

Referral of proposed action

Project title: Ballarat West Link Road – Stage 2

1 Summary of proposed action

1.1 Short description

The City of Ballarat intends to develop Ballarat West Link Road – Stage 2; a 12 km arterial road around the western outskirts of Ballarat between Boulevard Drive, Alfredton and the Midland Highway in Smythes Creek.

Stage 2 of the Ballarat West Link Road will form the continuation of Stage 1 which is currently under construction and located to the north of Stage 2 between the Western Freeway and Boulevard Drive, Alfredton. Once completed, Ballarat West Link Road will serve new developments at the airport precinct and existing and future residential and industrial developments in Ballarat West.

The project is proposed to begin at Boulevard Drive and follow the alignment of Dyson Drive south, before turning south-east along Bells Road to the Midland Highway.

1.2 Latitude and longitude

Location Point	Longitude	Latitude
Boulevard Drive (start)	143.786181	37.546146
Cuthberts Road	143.786087	37.546658
Carngham Road	143.785098	37.552012
Greenhalghs Road	143.782443	37.566628
Glenelg Highway	143.780208	37.581305
Bells Road	143.777668	37.595988
Cherry Flat Road	143.780387	37.599866
Midland Highway (end)	143.802964	37.609503

1.3 Locality and property description

Ballarat Western Link Road – Stage 2 would commence at Boulevard Drive, Alfredton and run the length of Dyson Drive which has residential uses on the east side and predominantly farmland to the west. Continuing south beyond the intersection with Ballarat-Carngham Road, the road would pass through several rural landholdings, eventually intersecting with the Glenelg Highway and extending east to merge with Bells Road, through land that is mostly farming and some scattered rural living holdings. The alignment would then run south-west along Bells Road and Three Chain Road to intersect with the Midland Highway.

The proposed road would be two lanes wide in each direction from Glenelg Highway to Boulevard Drive in the north, and one lane wide in each direction from Glenelg Highway to Midland Highway in the south.

1.4	Size of the development footprint or work area (hectares)	Site area: Approximately 84 hectares Route length: Approximately 12 kilometres Route width: 70 metres wide at the maximum width
1.5	Street address of the site	Not applicable

1.6 **Lot description**

The following parcel numbers comprise the road reserve and parcels of land that overlap with the proposed Ballarat West Link Road – Stage 2 alignment:

Parcel number
513502
511962
513507
513506
4603183
1841173
513497
3440190
511897
511896
513495
512030
510071
100001602
123383109
510224
510095
510225
100598700
135835804
135313757
420962622
420063014
135889402
133997473
513494
512031
420063015
421121544
421262394
421304830
420063009
133997608
133998137

1.7 **Local Government Area and Council contact (if known)**

The project is located in the City of Ballarat local government area. At the southern section of the alignment (Bells Road), the road forms the boundary between the City of Ballarat and the Golden Plains Shire. The City of Ballarat contact is Mukul Hatwal – Strategic Planning Project Manager.

1.8 **Time frame**

The Ballarat Western Link Road will be progressively constructed in response to the rate of urban development. It was decided in 2012 that Ballarat West Link Road – Stage 1 between the Western Freeway and Boulevard Drive would be progressed separately to the remainder of the alignment as it is required in the short-term. Stage 1 is currently under construction.

Ballarat West Link Road – Stage 2 between Boulevard Drive and Midland Highway is to be progressively developed over the coming decades and is expected to be completed by 2031.

1.9	Alternatives to proposed action		No
		X	Yes, you must also complete section 2.2
1.10	Alternative time frames etc	X	No
			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).
1.11	State assessment		No
		X	Yes, you must also complete Section 2.5
1.12	Component of larger action		No
		X	Yes, you must also complete Section 2.7
1.13	Related actions/proposals		No
		X	<p>Yes, provide details:</p> <p>Ballarat West Link Road – Stage 2 is the second stage of the Ballarat West Link Road development. Ballarat West Link Road – Stage 1 (to the north of Stage 2) is currently under construction. EPBC Act approval for this development was granted in March 2013.</p> <p>In addition, the Ballarat West Link Road is to be developed in conjunction with two other development projects: the Ballarat West Employment Zone and the Ballarat West Growth Area. The Ballarat West Employment Zone is a 600 ha precinct to the west of Learmonth Road, Mitchell Park, incorporating the Ballarat Airport site which is earmarked as Ballarat's future industrial area. The Ballarat West Growth Area comprises 1,675 ha of greenfield land located to the west of Alfredton, Delacombe and Sebastopol. The Ballarat West Growth Area will provide approximately 18,000 new houses to accommodate over 40,000 people. Although the Ballarat West Employment Zone and Ballarat West growth Area will be delivered separately, they are closely related by dependency on the Ballarat Western Link Road for traffic movement within and throughout Ballarat West.</p>
1.14	Australian Government funding	X	No
			Yes, provide details:
1.15	Great Barrier Reef Marine Park	X	No
			Yes, you must also complete Section 3.1 (h), 3.2 (e)

2 Detailed description of proposed action

2.1 Description of proposed action

The Ballarat West Link Road – Stage 2 will be approximately 12 kilometres long and connect Ballarat West Link Road – Stage 1 to the Midland Highway south of Sebastopol. The alignment for the road is provided in Attachment 1.

Main components of the project are road upgrades and new road construction as follows:

- **Boulevard Drive - Ballarat-Carngham Road:** widening of Dyson Drive to the west of the existing road reserve to create a 40 metre wide road reserve
- **Ballarat-Carngham Road – Bells Road:** creation of a new 40 metre wide road reserve
- **Bells Road – Midland Highway:** upgrade to the existing 60 metre wide reservation
- **new intersections:** new intersections will be provided for at Glenelg Highway and Greenhalghs Road
- **upgraded intersections:** upgraded intersections will be provided for at Cuthberts Road, Ballarat-Carngham Road, the intersection of Midland Highway and Three Chain Road, and the intersection of Bells Road, Schreenans Road, Three Chain Road and Sebastopol-Smythesdale Road.

The road reserve will be 40 m wide in the northern section (north of Bells Road) and 60 m in the southern section (the existing width of Bells Road). The reservation will provide for a four lane divided road from Boulevard Drive to the Glenelg Highway (continuing from Stage 1 which commences at the Western Highway), and a single lane road in each direction from the Glenelg Highway to the Midland Highway. A schematic of Ballarat West Link Road in its entirety is shown in Attachment 2.

Service lanes adjacent to the Ballarat West Link Road will be provided as part of the development of the Ballarat West Growth Area sub-precincts and intersections are to be designed with reference to Council and VicRoads requirements to ensure safe access for residents at designated intersections.

