Title of Proposal - Primary School, 145-177 Mitchells Lane, Sunbury, VIC

Section 1 - Summary of your proposed action

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

1.1 Project Industry Type

Private

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

Catholic Education Melbourne is developing a 3.2 hectare site as a primary school to educate students within the Sunbury Parish who cannot be accommodated into existing Catholic primary schools within the Parish. The primary school will open at the start of the 2019 school year (late January) and already has 120 confirmed enrolments. The primary school will be developed in two stages with Stage 1 to provide facilities to allow the opening of the school at the beginning of 2019. Stage 2 will be developed as student numbers increase. The critical milestones for the project are summarised below:
- Tenders for Stage 1 construction: Late January-early February 2018
- Stage 1 Construction: Late February 2018-early January 2019
- Stage 1 Opening: Late January 2019
- Stage 2 Construction and Opening: 2020-2025

The current master plan for the site includes:
• main building housing class rooms, offices, staff facilities, canteen and toilets (Stage 1);
• two additional buildings to cater for future growth in student numbers (Stage 2);
• proposed future gymnasium (Stage 2);
• car park with 16 spaces and pick up/drop off area (Stage 1) with capacity to expand and provide an additional 18 parking spaces (Stage 2);
• play-ground areas;
• sports field (Stage 2);
• basking/netball courts (Stage 2); and,
• outdoor landscaping and furniture.

The master plan is likely to be subject to modifications during the planning permit process. The nature of the development is not expected to change significantly during this period. The school site would only require developing 2.4 hectares of the 3.2 hectare site. The balance of the site is for future use which as not as yet determined.

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
Project site	1	-37.584638944315	144.70634384854
Project site	2	-37.586067283482	144.70611854299
Project site	3	-37.585931252361	144.70504565938
Project site	4	-37.585999267952	144.70397277578
Project site	5	-37.584383880866	144.70423026784
Project site	6	-37.584638944315	144.70634384854

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 is located at 145-177 Mitchells Lane, Sunbury, Victoria, approximately 40 kilometres (km) north-west of Melbourne's CBD. It is located within the Hume City Council municipality, Port Philip and Westernport Catchment Area, and the Victorian Volcanic Plain bioregion. The study area covers approximately 3.2 hectares (ha) and is bound by Mitchells Lane to the north, residential development to the east and west, and vacant land to the south. Land to the south and east is located within 100 Vineyard Road, Sunbury, and has approval under the EPBC Act to be developed as part of the Rosenthall Estate (EPBC 2008/4214).

The study area is generally flat with a small gradual slope towards the southern boundary. Immediately adjacent to the southern boundary is an unnamed creek which is a tributary of Jacksons Creek. There are no water-bodies, such as creeks, wetlands, dams or drainage-lines in the study area.

The study area is currently vacant. There is no indication of past land-uses, such as buildings, watering holes, agricultural equipment, etc. It is assumed that the study area has been historically grazed prior to the expansion of residential development into the local area, given that grazing was the dominant land-use in the Sunbury area.

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

3.2 hectares

1.7 Is the proposed action a street address or lot?

Street Address

145-177 Mitchells Lane
Sunbury VIC 3429
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?

Yes

1.9.1 Please provide details.

Construction of the school is jointly funded by Catholic Archdiocese of Melbourne and the Victorian Government.

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?

No

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

Start date 03/2018

End date 12/2025

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

The following environmental legislation and policy is considered relevant to the project:

Commonwealth legislation:- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)Victorian legislation:- *Flora and Fauna Guarantee Act 1988* (FFG Act)- *Environment Effects Act 1978* (EE Act)- *Planning and Environment Act 1987* (P&E Act) -*Permitted clearing of native vegetation: biodiversity assessment guidelines* ‘the Guidelines’

(DEPI 2013) -Planning Zones and Overlays- *Wildlife Act 1975- Catchment and Land Protection Act 1994* (CaLP Act).

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

The Wurundjeri Tribe land and Compensation Cultural Heritage Counc is the Registered Aboriginal Party (RAP) for the study area, and will review a voluntary Cultural Heritage Management Plan currently being prepared for the proposed action.

There has been extensive discussions with Hume City Council and the Victorian Government in determining the strategic justification for the development of the school. Preliminary discussions have also been held with the Hume City Council in relation to planning approval.

