



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

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 that 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)
- 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 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 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 Referral Business Entry Point (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

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.

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

Instructions

Instructions are provided in green 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 two megabytes (2mb) 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 Referral Business Entry Point for advice. Attachments larger than two megabytes (2mb) 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 submit a referral?

Referrals may be submitted by mail, fax or email.

Mail to:

Referral Business Entry Point
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
CANBERRA ACT 2601

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

Fax to: 02 6274 1789

- Faxed documents must be of sufficiently clear quality to be scanned into electronic format.
- Address the fax to the mailing address, and clearly mark it as a 'Referral under the EPBC Act'.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

Email to: 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 Sustainability, Environment, Water, Populations and Communities Community Information Unit on 1800 803 772 or
- visit the web site www.environment.gov.au/epbc

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: 275 O'Herns Road, Epping, Victoria

1 Summary of proposed action

NOTE: You must also attach a map/plan(s) 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.

275 O'Herns Road is to be developed as a new integrated, contemporary employment node within Melbourne's north. The project will involve the subdivision of land between O'Herns Road and Cooper Street (east of the Hume Freeway) to establish a mix of employment generating uses, including industrial (warehousing and manufacturing), commercial office and showroom development. The 62 hectare site forms part of the Cooper Street Employment Area and is within the Victorian Government's Melbourne 2030 northern growth corridor (Whittlesea).

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
NW corner	-37	38	4.7	144	59	40.0
NE corner	-37	38	7.2	145	0	12.3
SE corner	-37	38	32.4	145	0	7.9
SW corner	-37	38	28.8	144	59	40.0

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

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

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

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 site is located approximately 3km west of Epping and approximately 20km north of the Melbourne CBD (Figure 1 in Biosis Research 2012 attached). The site is immediately north of the North Point industrial subdivision and shares its western boundary with the Hume Freeway. The northern site boundary is formed by O'Herns Road. North of O'Herns Road the study area is adjacent to Places Victoria Aurora residential subdivision which is located on both sides of Edgars Creek.

The property is within the Victorian Volcanic Plain Bioregion. The topography is gently undulating and generally supports rocky, gilgai soils which have been subject to pasture improvement. A number of small rocky outcrops are present and the land is intersected by an ephemeral section of Edgars Creek in the east and the Vearings Road Drain in the west.

1.4 **Size of the development footprint or work area (hectares)** 62 ha (approx.)

1.5 **Street address of the site** 275 O'Herns Road Epping

1.6 Lot description

Describe the lot numbers and title description, if known.

Lot 2 PS518286R

1.7	Local Government Area and Council contact (if known) If the project is subject to local government planning approval, provide the name of the relevant council contact officer. City of Whittlesea (Jodie Johnston, Senior Strategic Planner, 03 9217 2241)		
1.8	Time frame Specify the time frame in which the action will be taken including the estimated start date of construction/operation. Construction is estimated to commence in mid-late 2012. It is expected that the action will be undertaken over a 5-7 year period.		
1.9	Alternatives to proposed action Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?	X	No
			Yes, you must also complete section 2.2
1.10	Alternative time frames etc Does the proposed action include alternative time frames, locations or activities?	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 Is the action subject to a state or territory environmental impact assessment?	X	No
			Yes, you must also complete Section 2.5
1.12	Component of larger action Is the proposed action a component of a larger action?	X	No
			Yes, you must also complete Section 2.7
1.13	Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?	X	No
			Yes, provide details:
1.14	Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project?	X	No
			Yes, provide details:
1.15	Great Barrier Reef Marine Park Is the proposed action inside the 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

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.

Subdivision of the land for commercial / industrial development in accordance with the Schedule 2 to the Comprehensive Development Zone (Cooper Street Employment Area Comprehensive Development Plan) under the Whittlesea Planning Scheme.

Figure 5 within Biosis Research (2012): Proposed subdivision Concept Plan

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).

Not Applicable (N/A)

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.

Not Applicable (N/A)

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.

Local Government Planning Scheme (City of Whittlesea)

In June 2006, the Minister for Planning in Victoria approved Amendment C31 to the Whittlesea Planning Scheme which sought to rezone approximately 244 hectares (including the subject property) to Schedule 2 to the Comprehensive Development Zone (Cooper Street Employment Area Comprehensive Development Plan).

