



# Referral of proposed action

## What is a referral?

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the Minister's delegate. (Further references to 'the Minister' in this form include references to the Minister's delegate.) To obtain approval from the Environment Minister, a proposed action should be referred. The purpose of a referral is to obtain a decision on whether your proposed action will need formal assessment and approval under the EPBC Act.

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided sufficient information is provided in the referral.

## Who can make a referral?

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

## When do I need to make a referral?

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
  - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
  - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from the Department's website:

- the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. Additional sectoral guidelines are also available.

- the Policy Statement titled Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies.
- the Policy Statement titled Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources.
- the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location).

#### **Can I refer part of a larger action?**

In certain circumstances, **the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act)**. If you wish to make a referral for a staged or component referral, read 'Fact Sheet 6 Staged Developments/Split Referrals' and contact the Referrals Gateway (1800 803 772).

#### **Do I need a permit?**

Some activities may also require a permit under other sections of the EPBC Act or another law of the Commonwealth. Information is available on the Department's web site.

#### **Is your action in the Great Barrier Reef Marine Park?**

If your action is in the Great Barrier Reef Marine Park it may require permission under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB, GBRMP Act). This referral will be forwarded to the Great Barrier Reef Marine Park Authority (the Authority) for the Authority to commence its permit processes as required under the Great Barrier Reef Marine Park Regulations 1983. If a permission is not required under the GBRMP Act, no approval under the EPBC Act is required (see section 43, EPBC Act). The Authority can provide advice on relevant permission requirements applying to activities in the Marine Park.

The Authority is responsible for assessing applications for permissions under the GBRMP Act, GBRMP Regulations and Zoning Plan. Where assessment and approval is also required under the EPBC Act, a single integrated assessment for the purposes of both Acts will apply in most cases. Further information on environmental approval requirements applying to actions in the Great Barrier Reef Marine Park is available from <http://www.gbrmpa.gov.au/> or by contacting GBRMPA's Environmental Assessment and Management Section on (07) 4750 0700.

The Authority may require a permit application assessment fee to be paid in relation to the assessment of applications for permissions required under the GBRMP Act, even if the permission is made as a referral under the EPBC Act. Further information on this is available from the Authority:

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379

Townsville QLD 4810

AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

[www.gbrmpa.gov.au](http://www.gbrmpa.gov.au)

#### **What information do I need to provide?**

**Completing all parts of this form will ensure that you submit the required information and will also assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal enter N/A.**

You can complete your referral by entering your information into this Word file.

#### **Instructions**

Instructions are provided in blue text throughout the form.

#### **Attachments/supporting information**

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the project and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

**Please ensure any attachments are below three megabytes (3mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referrals Gateway (email address below) for advice. Attachments larger than three megabytes (3mb) may delay processing of your referral.**

**Note: the Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence.**

### **How do I pay for my referral?**

From 1 October 2014 the Australian Government common cost recovery arrangements for environmental assessments and some strategic assessments under the EPBC Act. If an action is referred on or after 1 October 2014, then cost recovery will apply to both the referral and any assessment activities undertaken. Further information regarding cost recovery can be found on the [Department's website](#).

#### **Payment of the referral fee can be made using one of the following methods:**

- **EFT Payments can be made to:**

BSB: 092-009  
Bank Account No. 115859  
Amount: \$7352  
Account Name: Department of the Environment.  
Bank: Reserve Bank of Australia  
Bank Address: 20-22 London Circuit Canberra ACT 2601  
Description: The reference number provided (see note below)

- **Cheque** - Payable to "Department of the Environment". Include the reference number provided (see note below), and if posted, address:

The Referrals Gateway  
Environment Assessment Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

- **Credit Card**

Please contact the Collector of Public Money (CPM) directly (call (02) 6274 2930 or 6274 20260 and provide the reference number (see note below).

Note: in order to receive a reference number, submit your referral and the Referrals Gateway will email you the reference number.

### **How do I submit a referral?**

Referrals may be submitted by mail or email.

#### **Mail to:**

Referrals Gateway  
Environment Assessment Branch  
Department of Environment  
GPO Box 787  
CANBERRA ACT 2601

- If submitting via mail, electronic copies of documentation (on CD/DVD or by email) are required.

**Email to: [epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au)**

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.
- **Follow up with a mailed hardcopy including copies of any attachments or supporting reports.**

## **What happens next?**

Following receipt of a valid referral (containing all required information) you will be advised of the next steps in the process, and the referral and attachments will be published on the Department's web site for public comment.

The Department will write to you within 20 business days to advise you of the outcome of your referral and whether or not formal assessment and approval under the EPBC Act is required. There are a number of possible decisions regarding your referral:

### **The proposed action is NOT LIKELY to have a significant impact and does NOT NEED approval**

No further consideration is required under the environmental assessment provisions of the EPBC Act and the action can proceed (subject to any other Commonwealth, state or local government requirements).

### **The proposed action is NOT LIKELY to have a significant impact IF undertaken in a particular manner**

The action can proceed if undertaken in a particular manner (subject to any other Commonwealth, state or local government requirements). The particular manner in which you must carry out the action will be identified as part of the final decision. You must report your compliance with the particular manner to the Department.

### **The proposed action is LIKELY to have a significant impact and does NEED approval**

If the action is likely to have a significant impact a decision will be made that it is a *controlled action*. The particular matters upon which the action may have a significant impact (such as World Heritage values or threatened species) are known as the *controlling provisions*.

The controlled action is subject to a public assessment process before a final decision can be made about whether to approve it. The assessment approach will usually be decided at the same time as the controlled action decision. (Further information about the levels of assessment and basis for deciding the approach are available on the Department's web site.)

### **The proposed action would have UNACCEPTABLE impacts and CANNOT proceed**

The Minister may decide, on the basis of the information in the referral, that a referred action would have clearly unacceptable impacts on a protected matter and cannot proceed.

## **Compliance audits**

If a decision is made to approve a project, the Department may audit it at any time to ensure that it is completed in accordance with the approval decision or the information provided in the referral. If the project changes, such that the likelihood of significant impacts could vary, you should write to the Department to advise of the changes. If your project is in the Great Barrier Reef Marine Park and a decision is made to approve it, the Authority may also audit it. (See "*Is your action in the Great Barrier Reef Marine Park*," p.2, for more details).

## **For more information**

- call the Department of the Environment Community Information Unit on 1800 803 772 or
- visit the web site <http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999>

All the information you need to make a referral, including documents referenced in this form, can be accessed from the above web site.

# Referral of proposed action

---

**Project title:** 11 Elwood Ave, Sunshine North

---

## 1 Summary of proposed action

**NOTE:** You must also attach a map/plan(s) and associated geographic information system (GIS) vector (shapefile) dataset showing the location and approximate boundaries of the area in which the project is to occur. Maps in A4 size are preferred. You must also attach a map(s)/plan(s) showing the location and boundaries of the project area in respect to any features identified in 3.1 & 3.2, as well as the extent of any freehold, leasehold or other tenure identified in 3.3(i).

---

### 1.1 Short description

Use 2 or 3 sentences to uniquely identify the proposed action and its location.

