



Title of Proposal - Mount Mary Road Intersection

Section 1 - Summary of your proposed action

Provide a summary of your proposed action, including any consultations undertaken.

1.1 Project Industry Type

Residential Development

1.2 Provide a detailed description of the proposed action, including all proposed activities.

The current Referral relates specifically to the proposed upgrade of the Ballan Road - Mount Mary Road intersection in Eynesbury, Victoria. The proposed upgrade forms part of the broader development of Eynesbury estate. Works for the intersection involve:

? Construction of intersection and related infrastructure (drainage)

In 2005 and 2006 EPBC Act referrals (EPBC 2005/2189 and 2006/2668) for the whole MUZ of Eynesbury, including Mt Mary Road, Eynesbury Road and Haul Road were lodged with the Commonwealth of Australia. It was decided the action is not a controlled action. These referrals did not include the proposed Ballan Road – Mount Mary Road intersection upgrade, requiring this separate referral just for the intersection upgrade at that location.

The proposed intersection upgrade is to be built to accommodate an increase in vehicular traffic associated with the Eynesbury residential township. The proposed works will involve the widening of Ballan Road and subsequent removal of 0.0548 hectares of native remnant vegetation in the form of Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP). This native remnant vegetation to be removed is also considered potential habitat for Golden Sun Moth (GSM), Striped Legless Lizard (SLL) and Plains-wanderer.

1.3 What is the extent and location of your proposed action? Use the polygon tool on the map below to mark the location of your proposed action.

Area	Point	Latitude	Longitude
Intersection works area 1		-37.830884007684	144.54224157913
Intersection works area 2		-37.830979338973	144.54235959633
Intersection works area 3		-37.831148816516	144.54257953747
Intersection works area 4		-37.83128439827	144.54250443561
Intersection works area 5		-37.831468704317	144.54272437675
Intersection works area 6		-37.831629706924	144.54253930433
Intersection works area 7		-37.831087380951	144.54191971405
Intersection works area 8		-37.831051366976	144.54197872265



Area	Point	Latitude	Longitude
Intersection works area 9		-37.830884007684	144.54224157913

1.5 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 study area comprises approximately 1.4 hectares of public roadside reserve at Eynesbury, a recently developed township located approximately 37 kilometres to the west of Melbourne. The study area is flat, occurs on basalt geology and the road reserves are dominated by NTGVVP. A locality map is provided as Appendix 1.

It comprises the following components:

200 metres of public road reserve along Ballan Road, centred on the intersection with Mount Mary Road.

1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?

The works area is approximately 200 m x 45 m. This will involve the removal of 0.0548 hectares native vegetation.

1.7 Is the proposed action a street address or lot?

Street Address

Ballan Road
Wyndham Vale VIC 3024
Australia

1.8 Primary Jurisdiction.

Victoria

1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?

No



1.10 Is the proposed action subject to local government planning approval?

Yes

1.10.1 Is there a local government area and council contact for the proposal?

Yes

1.10.1.0 Council contact officer details

1.10.1.1 Name of relevant council contact officer.

Trevor Prowd (Wyndham Council)

1.10.1.2 E-mail

Trevor.Prowd@wyndham.vic.gov.au

1.10.1.3 Telephone Number

(03) 9742 0717

1.11 Provide an estimated start and estimated end date for the proposed action.

Start date 12/2017

End date 12/2018

1.12 Provide details of the context, planning framework and State and/or Local government requirements.

Planning and Environment Act 1987 –Wyndham Planning Scheme

A planning permit application for the action will be required for the use, development and native vegetation removal associated with the proposed action. The proposed action will be assessed against the Wyndham Planning Scheme.

Flora and Fauna Guarantee Act 1988

The *Flora and Fauna Guarantee Act 1988* (FFG) deals with biodiversity, conservation and sustainable use of native flora and fauna in Victoria and applies to public land. There is a potential for threatened species and threatened ecological communities to be present along the road reserves and within the area of Crown land included within the site. A permit to take listed species may be required under this Act.



Other Acts

Other permits and provisions may be required by the following acts:

Catchment and Land Protection Act 1994 *Crown Land (Reserves) Act 1978* *Wildlife Act 1975* *Environment Protection Act 1970*.

