



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 Commonwealth Environment Minister or the Minister's delegate. (Further references to 'the Minister' in this form include references to the Commonwealth Environment Minister or the Minister's delegate.) To obtain approval from the Minister, a proposed action must be referred. The purpose of a referral is to enable the Minister to decide whether your proposed action will need assessment and approval under the EPBC Act.

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

Who can make a referral?

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

When do I need to make a referral?

A referral must be made by the person proposing to take an action if the person thinks that the action for actions that has, will have, or is likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

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

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

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

- Submitting a referral under the EPBC Act – A fact sheet for a person proposing to take an action
<http://www.environment.gov.au/epbc/publications/factsheet-environment-assessment-process>

- the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance <http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-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 <http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-12-actions-or-impacting-upon-commonwealth-land-and-actions>
- the Policy Statement titled Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources <http://www.environment.gov.au/resource/significant-impact-guidelines-13-coal-seam-gas-and-large-coal-mining-developments-impacts>
- the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location) <http://www.environment.gov.au/epbc/pmst/index.html>

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 contact the Referrals Gateway (1800 803 772).

Do I need a permit?

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

Is your action in the Great Barrier Reef Marine Park?

If your action is in the Great Barrier Reef Marine Park it may require permission under the *Great Barrier Reef Marine Park Act 1975* (**GBRMP Act**). If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB of the 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* (**GBRMP Regulations**). If a permission is not required under the GBRMP Act, no approval under the EPBC Act is required (see section 43 of the 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?

Please complete all parts of this form to assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal, please enter N/A.

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

Instructions

Instructions are provided in blue text throughout the form.

Attachments/supporting information

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

Coloured maps, figures or photographs to help explain the proposed action 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 five megabytes (5mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referrals Gateway (email address below) for advice. Attachments larger than five megabytes (5mb) may delay processing of your referral.

Note: The Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence. If you believe that your referral contains information that is commercial-in-confidence, you must clearly identify such information and the reason for its confidentiality at the time of making the referral. The Minister cannot be satisfied that particular information included in a referral is commercial-in-confidence unless a person demonstrates to the Minister that:

- release of the information would cause competitive detriment to the person; and
- the information is not in the public domain; and
- the information is not required to be disclosed under another law of the Commonwealth, a State or a Territory; and
- the information is not readily discoverable.

How do I pay for my referral?

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

<http://www.environment.gov.au/epbc/publications/cost-recovery-cris>

If you are an individual or a small business, you may be exempt from paying the referral fee. See Part 9 of this form for further details.

You may apply for all or part of a fee to be waived. See Part 9 of this form for further details.

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

• EFT Payments can be made to:

BSB: 092-009

Bank Account No. 115859

Amount: \$7352

Account Name: Department of the Environment.

Bank: Reserve Bank of Australia

Bank Address: 20-22 London Circuit Canberra ACT 2601

Description: The reference number provided (see note below)

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

The Referrals Gateway
Environment Assessment Branch
Department of the Environment

GPO Box 787
Canberra ACT 2601

- **Credit Card**

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

Note: an invoice will be raised and forwarded to you upon submission of your referral which will include the EPBC reference number for your referral.

How do I submit a referral?

Referrals may be submitted by mail or email.

Mail to:

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

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

Email to: epbc.referrals@environment.gov.au

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral in a suitable electronic document format (e.g. Microsoft Word and, if possible, PDF).
- If submitting via email, please also mail a hardcopy of the referral 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. Any person may give the Minister comments on the referral within 10 business days of publication on the Department's website.

The Department will write to you within 20 business days to advise you of the outcome of your referral and whether or not 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.

For more information

- call the Department of the Environment Community Information Unit on 1800 803 772 or
- visit the web site <http://www.environment.gov.au/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

**Proposed
action title:**

Land Subdivision at 135 O'Herns Road, Epping
Victoria

1 Summary of proposed action

NOTE: In addition to completing the fields below, you must also attach a map of the area affected by the action that includes the following features (if relevant): the location of the action; the approximate boundary of the areas and habitat mentioned in items 3.1 and 3.2; and to the extent practicable and relevant, the tenure of the project area of the proposed action (e.g. freehold, leasehold etc.).

It is the Department's preference that maps are provided in A4 size and that the geographic information system (GIS) vector (shapefile) dataset associated with the maps is also provided.

1.1 Short description

Use 2 or 3 sentences to uniquely identify the proposed action and its location. It is important clearly describe the scope of the action accurately because this description lays the basis for the assessment and approval decision-making processes. For the purposes of the EPBC Act, an action includes:

- a project; and
- a development; and
- an undertaking; and
- an activity or series of activities; and
- an alteration of any of the above.

An action does not include:

- a decision by a government body to grant a governmental authorisation for another person to take an action; and
- grant funding from a government body,

where, a government body is the Commonwealth, a Commonwealth agency, a State or self-governing Territory; an agency of a State or a self-governing Territory or an authority established by a law applying in a Territory that is not a self-governing Territory.

The description should refer, as appropriate, to relevant maps.

You should obtain your own advice on whether the action you propose to refer constitutes an 'action' for the purposes of the EPBC Act.

The action comprises the subdivision of 30ha of private land for commercial and industrial use, including the provision of roads and necessary services to the proposed Lots created by the subdivision.

The Land is currently vacant former farmland, but is zoned Comprehensive Development Zone 2, and forms part of the broader, 250ha Cooper Street Employment Area (CSEA). The objective of the CSEA is to provide industrial services, functions and employment to the growing population of the Northern suburbs of Melbourne, and forms a key location for future employment generating uses.

Various parcels within the CSEA have already been subdivided and developed for commercial and industrial use.