The site is currently zoned Industrial 3 (IN3Z). The proposed action is to construct a fence on the boundary between the land the subject of this referral and the adjoining properties in different ownership and to clear native vegetation up to 4 m on either side of the fence.

### 1.2

#### Latitude and longitude

Latitude and longitude details are used to accurately map the boundary of the proposed action. If these coordinates are inaccurate or insufficient it may delay the processing of your referral.

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds
11 Elwood Ave	37	45	27.53	144	50	20.03

The Interactive Mapping Tool may provide assistance in determining the coordinates for your project area.

If the area is less than 5 hectares, provide the location as a single pair of latitude and longitude references. If the area is greater than 5 hectares, provide bounding location points.

There should be no more than 50 sets of bounding location coordinate points per proposal area.

Bounding location coordinate points should be provided sequentially in either a clockwise or anticlockwise direction.

If the proposed action is linear (eg. a road or pipeline), provide coordinates for each turning point.

Also attach the associated GIS-compliant file that delineates the proposed referral area. If the area is less than 5 hectares, please provide the location as a point layer. If greater than 5 hectares, please provide a polygon layer. If the proposed action is linear (eg. a road or pipeline) please provide a polyline layer (refer to GIS data supply guidelines at [Attachment A](#)).

#### Do not use AMG coordinates.

---

### 1.3 Locality and property description

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

The property is located on Elwood Ave, Sunshine North in the area commonly known as Solomon Heights. The property is currently vacant, unserviced land. However, the owner of the road network (Glen Ora Estate Pty Ltd) has entered into agreements with Powercor (provision of electricity), City West Water (provision of water and sewerage) and has engaged consultants to prepare road and drainage drawings.

Solomon Heights adjoins the rail link between Sunshine and Albion. It also adjoins an industrial estate located to the south and east. Solomon Heights was originally subdivided for a residential estate and later rezoned for industrial development. Lots within the estate range in size between 500 – 800 square metres. This industrial area is characterised by a low level of amenity, land uses and development. Solomon Heights has been zoned IN3Z from at least 1999.

The site is within the Victorian Volcanic Plains Bioregions and the Port Phillip and Westernport Catchment Management region. The relevant local government planning scheme is the Brimbank Planning Scheme.

The proposed action is to construct a fence on the boundary between the land the subject of this referral and the adjoining properties in different ownership and to clear native vegetation up to 4 m on either side of the fence.

---

1.4	<b>Size of the development footprint or work area (hectares)</b>	0.0429ha
1.5	<b>Street address of the site</b>	11 Elwood Ave, Sunshine North VIC 3020
1.6	<b>Lot description</b> Describe the lot numbers and title description, if known. Lot 1 on TP097403T (formerly Lot 145 Block B on LP11601).	
1.7	<b>Local Government Area and Council contact (if known)</b> If the project is subject to local government planning approval, provide the name of the relevant council contact officer.  The site is located in Brimbank City Council and is subject to local government planning approval. The council officer contact for this project is: Susan Fitton Strategic Site Officer 03 9249 4048 SusanF@brimbank.vic.gov.au	
1.8	<b>Time frame</b> Specify the time frame in which the action will be taken including the estimated start date of construction/operation. The proposed action is estimated to take 12 months from the date of this application and a further 12 months for construction.	
1.9	<b>Alternatives to proposed action</b> Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?	<div>✓ No</div> <div>Yes, you must also complete section 2.2</div>
1.10	<b>Alternative time frames etc</b> Does the proposed action include alternative time frames, locations or activities?	<div>✓ No</div> <div>Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).</div>
1.11	<b>State assessment</b> Is the action subject to a state or territory environmental impact assessment?	<div>✓ No</div> <div>Yes, you must also complete Section 2.5</div>
1.12	<b>Component of larger action</b> Is the proposed action a component of a larger action?	<div>No</div> <div>✓ Yes, you must also complete Section 2.7 This referral is made together with a referral for the property at 17 Elwood Ave, Sunshine North VIC 3020.</div>
1.13	<b>Related actions/proposals</b> Is the proposed action related to other actions or proposals in the region (if known)?	<div>✓ No – <b>not certain as dependent on actions of third, unrelated parties, save and except that an application will be made for 17 Elwood Ave, Sunshine North VIC 3020 (Lot 1 TP151007D), and is subject to Glen Ora Estate Pty Ltd providing for infrastructure in the relevant parts of subdivision LP11601</b></div> <div>Yes, provide details:</div>
1.14	<b>Australian Government funding</b> Has the person proposing to take the action received any Australian Government grant funding to undertake this project?	<div>✓ No</div> <div>Yes, provide details:</div>
1.15	<b>Great Barrier Reef Marine Park</b> Is the proposed action inside the Great Barrier Reef Marine Park?	<div>✓ No</div> <div>Yes, you must also complete Section 3.1 (h), 3.2 (e)</div>

## 2 Detailed description of proposed action

**NOTE:** It is important that the description is complete and includes all components and activities associated with the action. If certain related components are not intended to be included within the scope of the referral, this should be clearly explained in section 2.7.

### 2.1 Description of proposed action

This should be a detailed description outlining all activities and aspects of the proposed action and should reference figures and/or attachments, as appropriate.

The proposed action is the construction of a fence on the boundary between the land the subject of this referral and the adjoining properties in different ownership as per map attached (refer to Attachment 20) and to clear native vegetation up to 4 m on either side of the fence..

The following infrastructure is proposed for the site:

1. reticulated water
2. reticulated sewerage
3. gas
4. telecommunications (NBN)
5. electricity
6. roads and drainage.

That infrastructure is to be provided by Glen Ora Estate Pty Ltd.

### 2.2 Alternatives to taking the proposed action

This should be a detailed description outlining any feasible alternatives to taking the proposed action (including not taking the action) that were considered but are not proposed (note, this is distinct from any proposed alternatives relating to location, time frames, or activities – see section 2.3).

Other than taking no action, the proponent has no realistic alternative to the proposed action.

### 2.3 Alternative locations, time frames or activities that form part of the referred action

If you have identified that the proposed action includes alternative time frames, locations or activities (in section 1.10) you must complete this section. Describe any alternatives related to the physical location of the action, time frames within which the action is to be taken and alternative methods or activities for undertaking the action. For each alternative location, time frame or activity identified, you must also complete (where relevant) the details in sections 1.2-1.9, 2.4-2.7, 3.3 and 4. Please note, if the action that you propose to take is determined to be a controlled action, any alternative locations, time frames or activities that are identified here may be subject to environmental assessment and a decision on whether to approve the alternative.

The proponent has no alternative locations, time frames or activities for the proposed action.

### 2.4 Context, planning framework and state/local government requirements

Explain the context in which the action is proposed, including any relevant planning framework at the state and/or local government level (e.g. within scope of a management plan, planning initiative or policy framework). Describe any Commonwealth or state legislation or policies under which approvals are required or will be considered against.

Solomon Heights is located in the Brimbank City Council and is subject to the Brimbank Planning Scheme. The site is currently in an Industrial 3 Zone (IN3Z) (refer to Attachment 1) and is not covered by any overlay controls.