1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders.

None undertaken or required.

1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project.

Environment Protection and Biodiversity Conservation Act 1999 (Cmwth)

The proposed action is being referred to the Commonwealth as not a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*.

Planning and Environment Act 1986

Impacts on native vegetation and associated biodiversity have been undertaken of the whole road alignment including the intersection in 2013 (see Appendix 2 – Flora and Fauna Report) consistent with the Victoria's Native Vegetation Management Framework (DNRE 2002) to inform assessment of the permit application required for native vegetation removal. An updated report will be prepared that satisfies the new Biodiversity Assessment Guidelines (DEPI 2013).

Targeted flora surveys for Spiny Rice-flower and Spring flowering flora species have been undertaken in July, November and December 2012 and no EPBC Act listed flora species have been recorded within the road reserves of the intersection (see Appendix 3, Targeted Flora surveys).

1.15 Is this action part of a staged development (or a component of a larger project)?

Yes

1.15.1 Provide information about the larger action and details of any interdependency between the stages/components and the larger action.

The proposed action is a component of a larger action; the Eynesbury Township development.



Two EPBC Act referrals (EPBC 2005/2189 and 2006/2668) have been lodged in 2005 and 2006 for the whole MUZ of Eynesbury including Mt Mary Road. The Department of Environment and Heritage advised on 28th July 2005 and the 11th April 2006 that the proposed development is not a controlled action. The Ballan Road intersection is considered in this separate referral, since it lies outside the already approved area of Eynesbury.

1.16 Is the proposed action related to other actions or proposals in the region?

Yes

1.16.1 Identify the nature/scope and location of the related action (Including under the relevant legislation).

Yes, it is part of the broader Eynesbury estate development.



Section 2 - Matters of National Environmental Significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The [interactive map tool](#) can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest. Consideration of likely impacts should include both direct and indirect impacts.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The following resources can assist you in your assessment of likely impacts:

- [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](#);
- [Significant Impact Guideline 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies](#).

2.1 Is the proposed action likely to have ANY direct or indirect impact on the values of any World Heritage properties?

No

2.2 Is the proposed action likely to have ANY direct or indirect impact on the values of any National Heritage places?

No

2.3 Is the proposed action likely to have ANY direct or indirect impact on the ecological character of a Ramsar wetland?

No

2.4 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?

Yes

2.4.1 Impact table

Species	Impact
Natural Temperate Grassland of the Victorian	0.0548 hectares



Species	Impact
Volcanic Plains (NTGVVP).	
The proposed action could impact potential habitat for the following EPBC Act listed fauna species: ? Golden Sun Moth; ? Striped Legless Lizard; and ? Plains-wanderer.	0.0548 hectares

2.4.2 Do you consider this impact to be significant?

No

2.5 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed migratory species, or their habitat?

No

2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

No

2.7 Is the proposed action to be taken on or near Commonwealth land?

No

2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?

No

2.9 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?

No

2.10 Is the proposed action a nuclear action?

No

2.11 Is the proposed action to be taken by the Commonwealth agency?

No

2.12 Is the proposed action to be undertaken in a Commonwealth Heritage Place Overseas?



No

2.13 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?

No



Section 3 - Description of the project area

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 in Section 2).

3.1 Describe the flora and fauna relevant to the project area.

The study area is used as a public road reserve and is entirely occupied of moderate-quality native remnant vegetation in the form of Plains Grassland (Low-rainfall Plains Grassland (EVC 132_63) and NTGVVP.

The study area forms part of a wider road reserve and is contiguous with private land that is likely to support native remnant vegetation in the form of Plains Grassland (Low-rainfall Plains Grassland (EVC 132_63) and possibly NTGVVP.

A flora and fauna report encompassing the impact site (BL&A 2014) is provided as Appendix 2.

At the time of the flora and fauna assessment, native remnant vegetation in the study area was lacking in structure, species richness and lifeform diversity. Dominant indigenous species included Kangaroo Grass, Kneel Spear-grass, Common Wallaby-grass, Bristly Wallaby-grass and Brown-back Wallaby-grass, while common introduced species included Ribwort, Cocksfoot and Galenia. Introduced weed cover was moderate, with the majority of cover comprising high-threat species. The cover of organic litter was optimal. Potential for recruitment was poor.