Construction of Ballarat West Link Road Stage 2 will involve civil works associated with the construction of a new road and upgrade of existing roads, including:

- clearing vegetation
- general earthworks (topsoil removal, excavation, filling)
- laying asphalt
- drainage installation
- pavement construction
- installation of traffic lights
- landscaping
- construction of intersections and access points.

Precise details of construction activities will be finalised once the engineering design is complete. Operational activities will include the maintenance of the road, signals, bridges, drains and roadside vegetation. These activities will be managed by VicRoads.

2.2 Alternatives to taking the proposed action

No project

Ballarat is one of the fastest growing regional centres in Victoria and will undergo significant change and population growth over the next 20 years. By 2031, the city's population is expected to increase to approximately 130,000, with a significant degree of this growth concentrated in Ballarat West. An important aspect of achieving sustainable growth in Ballarat is the development of an accessible, attractive and efficient transport network.

In 2007, the *Ballarat Road Transport Strategy* identified the need for a western arterial to meet the needs of future urban areas, to provide an alternative north-south route of regional significance, to remove heavy vehicle traffic from the central business area, to provide for future growth and to improve truck access to the Western Freeway. If the road were not to be developed, this would constrain growth and result in further congestion in the City of Ballarat.

The Ballarat West Link Road is to be developed in conjunction with two other development projects: the Ballarat West Employment Zone and the Ballarat West Growth Area as outlined in Section 1.13.

Other alignments

In March 2007, the City of Ballarat and VicRoads appointed Ratio Consultants to carry out alignment investigations for a future Ballarat West Link Road. The *Ballarat West Future Arterial Road Alignment – Investigations and Implementation Plan* (Ratio Consultants 2007) reviewed a number of potential alignment options and identified an indicative alignment for the arterial road which was two lanes wide and approximately 20 km in length. The study also assessed and discarded a number of other route options because of their impacts on existing developments, topographical issues and access limitations.

Following this report, AECOM was engaged to identify a preferred alignment within this corridor, along with the routes assessment. The preferred alignment (Stages 1 and 2):

- assists in access to the airport which has been identified as a key employment node for Ballarat in the future
- allows for the greatest separation between the route and Winter swamp (a prominent environmental feature in the area)
- crosses the Avenue of Honour at a right angle (in order to minimise impacts)
- aims to reduce landowner impacts by using existing road reservations wherever possible (greenfield development is required between Ballarat-Carngham Road and Bells Road)
- abuts the future urban growth area
- allows for an 80 km/h speed limit, with the exception of the Remembrance Drive precinct (60km/h speed limit)
- generally uses roundabouts for intersection treatments as they have a superior road safety outcome compared to signals and result in reduced off-peak delays
- is a dual carriageway to Bells Road and is then reduced to a single carriageway to Midland Highway.

The preferred alignment was endorsed by Ballarat City Council on 24 February 2010.

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

Nil.

2.4 Context, planning framework and state/local government requirements

The Ballarat West Growth Area Plan was adopted by the City of Ballarat in 2009. This plan provides a framework for the development of the Ballarat West Growth Area including new town centres, community infrastructure, recreation and sporting grounds and directions for the development of a future residential community. This plan was incorporated into the Ballarat Planning Scheme via Amendment C117.

Further to this, the Ballarat West Precinct Structure Plan (City of Ballarat 2012) was gazetted on 1 November 2012. This is a comprehensive plan which provides direction for future urban development within the Ballarat West Precinct and is informed by the Ballarat West Growth Area Plan. The Ballarat West Precinct Structure Plan details master plans for a total of four planning precincts and describes how land is expected to be developed and identifies the community infrastructure and services required to support development. Ballarat West Link is identified as a key future arterial in the Ballarat West Precinct Structure Plan to facilitate efficient road movement within the Ballarat West Growth Area.

A Planning Scheme Amendment (Amendment C170) is currently proposed to place a Public Acquisition Overlay (PAO) for the Ballarat West Link Road – Stage 2, into the Ballarat Planning Scheme. The land identified within the PAO would be purchased by the City of Ballarat.

The study area of the proposed alignment is affected by a number of zones and overlay provisions. Ballarat West Link Road – Stage 2 affects the Ballarat Planning Scheme and the Golden Plains Planning Scheme. The majority of the alignment is affected by the Urban Growth Zone, Farming Zone, Rural Living Zone (Golden Plains Planning Scheme) and Road Category 1 Zone.

The alignment is adjacent to (or bisects) the following overlays:

- Development Plan Contributions Overlay (DCPO1) along the eastern side of Dyson Drive and north of Bells Road
- Public Acquisition Overlay (PAO1) on the northern side of Ballarat Carngham Road where it intersects with Dyson Road
- Public Acquisition Overlay (PAO2) along Cherry Flat Road to the north of Bells Road
- Design and Development Overlay (DDO7) south of Bells Road
- Salinity Management Overlay (SMO) in three small areas south of Bells Road
- Land Subject to Inundation Overlay (LSIO) south of Bells Road
- Environmental Audit Overlay (EAO) on two areas north of Bells Road
- Heritage Overlay (HO194) protecting the former Prince of Wales & Bonshaw Company mining site and residence north of Bells Road.

Approvals may potentially be required under the following Victorian legislation:

- permit to remove native vegetation under the *Planning and Environment Act 1987* and *Flora and Fauna Guarantee Act 1988*
- heritage permit under the *Heritage Act 1995*
- Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*
- permit for works on a waterway under the *Water Act 1989*
- permit to relocate native fauna under the *Wildlife Act 1974*.

In addition, this referral is required under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* due to the presence of EPBC Act listed threatened species and a vegetation community. If the project is deemed to be a 'controlled action' subsequent approvals will be required.

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

A referral under the Victorian *Environmental Effects Act 1978* was prepared for Ballarat West Link Road – Stage 1 and Stage 2 (the whole road alignment from the Western Highway to the Midland Highway) and was accepted by the then Department of Planning and Community Development (now Department of Environment, Land, Water and Planning (DELWP)) on 2 June 2011. On 28 July 2011 the Victorian Minister of Planning decided that an Environmental Effects Statement (EES) was not required for the Ballarat West Link Road as:

- the proposed road alignment is unlikely to have significant effects on environmental values, including terrestrial and aquatic biodiversity, particularly if appropriate avoidance and management measures are implemented during detailed design and construction
- the effect of the project on protected heritage values can be adequately addressed under the *Heritage Act 1995*
- potential impacts on the residential amenity of some adjacent areas will be considered effectively through the planning scheme amendment process under the *Planning and Environment Act 1987*.