An offset plan will be prepared for the removal of native vegetation. These offsets will be sourced and secured prior to any approved removal of native vegetation. Offsets will be in accordance with the requirements *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (October 2012).

The project may require assessment and/or approvals under the following legislation:

- *Planning and Environment Act 1987* (Vic)
- *Flora and Fauna Guarantee Act 1988* (Vic)
- *Environment Effects Act 1978* (Vic)
- *Aboriginal Heritage Act 2006* (Vic)
- *Fences Act 1968* (Vic)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- *Golden Sun Moth Sub-regional Species Strategy*

Other relevant policy and guidelines that may be applicable to this project are *Plan Melbourne* (2014), the *Brimbank Natural Heritage Strategy 1997* and the *Brimbank Biodiversity Strategy 2012-2022*.

#### *Planning and Environment Act 1987*

The Planning and Environment Act 1987 (P&E Act) governs the use, development, protection and conservation of land in Victoria. The P&E Act provides the primary approval mechanism for this project.

The project will be subject to the provisions of the Brimbank Planning Scheme, including the relevant clauses of the State Planning Policy Framework, Local Planning Policy Framework (including Municipal Strategic Statement) and Particular and General Provisions.

In April 2016, a planning permit application for construction of the fence will be lodged with Council. It is the proponent's view that a planning permit is in fact not required as it is exempt under the provisions of clause 52.17 (exemption for requiring planning permit for native vegetation).

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

The *Flora and Fauna Guarantee Act 1988* (FFG Act) seeks to establish a legal and administrative structure to enable and promote the conservation of native flora and fauna. This includes establishing a permit system to undertake works on public land which might kill, injure or disturb protected native plants. The Department Environment, Land, Water and Planning (DELWP) administer this process.

#### *Environment Effects Act 1978*

The Environment Effects Act 1978 is an advisory act without a regulatory approval mechanism. The EE Act provides for the assessment of proposed project (works) that are capable of having a significant effect on the environment.

The Ministerial Guidelines for the Assessment of Environment Effects under the Environment Effects Act 1978 provide guidance on the types of impacts that may be considered to contribute to a significant environmental impact. A referral to the Minister for Planning is required to determine whether the project is likely to result in a significant impact on the environment and whether further environmental assessment is necessary. There is no legislative requirement for a proponent to refer a project to the Minister for Planning.

#### *Aboriginal Heritage Act 2006*

The purpose of the Aboriginal Heritage Act 2006 (AH Act) is to provide for the protection of Aboriginal cultural heritage in Victoria. A certificate of advice produced by the Victorian Aboriginal Heritage Register dated 26 October 2015 shows no Aboriginal places and no places of historical references on the subject land and that the area is not designated as being culturally sensitive.

#### *Fences Act 1968*

The proponent proposes to enter into a fencing agreement with their adjoining property owners.

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

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for, amongst other objectives, the protection of the environment, especially those aspects of the environment that are matters of national environmental significance.

The area surrounding the land has the potential to impact on three matters relevant to this Act; namely two listed fauna species (Striped Legless Lizard *Delma impar*, Golden Sun Moth *Synemon plana*) and a listed community (Natural Temperate Grasslands of the Victorian Volcanic Plains). The outcome of this referral will guide any further approvals required under the EPBC Act.

#### *Golden Sun Moth Sub-regional Species Strategy*

The Golden Sun Moth (GSM) Sub-regional Species Strategy, and associated Final Prescription for Golden Sun Moth, have been endorsed by the Australian Government Minister for the Environment pursuant to the endorsed Program Delivering Melbourne's Newest Sustainable Communities (DMNSC). This site is not located within the area of the DMNSC program and therefore this guideline is not legislatively applicable. However, given that this site is located less than 18 km from the DMNSC boundary, and within the same bioregion, it is considered that it provides the most current and applicable guidance for considering the impacts of development of GSM. The relevant policy is *Policy Statement for Melbourne urban development proposals needing consideration under Parts 7, 8 and 9 of the EPBC Act* (2014). As this area is within an eligible local government area, the proponent is prepared to pay the prescribed habitat compensation amounts.

#### *Plan Melbourne*

*Plan Melbourne* is a reference document to the Brimbank Planning Scheme, Clause 9. *Plan Melbourne* designates Sunshine as an emerging national employment cluster and as an existing metropolitan activity centre.



## 2.5 Environmental impact assessments under Commonwealth, state or territory legislation

If you have identified that the proposed action will be or has been subject to a state or territory environmental impact statement (in section 1.11) you must complete this section. Describe any environmental assessment of the relevant impacts of the project that has been, is being, or will be carried out under state or territory legislation. Specify the type and nature of the assessment, the relevant legislation and the current status of any assessments or approvals. Where possible, provide contact details for the state/territory assessment contact officer.

Describe or summarise any public consultation undertaken, or to be undertaken, during the assessment. Attach copies of relevant assessment documentation and outcomes of public consultations (if available).

The following environmental assessments have been carried out on the subject land:

- In 2011, Abzeco carried out an environmental impact assessment (refer to Attachment 2).
- In August 2015, a Spiny Rice-flower survey was conducted by the proponent (refer to Attachment 3). Ecology and Heritage Partners have been instructed to carry out further survey work in respect of the Spiny Rice-flower in April and May 2016.
- In December 2015, Ecology and Heritage Partners carried out an ecological assessment on all the land in Solomon Heights below Whitehill Avenue. That report was finalised in January 2016 (refer to Attachment 4).
- In March 2016, Ecology and Heritage Partners produced a report called 'Commonwealth Offset Calculator for the proposed development of four lots and the road network, Solomon Heights, Sunshine North, Victoria' (refer to Attachment 5).
- In March 2016, Ecology and Heritage Partners carried out targeted surveys for Matted Flax-lily and Golden Sun Moth on all the land at Solomon Heights below Whitehill Avenue (refer to Attachment 6).
- In the period August 2015 to December 2015, environmental assessment for Striped Legless Lizard was carried out by Abzeco on behalf of Brimbank City Council (refer to Attachment 11).

The *Environment Effects Act 1978*, *Planning and Environment Act 1987*, *Flora and Fauna Guarantee Act 1988* and *Aboriginal Heritage Act 2006* provide for the assessment of environmental impacts. An outline of the requirements for assessment for this project follows:

### *Environment Effects Act 1978*

A determination on the need for assessment under the *Environment Effects Act 1978* has not been made at this time. A referral to the Minister for Planning to determine the need for assessment under the *Environment Effects Act 1978* is not being made as the project is under 10 ha.

### *Planning and Environment Act 1987*

A planning scheme amendment will not be required for this project. The following planning permit will be required:

- A planning permit for the construction of the fence, lodged with the Brimbank City Council on 21 January 2016. It is the proponent's view that a planning permit is in fact not required as it is exempt under the provisions of clause 52.17 (exemption for requiring planning permit for native vegetation).

### *Flora and Fauna Guarantee Act 1988*

The FFG Act will require a detailed assessment of any flora likely to be removed on public land as part of any application for a permit to remove. As the study is private land, a permit under the FFG Act is not required.