The local community will have an opportunity to comment on the proposed action during the planning permit process.

A pre EPBC Act-referral meeting was held with representatives of the Department of the Environment and Energy (Lisa Hogan and Heather Agnew), Catholic Education Melbourne (Andrew Grindlay) and Ecology and Heritage Partners (Thomas Wright) on 4 August 2017.

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.

A Biodiversity Assessment was conducted by Ecology and Heritage Partners Pty Ltd in July 2017 and is provided as an attachment to this referral. The purpose of the Biodiversity Assessment was to map the extent and quality of remnant vegetation, identify the presence of threatened species and ecological communities, discuss implicaitons under relevant legislation and policy, and provide practical recommendations to avoid and minimise impacts to the environment where possible.

Based on the findings of the Biodiversity Assessment, targeted surveys for Striped Legless Lizard, Matted Flax-lily and Large-headed Fireweed are scheduled for early spring. Targeted surveys for Spiny Rice-flower were completed in June 2017. No individuals were recorded.

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

No

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

No

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
Golden Sun Moth	Loss of up to 2 hectares of suitable habitat for

Species	Impact
	Golden Sun Moth (Synemon plana) habitat.
Striped Legless Lizard	Study area has potential to support Striped Legless Lizard (Delma impar).
Large-headed Fireweed and Matted Flax-lily	Study area has potential to support Large-headed Fireweed (Senecio macrocarpa) and Matted Flax-lily (Dianella amoena).
Natural Temperate Grassland of the Victorian Volcanic Plain	Loss of up to 0.23 hectares of Natural Temperate Grassland of the Victorian Volcanic Plain.

2.4.2 Do you consider this impact to be significant?

Yes

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.

Remnant vegetation

Remnant native vegetation in the form of Ecological Vegetation Class (EVC) Low-rainfall Plains Grassland (EVC 132_63) is present throughout the study area. The presence of this is consistent with the modelled pre-1750s native vegetation mapping by the Department of Environment, Land, Water and Planning. The remainder of the study area comprises introduced vegetation dominated by exotic grasses.

Five patches of Low-rainfall Plains Grassland of varying quality are present in the study area, covering 0.97 ha. Overall the patches are of low-moderate quality with adjusted site condition scores of between 12/75 and 29/75. The highest quality patch is PG5. This patch is dominated by Rough Spear-grass *Austrostipa scabra* subsp. *falcata*, Crested Spear-grass *Austrostipa blackii*, Clustered Wallaby-grass *Rytidosperma racemosa* and Bristly Wallaby-grass *Rytidosperma setacea*. Other native graminoid species present include Kangaroo Grass *Themeda triandra*, Windmill Grass *Chloris truncata,* Red-leg Grass *Bothriochloa macra* and Wattle Mat-rush *Lomandra filiformis*. The inter-tussock spaces are dominated by introduced annual grasses, notably Onion Grass *Romulea rosea* and Rat-tail Fescue *Vulpia bromoides* and Rye-grass *Lolium sp*. and Couch *Cynodon dactylon*.

Native forb species are uncommon throughout PG 5, as they are throughout other the rest of the study area, with Berry Saltbush *Atriplex semibaccata*, Sheep's Burr *Acaena echinata* and Wood-sorrel *Oxalis perennans* the only species recorded during the field assessment. Sections of the patch of PG 5 had recently been burnt while the rest of the patch is regularly mown providing for a more open tussock structure.

The other patches of Plains Grassland (i.e. PG 1-PG 4) are of low quality with site condition scores ?22/75. These patches contain between 25-40% cover of native grasses with exotic grassy weeds dominant, including Phalaris *Phalaris aquatica*, Cocksfoot *Dactylis glomerata*, Paspalum *Paspalum dilatatum*, Kikuyu *Cenchrus pennisetum* and the declared noxious weeds Chilean Needle-grass *Nassella neesiana* and Serrated Tussock Nassella *trichotoma*. Due to the presence of surface rock, patches PG 2 and 4 are not mown, resulting in a taller grassland structure, greater build-up of grassy biomass and increased cover of perennial weeds.