Similarly, an EPBC Act referral for the whole of the road alignment (Stages 1 and 2) was made in 2011. The referral was subsequently reduced to address Stage 1 only. The decision was made on 9 March 2013 that Stage 1 of Ballarat West Link Road was not a controlled action.

2.6 Public consultation (including with Indigenous stakeholders)

The City of Ballarat has kept the community informed about the progress of the Ballarat West Link Road project and has continually sought input at key milestones during the development of the proposed road alignment.

An extensive consultation program was undertaken in 2009 as part of the options assessment phase of the project. The consultation program included letters to landowners affected by the alignment options, twenty-five one-on-one meetings with landowners, two community information sessions, as well as the use of Council's website and three project bulletins to disseminate information about the project.

The community has also been made aware of the project through:

- related projects, such as the Ballarat West Growth Area Precinct Structure Planning, Ballarat West Employment Zone Plan (at community sessions for these projects, Council representatives commonly responded to queries about Ballarat West Link)
- other local media, such as Ballarat West Growth Area newsletters, Council's website and media releases.

Throughout the life of the planning process for the project, the City of Ballarat has consulted with:

- property owners affected by the alignment
- the broader community
- VicRoads
- Golden Plains Shire
- Department of Environment, Land, Water and Planning
- Department of Economic Development, Jobs, Transport and Resources
- Heritage Victoria.

This has included consultation activities such as interviews with affected land owners and the Shire of Golden Plains, and a community focus group which was represented by organisations including Landcare Group of Windermere, the Ballarat West Environmental Network, the Field of Naturalists, Bird Observation and Conservation Ballarat, and Ballarat Field and Game.

Going forward, the relevant agencies, property owners and other stakeholders will be notified as part of the formal Planning Scheme Amendment process. Stakeholders and the community will be invited to attend an information session during the exhibition process for Amendment C170. Exhibition of the Amendment C170 will be the formal opportunity for members of the public to have their say about the proposed Ballarat West Link Road – Stage 2, by making a written submission.

On 26 May 2009, the Wathaurong Aboriginal Corporation was appointed as the Registered Aboriginal Party (RAP) for the Ballarat area including Ballarat West Link Road. The Wathaurong Aboriginal Corporation was consulted with extensively during development of Ballarat West Link – Stage 1. Consultation is continuing with the Wathaurong Aboriginal Corporation during planning and development of Ballarat West Link Road – Stage 2.

2.7 A staged development or component of a larger project

In 2011, a referral was made for the construction of stages one to five of Ballarat West Link Road from the Western Freeway to the Midland Highway (the entire Ballarat West Link Road alignment) (EPBC Referral reference number 2011/6133).

In December 2012, the City of Ballarat requested a variation to the originally referred proposal for Stage 1 only (in accordance with EPBC Act Guidance Note 12 for Staged Developments, where a referred action is part of a larger action that will be conducted in progressive stages), which comprised the 4.2 km section of roadway between the Western Freeway and Boulevard Drive. This variation was made in line with the outcomes of the 2011-12 State Budget where the Victorian government allocated \$2 million to the ongoing planning of Ballarat West Link Road and committed funding of \$36 million for the construction of Ballarat West Link Road – Stage

1, with an expected completion date (at the time) of November 2014. Subsequent stages (now Stage 2) are proposed for development between 2020 and 2040.

When complete, Ballarat West Link Road will comprise a 16 km arterial road along the western boundary of Ballarat from the Western Freeway to the Midland Highway including a four-lane divided roadway from the Western Freeway to the Glenelg Highway and a single lane road in each direction from the Glenelg Highway to the Midland Highway. The Ballarat West Link Road will be progressively constructed in response to the rate of urban development in and around Ballarat and upon availability of applicable funding.

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

3.1 (a) World Heritage Properties

Description

No World Heritage Properties exist within or in proximity to Ballarat West Link Road – Stage 2. The action will not impact any World Heritage Properties.

Nature and extent of likely impact

Not applicable.

3.1 (b) National Heritage Places

Description

No National Heritage Places exist within or in proximity to Ballarat West Link Road – Stage 2. The action will not impact on any National Heritage Places.

Nature and extent of likely impact

Not applicable.

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

Description

No Wetlands of International Importance (declared Ramsar wetlands) exist within or in proximity to Ballarat West Link Road – Stage 2. The action will not impact on any Wetlands of International Importance (declared Ramsar Wetlands).

Nature and extent of likely impact

Not applicable.

3.1 (d) Listed threatened species and ecological communities

Description

The ecological assessment of the Ballarat West Link Road (AECOM 2011a – refer to Attachment 3) identified one EPBC Act listed ecological community and two EPBC Act listed species as occurring or using habitat along Bells Road/Three Chain Road between the Glenelg Highway and the Midland Highway (Ballarat West Link – Stage 2). These are:

- Natural Temperate Grassland of the Victorian Volcanic Plain – along Bells Road/Three Chain Road, a number of patches of remnant vegetation (Habitat Zones) were identified and confirmed to contain the EPBC Act listed Natural Temperate Grassland of the Victorian Volcanic Plain in accordance with the diagnostic criteria set out by DSEWPaC (at the time of survey in 2011). Habitat Zone 1, 4(N), 6(N), 8(N), 8(S), 9(N), 9(S) and 10(S) (AECOM 2011a) were all considered to be Natural Temperate Grassland of the Victorian Volcanic Plain. These patches, whilst meeting the diagnostic features in terms of cover of graminoids and weeds, represent modified patches with relatively low species richness and are generally lacking significant herbs or threatened flora
- Growling Grass Frog *Litoria raniformis* – an individual Growling Grass Frog was detected by AECOM during opportunistic searches while conducting Vegetation Quality Assessments in 2011 (AECOM 2011a). Subsequent Growling Grass Frog surveys were conducted between January-February 2012, and a significant population was detected between Cherry Flat Road and the Midland Highway. This finding reflects other previous investigation records of Growling Grass Frog in the area. Given the number of records, it is considered that this population represents a significant local population
- Spiny Rice-flower *Pimelea spinescens* subsp. *spinescens* – one Spiny Rice-flower was identified during the initial flora and fauna assessment along Bells Road (AECOM 2011a). Subsequent targeted surveys for the species during June 2011, failed to detect any additional individuals (AECOM 2011b – refer to Attachment 4). A review of the Viridians biological database indicated that the Spiny Rice-flower occurs within 123 map grids (1:100 000) within Victoria. Of these, one is located within the Ballarat region. The Ballarat West Link Road is located toward the centre of the species distribution with highest densities experienced to the south in areas around Lismore and to the east (specifically the north-west outskirts) of Melbourne.