The purpose of Schedule 2 to the Comprehensive Development Zone is to recognise the strategic importance of Cooper Street as an area for the establishment of a major employment node -including a diverse range of business, industrial and commercial uses - and to provide for the use and development of subject property generally in accordance with the Cooper Street Employment Area Comprehensive Development Plan.

The Cooper Street Employment Area Development Plan was approved by the City of Whittlesea on 16 October 2007.

Development of the site will seek to remove native vegetation. It is likely that none of the exemptions identified in Clause 52.17-6 of the Whittlesea Planning Scheme would apply, and that removal of native vegetation as proposed would require a permit under Clause 52.17 of the local planning scheme and the *Planning and Environment Act 1987*.

The thresholds in Clause 66 of the planning scheme would be triggered and therefore DSE would be a mandatory referral authority.

The proposed subdivision is located within Melbourne's Urban Growth Boundary (UGB) - as defined prior to 2005 - and therefore is not part of the more recently expanded growth areas covered as part of the Australian Government Minister for Environment's strategic assessment of the expansion of Melbourne's UGB under the Delivering Melbourne's Newest Sustainable Communities Program and the Strategic Impact Assessment Report (SIAR) (DSE 2009).

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).

Not Applicable (N/A)

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.

A 'Notice of Intention to Prepare a Cultural Heritage Management Plan' was submitted to Aboriginal Affairs Victoria (AAV) and the Registered Aboriginal Party (RAP) for the activity area, the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. (Wurundjeri) on 6 September 2011. The Wurundjeri responded on 8 September 2011, indicating that they would be involved with the project and would evaluate the CHMP.

Following an initial desktop assessment, a project induction meeting was held with Darren Griffin and Bobbie Mullins of Wurundjeri in September 2011 to outline the nature of the activity area, the proposed activity, and technical details of how the field assessment (including survey and sub surface testing) should proceed.

During October and November 2011, Wurundjeri staff undertook a pedestrian survey (standard assessment) and sub surface testing (complex assessment) of the activity area.

Following the completion of the field work, AAV has assessed and issued site card numbers for the six sites located within the activity area and the technical component of the CHMP has been completed.

Following review of the proposed management recommendations to be contained within the CHMP, a further meeting was held with Darren Griffin and representatives of Wurundjeri in January 2012 to discuss and agree upon the recommendations to be contained within the CHMP prior to its completion and submission.

It is estimated that the final CHMP be submitted to Wurundjeri for evaluation by February 2012, with approval likely to be provided during March 2012.

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).

Not Applicable (N/A)

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.

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

The Protected Matters Search Tool does not identify any World Heritage Properties that may occur in, or relate to, the nominated area.

Nature and extent of likely impact

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

The proposed action is not likely to impact the World Heritage values of any World Heritage Property.

3.1 (b) National Heritage Places

Description

The Protected Matters Search Tool does not identify any National Heritage Places that may occur in, or relate to, the nominated area.

Nature and extent of likely impact

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

The proposed action is not likely to impact the National Heritage values of any National Heritage Place.

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

Description

The Protected Matters Search Tool does not identify any Wetlands of International Importance (Ramsar sites) that may occur in, or relate to, the nominated area.

Nature and extent of likely impact

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

The proposed action is not likely to impact the ecological character of any Ramsar wetlands.

3.1 (d) Listed threatened species and ecological communities

Description

The Protected Matters Search Tool identifies four listed ecological communities which may occur within the site:

- Grassy Eucalypt Woodland of the Victorian Volcanic Plain (critically endangered); community known to occur within area.
- Natural Temperate Grassland of the Victorian Volcanic Plain (critically endangered); community likely to occur within area.
- Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia (endangered); community may occur within area.
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland; community may occur within area.

Grassy Eucalypt Woodland of the Victorian Volcanic Plain, Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia and White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland are not present within the site (Biosis Research 2012).

Six patches of vegetation which satisfy the description of Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) have been identified within the site (Figure 3 in Biosis Research 2012). These patches cover a total of 0.67 ha and were assessed to constitute 0.24 habitat hectares (DSE 2004).

