



Referral of proposed action

What is a referral?

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

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

Who can make a referral?

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

When do I need to make a referral?

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

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

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

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

- the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. Additional sectoral guidelines are also available.
- the Policy Statement titled Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies.

- the Policy Statement titled Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources.
- the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location).

Can I refer part of a larger action?

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

Do I need a permit?

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

Is your action in the Great Barrier Reef Marine Park?

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

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

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

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379

Townsville QLD 4810

AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

www.gbrmpa.gov.au

What information do I need to provide?

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

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

Instructions

Instructions are provided in blue text throughout the form.

Attachments/supporting information

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

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

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

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

How do I pay for my referral?

From 1 October 2014 the Australian Government 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](#).

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

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

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

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

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

- **Credit Card**

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

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

How do I submit a referral?

Referrals may be submitted by mail or email.

Mail to:

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

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

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

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.

- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

What happens next?

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

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

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

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

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

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

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

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

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

The proposed action would have UNACCEPTABLE impacts and CANNOT proceed

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

Compliance audits

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

For more information

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

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

Referral of proposed action

Project title: 7B Copernicus Way, Keilor Downs Residential Mixed Use Development

1 Summary of proposed action

1.1 Short description

The subject site is known as 7B Copernicus Way, Keilor Downs and also identified as Lot 1 on PS725886K. The site is irregular in shape with an approximate total area of 1.9 hectares. The site borders the Keilor Downs Shopping Centre and St Albans Leisure Centre, as well as a neighbouring Police station, nursing home, childcare centre, pharmacy and schools. The site is currently vacant land.

Currently an uninviting and underdeveloped site in suburban Keilor Downs, the proposed development includes townhouses, shop top apartments and retail tenancies to provide a diverse range of inner urban accommodation.

The project will consist of 100 two and three storey townhouses, 5 retail tenancies and 14 apartments, provision of pedestrian access from Sunshine Avenue to Copernicus Way, 23 on site visitor car spaces and landscape led public spaces.

1.2 Latitude and longitude

	Latitude	Longitude
location point	37° 43' 28.998" S	144° 48' 28.995" E

1.3 Locality and property description

The project area is located approximately 16.5 kilometres north-west of the Melbourne CBD. It encompasses an area of private land otherwise known as 7B Copernicus Way, Keilor Downs and is approximately 1.9 ha.

1.4 Size of the development footprint or work area (hectares)

1.9 ha

1.5 Street address of the site

7B Copernicus Way, Keilor Downs, Victoria 3038

1.6 Lot description

Lot 1 PS725886

1.7 Local Government Area and Council contact (if known)

Brimbank City Council
Contact:

Primary:

Zoe Thomson, Brimbank City Council Environment * only works Mon, Tues, Thurs *
Direct 9249 4905
Mob 0408 319 742
Email: zoeth@brimbank.vic.gov.au
PO Box 70 Sunshine 3020

Secondary:

Liz Drury
Direct 9249 4393

1.8	Time frame The Subdivision and planning permit is expected to granted in August 2016. Bulk earthwork and civil construction will commence in approximately October 2016.		
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
1.10	Alternative time frames etc Does the proposed action include alternative time frames, locations or activities?	X	No
1.11	State assessment Is the action subject to a state or territory environmental impact assessment?	X	No
1.12	Component of larger action Is the proposed action a component of a larger action?	X	No
1.13	Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?	X	No
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
1.15	Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?	X	No

2 Detailed description of proposed action

2.1 Description of proposed action

The subject site is located at 7B Copernicus Way, Keilor Downs. It is situated between Copernicus Way to the North West and Sunshine Ave to the North East. The site is one of the last pieces of land in an otherwise completely developed area. The site is close to a range of amenities, including Keilor Downs Shopping Centre and Brimbank City Council situated directly to the south.



The site sits within the approved Keilor Downs Plaza – Development Plan, and is clearly identified as high density mixed-use residential and retail to a height of up to 12 metres.