Introduced vegetation

Areas not mapped as supporting Plains Grassland (EVC 132_63) have a high cover (>80%) of exotic grass species that are typical of degraded grasslands in the Sunbury area. Common species include Cocksfoot *Dactylis glomerata,* Phalaris *Phalaris aquatica,* Prairie Grass *Bromus catharticus,* Rye Grass *Lolium* sp., Onion Grass *Romulea rosea,* Couch *Cynodon dactylon* and Kikuyu *Cenchrus clandestinum*. The declared noxious weeds Serrated Tussock *Nassella trichotoma* and Chilean Needle-grass *Nassella neesiana* are also scattered through-out. Chilean Needle-grass is more prevalent along the southern boundary of the study area.

In addition to exotic grasses, common herbaceous weeds are present, including Galenia *Galenia pubescens,* Ribwort *Plantago lanceolata,* Sheep Sorrel *Acetosella vulgaris,* Curled Dock *Rumex crispus* and Twiggy Turnip *Brassica fruticulosa.* In addition to Chilean Needle-grass and Serrated Tussock, other declared noxious that occur throughout the study area include Briar Rose *Rosa rubiginosa,* Spear Thistle *Cirsium vulgare,* African Boxthorn *Lycium ferocissimum* and Artichoke Thistle *Cynara cardunculus.*

Fauna habitat

The study area is entirely covered by grassland habitat, of which the majority is dominated by introduced species, and approximately 0.97 ha is considered remnant native grassland. The study area is likely to provide habitat for common native, small mammal and introduced birds and reptiles that have general habitat requirements. Raptor bird species are expected to fly-over the site searching for prey. Australian Magpie *Cracticus tibicen* and Little Corella *Cacatua sanguinea* were observed as fly-overs during the field assessment. Rabbit *Oryctolagus cuniculus* droppings were noticed throughout the study area, while other declared noxious pests such as Red Fox *Vulpes vulpes* and Feral Cats *Felix catus* are also expected to be present.

Areas of native grassland, as well as patches of Chilean Needle-grass along the southern boundary, have an open tussock structure and may provide habitat for the critically endangered Golden Sun Moth *Synemon plana* . Embedded and surface rock is present throughout the study area, and is most abundant in the middle of the study area where grasses are taller and there is greater biomass due to lack of mowing. This area is considered suitable habitat for reptiles potentially including the nationally vulnerable Striped Legless Lizard *Delma impar .*

There are no water-bodies in the study area; however, an unnamed creek runs parallel to the southern boundary of the study area. This creek has potential to support frogs species when

inundated. It was dry when the assessment was undertaken.

Threatened flora

The Victorian Biodiversity Atlas (VBA) contains records of 4 nationally significant and 23 State significant flora species previously recorded within 10 km of the study area. The Protected Matters Search Tool (PMST) nominated an additional 8 nationally significant species which have not been previously recorded but have the potential to occur in the locality. Most records are confined to existing railway corridors or conservation reserves within the local area, including recent (post- 2007) records for the nationally significant Spiny Rice-flower *Pimelea spinescens subsp. spinescens* and State-significant Bacchus Marsh Wattle *Acacia rostriformis* and Tough Scurf-pea *Cullen tenax*.

No significant flora species have been recorded within the study area. No significant flora was recorded in the adjoining 100 Vineyard Road, Sunbury site during targeted surveys undertaken in 2009 for the EPBC Act referral for that project (EPBC 2008/4214).

The study area is considered to provide suitable habitat for significant flora species that are associated with native grassland habitat around north-western Melbourne, especially species that were identified via the VBA. The following nationally-significant flora species are considered to have a moderate likelihood of occurring in the study area (Appendix 2.2) :

- Matted Flax-lily *Dianella amoeana;* and,

- Large-headed Fireweed *Senecio macrocarpus.*

There is suitable habitat for Spiny Rice-flower which has been recorded as recently as 2013, and as close as 2 km to the study area. A targeted survey for the species was conducted on 19 June 217 by two botanists familiar with the species walking 5 m spaced transects throughout the study area; however, no individuals were recorded. It is therefore unlikely that Spiny Rice-flower occurs in the study area.