- 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	
	Latitude				Longitude			
Order	Degrees	Minutes	Seconds		Degrees	minutes	Seconds	
1	37	38	9.17	S	145	0	28.62	E
2	37	38	10.82	S	145	0	45	E
3	37	38	35.56	S	145	0	40.64	E
4	37	38	33.94	S	145	0	24.19	E

See Attachment 2 for the detailed map of the boundary of the proposed action. A GIS-compliant file is also attached to this Referral.

The Protected Matters Search Tool may provide assistance in determining the coordinates of the project area of the proposed action.

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

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

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

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

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

Do not use AMG coordinates.

- 1.3 **Locality and property description**

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

The property on which the proposed action will take place is a 31.218ha parcel of private land located within Epping, in Melbourne's Northern suburbs. The site is approximately 18km North of the Melbourne Post Office.

The site is a parcel within the designated 'Cooper Street Employment Area', which was incorporated by the City of Whittlesea in the early 2000's. The site is zoned 'Comprehensive Development Zone Schedule 2' (CDZ2), and abuts other CDZ2 land to the South and West. The site abuts Industrial Land to the East.

The purpose of the CDZ (at clause 37.02 in the scheme) is to "provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme". In other words, the land is zoned appropriately for Commercial and Industrial development outcomes.

A Development Plan for the CSEA was adopted by The City of Whittlesea in October 2007.

The site has an approximate 400m frontage (at the Northern Boundary) to O'Herns Road Epping, and is approximately 800m deep from the O'Herns Road frontage.

1.4	Size of the development footprint or work area (hectares)	The site is 31.218ha in total	
1.5	Street address of the site	The street address of the site is 135 O'Herns Road Epping, Victoria.	
1.6	Lot description Describe the lot numbers and title description, if known.	<p>The property is identified as; Portion 7 Section 4 Parish of Wollert. Parent Title Volume 06577 Folio 331 Created by Instrument H932329, 03/04/1980</p> <p>Title Plan TP 293642F refers and provides further details and boundaries</p>	
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.	<p>City of Whittlesea Murray Ness - Principal Planner Established Areas Planning (03) 9217 2573 0428 120 849 murray.ness@whittlesea.vic.gov.au www.whittlesea.vic.gov.au Street Address: Civic Centre, 25 Ferres Boulevard, South Morang 3752 (Melway 183 A10) Postal Address: Locked Bag 1, Bundoora MDC, 3083</p>	
1.8	Time frame Specify the time frame in which the action will be taken including the estimated start date of construction/operation.	It is proposed to subdivide the land in 3 to 4 stages, with subdivision works commencing on the 1 st stage mid 2017. It is anticipated that the last subdivision stage would be complete in 2019	
1.9	Alternatives to proposed action Were any feasible alternatives to taking the proposed action (including not taking the action) considered which are not proposed?	✓	No
			Yes, please also complete section 2.2
1.10	Alternative time frames, locations or activities Does the proposed action include alternative time frames, locations or activities?	✓	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 and 5 (where relevant).
1.1	Commonwealth,	✓	No - Local Planning Permit Application to the City of Whittlesea

1	State or Territory assessment Is the action subject to other a Commonwealth, State or Territory environmental impact assessment?		Yes, please also complete section 2.5
1.1 2	Component of larger action Is the proposed action a component of a larger action?	✓	No
			Yes, please also complete section 2.7
1.1 3	Related actions/proposals Is the proposed action related to other actions or proposals in the region?	✓	No
			Not strictly. A related entity (Edgars Rd Pty Ltd) undertook an action in another parcel of the Cooper Street Employment Area in 2008, which was referred to the DoEE. See Section 7.4 below for more details.
			Yes, provide details:
1.1 4	Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake the proposed action?	✓	No
			Yes, please also complete section 2.8
1.1 5	Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?	✓	No
			Yes, please also complete section 3.1 (h), 3.2 (e)

2 Detailed description of proposed action

NOTE: You **must** complete each of the sections below. Please ensure that the description is complete and includes all components and activities associated with the action. If relevant, each of the matters below need to be addressed in respect of each alternative location, time frame, or activity that is identified as part of the description. 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

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

It is proposed to Subdivide the land into a number of commercial and industrial lots, to facilitate the land uses allowed under the 'Comprehensive Development Zone 2' land zoning (i.e. commercial and industrial development).

Related infrastructure such as roads, intersections, footpaths, open space, and services installations (drainage, sewerage, water, electricity, gas, telecommunications) will be provided as part of the subdivision, in accordance with the Subdivision Planning Permit to be issued by the City of Whittlesea.

The proposed subdivision Concept Plan is provided as Attachment 3 to this Referral.

2.2 Feasible alternatives to taking the proposed action

If you have identified that alternatives to taking the action were considered, but are not proposed (in section 1.9), please complete this section. Please provide a detailed description outlining any feasible alternatives to taking the proposed action (including not taking the action) that were considered but are not proposed. (Please note that these do not include any proposed alternative locations, time frames, or activities that form part of the proposed action which are to be discussed below at section 2.3).

Not applicable

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), please complete this section. Please 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, please also complete (where relevant) the details in sections 1.2-1.9, 2.4, 2.7, 3 and 5. 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

2.4 Context, including any relevant planning framework and state/local government requirements

Please 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) and social and economic context including as population size, economic opportunities and employment information. Describe any applicable Commonwealth or state legislation or policies (other than those related to other environmental impact assessment which are to be discussed below at section 2.5).

The Land is zoned 'Comprehensive Development Zone 2' within the City of Whittlesea Planning Scheme.

The Land is a parcel within the designated 'Cooper Street Employment Area Development Plan' (CSEADP), an incorporated document in the Whittlesea Planning Scheme.

The Development will be subject to the Conditions imposed by the City of Whittlesea through the issue of a Planning Permit. An application for Planning Permit has been made for the Development.

