As detailed under Section 6.1 above, Logos Development Management Pty Ltd will engage suitably qualified and experienced consultants/contractors to carry out the proposed actions. Contractors will be required to achieve prequalification with Logos by completing and passing the 'Logos Potential Contractor WHSE Checklist' prior to being engaged to carry out the works.

**6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?**

No



## Section 7 – Information sources

You are required to provide the references used in preparing the referral including the reliability of the source.

### 7.1 List references used in preparing the referral (please provide the reference source reliability and any uncertainties of source).

Reference Source	Reliability	Uncertainties
Ecology and Heritage Partners 2018a. Ecological Assessment: 39-58 Marshall Court, Altona North, Victoria. Report prepared for Logos Australia Group Pty Ltd and Falvo Investments Pty Ltd.	High	N/A
Ecology and Heritage Partners 2018b. Targeted Surveys for Golden Sun Moth <i>Synemon plana</i> and Striped Legless Lizard <i>Delma impar</i> at 39-58 Marshall Court, Altona, Victoria. Report prepared for Logos Australia Group Pty Ltd and Falvo Investments Pty Ltd.	High	N/A
DEWHA 2009. Significant impact guidelines for the critically endangered spiny rice- flower ( <i>Pimelea spinescens</i> subsp. <i>spinescens</i> ). Nationally threatened species and ecological communities EPBC Act Policy Statement 3.11. Department of Environment, Water, Heritage and the Arts. Commonwealth of Australia, 2009.	High	N/A
SEWPaC 2011. Environment Protection and Biodiversity Conservation Act 1999 Referral Guidelines for the vulnerable Striped Legless Lizard <i>Delma impar</i> . The Department of Sustainability, Environment,	High	N/A



Reference Source	Reliability	Uncertainties
Water, Population and Communities, Canberra		



## **Section 8 – Proposed alternatives**

You are required to complete this section if you have any feasible alternatives to taking the proposed action (including not taking the action) that were considered but not proposed.

### **8.0 Provide a description of the feasible alternative?**

There are no feasible alternatives to the proposed action.

### **8.1 Select the relevant alternatives related to your proposed action.**

#### **8.27 Do you have another alternative?**

No





## Section 9 – Contacts, signatures and declarations

Where applicable, you must provide the contact details of each of the following entities: Person Proposing the Action; Proposed Designated Proponent and; Person Preparing the Referral. You will also be required to provide signed declarations from each of the identified entities.

### 9.0 Is the person proposing to take the action an Organisation or an Individual?

Organisation

### 9.2 Organisation

#### 9.2.1 Job Title

Senior Development Manager

#### 9.2.2 First Name

Kenji

#### 9.2.3 Last Name

Fukuda

#### 9.2.4 E-mail

kenjifukuda@logosproperty.com

#### 9.2.5 Postal Address

Suite 2, Level 29 Aurora Place

88 Phillips Street  
Sydney NSW 2000  
Australia

#### 9.2.6 ABN/ACN

ABN

20602048555 - LOGOS DEVELOPMENT MANAGEMENT PTY LTD

#### 9.2.7 Organisation Telephone



02 8197 3900

### 9.2.8 Organisation E-mail

info@logosproperty.com

### 9.2.9 I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:

Not applicable

### Small Business Declaration

I have read the Department of the Environment and Energy's guidance in the online form concerning the definition of a small a business entity and confirm that I qualify for a small business exemption.

Signature:..... Date: .....

### 9.2.9.2 I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the EPBC Regulations

No

### 9.2.9.3 Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made

### Person proposing the action - Declaration

I, Kenji Fukuda, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature: ..... Date: 06 / 02 / 2018.....

I, Kenji Fukuda, the person proposing the action, consent to the designation of Kenji Fukuda as the proponent of the purposes of the action describe in this EPBC Act Referral.

Signature: ..... Date: 06 / 02 / 2018.....



### **9.3 Is the Proposed Designated Proponent an Organisation or Individual?**

Organisation

#### **9.5 Organisation**

##### **9.5.1 Job Title**

Senior Development Manager

##### **9.5.2 First Name**

Kenji

##### **9.5.3 Last Name**

Fukuda

##### **9.5.4 E-mail**

kenjifukuda@logosproperty.com

##### **9.5.5 Postal Address**

Suite 2, Level 29 Aurora Place

88 Phillip Street  
Sydney NSW 2000  
Australia

##### **9.5.6 ABN/ACN**

ABN

20602048555 - LOGOS DEVELOPMENT MANAGEMENT PTY LTD

##### **9.5.7 Organisation Telephone**

02 8197 3900

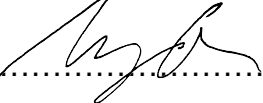
##### **9.5.8 Organisation E-mail**

info@logosproperty.com

#### **Proposed designated proponent - Declaration**



I, Kenji Fukuda, the proposed designated proponent, consent to the designation of myself as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature:  Date: 06 / 02 / 2018

## 9.6 Is the Referring Party an Organisation or Individual?

Organisation

## 9.8 Organisation

### 9.8.1 Job Title

Senior Botanist

### 9.8.2 First Name

Shannon

### 9.8.3 Last Name

LeBel

### 9.8.4 E-mail

slebel@ehpartners.com.au

### 9.8.5 Postal Address

230 Latrobe Terrace  
Geelong West VIC 3218  
Australia

### 9.8.6 ABN/ACN

ABN

65685233760 - The trustee for The EP Unit Trust

### 9.8.7 Organisation Telephone

03 9377 0100

### 9.8.8 Organisation E-mail



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enquiries@ehpartners.com.au

**Referring Party - Declaration**

I, SHANNON LEBEL, I declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence.

Signature: [Signature] Date: 16/02/2018



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## Appendix A - Attachments

The following attachments have been supplied with this EPBC Act Referral:

1. 9502\_ehp\_ba\_marshallcrt\_final\_15012018.pdf
2. 9502\_ehp\_marshallct\_targetedsurvey\_final\_02022018.pdf
3. approval\_decision\_2004\_1820.pdf
4. conservationagreementmultiplex\_red.pdf
5. ehp9502\_spatial\_data\_31-01-2018.zip
6. epbc\_2004-1901.pdf