Other matters

In addition to the above-mentioned species, investigation was also undertaken into:

- Striped Legless Lizard *Delmar impar* – is known to be strongly associated with lowland native grassland habitats and spend most of their time hiding in tussock grasses, under rocks and in soil cracks (DSE, 2003). A total of seven targeted surveys were undertaken between September 2011 and January 2013 during suitable weather conditions (AECOM 2012). In accordance with the EPBC Act referral guidelines for the species (DSEWPaC, 2011), the tiles were spaced 5 m apart on vegetation with a northerly aspect. Striped Legless Lizard was not detected in any of the tile grids during targeted surveys
- Golden Sun Moth *Synemon plana* – a total of five targeted surveys for Golden Sun Moth were undertaken during the local flight season between December 2011 and January 2012 (AECOM 2012 – refer to Attachment 5). Surveys were conducted in suitable weather conditions in accordance with recommended guidelines for the species (DEWHA 2009a and 2009b). Golden Sun Moth was not detected during surveys, despite significant survey effort
- Latham's Snipe *Gallinago hardwickii* – suitable habitat for was identified in Winter Creek and its tributaries during the AECOM site assessment in 2011. Migratory birds are discussed further in Section 3.1 (e) below
- River Swamp Wallaby-grass Amphibromus fluitans – was not detected during ecological assessment of the Ballarat West Link Road alignment
- Seasonal Herbaceous Wetland (Freshwater) of the Temperate Lowland Plains – was listed under the EPBC Act in 2013. While not listed at the time of ecological survey, the ecological characteristics of this community were not identified during surveys of the Ballarat West Link Road alignment in 2011. Following favourable winter weather conditions, a targeted survey for this ecological community was undertaken in October 2015 (AECOM 2015 – Refer to Attachment 6). Surveys were conducted in suitable weather conditions in accordance with guidelines outlined by the Threatened Species Scientific Committee (Threatened Species Scientific Committee 2008 – Refer to Attachment 6). During this assessment, no seasonally wet depressions or low lying areas were observed that qualify as the Seasonal Herbaceous Wetland (Freshwater) of the Temperate Lowland Plains community due to the lack of indigenous species coverage, too high a coverage of exotic species, identified seasonally wet depressions or low lying areas were too small in area for qualification and indigenous species present are contra-indicative of the vegetation community. Seasonal Herbaceous Wetland (Freshwater) of the Temperate Lowland Plains was not detected during survey.

Nature and extent of likely impact

From the beginning of the planning phase for Ballarat West Link Road, the City of Ballarat has sought to 'design out' unacceptable environmental impacts, including on EPBC Act listed matters of national environmental significance. The first step in this process involved selection of the proposed road alignment, through a Multi-Criteria Analysis that sought to avoid and minimise potential ecological impacts. The alignment that was selected was deemed to have the least ecological impact out of all options considered.

Natural Temperate Grassland of the Victorian Volcanic Plain

Natural Temperate Grassland of the Victorian Volcanic Plain will be impacted by the project through clearing for the road and related construction activities along Bells Road/Three Chain Road – in the southernmost portion of the alignment between the Glenelg Highway and the Midland Highway. A total of 0.13 ha of isolated patches has potential to be removed during construction. These patches, whilst meeting the diagnostic features in terms of cover of graminoids and weeds, represent modified patches with relatively low species richness and are generally lacking significant herbs or threatened flora. Table 1 provides a summary of potential losses.

Table 1- Potential losses of Natural Temperate Grassland of the Victorian Volcanic Plain associated with Ballarat West Link Road – Stage 2

Stage 2

EVC	Bioregion	Conservation significance	HZ	Habitat score	Area to be lost (ha)
132_61	VVP	High	HZ1(N)	0.35	0.0134
			HZ8(S)	0.25	0.0201
			HZ9(N)	0.37	0.0370
			HZ10(S)	0.17	0.0610
Subtotal					0.13

Growling Grass Frog

There is potential for disturbance of primary habitat for the Growling Grass Frog during construction, for the road to create a physical barrier to movement and for indirect impact through runoff during construction and operation. To manage these risks a Growling Grass Frog Conservation Management Plan will be developed to further minimise potential impacts including the following management measures:

- prior to construction, targeted surveys of all waterbodies within 200 metres of the road alignment will be assessed to investigate the local status and distribution of Growling Grass Frog likely to be impacted by the development
- concurrent with construction, establish a fenced conservation buffer and undertake habitat improvement works within the conservation buffer in accordance with the Growling Grass Frog Management Guidelines (Heard et al, 2010)
- erect frog fencing to protect frogs from entering hazardous construction areas and attempt to funnel animals towards culverts/underpasses for safe dispersal and to prevent the risk of road kill
- undertake a monitoring component to assess the performance of the mitigation measures with an appropriate timeframe.

Maintaining connectivity of aquatic and terrestrial habitat between the north and south sides of the proposed road will assist Growling Grass Frog to move between suitable habitat; especially the wetlands located south of Three Chain Road where 4 individuals were recorded (AECOM, 2011a). As a result, the design of Ballarat West Link Road – Stage 2 will aim to protect and maintain critical habitat links to minimise impacts to the species. This will be achieved by utilising box culverts (or equivalent), designed in consultation with DELWP. Culverts will include light wells, ledges and timber or rocks for frog cover.

Spiny Rice-flower

A single Spiny Rice-flower was identified during the ecological assessment (AECOM 2011a). Prior to the commencement of construction, a pre-clearance survey will be undertaken. If found, any individuals will be either translocated (in accordance with an approved Spiny Rice-flower Translocation Plan) to a nominated receptor site, or be retained (depending on location), within a fenced off 'no go' zone with appropriate signage. Fencing and signage will be maintained during the construction program and left in place following construction.

Based on the ecological assessment, potential impacts will not be significant.

3.1 (e) Listed migratory species

Description

Suitable habitat in Winter Creek (south of Bells Road and Three Chain Road) was noted during the ecological assessment for the EPBC Act listed migratory species Latham's Snipe *Gallinago hardwickii* (AECOM 2011a). Latham's Snipe was the only listed migratory species considered to have a moderate or above likelihood of presence in the project area.

Nature and extent of likely impact

Whilst suitable habitat exists in Winter Creek for Latham's Snipe, due to the transient nature of this migratory species, significant impacts from Ballarat West Link Road – Stage 2 are considered unlikely.

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 in proximity to Ballarat West Link Road – Stage 2. The action will not impact Commonwealth marine areas.

Nature and extent of likely impact

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

There is no Commonwealth land in proximity to Ballarat West Link Road – Stage 2. The action will not impact Commonwealth Land.

Nature and extent of likely impact

Not applicable.