The Protected Matters Search Tool identifies 22 listed threatened species of relevance to the site (5 birds, 3 fish, 1 frog, 1 insect, 2 reptiles, 3 mammals and 7 plants). These species are listed in Appendix 3 and 4 of the Flora and Fauna Assessment Report (Biosis Research 2012). Records of listed species within 5 km of the site are shown in **Figure A** (obtained from the Victorian Biodiversity Atlas).

Two listed species, Golden Sun Moth *Synemon plana* and Matted Flax-lily *Dianella amoena*, have been recorded from the site, while Edgars Creek provides a habitat link for another (Growling Grass Frog *Litoria raniformis*). All three of these species were the subject of targeted surveys and their known distribution is detailed in **Figure A**.

The site also provides potential habitat for Striped Legless Lizard *Delma impar* but no survey was conducted for this species. Current assessments for matters of national environmental significance in Melbourne's expanded urban growth boundary (UGB) presume Striped Legless Lizard is present in all remnants of native grassland. To be consistent with this practice within the expanded UGB, the same approach has been adopted for this site.

No other nationally threatened flora species were recorded on site during the targeted surveys. One plant species considered endangered in Victoria, Small Scurf-pea *Cullen parvum*, was recorded in small numbers within the study area. One bird species considered vulnerable in Victoria, Baillon's Crake *Porzana pusilla*, was recorded in small numbers along Edgar's Creek.

The habitat present is either unsuitable or has been modified to the extent that the other listed flora species have been eliminated or are unlikely to occur, except for Curley Sedge *Carex tasmanica*, which if present would be restricted to drainage lines within the study area. This species was not observed within the Vearings Road Drain, while Edgars Creek will generally be protected by a 50 m wide (on average) buffer zone. Sterile material which could be Curley Sedge was observed along Edgars Creek but no flowering material could be located.

The other listed fauna species are unlikely to reside in this environment or are otherwise considered locally extinct. Growling Grass Frog are likely to utilise the Edgars Creek riparian environment as a

habitat corridor as breeding populations of this species are known to the north and the south of this property.

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.

A total of 0.60 ha of NTGVVP would be lost in association with the proposed development footprint. Based on the approved prescription for this community within the nearby expanded urban growth boundary, the proposed subdivision is not expected to have a significant impact on this community and would be offset in a manner consistent with the approved prescription.

A total of 52.11 ha of Golden Sun Moth habitat was identified within the property (Biosis Research 2011 & 2012). This includes the 1.09 ha of native vegetation and 51.02 ha of degraded treeless vegetation (DTV - vegetation dominated by exotic species, particularly Chilean Needle-grass *Nassella neesiana*). Of this habitat the proposed subdivision would result in the clearing of 0.613 ha of native grassland vegetation and 44.89 ha of DTV. A total of 6.13 ha of DTV and 0.07 ha of native grassland vegetation would be retained within the buffer for Edgars Creek.

Of the four individuals of Matted Flax-lily identified by targeted searches, two would be impacted by the proposed development and two would be retained within the buffer for Edgars Creek. The two within the development area would be translocated into the buffer zone, subject to an approved translocation plan.

No impact on Curly Sedge is anticipated as the proposed buffer for Edgars Creek includes all the available habitat for this species associated with this drainage line. The proposed development is also unlikely to result in a significant change to the creeks hydrology.

Development of the site would be conducted in a manner consistent with the Striped Legless Lizard prescription developed under the SIAR. It is considered unlikely that this development would have any significant impact on this species given the context of the site within the broader development of the Melbourne UGB.

The proposed subdivision includes a 50 m buffer (on average) along Edgars Creek. This buffer Zone will be managed in a manner which allows this area to function as a habitat corridor for the movement of Growling Grass Frog between known breeding populations to the north (within the Aurora subdivision) and the south (within quarries and stormwater treatment areas associated with Edgars Creek near Coopers Street, Epping).

3.1 (e) Listed migratory species

Description

Listed migratory species recorded or predicted to occur within a 5km radius of the proposed development are listed in Table 1 below (records obtained from the Victorian Biodiversity Atlas and EPBC Protected Matters Search Tool).