Five state-significant flora species are also considered to have a moderate likelihood of occurring in the study area (Appendix 2.2), these species being:

- Arching Flax-lily *Dianella* sp. aff. *Longifolia* (Benambra);

- Late-flower Flax-lily *Dianella tarda;*

- Slender Tick-trefoil *Desmodium varians;*

- Small Scurf-pea *Cullen parvum; and,*

- Tough Scurf-pea *Cullen tenax.*

Threatened Fauna

The VBA contains records of 9 nationally significant, 17 State significant and 8 regionally significant fauna species previously recorded within 10 km of the study area. The PMST nominated an additional 11 nationally significant species which have not been previously recorded but have the potential to occur in the locality.

The study area provides suitable habitat for grassland specialist fauna. Two nationally-significant fauna species are considered to have a high or moderate likelihood of occurring in the study area based on the availability of suitable habitat and/or recent records for the species in close proximity to the study area:

- Golden Sun Moth *Synemon plana;* and,

- Striped Legless Lizard *Delma impar*.

Growling Grass Frog *Litoria raniformis* is unlikely to occur in the study area but may utilise the unnamed creed to the south of the study area during high-flow periods in the breeding season to move through the landscape. Further discussion on the potential for these tree species is provided in the sub-sections below.

One State-significant species is considered to have a moderate likelihood of occurring in the study area:

- Common Dunnart *Sminthopsis murina murina*.

Golden Sun Moth

It is highly likely that Golden Sun Moth occurs within the study area. Ecology and Heritage Partners are aware that Golden Sun Moth was recorded within the study area during targeted surveys to support the EPBC Act referral for the subdivision of 100 Vineyard Road, Sunbury

(EPBC 2008/4214). The Golden Sun Moth survey was undertaken over four days' between November and December 2008. The survey included 37 transects of which 3 were partially located within the study area. Golden Sun Moth was recorded at all three transects partially covering the study area, with 327 Golden Sun Moths recorded over the four day survey. These records are not displayed in the VBA.

A more recent survey of 100 Vineyard Road, Sunbury undertaken between December 2014 and January 2015 recorded the species as still present on that site; however, the numbers of Golden Sun Moth records in the general vicinity of the study area were significantly lower than the 2008 survey.

Suitable habitat for Golden Sun Moth consists of patches of native grassland and areas of non-remnant grassland dominated by Chilean Needle-grass *Nassella neesiana* and/or Serrated Tussock-grass *Nassella trichotoma.* The total extent of suitable Golden Sun Moth habitat on the site is considered to be approximately 2 ha.

Growling Grass Frog

Growling Grass Frog is considered unlikely to occur in the study area and unlikely to be impacted by the project. There are no water-bodies within the study area where Growling Grass Frog may breed. There is an a tributary of Jacksons Creek located approximately 10 metres to the south of the study area. Targeted surveys for Growling Grass Frog were undertaken in the creek as part of the EPBC Act referral for the subdivision of 100 Vineyard Road, Sunbury including directly adjoining the study area. The surveys were undertaken in November and December 2008, on four separate days within several days of rainfall when the species had been observed calling at a reference site along Skeleton Creek in Sunbury. Call playback and visual checks for Growling Grass Frog were conducted between 0900-1000 hrs and 1700-1900 hrs. The species was not recorded. The survey was undertaken prior to the publication of Commonwealth guidelines on recommended survey techniques for Growling Grass Frog, but is considered to be compliant.

There are 20 records for Growling Grass Frog within a 10 km radius of the study area, with the most recent record from 2013. The nearest VBA record to the study area is a 1990 record near Spavin Drive Lake, approximately 2.7 km to the north.

The quality of habitat of the creek was inspected during the field assessment conducted as part of the Biodiversity Assessment of the study area (Ecology and Heritage Partners Pty Ltd 2017). The creek was dry and there was no sub-merged or emergent vegetation, which is considered to be the species' preferred breeding habitat. There is a low-moderate potential that Growling Grass Frog may utilise the creek as a dispersal corridor after heavy rains when the creek is inundated. Any potential impacts to Growling Grass Frog would be restricted to the construction phase of the project. The following mitigation measures which the proponent will commit to are considered sufficient to address any residual risk to the species:

- Sediment fencing along the southern boundary of the study area to prevent any sedimentation of the creek;

- Temporary fencing to prevent movement of vehicles, plant and personnel along the creek, and potentially spread Chytrid fungus; and,

- Frog fencing along the upper banks of the creek to prevent any Growling Grass Frogs from moving overland into the study area during construction.