3.1 (h) The Great Barrier Reef Marine Park**Description**

Ballarat West Link Road – Stage 2 is not in proximity to the Great Barrier Reef Marine Park. The action will not impact the Great Barrier Reef Marine Park.

Nature and extent of likely impact

Not applicable.

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

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

Nature and extent of likely impact

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

3.2 (a)	Is the proposed action a nuclear action?	X	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?	X	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?	X	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?

X

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?

X

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

3.3 (a) Flora and fauna

A total of 107 vascular plant species, including 41 exotic species were recorded within the Ballarat West Link Road study area (AECOM 2011a). Three ecological vegetation communities were recorded along the existing road reserve and private properties adjoining Bells Road.

A total of 57 fauna species were recorded during the AECOM site assessment in 2011. This included seven frog species, three mammals (all introduced), 45 birds (six introduced) and two reptiles.

Species of national significance are discussed in Section 3.1(d).

3.3 (b) Hydrology, including water flows

The alignment will intersect Winter Creek (twice) and a tributary of Winter Creek once. It is expected that there will be some stormwater runoff during rain periods. Exact figures for flow and runoff will be calculated once detailed design is complete.

The Ballarat West Link Road – Stage 2 will be designed in accordance with the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999), VicRoads Road Design Guideline (RDG) Part 7 – Drainage Design and local government requirements.

3.3 (c) Soil and Vegetation characteristics

The alignment for Ballarat West Link Road – Stage 2 contains some patches of native grassland, improved pastures and some dense areas of Gorse *Ulex europaeus*, a nationally-listed high treat weed.

Full soil and geotechnical studies will be conducted closer to the commencement of construction.

3.3 (d) Outstanding natural features

Not applicable.

3.3 (e) Remnant native vegetation

The following three Ecological Vegetation Classes (EVC) were recorded in the project area:

- EVC 132_61 (*Heavier Soils Plains Grassland*): this EVC was found mostly along the existing road reserve and private properties adjoining Bells Road. This EVC is endangered within both the Victorian Volcanic Plain and Central Victorian Uplands Bioregions. In the study area, this EVC comprises mainly Wallaby-grasses *Austrodanthonia* spp., Spear-grasses *Austrostipa* spp., occasional patches of Kangaroo Grass *Themeda*

triandra and less frequently other native grasses (e.g. Tussock-grasses *Poa* spp., Grassland Wood-sorrel *Oxalis perennans*, Small St. John's Wort *Hypericum gramineum*, Onion Orchids *Microtis* sp., Tall Sundew *Drosera peltata* and Chocolate Lillies *Arthropodium strictum*

Introduced species of grasses and herbs are also present, most commonly Sweet Vernal Grass *Anthoxanthum odoratum*, Phalaris *Phalaris* spp., Wild Oat *Avena fatua*, Onion Grass *Romulea rosea*, Buck's horn Plantain *Plantago coronopus*, various medics *Medicago* spp. and clovers *Trifolium* spp

- EVC 55 (Plains Grassy Woodland): Two patches of this EVC were mapped along Bells Road. This community comprises mainly open Narrow-leaved Peppermint *Eucalyptus radiata* and occasional isolated Yarra Gum *E. yarraensis* with an open grassy understory comprising mainly Wallaby-grasses, Spear-grasses and introduced grasses and herbs with very sparse cover of native herbs (e.g. Yellow Rush-lily *Tricoryne elatior* and Chocolate Lillies
- EVC 647 (Plains Sedgy Wetland): a small patch of this EVC in degraded condition was mapped along Bells Road.

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

The gradient of the project area has not been measured; however the alignment typically slopes towards the south.

3.3 (g) Current state of the environment

The northern section of the alignment (between Boulevard Drive and Bells Road) is at varying stages of development ranging from housing development to farmland and pastures. Typically the environment in this area is dominated by non-native pasture grasses and planted wind rows of Radiata Pine *Pinus radiata*. In the southern section of the alignment along Bells Road, there are large areas of Gorse *Ulex europaeus*, a nationally recognised noxious weed.

There were no signs of erosion within the alignment.

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

There are no Commonwealth Heritage Places within the Ballarat West Link Road – Stage 2 alignment.

There are three sites where a consent to disturb will be required in accordance with the *Heritage Act 1995*. These sites are:

- 362 Albert Street Sebastopol (Prince of Wales site) (H7622-0137)
- 362 Albert Street Sebastopol (Bonshaw site) (H7622-0217)
- Albion mullock heap (which forms part of the Prince Imperial and Albion Console Heritage Inventory site).

The Avenue of Honour, Western Highway (H2089) is subject to a Heritage Significance Overlay as it is listed on the Victorian Heritage Register and on the Register of the National Estate. This place is located to the north of Ballarat West Link Road – Stage 2 and will not be impacted by this proposal.

3.3 (i) Indigenous heritage values

An archaeological assessment was undertaken in 2009 to identify areas of Aboriginal cultural heritage sensitivity. The assessment confirmed that there are no registered sites of Aboriginal cultural heritage significance within the Ballarat West Link Road – Stage 2 alignment. There are, however, areas of Aboriginal cultural sensitivity and as such a Cultural Heritage Management Plan will be prepared and approved prior to construction to minimise impacts on areas of potential Aboriginal cultural heritage sensitivity.

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

Winter Creek exists to the south of Three Chain Road and Bells Road and is considered likely to provide habitat for a range of individual frog and waterbird species.

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

Land is mostly freehold, with few parcels larger than 40 ha and many fewer than 8 ha. The southern-most area of the alignment along Bells Road is contained within an existing road reserve.

3.3 (l) Existing land/marine uses of area

The dominant current land uses along the alignment are industrial, residential and rural living areas. Many of the rural areas along the alignment have been earmarked for future development in the Ballarat West Growth Area Plan.

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

The proposed use for the project area is as an arterial road.

4 Environmental outcomes

Successful development of the Ballarat West Link Road – Stage 2 must balance the long-term demand for road use and accessibility to the Ballarat West Employment Zone and the Ballarat West Growth Area with the potential impact on environmental values, including EPBC Act listed species such as the Growling Grass Frog and Spiny Rice-flower, and ecological communities such as Natural Temperate Grassland of the Victorian Volcanic Plain.

At the strategic level, the proposed development has sought to 'design out' unacceptable significant impacts. The first step in this process involved selection of the proposed road alignment, through a Multi-Criteria Analysis, that sought to avoid and minimise potential ecological impacts.

A result of this design intent is environmental outcomes that specifically relate to matters on national environmental significance (refer to Table 2). These environmental outcomes are linked to management measures that are informed by monitoring (refer to Table 2).