2.03 DEVELOPMENT PLAN DIAGRAM (PROVIDED BY URBIS 20.05.2014)



The following diagrams illustrate the proposed master plan and how it relates to the surrounding urban environment. The master plan consists of 100 townhouses, 14 apartments with ground floor retail. Whilst bulk earthworks will be undertaken over the entire site, there will be small landscape areas along eastern residential interface reinstated in line with the landscape buffer identified in the Development Plan.

DENSITY OPPORTUNITIES AND CONSTRAINTS

- 1 Main entry points along southern boundary to activate Copernicus Way
- 2 Existing easements along northern, western & southern boundaries
- 3 Opportunity to increase density at least sensitive interface along southern and north-western boundary

PEDESTRIAN AND BICYCLE OPPORTUNITIES

- 1 Primary pedestrian link connecting Copernicus Way and Sunshine Avenue
- 2 Two points of bike access from Copernicus Way
- 3 Unobstructed view through site from Copernicus Way to Sunshine Avenue
- 4 Shared zones along laneways for pedestrians, bikes and vehicles

LEGEND

- 1 Subject Site
- 2 Separated Pedestrian Path
- 3 Shared Zone
- 4 Primary Site Access





2.2 Alternatives to taking the proposed action

There are no alternatives to the proposed action. The proposed action is in line with the intended use under the approved Keilor Plaza Development Plan.

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

This development cannot be delivered elsewhere as the owner purchased it in line with its approved land use as a mixed use high density residential estate.

2.4 Context, planning framework and state/local government requirements

The proposed action was considered in the context of the following relevant State and local policies, outlined below:

- State Planning Policy
 - Clause 11 – Settlement
 - Clause 14 – Natural Resource Management
 - Clause 15 – Built Environment and Heritage
 - Clause 16 – Housing
 - Clause 17 – Economic Development
 - Clause 18 – Transport
 - Clause 19 – Infrastructure
- Municipal Strategic Statement – Brimbank Planning Scheme
 - Clause 21.02 – Key Land Uses Issues
 - Clause 21.04 – Strategic Land Use Vision
 - Clause 21.06 – Built Environment
 - Clause 21.07 – Housing
 - Clause 21.08 – Retailing and Activity Centres
 - Clause 21.10 – Transport and Infrastructure
- Local Planning Policy
 - We note that there are no Local Planning Policies relevant to the proposal.

In consideration of the action, the context of the above applicable policies, we submit that the action responds by:

- Supporting urban consolidation and increasing housing choice and diversity by promoting opportunities for higher-density housing in strategic locations in and around hubs of activity with good access to infrastructure, services, facilities, public transport and employment opportunities.
- Achieving a high-density mixed-use outcome appropriate to the specific policy objectives for urban consolidation in the Keilor Downs area by supporting the role of Activity Centres as outlined in Plan Melbourne.
- Meeting the tests pursuant to Clause 16.01-3 and suitably qualifying as a 'strategic redevelopment site' consistent with the intent of the Planning Scheme.
- Promoting economic growth and supporting strong clusters of activity and synergies between uses to service commercial and community needs. In particular, the proposal provides high-density mixed-use residential opportunity located in close proximity to employment, retail, entertainment and commercial opportunities.
- Enhancing and improving the quality of the urban and built environment, and ensuring valued characteristics are protected, to create safe, functional places with strong sense of connection and identity. The proposal ensures the provision of an attractive and stimulating urban environment that encourages sustainable living, recreation and public interaction while making a positive contribution to the future urban character and public realm of the surrounding context.
- Promoting ESD initiatives by achieving best-practice standards and promoting sustainable transport options and utilising existing infrastructure and making provision for new infrastructure for use by the community.

In summary, the proposal will contribute to the Keilor Downs Plaza Development Plan area by enhancing the mixed-use environment with a residential and commercial focus. The proposed range of uses including commercial, dwellings and ancillary parking is consistent with the purpose of the zone and key policy and strategic directions for the area.

The planning permit application addresses each of the aforementioned State and local policies in more depth, and further, provides a more comprehensive discussion regarding the extent the action responds to, and complements, these policies.

It is clear that both state and local planning policy anticipate higher order uses and an intensity of development comparable to the proposal. Anything less would be considered an underdevelopment of the site and could consequently have flow on effects in the social and economic longevity of the area.