Striped Legless Lizard

The study area is considered to provide suitable habitat for Striped Legless Lizard. Embedded and surface rock is scattered throughout the study area. The rock is of basaltic origin and is an indication that the study area has not been previously cleared or cultivated. Scattered rock is most common in the centre of the study area which prevents periodic slashing, whereas the outer sections of the study area are regularly slashed.

There have been no previous assessments for Striped Legless Lizard within the study area. Targeted surveys have previously been undertaken in the adjoining 100 Vineyard Road site. The survey consisted of nine tile grids with each grid consisting of 50 roof tiles. The closest grid to the study area was located 50 metres to the south. The survey was undertaken in January 2009. One check of the title grids was undertaken each week over a three week period. No Striped Legless Lizards were recorded. However, the survey does not comply with the minimum standards required by the Commonwealth for Striped Legless Lizard.

Threatened Ecological Communities

Five nationally listed ecological communities are predicted to occur within 10 kilometres of 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 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.

The study area supports 0.23 ha of Natural Temperate Grassland of the Victorian Volcanic Plain. The community occurs along the northern and north-eastern boundary of the study area. The patch is dominated by Spear Grass *Austrostipa* spp. and Wallaby Grasses *Rytidosperma* spp., with introduced perennial grasses namely Rye-grass *Lolium* spp. and Prairie Grass *Bromus catharticus* covering between 20-40% of the patch. There is a low diversity of native forb species, with Berry Saltbush *Atriplex semibaccata*, Sheep's Burr *Acaena echinata* and Wood-sorrel *Oxalis perennans* the only species recorded during the field assessment.

The presence of Natural Temperate Grassland of the Victorian Volcanic Plain was confirmed by assessing the quality and extent of all patches of native grassland within the study area against the Natural Temperate Grassland of the Victorian Volcanic Plain EPBC Act condition thresholds.

No other listed ecological communities were recorded in the study area. The unnamed creek-line immediately to the south of the study area is unlikely to qualify as the nationally significant Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains. The creekline is dominated by exotic grass species, and is likely to receive stormwater discharge from adjoining residential properties. The depth of the creek would result in water-levels that would preclude the presence of native species characteristic of the community, which are dependent on shallow, seasonal water flows.

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

The study area does not contain any water-bodies, such as creeks, drainage-lines, wetlands, dams or ponds. There is an unnamed creek running along the southern boundary of the study area. Surface flows across the study area drain into this creek.

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

Located on the Victorian Volcanic Plain, the soils are derived from basalt geology and consist of cracking clay soils. Surface and embedded basalt rock is scattered throughout the study area. Vegetation consists predominantly of exotic species common to degraded areas in the local area. Approximately one hectare of the site is considered to be low-quality remnant native

grassland dominated by Wallaby Grasses *Rytidosperma* spp. and Spear Grasses *Austrostipa* spp., that have a low diversity of native species.

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

The study area includes a listed ecological community (Natural Temperate Grassland of the Victorian Volcanic Plain) and suitable habitat for listed species (Golden Sun Moth, Striped Legless Lizard, Large-headed Fireweed and Matted Flax-lily). These values are associated with the areas of remnant grassland. All other areas are heavily degraded and not considered to provide any outstanding natural features.

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

The patches of Plains Grassland (EVC 132_63) are protected under the Victorian *Planning and Environment Act 1987.* The patches have a Bioregional Conservation Status of Endangered and also qualify as Western (Basalt) Plains Grassland Community under the *Flora and Fauna Guarantee Act 1988*. Approximately 0.23 ha of Plains Grassland also qualifies as the EPBC Act-listed Natural Temperate Grassland of the Victorian Volcanic Plain.

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

The gradient of the study area is relatively flat and extend froms 257 metres above sea level (asl) in the north-west of the study area, and 252 metres asl in the south-east corner of the study area.

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

The condition of the study area is considered to be low based on the dominance of grassy weeds, extent of remnant grassland and low-diversity of native species. The presence of scattered and embedded rock throughout the study area indicates the property has never been ploughed. Therefore, the extent of grassy weeds can be attributed to other land-uses such as grazing as well as pressures from the development of the local area for residential purposes.