### *Aboriginal Heritage Act 2006*

The assessment of the heritage values is not required due to the information contained in the certificate of advice produced by the Victorian Aboriginal Heritage Register referred to in Clause 2.4 above.

No public consultation was undertaken by the proponent during the assessment. Consultation has occurred between the Brimbank City Council and lot holders (see Clause 2.6 below).

## 2.6 Public consultation (including with Indigenous stakeholders)

Your referral must include a description of any public consultation that has been, or is being, undertaken. Where Indigenous stakeholders are likely to be affected by your proposed action, your referral should describe any consultations undertaken with Indigenous stakeholders. Identify the relevant stakeholders and the status of consultations at the time of the referral. Where appropriate include copies of documents recording the outcomes of any consultations.

Brimbank City Council has engaged with Solomon Heights landowners about issues affecting and preventing the area's development. Solomon Heights is located in Sunshine North and has over 460 lots with over 100 individual owners. Originally landowners were to provide services when the developing the land. Council has established a webpage at [http://www.brimbank.vic.gov.au/INVEST/Solomon\\_Heights](http://www.brimbank.vic.gov.au/INVEST/Solomon_Heights).

## **2.7 A staged development or component of a larger project**

If you have identified that the proposed action is a component of a larger action (in section 1.12) you must complete this section. Provide information about the larger action and details of any interdependency between the stages/components and the larger action. You may also provide justification as to why you believe it is reasonable for the referred action to be considered separately from the larger proposal (eg. the referred action is 'stand-alone' and viable in its own right, there are separate responsibilities for component actions or approvals have been split in a similar way at the state or local government levels).

This project is part of a larger project in that the proponent also seeks to develop 17 Elwood Ave, Sunshine North, which he also owns. Both lots (11 Elwood Ave, Sunshine North and 17 Elwood Ave, Sunshine North) will be developed within the same timeframe.

As for Solomon Heights overall, the proponent is uncertain at the time of this application if this project is to be part of a larger project as he does not own any other land at Solomon Heights and has no control over or information from other landowners. For the purposes of this application, the project is referred in its entirety and is not part of a staged development or larger project.

## 3 Description of environment & likely impacts

### 3.1 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.

Your assessment of likely impacts should refer to the following resources (available from the Department's web site):

- specific values of individual World Heritage properties and National Heritage places and the ecological character of Ramsar wetlands;
- 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*; and
- associated sectoral and species policy statements available on the web site, as relevant.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The Minister has prepared four marine bioregional plans (MBP) in accordance with section 176. It is likely that the MBP's will be more commonly relevant where listed threatened species, listed migratory species or a Commonwealth marine area is considered.

**Note that even if your proposal will not be taken in a World Heritage area, Ramsar wetland, Commonwealth marine area, the Great Barrier Reef Marine Park or on Commonwealth land, it could still impact upon these areas (for example, through downstream impacts). Consideration of likely impacts should include both direct and indirect impacts.**

#### 3.1 (a) World Heritage Properties

##### Description

No World Heritage Properties exist within or in close proximity to the proposed site. The action is not expected to impact any World Heritage Properties.

##### Nature and extent of likely impact

Address any impacts on the World Heritage values of any World Heritage property.

Not applicable.

---

#### 3.1 (b) National Heritage Places

##### Description

No National Heritage Places exist within or in close proximity to the proposed site. The action is not expected to impact any National Heritage Places.

##### Nature and extent of likely impact

Address any impacts on the National Heritage values of any National Heritage place.

Not applicable.

---

#### 3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

##### Description

There are no declared Ramsar wetlands located within 50 km of the proposed site. The action is not expected to impact any wetlands of international importance.

##### Nature and extent of likely impact

Address any impacts on the ecological character of any Ramsar wetlands.

Not applicable.

---

### 3.1 (d) Listed threatened species and ecological communities

#### Description

##### Desktop assessment

A desktop assessment was conducted using the EPBC Act Protection Matters Search Tool (PMST) and the Victorian Biodiversity Atlas Flora and Fauna (VBA).

The PMST shows that:

- four ecological communities may or are likely to occur at the proposed site:

Name	Status	Type of Presence
Grassy Eucalypt Woodland of the Victorian Volcanic Plain	Critically Endangered	Community likely to occur within area
Grey Box ( <i>Eucalyptus microcarpa</i> ) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia	Endangered	Community may occur within area
Natural Temperate Grassland of the Victorian Volcanic Plain	Critically Endangered	Community likely to occur within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community may occur within area

- 21 listed flora and fauna species may occur in the area, or their habitat is predicted to occur in the area (refer to Attachment 7)

The VBA did not find any records in respect of the site.

##### Field assessment

The Ecology and Heritage ecological assessment (January 2016) found that vegetation within Solomon Heights was consistent with the condition threshold for one ecological community of national conservation significance (Natural Temperate Grassland of the Victorian Volcanic Plain) and one of State conservation significance (Western (Basalt) Plains Grassland).

The field assessment carried out by Ecology and Heritage did identify suitable habitat for the following flora: the nationally significant Spiny rice-flower *Pimelea spinescens* subsp. *spinescens* and Matted Flax-lily *Dianella amoena*, and the State significant Arching Flax-lily *Dianella* sp. aff. *longifolia* (Benambra), Tough Scurf-pea *Cullen tenax*, Rye-Beetle-grass *Tripogon loliiformis* and Slender Bindweed *Convolvulus angustissimus* subsp. *omnigracilis*.

The field assessment carried out by Ecology and Heritage also identifies suitable habitat for the following fauna: the nationally significant Striped Legless Lizard *Delma impar* and Golden Sun Moth *Synemon plana*. Although some State-significant and nationally significant fauna are considered likely to occasionally visit the study area for foraging purposes (predominantly birds) these species are unlikely to utilize the subject land on a permanent basis.

A Targeted Golden Sun Moth Assessment was undertaken by Ecology and Heritage Partners and is provided in the report. The assessment was undertaken during the 2015/16 summer and did locate a total of 12 of Golden Sun Moths within the greater Solomon Heights area.

#### Nature and extent of likely impact

Address any impacts on the members of any listed threatened species (except a conservation dependent species) or any threatened ecological community, or their habitat.

There is no likely impact on members of the listed threatened species, the threatened ecological communities or their habitat as it is only proposed to clear two blocks on Elwood Ave.

There will be no fragmentation of any native vegetation on the land.

### 3.1 (e) Listed migratory species

#### Description

The desktop assessment shows that 11 listed migratory species may occur in the area, or their habitat is predicted to occur in the area.

#### Nature and extent of likely impact

[Address any impacts on the members of any listed migratory species, or their habitat.](#)

The biodiversity report (Ecology and Heritage Partners, 2016) report found that although some State-significant and nationally significant migratory fauna are considered likely to occasionally visit the study area for foraging purposes (predominantly birds) these species are unlikely to utilize the subject land on a permanent basis. The extent of likely impact to these species is therefore negligible.

---

### 3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

#### Description

There are no Commonwealth marine areas located within the proposed site. The action is not expected to impact any Commonwealth marine areas.