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

The removal of native vegetation will need to occur in accordance with Clause 52.17 of the Brimbank Planning Scheme under the provisions of the *Planning and Environment Act 1987*. A permit is required from Brimbank to remove, destroy or lop native vegetation. A permit application has been lodged with Brimbank already.

Offsets for the removal of the native vegetation will be required under Victoria's Biodiversity Assessment Guidelines. The proposed action will require the removal of 1.15 ha of native vegetation from within location A. The planning permit application will therefore be assessed in the moderate risk-based pathway. The strategic biodiversity score of the native vegetation to be removed is 0.100.

If a permit is granted, the offset requirements would be 0.060 general biodiversity equivalence units.

This general offset must be provided within the Port Phillip and Westernport catchment management authority area and must have a minimum strategic biodiversity score of 0.080.

No other overlays relating to biodiversity are relevant to the subject land.

2.6 Public consultation (including with Indigenous stakeholders)

We have not undertaken any public consultation. The proposal has been referred to Council.

2.7 A staged development or component of a larger project

Whilst this site does form part of the wider Keilor Plaza Development Plan referred to above and it is understood that the wider development plan area does also have areas of native vegetation, each land parcel within the development plan is individually owned and therefore should be considered on its own merits.

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

3.1 (a) World Heritage Properties

Description

There are no World Heritage Properties in or near the project area.

Nature and extent of likely impact

Not Applicable

3.1 (b) National Heritage Places

Description

There are no National Heritage Places in or near the project area.

Nature and extent of likely impact

Not Applicable

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

Description

There are no Wetlands of International Importance (declared Ramsar wetlands) in or near the project area.

Nature and extent of likely impact

Not Applicable

3.1 (d) Listed threatened species and ecological communities

Description

Threatened ecological communities

Biosis (2016) identified 1.15 ha of grassland meeting the definition of Natural Temperate Grassland of the Victorian Volcanic Plain (critically endangered) on the affected land. While this grassland meets the broad definition of the NTGVVP community (in terms of size and condition thresholds), it is relatively weedy and species poor. Within the affected this vegetation is characterised by wallaby grasses *Rytidosperma* spp., spear-grasses *Austrostipa* spp. and Kangaroo Grass *Themeda triandra* with occasional herbs. The site appears to be subject to regular mowing. Common weedy grasses include Chilean Needle-grass *Nassella neesiana*, Serrated Tussock *Nassella trichotoma*, Soft Brome *Bromus hordeaceus* and Kikuyu *Cenchrus clandestinus*.

Without significant and ongoing active ecological management, the long-term viability of this small remnant is low, particularly in light of its context as a small remnant in an increasingly urbanised landscape.

Threatened species

No plant species listed under the EPBC Act have been recorded from the affected land and none are predicted to occur there due to the modified nature of the vegetation (Ecology and Heritage Partners 2015a;Biosis 2016).

Similarly, there is no suitable habitat on the affected land for the majority of animal species listed under the EPBC Act (Biosis 2016). However, there is suitable habitat on site for two species: Striped Legless Lizard *Delma impar* and Golden Sun Moth *Synemon plana*

Targeted surveys for Golden Sun Moth by Ecology and Heritage Partners failed to detect the presence of a population of Golden Sun Moth on the land (Ecology and Heritage Partners 2015b) and as such this species is considered to have a low likelihood of occurrence.

A small population of the Striped Legless Lizard (vulnerable) was detected on the affected land during a targeted survey by Ecology and Heritage Partners (Ecology and Heritage Partners 2015). A maximum of three individuals recorded during any one check. This assessment considered that the affected land contains 1.558 ha of "preferred" habitat and 0.341 ha of "secondary" habitat. In reality, all of the Striped Legless Lizard habitat on site is modified due to its urban context.

The quality of the habitat is likely to continue to decline, since it not subject to ongoing active ecological management. As such, the long-term viability for the small population of Striped Legless Lizard on such a small site is questionable, particularly as there is little or no connectivity to other populations.

Nature and extent of likely impact

One listed threatened ecological community and one listed species have been recorded in the project area. There will be no impacts to any other listed species and communities.