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

Not applicable.

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

A voluntary Cultural Heritage Management Plan is being prepared for this project to identify indigenous heritage values and appropriate management controls for the salvage and/or protection of such values if found.

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

Freehold.

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

The study area is currently vacant and has been for some-time.

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.

Due to the size of the proposed school site, there is limited scope to avoid or minimise impacts to the environment on site. As such, actions to avoid and minimise impacts to the environment will focus on off-site sensitive receptors. This will include (but not limited to) the following actions:

- fencing along the southern boundary to prevent vehicles, plants and personnel from impacting the adjoining creek and potentially transporting chytrid fungus;

- sediment fencing along the southern boundary of the site to capture any sediment or hydrocarbons entering the creek;

- frog proof fencing along the southern boundary of the site to prevent any frogs, including Growling Grass Frog, from entering the site during periods when there is water in the creek;

- weed and hygiene protocols to be followed to minimise the risk of introducing or spreading declared noxious weeds and pest animals, and pathogens;

- minimise erosion through management of stockpiles and excavation activities and revegetating areas of bare-ground;

- construction works to be carried out during reasonable hours, and plant fitted with noise mufflers to avoid disturbance to adjoining residents;

- spill kit to be located on site; and,

- all plant and equipment to be regularly serviced to minimise emissions and impacts to air quality.

These actions will be detailed in a project specific Construction Environment Management Plan

(CEMP).

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.

Any significant impact on matters of National Environmental Significance would be offset in accordance with the EPBC Act offset policy to achieve an overall no net loss in habitat.

If it is determined by the Department of the Environment and Energy (DoEE) that the project will have a significant impact on Golden Sun Moth and/or Natural Temperate Grassland of the Victorian Volcanic Plain, offsets are proposed to be obtained in accordance with the Melbourne Urban Development (MUD) policy. Under the MUD policy, eligble projects can obtain offsets for Golden Sun Moth and/or Natural Temperate Grassland of the Victorian Volcanic Plain by paying a fee to the Victorian Department of Environment, Land, Water and Planning, that will be used to manage habitat in the Western Grassland Reserve in western Melbourne. The proposed action is considered to be eligble under the MUD policy for the following reasons:

- Located in the right LGA (Hume City Council)

- Small scale development associated with residential development in the local area

- Less than 10 hectares of Natural Temperate Grassland of the Victorian Volcanic Plain and/or less than 10 hectares of Golden Sun Moth habitat requires removal.

If the project has a significant impact on other listed species, offsets will be sought from a third-party that satisfy the EPBC Act offset policy and EPBC Act approval conditions.

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

Listed threatened species and communities - Yes

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.

Natural Temperate Grassland of the Victorian Volcanic Plain

The EPBC Act significant impact guidelines for matters of National Environmental Significance consider the loss of any critically endangered ecological community as likely to have a significant impact. The proposed action would result in the loss of up to 0.23 ha of Natural Temperate Grassland of the Victorian Volcanic Plain - a critically endangered community.

Golden Sun Moth

The study area forms part of a larger area of contiguous habitat for Golden Sun Moth. The EPBC Act significant impact guidelines for Golden Sun Moth consider the loss of more than 0.5 ha of Golden Sun Moth habitat from an area of contiguous habitat as likely to have a significant impact on the species. The study area supports approximately 2 ha of suitable habitat for Golden Sun Moth.

Striped Legless Lizard, Matted Flax-lily and Large-headed Fireweed

Targeted surveys for Striped Legless Lizard, Matted Flax-lily and Large-headed Fireweed are scheduled for spring 2017. Suitable habitat is considered to be present in the form of remnant grasslands (Matted Flax-lily and Large-headed Fireweed) and embedded and surface rock in tall grasslands (Striped Legless Lizard). The results of the surveys will inform the likelihood of a significant impact to any of these species.

Spiny Rice-flower

Targeted surveys for Spiny Rice-flower were completed in June 2017 in accordance with EPBC Act survey guidelines. The species was not recorded and as such it is unlikely the project would have a significant impact on the species.