Table 2 - Environment outcomes for Ballarat West Link Road – Stage 2

Outcome	Management measures	Monitoring
No net loss to the extent and distribution of Spiny Rice Flower <i>Pimelea spinescens</i> from Ballarat West Link Road – Stage 2	<ul style="list-style-type: none"> Design is currently being refined to further minimise potential impacts Based on the indicative design, 1 Spiny Rice-flower would be potentially directly impacted by the project To further minimise impact, a pre-clearance survey will be undertaken prior to the commencement of construction If found, any directly impacted Spiny Rice-flower would be translocated to a suitable receptor site (to be detailed in an approved Spiny Rice-flower Translocation Plan) or be retained within a fenced off 'no go' zone with appropriate signage, sediment controls and training of project personnel 	<ul style="list-style-type: none"> If required, the condition of translocated plants will be monitored prior to, during and immediately post translocation (to be detailed in a Spiny Rice-flower Translocation Plan) The receptor site will be monitored in accordance with Commonwealth and Victorian requirements
No net loss of Natural Temperate Grassland of the Victorian Volcanic Plain from Ballarat West Link Road – Stage 2	<ul style="list-style-type: none"> Design is currently being refined to further minimise potential impacts Based on the indicative design, approximately 0.13 ha of isolated patches would be potentially directly impacted by the project, in the southernmost portion of the alignment between the Glenelg Highway and the Midland Highway Remaining Natural Temperate Grassland of the Victorian Volcanic Plain would be managed during construction, including through fenced 'no go' areas, appropriate sediment controls and training of project personnel 	<ul style="list-style-type: none"> Condition of remaining Grassy Eucalypt Woodland will be monitored regularly throughout construction
	<ul style="list-style-type: none"> Ecological offsets will be calculated for the total 0.13ha of Natural Temperate Grassland of the Victorian Volcanic Plain which will be potentially be removed, closer to the commencement of construction, and offsets will be secured that meet Commonwealth and Victorian requirements 	<ul style="list-style-type: none"> Ecological offsets will be monitored in accordance with Commonwealth and Victorian requirements

Outcome	Management measures	Monitoring
No net loss to the extent and distribution of primary habitat for Growling Grass Frog from Ballarat West Link Road – Stage 2	<ul style="list-style-type: none"> • Design is currently being refined to further minimise potential impacts • To manage risks, a Growling Grass Frog Conservation Management Plan will be developed to further minimise potential impacts • Management measures will include targeted surveys of all waterbodies within 200m of the road alignment to investigate the local status and distribution of Growling Grass Frog likely to be impacted by the project • Concurrent with construction, establish a fenced conservation buffer and undertake habitat improvement works within the conservation buffer in accordance with the Growling Grass Frog Management Guidelines (Heard et al, 2010) • Erect frog fencing to protect frogs from entering hazardous construction areas and attempt to funnel animals towards culverts/underpasses for safe dispersal and to prevent the risk of road kill • Maintain connectivity of aquatic and terrestrial habitat between the north and south sides of the proposed road through use of box culverts (or equivalent) designed in consultation with DELWP 	<ul style="list-style-type: none"> • Condition of remaining Growling Grass Frog and Growling Grass Frog habitat will be monitored regularly throughout construction (to be detailed in a Growling Grass Frog Management Plan)

These proposed environmental outcomes, management measures and monitoring, have been informed by various ecological assessments of the Ballarat West Link Road – Stage 2 (AECOM, 2011a, 2011b, 2012 and 2015), which included:

- desktop assessment of databases and previous ecological investigations
- field assessment including for native vegetation, listed threatened ecological communities, and seasonally-appropriate targeted surveys for listed threatened species, which informed the development of appropriate management controls and mitigations (refer Section 5).

5 Measures to avoid or reduce impacts

As a result of the intent to 'design out' unacceptable significant impacts, there will not be a significant impact on any matter of national environmental significance, with potential impacts limited to:

- potential removal of 0.13 ha of isolated, degraded patches of Natural Temperate Grassland of the Victorian Volcanic Plain
- protection and enhancement of critical habitat, and design of culverts and features to maintain connectivity (and viability) of the Growling Grass Frog population
- potential translocation of a single Spiny Rice-flower.

During construction, residual environmental risk will be managed through an Environmental Management Plan for each stage of works. These plans will detail the environmental management requirements to be followed during construction. This will include:

- the requirements for environmental management during the planning, implementation, review and evaluation of the project
- roles and responsibilities
- environmental controls and limits to ensure identified environmental objectives and targets are met
- environmental inspection and audit requirements
- environmental monitoring and contingency plans.

The Environmental Management Plan will include specific management measures for EPBC Act matters, which are outlined below.

Natural Temperate Grassland of the Victorian Volcanic Plain

Where possible, the removal of native vegetation will be avoided. Where avoidance is not possible, management measures to minimise and mitigate potential impacts will be implemented, including offsets. To date, this has included adopting the following three step approach:

Step 1: avoid adverse impacts, particularly through vegetation clearance

Since 2009, the City of Ballarat has commissioned a number of studies relating to Ballarat West Link Road. Of these, AECOM was engaged to explore the environmental, social and cultural impacts of the road (AECOM 2009). This report identified the current options as the one most likely to avoid native vegetation and the impacts associated with vegetation clearance.

Step 2: where impacts cannot be avoided, explore appropriate options to minimise those impacts

Whilst the detailed design for Ballarat West Link Road – Stage 2 has not been finalised, the City of Ballarat has committed to exploring ways to further minimise vegetation clearance. The road footprint will range from 40-60 m wide between Learmonth Road and Glenelg highway, and will only be 11 m wide from the Midland Highway to Glenelg Highway. Therefore, there will be further opportunities to minimise vegetation loss and its impacts throughout the detailed design phase.

Step 3: identify offsets associated with the loss of habitat zones

This step addresses the 'Net Loss' requirements associated with the loss of native vegetation within Ballarat West Link Road – Stage 2 study area in line with *Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines* (DEPI 2013). As the construction timeframe for this project is 2020-2040, offsets will be re-calculated for the total 0.13 hectares which will potentially be removed closer to the commencement of construction.

Growling Grass Frog

Due to the presence of a significant population of Growling Grass Frog between Cherry Flat Road and the Midland Highway, a Growling Grass Frog Conservation Management Plan will be developed to further minimise potential impacts. The Conservation Management Plan will include specific mitigation measures such as:

- prior to construction, targeted surveys of all waterbodies within 200 metres of the road alignment will be assessed to investigate the local status and distribution of Growling Grass Frog likely to be impacted by the development
- concurrent with construction, establish a fenced conservation buffer and undertake habitat improvement works within the conservation buffer in accordance with the Growling Grass Frog Management Guidelines (Heard et al, 2010)

- erect frog fencing to protect frogs from entering hazardous construction areas and attempt to funnel animals towards culverts/underpasses for safe dispersal and to prevent the risk of road kill
- undertake a monitoring component to assess the performance of the mitigation measures with an appropriate timeframe.