Impacts on the one community and one species are discussed below.

Threatened ecological communities

Table 1: Assessment against significant impact criteria for Natural Temperate Grassland of the Victorian Volcanic Plain ecological community

Criteria	Assessment and response
Reduce the extent of an ecological community	The project proposes the removal of 1.15 ha of this ecological community. This is considered to constitute a minor impact on the extent of the ecological community across the Victorian Volcanic Plain particularly when placed in the context of the amount of clearing of the community that is expected over the next 30 years as part of the Melbourne Strategic Assessment (DSE 2009). Moreover, this example of the community is species poor, isolated from nearby patches and is in poor ecological condition. The quality of the patch within the affected area is expected to continue to decline due to ongoing threats and lack of ecological management.
Fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines	The area proposed for removal is isolated and exists in a highly fragmented context, surrounded by urban development.
Adversely affect habitat critical to the survival of an ecological community	Given the disturbed and modified nature of the area, the removal of this vegetation is not likely to effect the long term survival of the ecological community.
Modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns	The areas of NTGVVP exist in a modified urban setting which has already impacted on the viability of this site. It is likely that there has been substantial alteration of surface water drainage patterns, over land flow and increased nutrient input as a result of urbanisation.
Cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting	The NTGVVP remnants within the affected area are already modified, species poor and weedy. Many functionally important species that would have once occurred have already been lost from the system, as have the important ecological processes that maintain grasslands, especially regular burning.
Cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to: assisting invasive species, that are harmful to the listed ecological community, to become established, or causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or	<p>The small areas of NTGVVP to be removed have been modified through changes to local hydrology, weed invasion and clearing of surrounding terrestrial vegetation. The loss of these areas is not considered to be a substantial change to the ecological community at the state or national scale but does represent a loss at the local level.</p> <p>The proposed activity is unlikely to introduce novel invasive species into other grassland remnants within the Brimbank municipality or indeed impact on any nearby remnants in any way.</p>

Interfere with the recovery of an ecological community.	None of the NTGVVP covered by this referral has been subject to restoration activities or would be considered a priority for rehabilitation as the remnant is small and relatively degraded, occurring in a largely developed, urbanised setting.
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Table 2: Assessment against significant impact criteria for the vulnerable Striped Legless Lizard

Criteria	Assessment and response
Lead to a long-term decrease in the size of an important population of a species	<p>The small Striped Legless Lizard population at 7B Copernicus Way Keilor Downs is not considered to be an important population. That is, it is not considered necessary for the species' long-term survival and recovery. The population is not:</p> <ul style="list-style-type: none"> • A key source population either for breeding or dispersal (it is isolated from other populations) • Necessary for maintaining genetic diversity (more viable populations with similar genetic representation are in dedicated conservation reserves in Melbourne and elsewhere on the Victorian Volcanic Plain. • Near the limit of the specie' range <p>The <i>Referral guidelines for the striped legless lizard</i>, Delma impar DSEWPaC (2011) states that The following factors need to be considered in determining whether a site is not likely to support an important population under the provisions of the EPBC Act:</p> <ul style="list-style-type: none"> • Sites less than 0.5 hectares • Small isolated areas of habitat which are currently under pressure, or are likely to experience long-term pressures (for example sites located within urban settings, such as adjacent to factories or in residential subdivisions). • Small sites which support marginal or low quality habitat (for example dominated by high threat weeds). <p>While the land at Copernicus Way is >0.5 ha, it satisfies the last two dot points</p> <p>The medium to long-term viability of this population is questionable. The population resides in a small area of habitat (1.9 ha) in an urban matrix that is not connected to other populations. This population is not important for future conservation of the species or, given its small size and isolation, for maintaining gene flow, population viability or dispersal. The population is likely to be under significant and increasing pressure from being located in an increasingly urbanised environment.</p>
Reduce the area of occupancy of an important population	The proposal will remove 1.9 ha of Striped Legless Lizard habitat but the habitat does not support an important population. While this small area of habitat will be removed, this loss is insignificant in the context of more extensive, better connected occupied habitat elsewhere on the Victorian Volcanic Plain.
Fragment an existing important population into two or more populations	Habitat will be removed from areas that are already disturbed and fragmented by prior habitat removal. Thus, the removal will not result in the fragmentation of an existing population into two or more populations.
Adversely affect habitat critical to the survival of a species	Critical habitat for Striped Legless Lizard has not been defined. Given the small scale of the proposed impacts and other suitable habitat in the broader area, the species is therefore unlikely to be impacted by the action to a point that will threaten the survival of the species as a whole.
Disrupt the breeding cycle of an important population	Due to its small and localised nature of the proposed action will not result in a disruption of the breeding cycle of other populations within Brimbank's reserves or other populations in the Victorian Volcanic Plain.
Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	The impacts from the action are highly localised in the context of the amount of habitat available in for the species in Brimbank and more widely across the Victorian Volcanic Plain. The amount of habitat loss is small and it is unlikely to cause the species as a whole to decline.
Result in invasive species that are	The proposal will remove all habitat within the affected land so it will not be