Growling Grass Frog

There is no suitable habitat within the study area, although the unnamed creek running parallel to the southern boundary has a low-moderate potential to support Growling Grass Frog moving through the landscape. The creek is not considered to provide suitable breeding habitat due to lack of emergent and sub-merged vegetation, and ephemeral nature of the creek. If Growling Grass Frog are found to use the creek, it would most likely occur in the breeding season after high rainfall event.

As the project would not impact on the creek, and appropriate measures would be put in place to prevent Growling Grass Frog from entering the site (frog fencing), it is unlikely the project would have a significant impact on the species.

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.

Yes. The Catholic Education Department is involved in the planning, approvals, construction and management of Catholic schools. Works are carried out to the highest environmental standard and the Department has a strong record of complying with relevant legislation, policy and planning approval conditions.

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.

Not applicable. No current and past proceedings against the Catholic Education Department.

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?

No

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?

No

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
Ecology and Heritage Partners (2017), Biodiversity Assessment - 145-177 Mitchells Lane, Sunbury, Report prepared for the Catholic Education Department	Report prepared by same consultancy that prepared the referral.	-

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?

Alternatives to not building the school at the proposed site are considered unfeasible. Due to large population growth in the Sunbury area in recent years, existing primary schools in the Sunbury Parish cannot meet the current demand. Expansion of existing school sites is not considered feasible due to lack of space and the considerable disruption caused to students during construction. Not proceeding with the proposed action would mean the students who wish to be educated at a Catholic school would have to travel a significant distance to the nearest primary school.

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 Advisor

9.2.2 First Name

Dermot

9.2.3 Last Name

Cannon

9.2.4 E-mail

dermot.cannon@cam.org.au

9.2.5 Postal Address

PO Box 146
East Melbourne VIC 8002
Australia

9.2.6 ABN/ACN

ABN

64047619369 - CATHOLIC ARCHDIOCESE OF MELBOURNE

9.2.7 Organisation Telephone

03 9926 5676

9.2.8 Organisation E-mail

dermot.cannon@cam.org.au

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

Small business

9.2.9.1 You must provide the Date/Income Year that you became a small business entity:

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: .....

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

Yes

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, DERMOT CANNON, 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: 14/6/2017

I, DERMOT CANNON, the person proposing the action, consent to the designation of ANDREW GRINDLAY as the proponent of the purposes of the action describe in this EPBC Act Referral.

✕ Signature:..... Date: 14/8/2017

9.3 Is the Proposed Designated Proponent an Organisation or Individual?

Organisation

9.5 Organisation

9.5.1 Job Title

Project Manager - New School Projects

9.5.2 First Name

Andrew

9.5.3 Last Name

Grindlay

9.5.4 E-mail

agrindlay@ceomelb.catholic.edu.au

9.5.5 Postal Address

PO Box 3
East Melbourne VIC 8002
Australia

9.5.6 ABN/ACN

ABN

85176448204 - CATHOLIC EDUCATION MELBOURNE

9.5.7 Organisation Telephone

03 9267 0228

9.5.8 Organisation E-mail

agrindlay@ceomelb.catholic.edu.au

Proposed designated proponent - Declaration

I, Catholic Education Melbourne, 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: ..16.08.17.....

9.6 Is the Referring Party an Organisation or Individual?

Organisation

9.8 Organisation

9.8.1 Job Title

Senior Botanist

9.8.2 First Name

Thomas

9.8.3 Last Name

Wright

9.8.4 E-mail

twright@ehpartners.com.au

9.8.5 Postal Address

292 Mount Alexander Road
Travancore VIC 3032
Australia

9.8.6 ABN/ACN

ABN

65685233760 - The trustee for The EP Unit Trust

9.8.7 Organisation Telephone

03 9377 0100

9.8.8 Organisation E-mail

twright@ehpartners.com.au

Referring Party - Declaration

I, THOMAS WRIGHT, 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: ..... Date: 18/08/17

Appendix A - Attachments

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

1. 9553_fig01_studyarea.pdf
2. 9553_fig02_ecolfeats_red.pdf
3. 9553_fig03_sigflora.pdf
4. 9553_fig04_sigfauna.pdf
5. 20170704_103529.jpg
6. 20170704_103829.jpg
7. 20170704_103957.jpg
8. ehp_9553_145-177mitchellslane_ba_18082017_draft_nofigs.pdf