2.5 Environmental impact assessments under Commonwealth, State or Territory legislation

If you have identified that the proposed action will be, is being or has been subject to a Commonwealth, State or Territory environmental impact statement (in section 1.11), please complete this section. Please describe any environmental assessment of the relevant impacts of the proposed action that has been, is being, or will be carried out under Commonwealth, State or Territory legislation. Specify the type and scope of the assessment (for example, whether the assessment relates to part or the whole of the proposed action, or the proposed action, as a component of a larger action), the relevant legislation and the current status of any assessments or approvals. Where possible, provide contact details for the relevant assessment contact officer. Further, please 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

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.

Extensive consultation was conducted (by the City of Whittlesea) during the land rezoning and Development Plan approval process. The relevant amendments relating to the approval of the CSEADP were known as C31 and C71. Exhibition of both amendments was completed in 2004 & 2005, submissions were heard by a panel hearing and a directions hearing was then completed.

With respect to indigenous stakeholders, a Cultural Heritage Management Plan has been prepared for the land and a Notice of Approval was issued under the Aboriginal Heritage Act 2006. (CHMP number 10172, Notice of Approval dated 31/12/2010).

A copy of the approved CHMP is attached to this application as Attachment 10

2.7 A staged development or component of a larger action

If you have identified that the proposed action is a component of a larger action (in section 1.12), please complete this section. Please 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 action (e.g. 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

2.8 Related actions

If you have identified that the proposed action has related actions (in section 1.13), please complete this section. Please provide information about the related actions including, as appropriate:

- the nature, scope and location of the related action;
- the nature and scope of the assessment under the relevant legislation;
- a statement confirming how the action relates to the Proposed Action;
- the key documents produced as part of the assessment, by whom and when (using active statements), and the extent to which the assessment of the action is relevant to the assessment of the impacts of the Proposed Action on the matters protected by the Controlling Provisions of the EPBC Act and the related findings of this Report. Please cross reference to the analysis of the impacts of the Proposed Action below;
- public consultation during the assessment including the extent (i.e. duration and means) and results; and
- if available, the conclusion of the assessment and final decision following assessment, i.e. approval, approval subject to conditions or refusal.

Not applicable

3 Description of environment & likely impacts

Note: If you have identified alternatives in relation to location, time frames or activities as part of the proposed action at section 1.10 and 2.3, please complete this section in relation to each of the alternatives identified.

3.1 Matters of national environmental significance

Describe the affected area and the likely impacts of the proposed action on 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.

For each matter protected by the EPBC Act, provide a description of the matter including, as appropriate:

- a brief description of the matter (for example, for threatened species, the population size, habitat, breeding, diet and life cycle etc);
- the status, extent and condition of the matter within the affected area and also more broadly in the region; and
- the key threats and threatening processes and beneficial actions and processes for the Protected Matter(s) excluding those from the proposed action, for example, under relevant approved conservation advices, recovery plans or threat abatement plans, management plans or other strategic plans, management principles or obligations under International Conventions.
- Having identified the relevant matters protected under the EPBC Act, identify the impacts the proposed action will or is likely to have on these matters (e.g. light, noise, biodiversity loss, water quality etc). For each type of impact, provide a concise description of the likely nature, scope and consequences of the impact on the Protected Matter(s). In doing so, consider factors such as, as appropriate: whether the impact is a direct or indirect impact - **note that, even if your proposed action 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) by its indirect impacts;**
- the timing and duration of the likely impact, for example, one-off, re-occurring or ongoing, short term or long term;
- the extent of the impact, for example, uncertain or certain, permanent/irreversible or temporary/ reversible, and localised or broad-scale;
- the likely consequence of the impact on the Protected Matter(s), including both adverse and beneficial impacts and any related social and economic impacts;
- the likelihood of the impact affecting the Protected Matter(s); and
- whether there are any measures available to prevent and avoid, or mitigate and repair the consequences of, the impact.

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

- specific values of individual World Heritage properties and National Heritage places and the ecological character of Ramsar wetlands;
- profiles of relevant species/communities (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*; and
- Associated sectoral and species policy statements available on the web site, as relevant.

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

3.1 (a) World Heritage Properties

Description

The Site is not a World Heritage property.

Nature and extent of likely impact

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

Not applicable

3.1 (b) National Heritage Places

Description

The Site is not a World Heritage place.

Nature and extent of likely impact

[Address any impacts on the National Heritage values of any National Heritage place.](#)

Not applicable

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

Description

The site does not support any wetlands of international importance, nor do any occur in the surrounding area.

Nature and extent of likely impact

[Address any impacts on the ecological character of any Ramsar wetlands.](#)

Not applicable

3.1 (d) Listed threatened species and ecological communities

Description

Detailed information on flora and fauna investigations undertaken in the study area between 2007 and 2016 are provided in Attachments 4 through 8 of this Referral.

Ecological communities

According to a PMST report, generated on the 13th January 2017 (Attachment 9 of this referral), six EPBC Act listed ecological communities have the potential to occur in the study area:

- Grassy Eucalypt Woodland of the Victorian Volcanic Plain;
- Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia;
- Natural Damp Grassland of the Victorian Coastal Plains;
- Natural Temperate Grassland of the Victorian Volcanic Plain;
- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains; and
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.

Based on descriptions of the habitat in the study area from the most recent and relevant flora and fauna assessment report (BL&A 2017b (Attachment 8)), only two of these listed ecological communities were given further consideration as having the potential to occur, the Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) and the Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (SHWTLP).

The remaining four ecological communities were not considered to potentially occur in the study area, as the vegetation does not support any woodland habitat and is located inland, away from the coast.