Table 1: Listed migratory species recorded or predicted to occur within 5km of the affected area

Scientific Name	Common Name	Most recent record	Likelihood of occurrence within proposed development area
<i>Leipoa ocellata</i>	Malleefowl	#	No habitat present
<i>Gallinago hardwickii</i>	Latham's Snipe	2002/#	May utilise wetlands on occasion
<i>Rostratula australis</i>	Australian Painted Snipe	#	No habitat present

<i>Ardea modesta</i>	Eastern Great Egret	#/1991	May utilise wetlands on occasion
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	#	No habitat present
<i>Merops ornatus</i>	Rainbow Bee-eater	2007/#	No habitat present
<i>Hirundapus caudacutus</i>	White-throated Needletail	#/1989	Species may forage above the site on occasion.
<i>Apus pacificus</i>	Fork-tailed Swift	#/1986	Species may forage above the site on occasion.
<i>Rhipidura rufifrons</i>	Rufous Fantail	#	No habitat present
<i>Myiagra cyanoleuca</i>	Satin Flycatcher	#	No habitat present
<i>Acrocephalus stentoreus</i>	Clamorous Reed Warbler	2008	Some habitat present, species may be present on occasions.
<i>Anthochaera phrygia</i>	Regent Honeyeater	#/1986	No habitat present
<i>Ardea ibis</i>	Cattle Egret	#/1991	Some habitat present, species may be present on occasions.

indicates record from the PMST

Nature and extent of likely impact

Address any impacts on the members of any listed migratory species, or their habitat.

While some of these migratory species would be expected to use the study area on occasions, and some of them may do so regularly or may be resident, it does not provide important habitat for an ecologically significant proportion of any of these species.

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

The proposed action is not within or in close proximity to a Commonwealth marine area.

Nature and extent of likely impact

The proposed action is not likely to impact the ecological character of any Commonwealth marine area.

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

The proposed action is not within or in close proximity to 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.

The proposed action is not likely to impact the ecological character of any Commonwealth land.

3.1 (h) The Great Barrier Reef Marine Park

Description

Not Applicable

Nature and extent of likely impact

Address any impacts on any part of the environment of the Great Barrier Reef Marine Park.

Not Applicable

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

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?	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

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 values of the site are comprehensively described by Biosis Research (2012). These values are summarised as follows:

The site is dominated by a dense, almost continuous sward of exotic grasses, predominantly Chilean Needle-grass *Nassella neesiana*. Only small scattered areas meet the definition of a patch of native vegetation (DSE 2007) with the majority of the site classified as Degraded Treeless Vegetation. However the rocky and gilgai nature of much of the soil provides numerous gaps and open areas which include numerous indigenous species.

The site supports a number of small areas dominated by native grasses and other herbs which equate to areas of the ecological vegetation class (EVC) Plains Grassland (EVC 132). This vegetation also corresponds to Natural Temperate Grassland of the Victorian Volcanic Plains Community.

A total of 64 indigenous and 63 introduced plant species have been recorded from the site. Of the introduced species, six are declared noxious weed species (1 State prohibited species and 5 regionally controlled species).

A population of the EPBC Act listed Matted Flax-lily *Dianella amoena* was recorded from the study area during targeted searches for this species. These searches also identified a population of Small Scurf-pea *Cullen parvum* which is endangered in Victoria.

The property also supports eight scattered remnant River Red-gum trees including one group of three trees which satisfies the definition of a patch of Plains Grassy Woodland (EVC 55).

Remnant vegetation along the drainage line of Edgars Creek corresponds to Creekline Tussock Grassland (EVC 654).

All three of the vegetation communities recorded are listed as endangered within the bioregion.

One nationally significant fauna species, Golden Sun Moth *Synemon plana*, has been recorded in large numbers across much of the site during 2010 (Biosis Research 2011) and this species was detected again in 2011 (Biosis Research 2012). Much of the 52.11 ha of identified habitat is dominated by the exotic Chilean Needle-grass, which is believed to be a larval food plant, rather than being relatively intact native grassland.