#### Nature and extent of likely impact

[Address any impacts on any part of the environment in the Commonwealth marine area.](#)

Not applicable.

---

### 3.1 (g) Commonwealth land

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

#### Description

[If the action will affect Commonwealth land also describe the more general environment. The Policy Statement titled \*Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies\* provides further details on the type of information needed. If applicable, identify any potential impacts from actions taken outside the Australian jurisdiction on the environment in a Commonwealth Heritage Place overseas.](#)

The proposed site is not on Commonwealth land. The action is not expected to impact any Commonwealth land.

#### Nature and extent of likely impact

[Address any impacts on any part of the environment in the Commonwealth land. Your assessment of impacts should refer to the \*Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies\* and specifically address impacts on:](#)

- ecosystems and their constituent parts, including people and communities;
- natural and physical resources;
- the qualities and characteristics of locations, places and areas;
- the heritage values of places; and
- the social, economic and cultural aspects of the above things.

Not applicable.

---

### 3.1 (h) The Great Barrier Reef Marine Park

#### Description

The proposed site is not contained within the Great barrier Reef Marine Park. The action is not expected to impact the Great Barrier Marine Park.

#### Nature and extent of likely impact

[Address any impacts on any part of the environment of the Great Barrier Reef Marine Park.](#)

[Note: If your action occurs in the Great Barrier Reef Marine Park you may also require permission under the \*Great Barrier Reef Marine Park Act 1975\* \(GBRMP Act\). If so, section 37AB of the GBRMP Act provides that your referral under the EPBC Act is deemed to be an application under the GBRMP Act and Regulations for necessary permissions and a single integrated process will generally apply. Further information is available at \[www.gbrmpa.gov.au\]\(http://www.gbrmpa.gov.au\)](#)

Not applicable.

---

### 3.1 (i) A water resource, in relation to coal seam gas development and large coal mining development

#### Description

If the action is a coal seam gas development or large coal mining development that has, or is likely to have, a significant impact on water resources, the draft *Policy Statement Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources* provides further details on the type of information needed.

The proposed action is not a coal seam gas development or large coal mining development.

#### Nature and extent of likely impact

Address any impacts on water resources. Your assessment of impacts should refer to the draft *Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources*.

Not applicable.

### 3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park

You must describe the nature and extent of likely impacts (both direct & indirect) on the whole environment if your project:

- is a nuclear action;
- will be taken by the Commonwealth or a Commonwealth agency;
- will be taken in a Commonwealth marine area;
- will be taken on Commonwealth land; or
- will be taken in the Great Barrier Reef marine Park.

Your assessment of impacts should refer to the *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* and specifically address impacts on:

- ecosystems and their constituent parts, including people and communities;
- natural and physical resources;
- the qualities and characteristics of locations, places and areas;
- the heritage values of places; and
- the social, economic and cultural aspects of the above things.

3.2 (a)	Is the proposed action a nuclear action?	✓	No
			Yes (provide details below)

**If yes, nature & extent of likely impact on the whole environment**

3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?	✓	No
			Yes (provide details below)

**If yes, nature & extent of likely impact on the whole environment**

3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?	✓	No
			Yes (provide details below)

**If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))**

3.2 (d)	Is the proposed action to be taken on Commonwealth land?	✓	No
			Yes (provide details below)

**If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g))**

3.2 (e)	Is the proposed action to be taken in the Great Barrier Reef Marine Park?	✓	No
			Yes (provide details below)

**If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))**

### 3.3 Other important features of the environment

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 above). If at Section 2.3 you identified any alternative locations, time frames or activities for your proposed action, you must complete each of the details below (where relevant) for each alternative identified.

#### 3.3 (a) Flora and fauna

The flora and fauna assessments conducted by Abzeco (2011) and Ecology and Heritage Partners (2016) (refer to Attachment 4) indicates that the site contains confirmed presence of a population for one critically endangered species (Spiny Rice-flower), potential habitat for Matted Flax-lily listed under the EPBC Act, and one poorly known (Slender Bindweed) flora species listed under the EPBC Act, FFG Act or the DELWP advisory list, and confirmed presence of two critically endangered, vulnerable or endangered fauna species listed under the EPBC Act (Striped Legless Lizard and Golden Sun Moth).

The site contains no remnant patches of native vegetation.

The proponent will comply with the following guidelines and policies:

1. Significant impact guidelines for the critically endangered spiny rice-flower (*Pimelea spinescens* subsp. *spinescens*) <<http://www.environment.gov.au/resource/significant-impact-guidelines-critically-endangered-spiny-rice-flower-pimelea-spinescens>>
2. Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland & Grassy Eucalypt Woodland <<http://www.environment.gov.au/system/files/resources/e97c2d51-08f2-45e0-9d2f-f0d277c836fa/files/grasslands-victoria.pdf>>
3. EPBC Act - Referral guidelines for the vulnerable striped legless lizard, *Delma impar* <<http://www.environment.gov.au/resource/epbc-act-referral-guidelines-vulnerable-striped-legless-lizard-delma-impar>>
4. Significant impact guidelines for the critically endangered golden sun moth (*Synemon plana*) <<http://www.environment.gov.au/resource/significant-impact-guidelines-critically-endangered-golden-sun-moth-synemon-plana>>
5. Matters of National Environmental Significance: Significant impact guidelines 1.1 <[http://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/nes-guidelines\\_1.pdf](http://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/nes-guidelines_1.pdf)>

#### 3.3 (b) Hydrology, including water flows

There is no standing water, dams or named waterways present on the site.

#### 3.3 (c) Soil and Vegetation characteristics

Solomon Heights sits on a basalt ridge that extends from north-south across the Maribyrnong River and supports two broad habitat types:

- native grassland
- weedy 'islands' created through previous stockpiling of soils and rock

The volcanic clayey soils support vegetation communities (such as low-rainfall Plains Grassland) which occur in areas of this soil type that receive less than 500 mm rainfall per year.

A report called 'Geotechnical Investigation for Proposed Pavement: Residual Roads, R1-R9 Sunshine North' has been prepared by St Quentin (refer to Attachment 8).

#### 3.3 (d) Outstanding natural features

Solomon Heights is a degraded area that has no outstanding natural features.

#### 3.3 (e) Remnant native vegetation

The existing vegetation on the site is discussed in Section 3.1 and Section 3.3 of this referral.

#### 3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

Solomon Heights is predominantly flat, with a disused quarry to the eastern side of the land (refer to Attachment 9 – Contour Map, Mackie Surveying (2 February 2016); Attachment 10 – Gradient Report, Mackie Surveying (March 2016)). The development does not have any significant impacts on the hydraulic flows of water from the land (refer to Attachment 12 – Hydraulic Report, Moodie & Associates (March 2016)).

### **3.3 (g) Current state of the environment**

Include information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

The site is dominated by indigenous species with grasses most prevalent. Vegetation condition varies from poor to high quality (refer to Attachment 4 – Ecology and Heritage report).

### **3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values**

There are no Commonwealth Heritage Places or places listed on the Victorian Heritage Register (VHR) at Solomon Heights.