A field survey to determine the presence/absence of NTGVVP and SHWTLP in the study area was undertaken during the most recent native vegetation assessment at the site in December 2016 BL&A (2017a) (Attachment 7) and BL&A 2017b (Attachment 8). The results of this survey are provided below.

As noted in the amended native vegetation assessment report (BL&A 2017b (Attachment 8)), the majority of the study area is dominated by introduced flora and does not support the potential for any listed communities. Three small patches of native vegetation occur in the study area including two areas of Stony Knoll Shrubland and one area of Plains Grassy Wetland. The Stony Knoll Shrubland patches were both dominated by a shrub layer and lacked the native grassy cover to allow consideration as NTGVVP as per the key diagnostic features and condition thresholds for NTGVVP (TSSC 2008).

The patch of Plains Grassy Wetland recorded in the southern part of the study area is 0.054 hectares and falls well below the minimum wetland size as documented in Part C of the condition thresholds for the SHWTLP (TSSC 2012). The Plains Grassy Wetland also did not meet the condition thresholds for NTGVVP (TSSC 2008).

Based on the above considerations, NTGVVP and SHWTLP are not considered to occur in the study area. Therefore, no EPBC Act listed ecological communities occur in the study area.

Species

The review of existing information indicated that 24 EPBC Act listed fauna species and 14 flora species have previously been recorded within the search region or for which potential habitat occurs according to the PMST. Based on the findings from the previous flora and fauna assessment reports (BL&A 2008a (Attachment 4); BL&A 2008b (Attachment 5) & BL&A 2017b (Attachment 8)), the likelihood of

occurrence of these species in the study area was analysed and the results are presented in Table 1 below.

This analysis of potential occurrence of EPBC Act listed species excludes:

- Marine fauna given that the study area is inland;
- Freshwater fish given the absence of water bodies in the study area;
- Most wetland bird species given the absence of wetlands in the study area of a size large enough to support wetland species; and
- Migratory oceanic bird species (such as albatrosses and petrels) and migratory shorebirds given that the study area is inland and does not support any wetlands of a reasonable size.

This analysis indicates that 9 listed species are likely to occur or have the potential to occur in the study area. These species are:

- Flora species:
 - Adamson's Blown-grass
 - Maroon Leek-orchid
 - Matted Flax-lily
 - River Swamp Wallaby-grass
 - Swamp Everlasting
 - White Sunray
- Fauna species:
 - Golden Sun Moth.
 - Striped Legless Lizard; and
 - White-throated Needle-tail

Table 1: EPBC Act listed species occurring within a 10 kilometre radius of the site and likelihood of occurrence in the study area

Common Name	Scientific Name	EPBC status	Comments on likelihood of occurrence
Flora			
Adamson's Blown-grass	<i>Lachnagrostis adamsonii</i>	EN	Limited suitable habitat present within the study area. Targeted flora surveys carried out in December 2016 failed to detect the species. Therefore, considered unlikely to occur . Regular flowering period: November to December (DoEE SPRAT file)
Charming Spider-orchid	<i>Caladenia amoena</i>	EN	Suitable habitat not present within the study area - unlikely to occur
Clover Glycine	<i>Glycine latrobeana</i>	VU	Suitable habitat not present within the study area - unlikely to occur
Large-headed Fireweed	<i>Senecio macrocarpus</i>	VU	Suitable habitat not present within the study area - unlikely to occur
Leafy Greenhood	<i>Pterostylis cucullata</i>	VU	Suitable habitat not present within the study area - unlikely to occur
Maroon Leek-orchid	<i>Prasophyllum frenchii</i>	EN	Limited suitable habitat present within the study area. Targeted flora surveys carried out in December 2016 failed to detect the species. Therefore, considered unlikely to occur . Regular flowering period: October to December (DoEE SPRAT file)

Matted Flax-lily	<i>Dianella amoena</i>	EN	Limited suitable habitat present within the study area. Targeted flora surveys carried out in December 2016 failed to detect the species. Therefore, considered unlikely to occur . Regular flowering period: October to April (DoEE SPRAT file)
River Swamp Wallaby-grass	<i>Amphibromus fluitans</i>	VU	Limited suitable habitat present within the study area. Targeted flora surveys carried out in December 2016 failed to detect the species. Therefore, considered unlikely to occur . Regular flowering period: November to March (DoEE SPRAT file)
Round-leaf Pomaderris	<i>Pomaderris vacciniifolia</i>	CR	Suitable habitat not present within the study area - unlikely to occur
Small Golden Moths	<i>Diuris basaltica</i>	EN	Suitable habitat not present within the study area - unlikely to occur
Spiny Rice-flower	<i>Pimelea spinescens</i> subsp. <i>spinescens</i>	CR	Limited suitable habitat present within the study area. Closest Spiny Rice-flower records occur approximately 20 kilometres to the south west of the study area, west of the Maribyrnong River in Sunshine North. Therefore considered unlikely to occur .
Spiral Sun-orchid	<i>Thelymitra matthewsii</i>	VU	Suitable habitat not present within the study area - unlikely to occur
Swamp Everlasting	<i>Xerochrysum palustre</i>	VU	Limited suitable habitat present and limited number of recent records within the study area. Targeted flora surveys carried out in December 2016 failed to detect the species. Therefore, considered unlikely to occur . Regular flowering period: November to March (DoEE SPRAT file)
White Sunray	<i>Leucochrysum albicans</i> var. <i>tricolor</i>	EN	Lack of suitable habitat within the study area. Targeted flora surveys carried out in December 2016 failed to detect the species. Therefore, considered unlikely to occur . Regular flowering period: November to December (Sinclair 2010b)
Birds			
Australasian Bittern	<i>Botaurus poiciloptilus</i>	EN	Wetland habitat in the study area is of low quality and very small (0.05 ha). Also a lack of recent records in the search region - unlikely to occur
Australian Painted Snipe	<i>Rostratula australis</i>	EN	Wetland habitat in the study area is of low quality and very small (0.05 ha). Also a lack of recent records in the search region - unlikely to occur
Black-faced Monarch	<i>Monarcha melanopsis</i>	M	Suitable habitat not present within the study area - unlikely to occur
Fork-tailed Swift	<i>Apus pacificus</i>	M	Suitable habitat not present within the study area - unlikely to occur
Latham's Snipe	<i>Gallinago hardwickii</i>	M	Wetland habitat in the study area is of low quality and very small (0.05 ha). Also a lack of recent records in the search region - unlikely to occur