Targeted surveys failed to detect a resident population of Growling Grass Frog *Litoria raniformis*. However these surveys did detect one species of state significance, Baillon's Crane *Porzana pusilla*, within the riparian vegetation of Edgars Creek.

The site also provides habitat for two other significant fauna species, Grey-headed Flying-fox

Pteropus poliocephalus and Striped Legless Lizard *Delma impar* and 26 additional flora species of state and national significance (although none of these have been confirmed from the site).

3.3 (b) Hydrology, including water flows

The study area forms part of the headwaters of Edgars Creek which is an ephemeral waterway that traverses the eastern corner of the site.

The western side of the property is traversed by the Vearing Road Drain. This ephemeral drain did support flows during this assessment and was searched for Curly Sedge and Growling Grass Frog (Biosis Research 2012).

3.3 (c) Soil and Vegetation characteristics

Soils are derived from basalt and numerous basalt floaters and rocky outcrops are present, particularly along Edgars Creek. Soils often have a gilgai formation, and this in conjunction with the broad presence of embedded rock have restricted the agricultural development of the property. Approximately 10 ha in the south west of the property have been cropped in the past (Tom Love, previous property owner, pers. comm.) and this section of the property supports a relatively dense cover of Toowoomba Canary-grass *Phalaris aquatica*.

Otherwise the site is dominated by a dense, almost continuous sward of exotic grasses, predominantly Chilean Needle-grass *Nassella neesiana*, Toowoomba Canary-grass and Cocksfoot *Dactylis glomerata*. However the rocky and gilgai nature of much of the soil provides numerous gaps and open areas which include numerous indigenous species such as wallaby-grasses *Austrodanthonia* spp., Small St John's Wort *Hypericum gramineum*, Weeping Grass *Microlaena stipoides*, Grassland Wood-sorrel *Oxalis perennans*, Hairy Willow-herb *Epilobium hirtigerum* and Blue Devil *Eryngium ovinum*.

The site supports a number of small areas dominated by outcropping rock. The vegetation within these areas is dominated by native grasses and other herbs and equate to areas of *Heavier Soils* Plains Grassland (EVC 132-61).

The property also supports eight remnant trees including one group of three River Red-gum *Eucalyptus camaldulensis* trees which satisfies the definition of a patch of Plains Grassy Woodland (EVC 55). The five scattered trees include one Yellow Box *E. melliodora*, one Swamp Gum *E. ovata* and three additional River Red-gums.

The rocky bed and banks of Edgars Creek supports a substantial cover of Common Spike-sedge *Eleocharis acuta* and a variety of other indigenous herbs and grasses. This delineates the main occurrence of indigenous wetland vegetation within the study area. As the area is treeless our assessment (Biosis Research 2012) suggests this vegetation is best described as a remnant of Creekline Tussock Grassland (EVC 654).

3.3 (d) Outstanding natural features

Beyond the features defined above the site is not considered to support any other outstanding natural features.

3.3 (e) Remnant native vegetation

The site supports six small areas dominated by native grasses and other herbs which equate to areas of the ecological vegetation class (EVC) Plains Grassland (EVC 132). This vegetation also corresponds to NTGVVP Community which is listed under the EPBC Act.

The property also supports eight remnant trees (see above) and remnant native wetland species along Edgars Creek (see above).

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

The site is a part of a broader gently undulating volcanic plain with two low gradient drainage lines.

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 a dense, almost continuous sward of exotic grasses, predominantly Chilean Needle-grass *Nassella neesiana*. Only eight, small scattered areas meet the definition of a patch of native vegetation (DSE 2007) with the majority of the site classified as Degraded Treeless Vegetation. However the rocky and gilgai nature of much of the soil provides numerous gaps and open areas which include numerous indigenous species.

The two drainage lines present are well armoured by deeply imbedded basalt rock and erosion is minimal.

About 10 ha in the south west of the site has been previously cropped. The balance of the property appears to have been subject to pasture improvement and fertilizer application (Tom Love, previous property owner, pers. comm., Biosis Research 2011).

The previous land use has included cropping and grazing by domestic stock. Cattle were removed from the site approximately one month prior to the habitat hectare assessment.