The likelihood of occurrence of threatened flora species listed under the FFG Act and EPBC Act indicated that the study area contains suitable habitat for six listed species:

Button Wrinklewort (EPBC Act: VU, FFG Act: L); Clover Glycine (EPBC Act: VU, FFG Act: L); Large-fruit Fireweed (EPBC Act: VU, FFG Act: L); Narrow Goodenia (EPBC Act: VU, FFG Act: L); Small Scurf-pea (FFG Act: L); and Spiny Rice-flower (EPBC Act: CR, FFG Act: L).

Targeted surveys for these species were conducted in July, November and December 2012. During targeted surveys, none of the abovementioned species were found to be present in the study area (Appendix 3 (BL&A 2013)).

During the field surveys conducted in the study area and surrounds, 16 fauna species were recorded. This included 14 bird (four introduced) and two mammal (one introduced) species.

The likelihood of occurrence of threatened fauna species listed under the FFG Act and EPBC Act indicated that the study area contains suitable habitat for four listed species:



Plains-wanderer (EPBC Act: VU, FFG Act: L); Red-chested Button-quail (FFG Act: L); Striped Legless Lizard (EPBC Act: VU, FFG Act: L); and Golden Sun Moth (EPBC Act: CR, FFG Act: L).

None of these species were recorded during field surveys.

3.2 Describe the hydrology relevant to the project area (including water flows).

An east-west oriented ephemeral watercourse is present approximately 2 kilometres north of the impact site. It is a small tributary of the Werribee River, and the confluence is approximately 2.5 kilometres east of the impact site. This watercourse would only contain standing water after significant precipitation, and flow would cease altogether during long spells of hot dry weather.

3.3 Describe the soil and vegetation characteristics relevant to the project area.

Soils within the impact site comprise naturally formed heavy swelling clay derived from Pliocene volcanics. A moderate level of past disturbance to the profile was observed.

The vegetation of the impact site is described above in section 3.1 and in Appendix 2 the Flora and Fauna Assessment report (BL&A 2014). The impact site is dominated by native remnant grassland.

3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area.

There are no outstanding natural features or important or unique values relevant to the impact site.

3.5 Describe the status of native vegetation relevant to the project area.

The project will result in the removal of 0.0548 hectares of native remnant grassland in the form of Plains Grassland (Low-rainfall Plains Grassland (EVC 132_63), and the EPBC Act listed threatened community - Natural Temperate Grassland of the Victorian Volcanic Plains (NTGVVP).

3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.

The study area sits at approximately 93 metres above sea level.

3.7 Describe the current condition of the environment relevant to the project area.



Past and present land-use at the impact site is as follows:

Ballan Road reserve has probably been intermittently managed through burning for many decades, and is currently managed so; and Adjoining private land supports a combination of pastoral (cattle grazing at present) and dry land cereal cropping activities.

3.8 Describe any Commonwealth Heritage Places or other places recognised as having heritage values relevant to the project area.

No Commonwealth Heritage Places occur on the impact site.

3.9 Describe any Indigenous heritage values relevant to the project area.

No listed indigenous heritage values occur on the impact site.

3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area.

The action will not occur on freehold land.

3.11 Describe any existing or any proposed uses relevant to the project area.

The area is a public road reserve and is characterised by native remnant grassland.



Section 4 - Measures to avoid or reduce impacts

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.

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.

4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action.

The intersection has been designed to use the least possible footprint in order to reduce native vegetation removal as much as possible.

Mitigation and management measures will be employed to ensure the impacts to biodiversity will be minimised.

NTGVVP and habitat for GSM: To mitigate significant residual impacts resulting from the proposed removal of 0.0548 hectares of NTGVVP and habitat for GSM for the Ballan Road intersection upgrade (the impact site), the proponent aims to keep the disturbance area as small as possible.

SLL: To mitigate any impact resulting from the proposed removal of potential habitat for SLL for the Ballan Road intersection upgrade (the impact site), the proponent will implement a Striped Legless Lizard salvage protocol.