harmful to a vulnerable species becoming established in the vulnerable species' habitat	possible for harmful species to be established within the grassland within the affected area. It is similarly unlikely to result in the introduction of novel invasive species to other occupied habitat in the local area.
Introduce disease that may cause the species to decline, or	It is unlikely that the works will result in the introduction of novel pathogens to the site that will cause a decline in the Striped Legless Lizard population.
Interfere substantially with the recovery of the species.	The proposed action affects only a small amount of habitat for the species and as the population is not considered important for the species' long-term conservation, it is unlikely that the works will substantially interfere with the recovery of the species.

3.1 (e) Listed migratory species

Description

Seventeen migratory species are recorded, or predicted to occur, within 5 km of the affected land (Biosis 2016). However, the affected land does not support ecologically significant populations of, or significant habitat for listed migratory species and no listed species are considered likely to make significant use of the land.

Nature and extent of likely impact

Given the small size of the site, its isolation and lack of wetland habitat, a significant impact on listed migratory species as a result of the proposed development is considered unlikely

3.1 (f) Commonwealth marine area

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

Description

There are no Commonwealth marine areas in or near the affected land.

Nature and extent of likely impact

N/A

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 action is not being undertaken on near Commonwealth land.

Nature and extent of likely impact

N/A

3.1 (h) The Great Barrier Reef Marine Park

Description

The action is not in or near the Great Barrier Reef Marine Park

Nature and extent of likely impact

N/A

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

Description

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

Nature and extent of likely impact

N/A

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

3.2 (a)	Is the proposed action a nuclear action?	X	No
3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?	X	No
3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?	X	No
3.2 (d)	Is the proposed action to be taken on Commonwealth land?	X	No
3.2 (e)	Is the proposed action to be taken in the Great Barrier Reef Marine Park?	X	No

3.3 Other important features of the environment

3.3 (a) Flora and fauna

The site supports a small, isolated and modified example of native grassland. Fourteen indigenous flora species were recorded by Biosis (2016). Weeds, including noxious species, are common and widespread.

The affected area is likely to support widespread and common native birds adapted to living in grasslands and in urban environments. Introduced species are likely to be prevalent, including cats, rats, house mice, rabbits, hares and foxes.

3.3 (b) Hydrology, including water flows

The site does not support any streams, significant drainage lines or wetlands.

3.3 (c) Soil and Vegetation characteristics

The soil is of basalt origin and is located within the Victorian Volcanic Plain bioregion.

3.3 (d) Outstanding natural features

There are no outstanding natural features on the affected land.

3.3 (e) Remnant native vegetation

The affected land supports 1.15 ha of Plains Grassland (EVC 132). This vegetation scored 35/100 using the habitat hectares methodology (Biosis 2016).

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

The land is part of a broad gently undulating plain.

3.3 (g) Current state of the environment

The affected area sits within a largely developed landscape of residential and commercial properties. The nearest perennial drainage lines include Taylors Creek and the Maribyrnong River, approximately 1 km to the east. The affected area is adjacent to about 5 ha of undeveloped land surrounding the Keilor Downs Shopping Centre. This area is also proposed for commercial development. Otherwise, it is isolated from other remnants of native vegetation including the Broadcast Australia site (about 1.5 kilometres to the west) and relatively undeveloped areas surrounding the Maribyrnong River (about 1 km to the east).