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

No places within the property are identified as supporting Commonwealth listed heritage values.

3.3 (i) Indigenous heritage values

The site has been subject to a cultural heritage assessment (see Section 2.6).

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).

Craigieburn Grasslands Flora and Fauna Reserve is approximately 2.5 km to the north west of the property although there are no direct habitat corridors to this reserve. Habitat continuity with this reserve is severed by the Hume Freeway. However buffers along Edgars Creek provide some level of habitat continuity with grassland reserves to the north within the Aurora housing development and wetlands to the south near Coopers Street.

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

The site is freehold land zoned for industrial development.

3.3 (l) Existing land/marine uses of area

Until recently the land was agricultural land managed in part for cropping but predominantly for the grazing of domestic stock.

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

The land is zoned for industrial development within Melbourne's urban growth boundary (UGB). This zone was in place prior to the recent expansion of the UGB.

4 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 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).

The primary impact avoidance measure adopted by the proposed subdivision is the retention of a 50 m (on average) buffer zone along Edgars Creek. The section of Edgars Creek within the property does not support suitable breeding habitat for Growling Grass Frog (GGF) but the value of the creek as a movement corridor is acknowledged by the proponent and DSE. The corridor would maintain habitat continuity between populations located on or adjacent to Edgars Creek within a kilometre to both the north and south of this property. The buffer will be managed to maintain its values as a GGF corridor, and maintain and improve its values for native grassland and Matted Flax-lily conservation. This will be conducted in a manner consistent with an Edgars Creek buffer zone conservation management plan approved by DSE and SEWPAC.

This buffer zone consists of a 50 m wide (average) buffer either side of the creek. This provides a total buffer area of over 6.6 ha. One crossing of Edgars Creek is included within the proposed subdivision design, consistent with the requirement of the Cooper Street Employment Area Development Plan prepared and approved by the City of Whittlesea. This crossing would be constructed in a manner to maintain habitat continuity and be consistent with the approved buffer zone conservation management plan to be prepared for this section of Edgars Creek.

The proposed buffer width was guided by the draft sub-regional strategy for the conservation of GGF within the expanded urban growth boundary (DSE 2011a), the habitat values present and the existing creek buffers provided to the north and south of this property.

Mitigation measures for all other matters of NES are proposed to be consistent with the approved SIAR prescriptions (DSE website) for the nearby expanded areas of the UGB. The property is located adjacent to land recently included within the expanded Urban Growth Boundary and therefore subject to the assessment protocols associated with the Strategic Impact Assessment Report. These measures are considered appropriate and practical in terms of reporting, auditing and enforcement for the site and are described in full by Biosis Research (2012) and are summarised as follows:

The proposed loss of native vegetation within the study area results in an offset prescription of 0.458 hha. Under the DSE offset prescriptions for impacts to native grassland within the expanded UGB offsets would be provided by a contribution of \$137,500 per habitat hectare to the management of the Western Grassland Reserve (DSE 2010). If this offset prescription was applied to this proposal, this would require an offset contribution of **\$62,975.00 for impacts to native grasslands**. This amount includes the potential for GSM to occur within this habitat.

The presence of Matted Flax-lily (MFL) outside the proposed buffer zone for Edgars Creek is proposed to be managed by translocation. Plants outside this buffer zone would be relocated to suitable sites within the buffer, which would then be managed to control weeds and enhance its ecological values in a manner consistent with the conservation of this species and GGF. The draft biodiversity conservation strategy (DSE 2011b) applies a levy of an additional \$6000 to \$8000 per hectare of native vegetation to provide for the conservation of MFL in other areas. If this levy was applied to the loss of native vegetation associated with the proposed development footprint (0.69 ha) this would require an additional offset payment of **\$5,520.00** for this species.

Additional costs associated with MFL are likely to result from requirements to translocate plants recorded outside the Edgars Creek buffer. This would require the production and implementation of a translocation plan. It is estimated that this could cost approximately **\$10,000.00**.