Maintaining connectivity of aquatic and terrestrial habitat between the north and south sides of the proposed road will assist Growling Grass Frog movement between suitable habitat; especially the wetlands located south of Three Chain Road where 4 individuals were recorded (AECOM, 2011a). As a result, the design of Ballarat West Link Road – Stage 2 will aim to protect and maintain critical habitat links to minimise impacts to the species. This will be achieved by utilising box culverts (or equivalent), designed in consultation with DELWP. Culverts will include light wells, ledges and timber or rocks for frog cover.

Spiny Rice-flower

Prior to the commencement of construction, a pre-clearance survey will be undertaken and if located a Spiny Rice-flower Translocation Plan will be developed to further minimise potential impacts. If found, individuals will be either translocated to a nominated receptor site, or be retained (depending on location), within a fenced off 'no go' zone with appropriate signage. Fencing and signage will be maintained during the construction program and left in place following construction.

6 Conclusion on the likelihood of significant impacts

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.

The proposed development has sought to 'design out' unacceptable environmental impacts including on matters of national environmental significance. As a result of this design intent, there will not be a significant impact on any matter of national environmental significance; being 'important, notable or of consequence, having regard to its content or intensity' (DoE 2013). Specifically, there will be:

- potential impact on only 0.13 ha of small isolated patches of Natural Temperate Grassland of the Victorian Volcanic Plain
- protection and enhancement of critical habitat and design of culverts and features to maintain connectivity (and viability) of any Growling Grass Frog population
- potential translocation of a single Spiny Rice-flower.

It is therefore not a controlled action. Further detail as to why this proposal is not a controlled action is provided below.

Natural Temperate Grassland of the Victorian Volcanic Plain

The design has sought to avoid potential impacts on Natural Temperate Grassland. There is potential impact on 0.13 ha, which represents only 0.00002% of the total 5,245 ha currently known to occur within the Victorian Volcanic Plain IBRA Bioregion (Threatened Species Scientific Committee 2008). The small patches potentially impacted are relatively isolated and do not form part of a corridor or larger area of Natural Temperate Grassland. Whilst impacts to this community could be considered significant, when considered in a regional context, this impact is considered marginal due to the quality and small quantity of vegetation to be removed.

Spiny Rice-flower

The EPBC Act policy statement 3.11 (DEWHA 2009b) provides information on the significant impact guidelines for the Spiny Rice-flower. Three criteria apply to this species to determine if a significant impact will occur as part of a proposed action including:

- 1) contiguous habitat area – will the action result in fragmentation of the population
- 2) population viability (medium to long term) – will the action result in the loss of more than 5 individuals
- 3) extent of occurrence – will the action impact on the loss of individuals at the edge of the species known distribution.

In response to these criteria, AECOM considers that given the fragmented nature of the habitat zones, their location along an existing road and the fact that the majority of habitat zones will not be removed, a significant impact is considered unlikely. The second criterion relates to the location of the species within its natural range. The existing individual is not considered at the edge of the species range and as such this criterion does not apply. Based on surveys completed to date, the number of Spiny Rice-flower individuals within the Ballarat West Link Road – Stage 2 alignment is below this threshold (5 or more specimens).

Growling Grass Frog

A Growling Grass Frog population is known to occur within the Ballarat West Link Road – Stage 2 alignment along Three Chain Road and in the residential precinct to the north of Three Chain Road. The full extent (distribution) and abundance of this population is not known but it is likely that in addition to overland dispersion, Winter Creek and tributaries (that cross Ballarat West Link Road – Stage 2) are used for dispersion.

There is potential for disturbance of primary habitat for the Growling Grass Frog during construction, for the road to create a physical barrier to movement and for indirect impact through runoff during construction and operation. To manage these risks a Growling Grass Frog Conservation Management Plan will be developed to further minimise potential impacts including the following management measures:

- prior to construction, targeted surveys of all waterbodies within 200 m of the road alignment will be assessed to investigate the local status and distribution of Growling Grass Frog likely to be impacted by the development
- concurrent with construction, establish a fenced conservation buffer and undertake habitat improvement works within the conservation buffer in accordance with the Growling Grass Frog Management Guidelines (Heard et al, 2010)
- erect frog fencing to protect frogs from entering hazardous construction areas and attempt to funnel animals towards culverts/underpasses for safe dispersal and to prevent the risk of road kill
- undertake a monitoring component to assess the performance of the mitigation measures with an appropriate timeframe.

Maintaining connectivity of aquatic and terrestrial habitat between the north and south sides of the proposed road will assist Growling Grass Frog moving between suitable habitat; especially the wetlands located south of Three Chain Road where 4 individuals were recorded (AECOM, 2011a). As a result, the design of Ballarat West Link Road – Stage 2 will aim to protect and maintain critical habitat links to minimise impacts to the species. This will be achieved by utilising box culverts (or equivalent), designed in consultation with DEPI. Culverts will include light wells, ledges and timber or rocks for frog cover.

6.3 Proposed action IS a controlled action

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)

7 Environmental record of the responsible party

	Yes	No
<p>7.1 Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>The City of Ballarat recognises its role in meeting the challenges of responsible environmental and sustainability. In doing so it is guided by international, national and state sustainability frameworks and strategies, as well as participating with local and regional partners (councils, water authorities, community environmental groups and organisations) in implementing sustainable practices and developing policies, strategies and frameworks. As early as 1991 the City of Ballarat took a significant step towards addressing sustainability issues when it produced the Ballarat Region Conservation Strategy which initiated very successful long term projects such as the Linear Network of Community Spaces program, Ballarat Environment Network and the Ballarat Region Seed Bank.</p> <p>The City of Ballarat continued the impetus from the first Conservation Strategy releasing a revised strategy in 1999. More recently, the need for sustainable living and development in the municipality has been recognised in the City's strategic documents – Blueprint Ballarat (City of Ballarat 2004) and the Municipal Strategic Statement (MSS) (City of Ballarat 2005a). The development of Council's Environmental Sustainability Strategy (2007) builds on the work achieved through the previous conservation strategies (MSS and Blueprint Ballarat), and is another step towards addressing the sustainability challenge. In 2011 the City of Ballarat prepared Amendment C141 – Ballarat Open Space Strategy and Environment Sustainability Strategy. The changes included revised strategies and policies in the Municipal Strategic Statement. These changes support the strategic objectives for the municipality's environment sustainability and public open space provisions identified in the strategies.</p>	X	
<p>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?</p> <p>If yes, provide details</p>		X
<p>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?</p>	X	

If yes, provide details of environmental policy and planning framework

City of Ballarat is incorporated under the Victorian *Local Government Act 1989*.