Orange-bellied Parrot	<i>Neophema chrysogaster</i>	CE, M	Suitable habitat not present within the study area - unlikely to occur
Painted Honeyeater	<i>Grantiella picta</i>	VU	Suitable habitat not present within the study area - unlikely to occur
Plains-wanderer	<i>Pedionomus torquatus</i>	CR	Suitable habitat not present within the study area - unlikely to occur
Regent Honeyeater	<i>Anthochaera phrygia</i>	CR, M	Suitable habitat not present within the study area - unlikely to occur
Rufous Fantail	<i>Rhipidura rufifrons</i>	M	Suitable habitat not present within the study area - unlikely to occur
Satin Flycatcher	<i>Myiagra cyanoleuca</i>	M	Suitable habitat not present within the study area - unlikely to occur
Superb Parrot	<i>Polytelis swainsonii</i>	VU	Suitable habitat not present within the study area - unlikely to occur
Swift Parrot	<i>Lathamus discolor</i>	CR	Suitable habitat not present within the study area - unlikely to occur
White-throated Needletail	<i>Hirundapus caudacutus</i>	M	May occasionally forage over the study area, though would not make any direct use of habitat there - potential to occur , though would not be impacted by development of the study area.
Yellow Wagtail	<i>Motacilla flava</i>	M	Suitable habitat not present within the study area - unlikely to occur
Mammals			
Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>	VU	Suitable habitat not present within the study area - unlikely to occur
Greater Glider	<i>Petauroides volans</i>	VU	Suitable habitat not present within the study area - unlikely to occur
Eastern Barred Bandicoot	<i>Perameles gunnii</i>	EN	Suitable habitat not present within the study area - unlikely to occur
Eastern Quoll	<i>Dasyurus viverrinus</i>		Known to be extinct on mainland Australia since the 1960's - unlikely to occur
Spot-tailed Quoll	<i>Dasyurus maculatus maculatus</i>	EN	Suitable habitat not present within the study area - unlikely to occur
Reptiles			
Striped Legless Lizard	<i>Delma impar</i>	VU	Preferred habitat (remnant grassland) not present within the study area. Two limited patches of potential habitat (Stony Knoll Shrubland) exist in the study area though are disjunct, surrounded by disturbed areas and small (0.25 ha and 0.02 ha). Targeted tile grid surveys undertaken for Striped Legless Lizards between September to December in 2007 (BL&A 2008b) did not record the species - unlikely to occur
Frogs			

Growling Grass Frog	<i>Litoria raniformis</i>	VU	Numerous recent records occur in the search region. However, potential habitat in the study area is limited to one small patch of Plains Grassy Wetland (0.05 ha). This area is of low quality and is disjunct from other waterbodies, therefore the species is considered unlikely to occur .
Invertebrates			
Eltham Copper Butterfly	<i>Paralucia pyrodiscus lucida</i>	EN	Suitable habitat not present within the study area - unlikely to occur
Golden Sun Moth	<i>Synemon plana</i>	CR	Suitable habitat present within the study area. Numerous individuals recorded during most recent targeted Golden Sun Moth surveys undertaken in late 2016. Recorded in the study area.

EPBC Status = Conservation Status under EPBC Act; **C** = critically endangered; **E** = endangered; **V** = vulnerable; **R** = rare; **M** = migratory.

A targeted EPBC Act listed flora survey was undertaken at the study area 1st December 2016, by a suitably qualified and experienced botanist from BL&A, in accordance with the relevant EPBC Act survey guidelines. The target species are listed below and their regular known flowering periods are presented in parenthesis.

- Adamson's Blown-grass (November to December)
- Maroon Leek-orchid (October to December)
- Matted Flax-lily (October to April)
- River Swamp Wallaby-grass (November to March)
- Swamp Everlasting (November to March)
- White Sunray (November to December)

None of the targeted flora species listed above were detected during the targeted surveys, therefore they are now considered unlikely to occur in the study area.

Targeted surveys for Golden Sun Moth and Striped Legless Lizard were first undertaken in the study area in 2007 by BL&A (BL&A 2008b) (Attachment 5) to determine their status there and susceptibility to impacts from development of the site. The results of these surveys were negative.

A follow up targeted survey for Golden Sun Moth was undertaken by a suitably qualified and experienced zoologist from BL&A in December 2016, in accordance with the relevant EPBC Act survey guidelines. The results of this survey were positive - a total of **114** Golden Sun moth were recorded throughout the study area during the survey, nearly all of which occurred in non-native vegetation dominated by Chilean Needle-grass (*Nassella neesiana*). The extent of Golden Sun Moth habitat was determined and mapped during the targeted survey and totals **1.55** hectares. See BL&A (2017a) (Attachment 7) for further details, provided as Attachment 8 to this Referral.

A targeted survey for White-throated Needletail was not undertaken, as development of the study area will not have an impact on this species.

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.](#)

As the proposed action will involve the removal of **1.55** hectares of Golden Sun Moth habitat, **it is likely to have a significant impact on this species** according to the significant impact guidelines (EPBC Policy statement 3.12 (DEWHA 2009a). See BL&A (2017a) (Attachment 7) for further details.