The property supports **52.11 ha** of habitat for Golden Sun Moth (GSM). Of this **6.60 ha** will be retained within the Edgars Creek buffer of which **0.62 ha** is native vegetation. The balance of 44.89 ha of degraded treeless GSM habitat would be lost as part of the development footprint identified in Figure 5 of Biosis Research (2012). At the compensation rate of \$44,000/ha (DSE 2010) this would amount to a payment of **\$1,975,160.00**. At a rate of \$8000/ha (DSE 2011c) this would amount to a contribution of **\$359,120.00**.

In accordance with the SIAR prescription for Striped Legless Lizard *Delma impar* (SLL), all patches of native vegetation within the property are presumed to be habitat for the SLL. The prescription for this species requires that a salvage plan be prepared and implemented (DSE 2011d). A site specific salvage plan would cost about **\$10,000.00**.

The following costing of the salvage plan assumes that no SLL will be found and that the minimum salvage requirements would apply. The proposed development footprint supports 0.6 ha of native grassland vegetation proposed to be cleared. With a prescription to provide 20 salvage plots per hectare (DSE 2011d) this would require 12 plots. Salvage plots can be completed at an average of 15 per day therefore requiring one day to complete this salvage exercise. Each salvage day is estimated to cost about \$5,000.00 and therefore the cost of the salvage exercise is estimated at **\$5,000**.

Based on our experience for Large Old Tree (LOT) offsets within this bioregion it is estimated that an offset LOT is valued at about \$5000. The protection of 22 LOTs is therefore expected to cost **\$110,000**.

The proponent would provide compensation payments to DSE for the management of approved areas for GSM and grassland conservation in a staged manner. In association with the approvals process for the development of each Stage of the subdivision, the proponent will provide a

contribution prior to the commencement of each stage of the subdivision. This payment will be based on the current approved rates of compensation, the area of impact and the relevant matters of NES.

Summary of Offset Costs

If the currently approved SIAR prescriptions are applied, this would result in offset costs estimated at a total of **\$2,173,135.00**. If the offsets proposed by the draft Biodiversity Conservation Strategy and related sub-regional species strategies are applied the total offset costs are estimated at **\$562,615.00**. Contributions of the approved rate at the time of development would most likely generate offset contributions between these two estimates.

5 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.

5.1 Do you THINK your proposed action is a controlled action?

<input checked="" type="checkbox"/>	No, complete section 5.2
<input type="checkbox"/>	Yes, complete section 5.3

5.2 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 proposed subdivision could be assessed as not a controlled action subject to specified conditions. It is proposed that if the conditions are consistent with the existing SIAR conditions and any approved changes to those conditions, then this subdivision would fit within that broader approved framework and contribute to the conservation framework providing an improved conservation outcome for the relevant matters of NES within the Melbourne UGB and associated grassland/grassy woodland reserve system.

5.3 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"/>	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.

6 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
<p>6.1 Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>MAB Corporation has been delivering innovative, high quality commercial, residential, retail and industrial property developments since 1995. A number of our projects feature award-winning examples of best-practice environmental management and sustainability initiatives.</p>	X	
<p>6.2 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>6.3 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> <p>If yes, provide details of environmental policy and planning framework</p> <p>Not Applicable</p>		X
<p>6.4 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?</p> <p>Provide name of proposal and EPBC reference number (if known)</p> <p>MAB Corporation Pty Ltd/Industry/Campbellfield/VIC/Ford Motor Company Subdivision/2001/169</p> <p>Merrifield Corporation Pty Ltd/Mickleham/VIC/Merrifield Central Commercial and Industrial Subdivision/2009/4721</p>	X	

7 Information sources and attachments

(For the information provided above)

7.1 References

- List the references used in preparing the referral.
- Highlight documents that are available to the public, including web references if relevant.

Biosis Research 2011. 275 O'Herns Road, Epping: Flora and fauna assessment. Report to Tom Love. Authors: Steve Mueck & Clare McCutcheon, Biosis Research Pty Ltd, Melbourne. Project no. 12849

Biosis Research 2012. 275 O'Herns Road, Epping: Flora fauna and Habitat Hectare assessment. Report to MAB Corporation. Authors: Steve Mueck, Anthony Byrne & Daniel Gilmore, Biosis Research Pty Ltd, Melbourne. Project no. 13806

The following references are publicly available documents. All can be accessed from the DSE website (dse.vic.gov.au):

DSE 2004. *Native Vegetation: Sustaining a living landscape. Vegetation Quality Assessment Manual – Guidelines for applying the habitat hectares scoring method. Version 1.3.* Department of Sustainability and Environment, Melbourne.