Residual effects and obligations to provide the required offsets can be adequately addressed through the planning permit process under the Planning and Environment Act 1987, consistent with the requirements of the Permitted Clearing of Native Vegetation - Biodiversity Assessment Guidelines (2013).

Potential for erosion can be managed through the development of an Erosion and Sediment Management Plan.

4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved.

The proposed action will result in the following losses of EPBC Act listed matters:



0.0548 hectares of the threatened community Natural Temperate Grassland of the Victorian Volcanic Plains; 0.0548 hectares of potential habitat for Golden Sun Moth; 0.0548 hectares of potential habitat for Striped Legless Lizard; and 0.0548 hectares of potential habitat for Plains-wanderer.



Section 5 – Conclusion on the likelihood of significant impacts

A checkbox tick identifies each of the matters of National Environmental Significance you identified in section 2 of this application as likely to be a significant impact.

Review the matters you have identified below. If a matter ticked below has been incorrectly identified you will need to return to Section 2 to edit.

5.1.1 World Heritage Properties

No

5.1.2 National Heritage Places

No

5.1.3 Wetlands of International Importance (declared Ramsar Wetlands)

No

5.1.4 Listed threatened species or any threatened ecological community

No

5.1.5 Listed migratory species

No

5.1.6 Commonwealth marine environment

No

5.1.7 Protection of the environment from actions involving Commonwealth land

No

5.1.8 Great Barrier Reef Marine Park

No

5.1.9 A water resource, in relation to coal/gas/mining

No



5.1.10 Protection of the environment from nuclear actions

No

5.1.11 Protection of the environment from Commonwealth actions

No

5.1.12 Commonwealth Heritage places overseas

No

5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action.

A significant impact to the EPBC Act listed community NTGVVP recorded on the site is considered unlikely, however any loss of extent of such communities is considered to be a significant impact according to the significant impact guidelines. Given the small amount of area, proposed to be removed (0.0548 hectares or 548 sqm) from a wide and long road reserve along Ballan Road, the proposed action is unlikely to reduce the overall extent of this community locally or in Victoria significantly.

A significant impact to the EPBC Act listed fauna species Golden Sun Moth is considered unlikely. The moth is assumed to be present given the provision of suitable habitat at the impact site, and that GSM have been recorded nearby within the Eynesbury development. However, the removal of 548 sqm of potential habitat for this species is not considered to have a significant impact on its population.

A significant impact to the EPBC Act listed fauna species Striped Legless Lizard is considered unlikely. A targeted survey has been conducted within the wider Eynesbury area, without detecting this species. The removal of 548 sqm of potential habitat for this species is not considered to have a significant impact on its population. The implementation of a salvage protocol is recommended during construction to avoid negative impacts on this potentially occurring species.

A significant impact to the EPBC Act listed fauna species Plains-wanderer is considered unlikely, as only a very small area of potential transient habitat will be lost from the impact site.



Section 6 – Environmental record of the person proposing to take the action

Provide details of any proceedings under Commonwealth, State or Territory law against the person proposing to take the action that pertain to the protection of the environment or the conservation and sustainable use of natural resources.

6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Please explain in further detail.

Eynesbury Property Development Pty Ltd does not have a history of any breaches to environmental legislation.

A significant amount of environmental investigation and management has gone into the wider Eynesbury estate development which encompasses this project.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (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.

None

6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?

Yes

6.3.1 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework.

Eynesbury Property Developments Pty Ltd have a track record of successfully maintaining the Native Grassland Reserve and Grey Box Forest under management plans mandated by s173 Agreements, utilising the services of expert contractors monitored by specialist consultants.

6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?

Yes



6.4.1 EPBC Act No and/or Name of Proposal.

Eynesbury Property Developments Pty Ltd are responsible for undertaking the action referred to in item 1.2, as the current owner, but had not previously referred an action under the EPBC Act.



Section 7 – Information sources

You are required to provide the references used in preparing the referral including the reliability of the source.

7.1 List references used in preparing the referral (please provide the reference source reliability and any uncertainties of source).