3.1 (e) Listed migratory species

Description

One EPBC Act listed migratory species was considered to potentially occur intermittently in the vicinity of the study area - White Throated Needletail. This aerial specialist may occasionally forage above the study area as fast moving summer feeding flocks.

Nature and extent of likely impact

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

White Throated Needletail would not be susceptible to impacts from the proposed development, as it would not make any direct use of the habitat therein.

3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, please 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 site is not located in the Commonwealth marine area.

Nature and extent of likely impact

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

Not applicable

3.1 (g) Commonwealth land

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

Description

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

The site is not located on Commonwealth land and nor will the proposed action have any impact on Commonwealth land beyond the site.

Nature and extent of likely impact

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

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

Not applicable

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

The site is not part of The Great Barrier Reef Marine Park.

Nature and extent of likely impact

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

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

Not applicable

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

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

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

Nature and extent of likely impact

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

Not applicable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.3 Description of the project area and affected area for the proposed action

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, please also complete each of the details below (where relevant) for each alternative identified.

3.3 (a) Flora and fauna

Detailed information on the status of flora and fauna in the study area is provided in attachments 4 through 8 of this referral.

3.3 (b) Hydrology, including water flows

There are no coherent drainages at the site.

3.3 (c) Soil and Vegetation characteristics

Soils within the site comprised naturally formed soils of heavy swelling clay derived from Pliocene volcanics. A high level of soil disturbance was observed in approximately the southern third of the study area, although this appears to have occurred some years ago – perhaps decades.

For the most recent and relevant information on the vegetation of the site, see Attachment 8 to this Referral.

3.3 (d) Outstanding natural features

There are no outstanding natural features on the site.

3.3 (e) Remnant native vegetation

Detailed information on the status of remnant native vegetation in the study area is provided in Attachment 8 of this referral.

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

Flat to gently undulating landscape across the site, with occasional stony knoll outcrops – typical of the landform in the region.

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.

Up until recently, the study area was used for pastoral activities. Since then the site has been largely unmanaged, except for wildfire mitigation management (regular seasonal slashing of ground layer vegetation) in the north of the study area.

The vast majority of the study area has been overrun by introduced weeds, particularly by Chilean Needle-grass, fescue (*Agrostis* spp.) and Ribwort (*Plantago lanceolata*). Remnant native vegetation (as defined in Victoria) is currently limited to two small areas of stony knoll shrubland and a very small area of plains grassy wetland. See Attachment 8 for further details.

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

There are no Commonwealth Heritage Places on the site.

3.3 (i) Indigenous heritage values

A cultural heritage assessment was carried out by Terraculture Heritage Consultants in December 2010, the findings of which are provided in the approved Cultural Heritage Management Plan (CHMP) No. 10172, provided as Attachment 11 to this referral.

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

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

There are no other important or unique values in the study area.

3.3 (k) Tenure of the action area (e.g. freehold, leasehold)

The site is Freehold Land owned as Estate Fee Simple.

3.3 (l) Existing uses of area of proposed action

The site has formerly been used for rural purposes, such as grazing.

3.3 (m) Any proposed uses of area of proposed action

The purpose of the Zoning of the Land is "To recognise the strategic importance of Cooper St as an area for the establishment of a major employment node, including a diverse range of business, industrial and commercial uses".

Allowable uses are prescribed in detail at 'Schedule 2 to the Comprehensive Development Zone', in the Whittlesea Planning Scheme, but typically allow for uses such as factories, warehouses, retail showrooms, offices, logistics facilities and the like.

4 Environmental outcomes

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

If a proposed action is determined to be a controlled action, the Department may request further details to enable application of the *Outcomes-based Conditions Policy 2016* (<http://www.environment.gov.au/epbc/publications/outcomes-based-conditions-policy-guidance>), including information about the environmental outcomes to be achieved by proposed avoidance, mitigation, management or offset measures, details of baseline data, milestones, performance criteria, and monitoring and adaptive management to ensure the achievement of outcomes. If this information is available at the time of referral it should be included in the description of the proposed measures.

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

Environmental outcomes are currently being considered. The proponent intends to explore the possibility of achieving outcomes in accordance with the EPBC Act Melbourne Urban Development Policy, 2012; 2014 (MUD Policy), although this will be discussed with the DoEE once a Referral decision has been made.

5 Measures to avoid or reduce impacts

Note: If you have identified alternatives in relation to location, time frames or activities as part of the proposed action at sections 1.10 and 2.3 please 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 each proposed measure, specify:

- a concise description of the nature, scope, work plan and consequence of the measure for the relevant impact and any statutory or policy basis for the measure;
- in doing so, include analysis and findings on whether each measure is likely to achieve the environmental outcomes for the matters protected by the EPBC Act which are likely to be affected by the proposed action, including noting:
 - the likely effectiveness of the measure in avoiding or mitigating the relevant impact on the matters protected by the EPBC Act;
 - the level of commitment by the person proposing to take the action to achieve the proposed environmental outcomes and implement the proposed mitigation measures. For example, identify 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);
 - any likely residual impacts (being, impacts likely to occur having implemented mitigation and/or avoidance measures) and, if such impacts will or are likely to occur, the measure available to compensate or offset these residual impacts. Please consider the Department's *EPBC Act, the EPBC Environmental Offsets Policy* (October 2012) (and *How to use the Offsets Assessment Guide*) and the *draft Policy Statement on EPBC Act Advanced Environmental Offsets*;
 - the likely consequences for the matters protected by the EPBC Act should the measure not be effective; and
 - any other likely consequences of the measure including both adverse and beneficial, such as efficiency, cost and cost-effectiveness and public acceptability (noting however, beneficial consequences of the measure will not be considered in deciding whether or not the proposed action is likely to have a significant impact on the matters protected by the EPBC Act).