The vegetation is in poor condition and weeds are common and widespread.

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

There are no Commonwealth Heritage Places or other places recognised as having heritage values within the affected land.

3.3 (i) Indigenous heritage values

On the 2nd June 2016 the Aboriginal Cultural Heritage Register Information System was consulted in order to determine whether any Aboriginal cultural heritage values are present on site. The register search determined that the property contains no registered Aboriginal places or recorded values. The distance to permanent water indicates that the likelihood of cultural heritage places being present is low.

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

There are no other important or unique environmental values on the affected land.

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

The land is freehold.

3.3 (l) Existing land/marine uses of area

The land is currently not used for any specific purpose but is mown regularly to maintain a low fire risk.

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

As the land is currently zoned Commercial 1; no other uses are proposed for the affected land.

4 Environmental outcomes

The proposed loss of native vegetation on the affected land will be offset in accordance with Victoria's permitted clearing guidelines. The proposal has been assessed under these guidelines and specific offsets are not required for Striped Legless Lizard or any other MNES. Within the Victorian guidelines, the loss of the vegetation will be offset using General Biodiversity Equivalence Units, which do not require that the offset is sourced from natural temperate grassland.

5 Measures to avoid or reduce impacts

Due to the small size of the site, it is not economically viable to avoid or retain any areas of native vegetation or habitat within the affected land. Retaining areas would not be feasible, economically or ecologically.

Salvage and translocation of Striped Legless Lizard is currently not recommended within the Melbourne Strategic Assessment (MSA) area and a detailed evaluation report has been prepared outlining why (DELWP 2015). While the affected land is not within the MSA, it is in close proximity and the rationale outlined in the evaluation report not salvaging lizards are equally valid for this site. In Victoria, translocation of threatened fauna is guided by the *Procedure Statement for Translocation of Threatened Native Fauna* (DEPI, 2014) Any proposed salvage would need to be approved by DELWP's Translocation Evaluation Panel. Due to the inability to overcome inherent uncertainties and difficulties associated with the salvage of this species (DELWP 2015), any proposal to salvage lizards from the site and translocate them is unlikely to be approved. As such, unless requested by DELWP, salvage and translocation for Striped Legless Lizard is not proposed.

6 Conclusion on the likelihood of significant impacts

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

☒ No, complete section 5.2

6.2 Proposed action IS NOT a controlled action.

The affected area supports a 1.15 ha patch of vegetation that meets the definition of the NTGVVP. The vegetation is isolated, species poor, disturbed, weedy and subject to ongoing threats. Given its context, the Striped Legless Lizard population on the site is questionable in the medium to long term. Moreover, this population is not considered to be an important population of a vulnerable species as defined under the EPBC Act.

7 Environmental record of the responsible party

	Yes	No
7.1 Does the party taking the action have a satisfactory record of responsible environmental management? Yes, the owners of this land and subsequent development have not previously been involved with any developments where native vegetation has been an issue. In addition, they are referring this matter to ensure an appropriate outcome.	X	
7.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?		X
7.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework? The owner is not a corporation. They are a small 2 person business.		X
7.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?		X

8 Information sources and attachments

8.1 References

Biosis 2016 Copernicus Way Keilor Downs: Biodiversity Assessment. Report for H Pomeroy Pacific. Authors: Mueck S, and Gilmore, D. Biosis Pty Ltd, Melbourne. Project no. 21703 (attached)

DELWP 2015 Melbourne Strategic Assessment Striped Legless Lizard Evaluation Report. Department of the Environment, Land, Water and Planning, Melbourne. (not attached)

DSEWPac 2011 *Environment Protection and Biodiversity Conservation Act 1999* referral guidelines for the vulnerable striped legless lizard *Delma impar*

Ecology and Heritage Partners 2015a. *Biodiversity assessment at Lot 1, 7A Copernicus Way, Keilor Downs, Victoria*. Report to SJB Planning. Author LeBel, S. Ecology & Heritage Partners, Melbourne (Ref. 7019) (attached)

Ecology and Heritage Partners 2015b. Targeted surveys for Striped Legless Lizard and Golden Sun Moth, Lot 3 80 Taylors Road, Keilor Downs Victoria. Prepared for SoHo Group Pty Ltd.(not attached).