Environmental policies and planning documentation that determine the Council's actions include:

1. Ballarat Planning Scheme, in particular:
 - Clause 21.06 Environment
 - Selected zones and overlays including the Rural Conservation Zone, Public Conservation and Resource Zone and schedule specifying conservation policies in other zones
 - Overlays that determine development action actions include: Environmental Significance Overlay; Vegetation Protection Overlay; Significant Landscape Overlay and Heritage and Built Form Overlays, as well as schedule to other Overlays determining and guiding actions.
2. Other major strategies and policies including:
 - Ballarat Open Space Strategy
 - Ballarat Environmental Sustainability Strategy
 - Ballarat Health and Well Being Plan.

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?

X

Provide name of proposal and EPBC reference number (if known)

Previously referred actions by the City of Ballarat, under the EPBC Act include:

EPBC (2011/6133) Ballarat Western Link Road, Ballarat VIC

EPBC (2010/5536) Irrigation repair Eureka Stockdale Gardens, Ballarat VIC

EPBC (2009/5221) Australian Democracy Centre at Eureka – Stage 2 Development, Ballarat VIC

EPBC (2008/3989) Eureka Stockdale Gardens Bore Water Infrastructure, Ballarat VIC

Ballarat (2006/2899) Bo Peep Wind Farm Energy Generation and Supply, Ballarat VIC

8 Information sources and attachments

(For the information provided above)

8.1 References

AECOM 2009. *Ballarat Western Link Road Alignment Options Assessment Report*. Prepared for the City of Ballarat 27 November 2009.

AECOM 2011a. *Flora and Fauna Assessment – Ballarat Western Link Road*. Prepared for the City of Ballarat 18 May 2011.

AECOM 2011b. *Addendum 1 – Updated Net Gain and Targeted Surveys, Flora and Fauna Assessment – Ballarat Western Link Road*. Prepared for the City of Ballarat June 2011.

AECOM 2012. *Addendum 2 – Updated net Gain and targeted Surveys, Flora and Fauna Assessment – Ballarat Western Link Road*. Prepared for City of Ballarat May 2012.

AECOM 2015, Ballarat Western Link Road – Stage 2, Targeted Survey for Seasonal Herbaceous Wetland (Freshwater) of the Temperate Lowland Plains. Prepared for City of Ballarat November 2015.

City of Ballarat 2012, Ballarat West Precinct Structure Plan.

DEPI 2103. *Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines*. Department of Environment and Primary Industries, Victoria.

DEWHA 2009a. *Significant Impact Guidelines for the Critically Endangered Golden Sun Moth (Synemon plana)*. Department of the Environment, Water, Heritage and the Arts, Canberra.

DEWHA 2009b. *Background Paper to EPBC Act Policy Statement 3.12 – Significant Impact Guidelines for the Critically Endangered Golden Sun Moth (Synemon plana)*. Department of the Environment, Water, Heritage and the Arts, Canberra.

DEWHA 2009c. *Matters of National Environmental Significance, - Significant Impact Guidelines 1.1* Australian Government Department of Environment, Water, Heritage and the Arts.

DoE 2013. *Matters of National Environmental Significance: Significant impact guidelines 1.1*. Prepared by the Department of Environment, 2013.

DSEWPac 2011. *Environment Protection and Biodiversity Conservation Act 1999 referral guidelines for the vulnerable striped legless lizard, Delamir impar*. Department of Sustainability, Environment, Water, Population and Communities, Canberra.

DSE 2003. *Flora and Fauna Guarantee Action Statement #17 – Striped Legless Lizard Delmar impar*. Department of Sustainability and Environment, East Melbourne.

Heard et al, 2010. *Guidelines for managing the endangered Growling Grass Frog in urbanising landscapes*. Prepared for Department of Sustainability and Environment August 2010.

Threatened Species Scientific Committee 2008. *Commonwealth Listing Advice on Natural Temperate Grassland of the Victorian Volcanic Plain*. Prepared for the Department of Environment, Water, Heritage and the Arts.

8.2 Reliability and date of information

This referral is based on a number of surveys undertaken by AECOM during 2010, 2011 and 2012 (AECOM 2011a, 2011b and AECOM 2012).

With one exception, surveys by AECOM for the Spiny Rice Flower observed changes in land use and/or disturbance habitat zones since AECOM's initial assessment. These disturbances are likely to have reduced the

likelihood of detecting this species. Disturbance to habitat zones generally consisted of mowing and slashing presumably to mitigate fire risk. The grazing livestock was also prevalent within private properties. The greatest level of disturbance was noted in the eastern area of Sebastopol-Smythesdale Road. In this section of alignment, the existing road is of a dirt gravel construction. A visual inspection of the area indicates that traffic has moved into identified areas of habitat zones presumably to avoid inundated sections of the road following high rainfall events. This appears to have resulted in significant disturbance to some of the habitat zones with track marks clearly evident. Signs of slashing, mowing and illegal dumping of rubbish were also evident in this section of the alignment.

8.3 Attachments

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)	✓	Attachment 1 and Attachment 2 (included in Section 2)
	GIS file delineating the boundary of the referral area (section 1)		
	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)		
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)		
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)		
	copies of any flora and fauna investigations and surveys (section 3)	✓	Attachment 3 Attachment 4 Attachment 5 Attachment 6
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)		
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		

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 action¹.

Project title: Ballarat West Link Road – Stage 2

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 Act², 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 action³.

1. Name and Title:

Mr Terry Demeo – General Manager City Services

2. Organisation (if applicable):

City of Ballarat

3. EPBC Referral Number (if known):

4: ACN / ABN (if applicable):

ABN – 37 601 599 422

5. Postal address PO Box 655, Ballarat, Victoria 3353

6. Telephone: 03 5320 5896

7. Email: terrydemeo@ballarat.vic.gov.au

8. Name of designated proponent (if not the same person at item 1)

¹ 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.

² 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.

³ 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.

above and if applicable):
9. ACN/ABN of
designated proponent (if
not the same person
named at item 1 above):

**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:

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



26/02/2016

Date

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 Mr Mukul Hatwal (with assistance from AECOM Australia Private Ltd.)
Title Strategic Planning Project Manager
Organisation City of Ballarat

ACN / ABN (if applicable) ABN – 37 601 599 422
Postal address PO Box 655, Ballarat, Victoria 3353
Telephone 03 5320 5896
Email mukulhatwal@ballarat.vic.gov.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 26/02/2016

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).

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/>)