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.

Note, the 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 (e.g. 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.

The Development Plan for the subject Land incorporated into the Whittlesea Planning Scheme calls for the retention of the largest area of remnant native vegetation (as defined in Victoria) within public open space. The Subdivision Concept Plan allows for the creation of Open Space, and therefore retention of the largest area of remnant native vegetation, as prescribed and intended by the Development Plan.

This area of remnant native vegetation was not however assessed as Golden Sun Moth habitat. Therefore, there are no proposed mitigation measures for impacts on Golden Sun Moth habitat in the study area.

6 Conclusion on the likelihood of significant impacts

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

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

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

6.2 Proposed action IS NOT a controlled action.

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

Not applicable

6.3 Proposed action IS a controlled action

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

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

Specify the key reasons why you think the proposed action is likely to have a significant adverse impact on the matters identified above by reference to each matter protected by the EBPC Act identified in section 3 above.

According to criteria in the Department of the Environment's *Matters of National Environmental Significance, Significant impact guidelines 1.1* (DoE 2013), the proposed action will likely have a significant impact on Golden Sun moth, as it meets the significant impact threshold criteria (see Attachment 7).

7 Environmental record of the person proposing to take the action

	Yes	No
<p>7.1 Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>Provide details</p> <p>The applicant has not been the subject of any Environmental Protection proceedings and has no history of breaches of any Environmental legislation.</p>	✓	
<p>7.2 Provide details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:</p> <p>(a) the person proposing to take the action, or (b) if a permit has been applied for in relation to the action - the person making the application.</p> <p>The applicant has not been the subject of any Environmental Protection proceedings</p> <p>If yes, provide details</p> <p>N/A</p>		✓
<p>7.3 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework. and if and how the framework applies to the action.</p> <p>The subdivision works will be managed and overseen by competent Design Engineers, Landscape Architects and Project Managers.</p> <p>Additionally, the applicant will retain an Environmental Consultant for further advice, supervision and any reporting requirements that may arise.</p> <p>The Contractor appointed to complete the Civil and Landscape works across the various stages will be bound to an Environmental Management Plan, prepared by the Engineering and Environmental Consultant, that will be part of the Works Contract.</p>	✓	

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?

✓

No.

A related entity (Edgars Rd Pty Ltd) however, received an EPBC referral decision in 2008 relating to a separate 60ha parcel also located within the Cooper Street Employment Area.

The referral on this occasion related to the presence of Growling Grass Frogs along the Edgars Creek corridor, which was required to be rehabilitated, along with the construction of numerous Wetlands and drainage reserves.

These works (i.e. the Creek rehabilitation and Wetlands) have now been completed.

Edgars Creek is not located on the parcel of land that is the subject of this application.

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

Proposal name – 300-320 Cooper Street commercial and industrial subdivision, Epping Victoria

Ref – EPBC 2008/4013

Date 18th March 2008

8 Information sources and attachments

(For the information provided above)

8.1 References

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

Brett Lane and Associates (BL&A) 2008a, *135 O'Herns Road, Epping: Flora, Fauna and Net Gain Assessment* – Report 7145 (2.2), consultants report prepared for O'Herns Road Developments Pty Ltd, Brett Lane and Associates Pty Ltd, Hawthorn East, Victoria. (Attachment 4)

Brett Lane and Associates (BL&A) 2008b, *135 O'Herns Road, Epping: Threatened Species Assessment* – Report 7193 (2.1), consultants report prepared for O'Herns Road Developments Pty Ltd, Brett Lane and Associates Pty Ltd, Hawthorn East, Victoria. (Attachment 5)

Brett Lane and Associates (BL&A) 2016, *135 O'Herns Road, Epping: Vegetation Assessment* – Report 7145 (3.2), consultants report prepared for O'Herns Road Developments Pty Ltd, Brett Lane and Associates Pty Ltd, Hawthorn East, Victoria. (Attachment 6)

Brett Lane and Associates (BL&A) 2017a, *135 O'Herns Road, Epping: Assessment of Matters of National Environmental Significance* – Report 7145 (4.0), consultants report prepared for O'Herns Road Developments Pty Ltd, Brett Lane and Associates Pty Ltd, Hawthorn East, Victoria. (Attachment 7)

Brett Lane and Associates (BL&A) 2017b, *135 O'Herns Road, Epping: Amended Native Vegetation Assessment* – Report 7145 (5.0), consultants report prepared for O'Herns Road Developments Pty Ltd, Brett Lane and Associates Pty Ltd, Hawthorn East, Victoria. (Attachment 8)

Department of the Environment 2017, Species Profile and Threats Database (SPRAT Files), Department of the Environment, Canberra, accessed 31st May 2016, <http://www.environment.gov.au/sprat>.

Sinclair, S.J. 2010b. *National Recovery Plan for the Hoary Sunray Leucochrysum albicans var. tricolor*. Department of Sustainability and Environment, Melbourne.

Threatened Species Scientific Committee (TSSC) (2008). *Commonwealth Conservation Advice on Natural Temperate Grassland of the Victorian Volcanic Plain*. Department of the Environment, Water, Heritage and the Arts, now Department of the Environment and Energy (DoEE), Canberra.

Threatened Species Scientific Committee (TSSC) (2012). *Commonwealth Conservation Advice on Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains*. Department of Sustainability, Environment, Water, Population and Communities, now Department of the Environment and Energy (DoEE), Canberra.

8.2 Reliability and date of information

For information in section 3 and the map required by section 1, 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 this Referral is based on a combination of database information and field investigations between 2007 and 2016 by suitably qualified and reliable observers.