### **3.3 (i) Indigenous heritage values**

There is no requirement for a cultural heritage plan under the Aboriginal Heritage Act 2006. See Clauses 2.4 and 2.5 above.

### **3.3 (j) Other important or unique values of the environment**

Describe any other key features of the environment affected by, or in proximity to the proposed action (for example, any national parks, conservation reserves, wetlands of national significance etc).

There are no national parks, conservation reserves, wetlands of national significance. The land is approximately 700 m from the Maribyrnong River and does not fall within the Area of Environmental Significance surrounding the river designated in the Brimbank Planning Scheme, Clause 21.05.

### **3.3 (k) Tenure of the action area (eg freehold, leasehold)**

The site is freehold land owned by the proponent, Savas Christodoulou.

### **3.3 (l) Existing land/marine uses of area**

Solomon Heights is currently vacant land.

### **3.3 (m) Any proposed land/marine uses of area**

Solomon Heights is an industrial estate.



## 4 Environmental outcomes

Provide descriptions of the proposed environmental outcomes that will be achieved for matters of national environmental significance as a result of the proposed action. Include details of the baseline data upon which the outcomes are based, and the confidence about the likely achievement of the proposed outcomes. Where outcomes cannot be identified or committed to, provide explanatory details including any commitments to identify outcomes through an assessment process.

If a proposed action is determined to be a controlled action, the Department may request further details to enable application of the draft *Outcomes-based Conditions Policy 2015* and *Outcomes-based Conditions Guidance 2015* (<http://www.environment.gov.au/epbc/consultation/policy-guidance-outcomes-based-conditions>), including about environmental outcomes to be achieved, details of baseline data, milestones, performance criteria, and monitoring and adaptive management to ensure the achievement of outcomes. If this information is available at the time of referral it should be included.

General commitments to achieving environmental outcomes, particularly relating to beneficial impacts of the proposed action, CANNOT be taken into account in making the initial decision about whether the proposal is likely to have a significant impact on a matter protected under the EPBC Act. (But those commitments may be relevant at the later assessment and approval stages, including the appropriate level of assessment, and conditions of approval, if your proposal proceeds to these stages).

The proposed environmental outcomes would be achieved by the payment of the amounts required to be paid under the appropriate habitat compensation formula. As the area to be cleared is less than 10 hectares, the proponent will pay the appropriate compensation pursuant to the *Policy Statement for Melbourne urban development proposals needing consideration under Parts 7, 8 and 9 of the EPBC Act* (February 2014).

## 5 Measures to avoid or reduce impacts

**Note:** If you have identified alternatives in relation to location, time frames or activities for the proposed action at Section 2.3 you will need to complete this section in relation to each of the alternatives identified.

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.

For any measures intended to avoid or mitigate significant impacts on matters protected under the EPBC Act, specify:

- what the measure is,
- how the measure is expected to be effective, and
- the time frame or workplan for the measure.

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.

Provide information about the level of commitment by the person proposing to take the action to achieve the proposed environmental outcomes and implement the proposed mitigation measures. For example, if the measures are preliminary suggestions only that have not been fully researched, or are dependent on a third party's agreement (e.g. council or landowner), you should state that, that is the case.

Note, the Australian Government Environment Minister may decide that a proposed action is not likely to have significant impacts on a protected matter, as long as the action is taken in a particular manner (section 77A of the EPBC Act). The particular manner of taking the action may avoid or reduce certain impacts, in such a way that those impacts will not be 'significant'. More detail is provided on the Department's web site.

For the Minister to make such a decision (under section 77A), the proposed measures to avoid or reduce impacts must:

- clearly form part of the referred action (eg be identified in the referral and fall within the responsibility of the person proposing to take the action),
- be must be clear, unambiguous, and provide certainty in relation to reducing or avoiding impacts on the matters protected, and
- must be realistic and practical in terms of reporting, auditing and enforcement.

More general commitments (eg preparation of management plans or monitoring) and measures aimed at providing environmental offsets, compensation or off-site benefits CANNOT be taken into account in making the initial decision about whether the proposal is likely to have a significant impact on a matter protected under the EPBC Act. (But those commitments may be relevant at the later assessment and approval stages, including the appropriate level of assessment, if your proposal proceeds to these stages).

Other than the payment of monies, there are no other measures that can be implemented so as to avoid, reduce, manage or offset any of the relevant impacts of the action. An environmental management plan will be produced to the Minister prior to the commencement of works.

## 6 Conclusion on the likelihood of significant impacts

Identify whether or not you believe the action is a controlled action (ie. whether you think that significant impacts on the matters protected under Part 3 of the EPBC Act are likely) and the reasons why.

### 6.1 Do you THINK your proposed action is a controlled action?

- ☒ No, complete section 5.2
- ☐ Yes, complete section 5.3

### 6.2 Proposed action IS NOT a controlled action.

Specify the key reasons why you think the proposed action is NOT LIKELY to have significant impacts on a matter protected under the EPBC Act.

The site is small scale site with little indigenous biodiversity.

In the areas to be cleared, no matters of national environmental significance will be impacted.

There will be no fragmentation of any native vegetation on the land.

### 6.3 Proposed action IS a controlled action

Type 'x' in the box for the matter(s) protected under the EPBC Act that you think are likely to be significantly impacted. (The 'sections' identified below are the relevant sections of the EPBC Act.)

#### Matters likely to be impacted

<input type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)
<input type="checkbox"/>	Listed threatened species and communities (sections 18 and 18A)
<input type="checkbox"/>	Listed migratory species (sections 20 and 20A)
<input type="checkbox"/>	Protection of the environment from nuclear actions (sections 21 and 22A)
<input type="checkbox"/>	Commonwealth marine environment (sections 23 and 24A)
<input type="checkbox"/>	Great Barrier Reef Marine Park (sections 24B and 24C)
<input type="checkbox"/>	A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
<input type="checkbox"/>	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
<input type="checkbox"/>	Protection of the environment from Commonwealth actions (section 28)
<input type="checkbox"/>	Commonwealth Heritage places overseas (sections 27B and 27C)

Specify the key reasons why you think the proposed action is likely to have a significant adverse impact on the matters identified above.

## 7 Environmental record of the responsible party

**NOTE:** If a decision is made that a proposal needs approval under the EPBC Act, the Environment Minister will also decide the assessment approach. The EPBC Regulations provide for the environmental history of the party proposing to take the action to be taken into account when deciding the assessment approach.