Reference Source	Reliability	Uncertainties
Brett Lane & Associates (BL&A) 2014, Eynesbury – Mt Mary Road, Flora, Fauna, Habitat Hectare Assessment and Net Gain Analysis, Report No 2004.43 (58.2) prepared for Eynesbury Development Joint Venture Pty Ltd, April 2014.	high	negligible
Brett Lane & Associates (BL&A) 2013, Mt Mary Road, Eynesbury – Targeted Flora Surveys, Report No 2004.43 (61.0) prepared for Eynesbury Development Joint Venture Pty Ltd, March 2013.	high	negligible
Detailed references are provided within each of the technical reports, which support this referral documentation.	high	negligible



Section 8 – Proposed alternatives

You are required to complete this section if you have any feasible alternatives to taking the proposed action (including not taking the action) that were considered but not proposed.

8.0 Provide a description of the feasible alternative?

Currently a feasible alternative has not been established for the project.

8.1 Select the relevant alternatives related to your proposed action.

8.27 Do you have another alternative?

No



Section 9 – Contacts, signatures and declarations

Where applicable, you must provide the contact details of each of the following entities: Person Proposing the Action; Proposed Designated Proponent and; Person Preparing the Referral. You will also be required to provide signed declarations from each of the identified entities.

9.0 Is the person proposing to take the action an Organisation or an Individual?

Organisation

9.2 Organisation

9.2.1 Job Title

Property Manager

9.2.2 First Name

Russell

9.2.3 Last Name

Jackson

9.2.4 E-mail

russell@hydegroupp.com.au

9.2.5 Postal Address

62, Jolimont Street
East Melbourne VIC 3002
Australia

9.2.6 ABN/ACN

ACN

169713053 - EYNESBURY PROPERTY DEVELOPMENT PTY. LTD.

9.2.7 Organisation Telephone

03 9654 1012



9.2.8 Organisation E-mail

russell@hydegroupp.com.au

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

Not applicable

Small Business Declaration

I have read the Department of the Environment and Energy's guidance in the online form concerning the definition of a small a business entity and confirm that I qualify for a small business exemption.

Signature:  Date: 23/11/17

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

No

9.2.9.3 Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made

Person proposing the action - Declaration

I, RUSSELL JACKSON, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral 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: 23/11/17

I, RUSSELL JACKSON, the person proposing the action, consent to the designation of _____ as the proponent of the purposes of the action describe in this EPBC Act Referral.

Signature:  Date: 23/11/17

9.3 Is the Proposed Designated Proponent an Organisation or Individual?



Organisation

9.5 Organisation

9.5.1 Job Title

Property Manager

9.5.2 First Name

Russell

9.5.3 Last Name

Jackson

9.5.4 E-mail

russell@hydegroupp.com.au

9.5.5 Postal Address

62, Jolimont Street
East Melbourne VIC 3002
Australia

9.5.6 ABN/ACN

ACN

169713053 - EYNESBURY PROPERTY DEVELOPMENT PTY. LTD.

9.5.7 Organisation Telephone

03 9654 1012

9.5.8 Organisation E-mail

russell@hydegroupp.com.au

Proposed designated proponent - Declaration

I, RUSSELL JACKSON, the proposed designated proponent, consent to the designation of myself as the proponent for the purposes of the action described in this EPBC Act Referral.



Signature:  Date: 28/11/17

9.6 Is the Referring Party an Organisation or Individual?

Organisation

9.8 Organisation

9.8.1 Job Title

Property Manager

9.8.2 First Name

Russell

9.8.3 Last Name

Jackson

9.8.4 E-mail

russell@hydegroupp.com.au

9.8.5 Postal Address

62, Jolimont Street
East Melbourne VIC 3002
Australia

9.8.6 ABN/ACN

ACN

169713053 - EYNESBURY PROPERTY DEVELOPMENT PTY. LTD.

9.8.7 Organisation Telephone

03 9654 1012

9.8.8 Organisation E-mail

russell@hydegroupp.com.au

Referring Party - Declaration



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

Signature: [Signature] Date: 23/11/17



Appendix A - Attachments

The following attachments have been supplied with this EPBC Act Referral:

1. 2004.4358_mtmary_rd_intersection_170914.pdf
2. ballan_rd_nv_toberemoved_171025.zip
3. report_2004.43_61.0_targeted_flora_surveys_mt_mary_rd.pdf
4. report_2043.43_58.2_flora_fauna.pdf