8.2 Reliability and date of information

The information in Section 3 is sourced from ecological surveys undertaken by Biosis Pty Ltd and Ecology and Heritage Partners Pty Ltd. The information is recent (in the last 3 years). The ecological surveys were carried out by qualified and experienced ecologists with familiarity with relevant MNES and their status in the Melbourne region. However, we do not access to the Ecology and Heritage Partners report and as such we were unable to review it.

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 project locality (section 1)	✓	Attachment 1
	GIS file delineating the boundary of the referral area (section 1)	✓	7B_CopernicusWay_EPBC_referral.zip
	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)	✓	Attachment 2
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)		Biosis 2016 Copernicus Way Keilor Downs: Biodiversity Assessment. Report for H Pomeroy Pacific. Authors: Mueck S, and Gilmore, D. Biosis Pty Ltd, Melbourne.

		<p>Project no. 21703</p> <p>Ecology and Heritage Partners 2015a. <i>Biodiversity assessment at Lot 1, 7A Copernicus Way, Keilor Downs, Victoria</i>. Report to SJB Planning. Author LeBel, S. Ecology & Heritage Partners, Melbourne (Ref. 7019).</p>
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9 Contacts, signatures and declarations

	Project title:	7B Copernicus Way, Keilor Downs - Mixed Use Residential Development
9.1	Person proposing to take action	
	1. Name and Title:	Leon Liu (Director) & Chino Li (Director)
	2. Organisation:	Hexa Keilor Downs Pty Ltd
	3. EPBC Referral Number (if known):	
	4: ACN / ABN:	610 316 642
	5. Postal address	c/o: Pomeroy Pacific Pty Ltd Level 4, 15 Claremont Street South Yarra VIC 3141
	6. Telephone:	0408 797 843 (Luke O'Grady – Project Manager)
	7. Email:	Leonliu82@gmail.com & chinoli689@gmail.com & luke.ogradey@pomeroyPacific.com.au
	8. Name of proposed proponent (if not the same person at item 1 above and if applicable):	N/A
	9. ACN/ABN of proposed proponent (if not the same person named at item 1 above):	N/A
		COMPLETE THIS SECTION ONLY IF YOU QUALIFY FOR EXEMPTION FROM THE FEE(S) THAT WOULD OTHERWISE BE PAYABLE
	I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:	A small business entity (within the meaning given by section 328-110 (other than subsection 328-119(4)) of the <i>Income Tax Assessment Act 1997</i>)
	If you are small business entity you must provide the Date/Income Year that you became a small business entity:	21 st January 2016 FY16
		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) <i>Environment Protection and Biodiversity Conservation Regulations 2000 (Cth)</i>).
		COMPLETE THIS SECTION ONLY IF YOU WOULD LIKE TO APPLY FOR A WAIVER
	I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the EPBC Regulations . Under sub regulation 5.21A(5), you must include	<input type="checkbox"/> not applicable.

	information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made:			
	Declaration	<p>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.</p> <p>I understand that giving false or misleading information is a serious offence.</p> <p>I agree to be the proponent for this action.</p> <p>I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.</p>		
	Signature	 Daniel Gilmore <table border="1" style="float: right;"> <tr> <td>Date</td> <td>27/06/2016</td> </tr> </table>	Date	27/06/2016
Date	27/06/2016			

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

Name Daniel Gilmore
 Title Senior Consultant Zoologist
 Organisation Biosis Pty Ltd
 ABN 65 006 175 097
 Postal address PO Box 489 Melbourne Vic 3207
 Telephone (03) 8686 4800
 Email

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 20 June 2016

REFERRAL CHECKLIST

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

HAVE YOU:

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

Geographic Information System (GIS) data supply guidelines

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

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

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

Processed products should be provided as follows:

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

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

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

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