Other sources of information not cited in this Referral are provided in attachments 4 through 8 of this Referral.

8.3 Attachments

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

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the locality of the proposed action (section 1)	✓	Attachment 1 and 2
	GIS file delineating the boundary of the referral area (section 1)		
	figures, maps or aerial photographs showing the location of the proposed action in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	Attachment 7
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)	✓	Attachments 4 through 8
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3) conclusions in the referral (section 3 and 4)	✓	Attachment 7
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)	✓	Attachment 10

9 Contacts, signatures and declarations

NOTE: Providing false or misleading information in response to a requirement under Part 7 of the EPBC Act is an offence punishable on conviction by imprisonment and/or fine (section 489 of the EPBC Act).

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

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

Proposed action title:

Land Subdivision at 135 O'Herns Road Epping Victoria

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. It may be a trustee (either being an individual or a body corporate) acting on behalf of the trust for which they have responsibility (but not the trust).

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 GBRMP Act¹, 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.

Name and Title: Matt Benson – Project Manager

Organisation (if applicable): Organisation name should match entity identified in ABN/ACN search

O'Herns Road Developments Pty Ltd as Trustee for O'Herns Road Developments Unit Trust

Trust deed (if applicable): ☒ attached (as attachment 11); OR
☐ not applicable

ACN / ABN (if applicable): ACN for O'Herns Road Developments Pty Ltd is 120 796 992
ABN for O'Herns Road Developments Unit Trust is 92 773 457 164

Postal address: PO Box 1305 Camberwell Victoria, 3124

Telephone: (03) 9831 8900

Email: mbenson@mcmullin.com.au

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 ☐ an individual; OR

¹ 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.

EPBC Act because I am:

☐ 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

Note: Applications for a waiver must be supported by information in writing setting out the grounds on which the applicant considers that a waiver should be made and the reasons why it should be made. The Minister may, at his or her discretion, waive all or part of a fee that would otherwise be payable in the following circumstances:

- the action's primary objective is to protect the environment, or protect and conserve heritage, in a way that is consistent with the objects of the EPBC Act;
- it is in the public interest to do so; or
- there are other exceptional circumstances justifying the waiver.

The Minister will consider the application within 20 business days.

I would like to apply for a waiver of full or partial fees under regulation 5.21A of the [EPBC Regulations](#). Under 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 declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature:



Date: 20th January 2017

9.2 Designated proponent

Individual or organisation who is proposed to be designated as the proponent if the Minister decides that the action is a controlled action and further assessment and approval is required. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent may or may not be the person proposing to take the action.

Name of proposed
proponent:

If the name of the proposed proponent is not the same person as named at item 1 of
section 9.1 above, please complete all of the below fields in section 9.2.

ACN / ABN (if
applicable):

Postal address:

Telephone:

Email:

Declaration by the
proposed proponent:

I,the person proposing to take the action, consent
to the proposed designation of..... as proponent for the
purposes of the action described in this referral.

Declaration by the
person proposing to
take the action:

Signature:

Date:

9.3 Person preparing the referral information (if different from section 9.1)

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

Name: Brett Macdonald

Title: Senior Ecologist and Project Manager

Organisation: Brett Lane and Associates Pty Ltd

Organisation name should match entity identified in ABN/ACN search

ACN / ABN (if
applicable): 12 095 541 334

Postal address: PO Box 337, Camberwell, Vic, 3124

Telephone: (03) 9815 2111

Email: bmacdonald@ecologicalresearch.com.au

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

Signature:



Date: 19th January 2017

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 for the proposed action?
- ✓ ☐ 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.

Privacy and Confidentiality Notice

The Department is required under section 74(3) of the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) to publish the information (including personal information of the author and/or third parties) provided in this referral on the internet. The information published may include your personal information.

Information including your personal information included in this referral will be used for the purposes of administering the EPBC Act. The information may be provided to various Commonwealth, State and Territory agencies for the purposes of administering the Act or other Commonwealth, State or Territory legislation. For example, if the proposed action (or a component of it) is to be taken in the GBRMP, the Minister is required to provide a copy of your referral to 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.

The Department will collect, use, store and disclose the personal information contained in this referral in a manner consistent with its obligations under the *Privacy Act 1988* and the Department's privacy policy.

The Department's privacy policy contains details about how respondents may access and make corrections to personal information that the Department holds about the respondent, how respondents may make a complaint about a breach of an Australian Privacy Principle, and how the Department will deal with that complaint.

A copy of the Department's privacy policy is available at: <http://environment.gov.au/privacy-policy>.

The Department is not obliged to publish information that the Minister is satisfied is commercial-in-confidence. If you believe that this referral contains information that is commercial-in-confidence, you must clearly identify such information and the reason for its confidentiality at the time of making the referral. The Minister cannot be satisfied that particular information included in a referral is commercial-in-confidence unless you demonstrate to the Minister (by providing reasons in writing) that:

- release of the information would cause competitive detriment to the person; and
- the information is not in the public domain; and
- the information is not required to be disclosed under another law of the Commonwealth, a State or a Territory; and
- the information is not readily discoverable.

The Department is subject to certain legislative and administrative accountability and transparency requirements of the Australian Government including disclosures to the Parliament and its Committees. While the Department will treat all referral information provided in this referral sensitively, any information contained in or relating to a referral, including information identified by a person as commercial-in-confidence, may be disclosed by the Department:

- to its employees and advisers in order to evaluate or assess a referral;
- to the Parliamentary Secretary;
- within the Department or other agencies where this serves the legitimate interest of the Australian Government;
- in response to a request by a House or Committee of the Parliament of the Commonwealth of Australia;
- where information is authorised or permitted by law to be disclosed; and
- where the information is in the public domain other than by the Department's disclosure of that information.