DSE 2007. *Native Vegetation - Guide for assessment of referred planning permit applications.* Victorian Government, Department of Sustainability and Environment, East Melbourne.

DSE 2009. *Delivering Melbourne's Newest Sustainable Communities - Strategic Impact Assessment Report* for Environment Protection and Biodiversity Conservation Act 1999. DSE, Melbourne.

DSE 2010. *Delivering Melbourne's Newest Sustainable Communities: Offset requirements for native vegetation and Golden Sun Moth.* DSE, Melbourne.

DSE 2011a. *Sub-regional Species Strategy for the Growling Grass Frog.* DSE, Melbourne.

DSE 2011b. *Biodiversity Conservation Strategy for Melbourne's Growth Areas: Draft for public consultation.* DSE, Melbourne.

DSE 2011c. *Sub-regional Species Strategy for the Golden Sun Moth.* DSE, Melbourne.

DSE 2011d. *Salvage & translocation of Striped Legless Lizard in the urban growth area of Melbourne: Operational plan.* DSE, Melbourne.

7.2 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 information in Section 3 is based on the surveys and assessments conducted by Biosis Research during 2011 and reported in 2011 and 2012. A copy of Biosis Research (2012) is appended to this referral and documents all the relevant survey dates and associated uncertainties.

7.3 Attachments

Indicate the documents you have attached. All attachments must be less than two megabytes (2mb) so they can be published on the Department's website. Attachments larger than two megabytes (2mb) may delay the processing of your referral.

Biosis Research (2012) and the associated 5 figures
Figure A

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)	✓	Figure 1 in Biosis Research 2012
	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)	✓	Figure A
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)	NA	
	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)	✓	<i>275 O'Herns Road, Epping: Flora fauna and Habitat Hectare assessment.</i> Report to MAB Corporation. Authors: Steve Mueck, Anthony Byrne & Daniel Gilmore, Biosis Research Pty Ltd, Melbourne. Project no. 13806
	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)		

8 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:

8.1 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.

Name	Matthew Planner
Title	Development Manager
Organisation	MAB Corporation Pty. Ltd.
ACN / ABN (if applicable)	ACN - 065 207 230
Postal address	PO Box 7657 St Kilda Road Victoria 8004
Telephone	(03) 8681 2288 / 0412 223 970
Email	mplanner@mab.com.au
Declaration	I declare that the information contained in this form is, to my knowledge, true and not misleading. I agree to be the proponent for this action.
Signature	
	28/02/2012
	Date

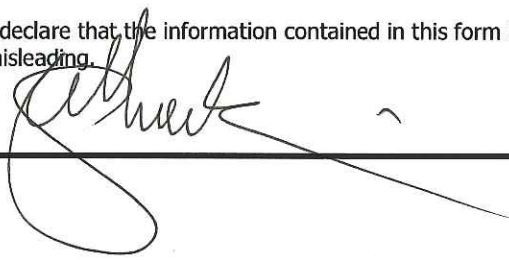
¹ If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed. However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person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

8.2 Person preparing the referral information (if different from 8.1)

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

Name	Stephen Mueck
Title	Senior Consultant Botanist
Organisation	Biosis Research Pty. Ltd.
ACN / ABN (if applicable)	006 175 097 / 65 006 175 097
Postal address	P.O. Box 489 Port Melbourne 3207
Telephone	(03) 9646 9499
Email	SMUECK@Biosisresearch.com.au
Declaration	I declare that the information contained in this form is, to my knowledge, true and not misleading.
Signature	
Date	28/02/2012

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 complete contact details and signed the form?
- ☐ Provided copies of any documents referenced in the referral form?
- ☐ Ensured that all attachments are less than two megabytes (2mb)?
- ☐ Sent the referral to the Department (electronic and hard copy preferred)?