	Yes	No
<b>7.1 Does the party taking the action have a satisfactory record of responsible environmental management?</b>  <b>Provide details</b> The proponent does not have any record (satisfactory or unsatisfactory) of responsible environmental management.	N/A	N/A
<b>7.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</b>  <b>If yes, provide details</b>		✓
<b>7.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</b>  <b>If yes, provide details of environmental policy and planning framework</b>		N/A
<b>7.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</b>  <b>Provide name of proposal and EPBC reference number (if known)</b>		✓

## 8 Information sources and attachments

(For the information provided above)

### 8.1 References

- List the references used in preparing the referral.
- Highlight documents that are available to the public, including web references if relevant.
- *Planning and Environment Act 1987* (Vic)
- *Flora and Fauna Guarantee Act 1988* (Vic)
- *Environment Effects Act 1978* (Vic)
- *Aboriginal Heritage Act 2006* (Vic)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- *Golden Sun Moth Sub-regional Species Strategy* <<http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/melbourne-strategic-assessment/melbourne-strategic-assessment-publications>>
- *Plan Melbourne, 2014* <<http://www.planmelbourne.vic.gov.au/Plan-Melbourne>>
- Brimbank Planning Scheme <<http://planningschemes.dpcd.vic.gov.au/schemes/brimbank>>
- *Brimbank Natural Heritage Strategy 1997*  
<[http://www.brimbank.vic.gov.au/COUNCIL/Council\\_Policies\\_Strategies\\_and\\_Plans/Council\\_Strategies/Natural\\_Heritage\\_Strategy\\_1997](http://www.brimbank.vic.gov.au/COUNCIL/Council_Policies_Strategies_and_Plans/Council_Strategies/Natural_Heritage_Strategy_1997)>
- *Brimbank Biodiversity Strategy 2012-2022*  
<[http://www.brimbank.vic.gov.au/COUNCIL/Council\\_Policies\\_Strategies\\_and\\_Plans/Council\\_Strategies/Biodiversity\\_Strategy\\_2012\\_-\\_2022](http://www.brimbank.vic.gov.au/COUNCIL/Council_Policies_Strategies_and_Plans/Council_Strategies/Biodiversity_Strategy_2012_-_2022)>
- Brimbank City Council – Solomon Heights <[http://www.brimbank.vic.gov.au/INVEST/Solomon\\_Heights](http://www.brimbank.vic.gov.au/INVEST/Solomon_Heights)>
- Significant impact guidelines for the critically endangered spiny rice-flower (*Pimelea spinescens* subsp. *spinescens*)  
<<http://www.environment.gov.au/resource/significant-impact-guidelines-critically-endangered-spiny-rice-flower-pimelea-spinescens>>
- Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland & Grassy Eucalypt Woodland <<http://www.environment.gov.au/system/files/resources/e97c2d51-08f2-45e0-9d2f-f0d277c836fa/files/grasslands-victoria.pdf>>
- EPBC Act - Referral guidelines for the vulnerable striped legless lizard, *Delma impar*  
<<http://www.environment.gov.au/resource/epbc-act-referral-guidelines-vulnerable-striped-legless-lizard-delma-impar>>
- Significant impact guidelines for the critically endangered golden sun moth (*Synemon plana*)  
<<http://www.environment.gov.au/resource/significant-impact-guidelines-critically-endangered-golden-sun-moth-synemon-plana>>
- Matters of National Environmental Significance: Significant impact guidelines 1.1  
<[http://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/nes-guidelines\\_1.pdf](http://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/nes-guidelines_1.pdf)>
- *Policy Statement for Melbourne urban development proposals needing consideration under Parts 7, 8 and 9 of the EPBC Act*, February 2014 <<http://www.environment.gov.au/resource/melbourne-urban-development-%C2%96-policy-statement-environment-protection-and-biodiversity>>
- *EPBC Act environmental offsets policy*, October 2012 <<http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>>

### 8.2 Reliability and date of information

For information in section 3 specify:

- source of the information;
- how recent the information is;
- how the reliability of the information was tested; and
- any uncertainties in the information.

The source of information is Ecology and Heritage Partners. It is regarded as reliable as it has been subject to independent peer review.

The information is based upon surveys in 2015. The dates of those surveys are set out in the reports by Ecology and Heritage Partners dated January 2016 and 18 March 2016.

Any uncertainties in the information have been referred to in the reports by Ecology and Heritage Partners dated January 2016 and 18 March 2016.

### 8.3 Attachments

Indicate the documents you have attached. All attachments must be less than three megabytes (3mb) so they can be published on the Department's website. Attachments larger than three megabytes (3mb) may delay the processing of your referral.

		✓ attached	Title of attachment(s)
<b>You must attach</b>	figures, maps or aerial photographs showing the project locality (section 1)	✓	<ul style="list-style-type: none"> <li>Attachment 4 - Ecological assessment, Ecology and Heritage Partners (January 2016)</li> </ul>
	GIS file delineating the boundary of the referral area (section 1)	✓	<ul style="list-style-type: none"> <li>Attachment 13 - Shapefiles</li> </ul>
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	<ul style="list-style-type: none"> <li>Attachment 4 - Ecological assessment, Ecology and Heritage Partners (January 2016)</li> </ul>
<b>If relevant, attach</b>	copies of any state or local government approvals and consent conditions (section 2.5)	N/A	N/A
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)	✓	<ul style="list-style-type: none"> <li>Attachment 4 - Ecological assessment, Ecology and Heritage Partners (January 2016)</li> </ul>
	copies of any flora and fauna investigations and surveys (section 3)	✓	<ul style="list-style-type: none"> <li>Attachment 2 - Abzeco report (2011)</li> <li>Attachment 3 - Spiny Rice-flower survey (August 2015)</li> <li>Attachment 4 - Ecological assessment, Ecology and Heritage Partners (January 2016)</li> <li>Attachment 5 – Commonwealth Offset Calculator</li> <li>Attachment 6 – Targeted surveys for Matted Flax-lily and Golden Sun Moth</li> <li>Attachment 7 - EPBC Act Protected Matters Report</li> <li>Attachment 11 – Striped Legless Lizard report, Abzeco (March 2016)</li> </ul>
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	<ul style="list-style-type: none"> <li>Attachment 8 – Geotechnical Investigation, St Quentin</li> <li>Attachment 9 – Contour map, Mackie Surveying (2 February 2016)</li> <li>Attachment 10 – Gradient Report, Mackie Surveying (March 2016)</li> <li>Attachment 12 – Hydraulic Report, Moodie &amp; Associates (March 2016)</li> </ul>

report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)	✓	<ul style="list-style-type: none"> <li>• Attachment 14 - Brimbank Solomon Heights Updates – Spring/Summer 2015</li> <li>• Attachment 15 - Brimbank Solomon Heights Updates – Autumn/Winter 2015</li> <li>• Attachment 16 - Brimbank Solomon Heights Updates –Summer 2015</li> <li>• Attachment 17 - Brimbank Solomon Heights Updates – Spring 2014</li> <li>• Attachment 18 - Brimbank Solomon Heights Updates –Winter 2014</li> <li>• Attachment 19 - Brimbank Solomon Heights Updates – Autumn 2014</li> </ul>
--	---	--

## Schedule of Attachments

- Attachment 1 – Industrial 3 Zone (IN3Z)
- Attachment 2 – Abzeco report (2011)
- Attachment 3 – Spiny Rice-flower survey (August 2015)
- Attachment 4 – Ecological assessment, Ecology and Heritage Partners (January 2016)
- Attachment 5 – Commonwealth Offset Calculator
- Attachment 6 – Targeted surveys for Matted Flax-lily and Golden Sun Moth
- Attachment 7 – EPBC Act Protected Matters Report
- Attachment 8 – Geotechnical Investigation, St Quentin
- Attachment 9 – Contour map, Mackie Surveying (2 February 2015)
- Attachment 10 – Gradient Report, Mackie Surveying (March 2016)
- Attachment 11 – Striped Legless Lizard report, Abzeco (March 2016)
- Attachment 12 – Hydraulic Report, Moodie & Associates (March 2016)
- Attachment 13 – Shapefiles
- Attachment 14 – Brimbank Solomon Heights Updates – Spring/Summer 2015
- Attachment 15 – Brimbank Solomon Heights Updates – Autumn/Winter 2015
- Attachment 16 – Brimbank Solomon Heights Updates –Summer 2015
- Attachment 17 – Brimbank Solomon Heights Updates – Spring 2014
- Attachment 18 – Brimbank Solomon Heights Updates –Winter 2014
- Attachment 19 – Brimbank Solomon Heights Updates – Autumn 2014
- Attachment 20 – Map of adjoining land

## 9 Contacts, signatures and declarations

**NOTE:** Providing false or misleading information is an offence punishable on conviction by imprisonment and fine (s 489, EPBC Act).

Under the EPBC Act a referral can only be made by:

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action<sup>1</sup>.

**Project title:** 11 Elwood Ave, Sunshine North

---

### 9.1 Person proposing to take action

This is the individual, government agency or company that will be principally responsible for, or who will carry out, the proposed action.

If the proposed action will be taken under a contract or other arrangement, this is:

- the person for whose benefit the action will be taken; or
- the person who procured the contract or other arrangement and who will have principal control and responsibility for the taking of the proposed action.

If the proposed action requires a permit under the Great Barrier Reef Marine Park Act<sup>2</sup>, this is the person requiring the grant of a GBRMP permission.

The Minister may also request relevant additional information from this person.

If further assessment and approval for the action is required, any approval which may be granted will be issued to the person proposing to take the action. This person will be responsible for complying with any conditions attached to the approval.

If the Minister decides that further assessment and approval is required, the Minister must designate a person as a proponent of the action. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent will generally be the person proposing to take the action<sup>3</sup>.

- |   |   |
|---|---|
| 1. Name and Title:  | Mr Savas Christodoulou  |
| 2. Organisation (if applicable):  | N/A   |
| 3. EPBC Referral Number (if known):   | Not known   |
| 4: ACN / ABN (if applicable):   | N/A   |
| 5. Postal address   | C/- R D Silverstein, 4 Coronation St, Brunswick West VIC 3055 |
| 6. Telephone:   | C/- 0411 471 850  |
| 7. Email:   | C/- liberia@optusnet.com.au                                   |
| 8. Name of designated proponent (if not the same person at item 1 above and if applicable): | N/A   |
| 9. ACN/ABN of designated proponent (if not the same person named at item 1 above):          | N/A   |

---

<sup>1</sup> If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed. However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person which has not otherwise been referred, please contact the Referrals Gateway (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

<sup>2</sup> If your referred action, or a component of it, is to be taken in the Great Barrier Reef Marine Park the Minister is required to provide a copy of your referral to the Great Barrier Reef Marine Park Authority (GBRMPA) (see section 73A, EPBC Act). For information about how the GBRMPA may use your information, see [http://www.gbrmpa.gov.au/privacy/privacy\\_notice\\_for\\_permits](http://www.gbrmpa.gov.au/privacy/privacy_notice_for_permits).

<sup>3</sup> If a person other than the person proposing to take action is to be nominated as the proponent, please contact the Referrals Gateway (1800 803 772) to obtain an alternative contacts, signatures and declarations page.



**COMPLETE THIS SECTION ONLY IF YOU QUALIFY FOR EXEMPTION FROM THE FEE(S) THAT WOULD OTHERWISE BE PAYABLE**

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

- ☒ an individual; OR  
☐ a small business entity (within the meaning given by section 328-110 (other than subsection 328-119(4)) of the *Income Tax Assessment Act 1997*); OR  
☐ not applicable.

If you are small business entity you must provide the Date/Income Year that you became a small business entity:

N/A

**Note: You must advise the Department within 10 business days if you cease to be a small business entity. Failure to notify the Secretary of this is an offence punishable on conviction by a fine (regulation 5.23B(3) *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth)).**

**COMPLETE THIS SECTION ONLY IF YOU WOULD LIKE TO APPLY FOR A WAIVER**

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

- ☒ not applicable.

Declaration

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

Signature

S. CIRRIE

Date 6 April 2016

**9.2 Person preparing the referral information (if different from 8.1)**

Individual or organisation who has prepared the information contained in this referral form.

Name Ronald David Silverstein

Title Mr

Organisation R D Silverstein, Solicitor

ACN / ABN (if applicable) 45 382 281 752

Postal address 4 Coronation St, West Brunswick VIC 3055

Telephone 0411 471 850

Email liberia@optusnet.com.au

Declaration

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

Signature

Date 6 April 2016

# REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

## HAVE YOU:

- ☒ Completed all required sections of the referral form?
- ☒ Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- ☒ Provided a map showing the location and approximate boundaries of the project area?
- ☒ Provided a map/plan showing the location of the action in relation to any matters of NES?
- ☒ Provided a digital file (preferably ArcGIS shapefile, refer to guidelines at Attachment A) delineating the boundaries of the referral area?
- ☒ Provided complete contact details and signed the form?
- ☒ Provided copies of any documents referenced in the referral form?
- ☐ Ensured that all attachments are less than three megabytes (3mb)?
- ☒ Sent the referral to the Department (electronic and hard copy preferred)?

## **Geographic Information System (GIS) data supply guidelines**

If the area is less than 5 hectares, provide the location as a point layer. If the area greater than 5 hectares, please provide as a polygon layer. If the proposed action is linear (eg. a road or pipeline) please provide a polyline layer.

GIS data needs to be provided to the Department in the following manner:

- Point, Line or Polygon data types: ESRI file geodatabase feature class (preferred) or as an ESRI shapefile (.shp) zipped and attached with appropriate title
- Raster data types: Raw satellite imagery should be supplied in the vendor specific format.
- Projection as GDA94 coordinate system.

Processed products should be provided as follows:

- For data, uncompressed or lossless compressed formats is required - GeoTIFF or Imagine IMG is the first preference, then JPEG2000 lossless and other simple binary+header formats (ERS, ENVI or BIL).
- For natural/false/pseudo colour RGB imagery:
  - If the imagery is already mosaiced and is ready for display then lossy compression is suitable (JPEG2000 lossy/ECW/MrSID). Prefer 10% compression, up to 20% is acceptable.
  - If the imagery requires any sort of processing prior to display (i.e. mosaicing/colour balancing/etc) then an uncompressed or lossless compressed format is required.

Metadata or 'information about data' will be produced for all spatial data and will be compliant with ANZLIC Metadata Profile. ([http://www.anzlic.org.au/policies\\_guidelines#guidelines](http://www.anzlic.org.au/policies_guidelines#guidelines)).

The Department's preferred method is using ANZMet Lite, however the Department's Service Provider may use any compliant system to generate metadata.

All data will be provide under a Creative Commons license (<http://creativecommons.org/licenses/by/3.0/au/>)