



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

## Referral of proposed action

### What is a referral?

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

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided 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 draft 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 Referral Business Entry Point (1800 803 772).

#### **Do I need a permit?**

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

#### **Is your action in the Great Barrier Reef Marine Park?**

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

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

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

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379  
Townsville QLD 4810  
AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

[www.gbrmpa.gov.au](http://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 Referral Business Entry Point (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 submit a referral?**

Referrals may be submitted by mail or email.

#### **Mail to:**

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

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

#### **Email to: [epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au)**

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.
- **Follow up with a mailed hardcopy including copies of any attachments or supporting reports.**

### **What happens next?**

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

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

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

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

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

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

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

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

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

**The proposed action would have UNACCEPTABLE impacts and CANNOT proceed**

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

**Compliance audits**

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

**For more information**

- call the Department of Sustainability, Environment, Water, Populations and Communities Community Information Unit on 1800 803 772 or
- visit the web site [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc)

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

# Referral of proposed action

**Project title:** Industrial subdivision and development of Lot H, Ajax Road, Altona

## 1 Summary of proposed action

**NOTE:** You must also attach a map/plan(s) and associated geographic information system (GIS) vector (shapefile) dataset showing the location and approximate boundaries of the area in which the project is to occur. Maps in A4 size are preferred. You must also attach a map(s)/plan(s) showing the location and boundaries of the project area in respect to any features identified in 3.1 & 3.2, as well as the extent of any freehold, leasehold or other tenure identified in 3.3(i).

1.1 **Short description**

Use 2 or 3 sentences to uniquely identify the proposed action and its location.

Industrial development is proposed for part of Lot H, Ajax Road, Altona

1.2 **Latitude and longitude**

Latitude and longitude details are used to accurately map the boundary of the proposed action. If these coordinates are inaccurate or insufficient it may delay the processing of your referral.

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds
Ajax Road	37	51	33	144	47	58
NW corner	37	51	35	144	47	25
South corner	37	51	55	144	47	33
East corner	37	51	49	144	48	39

1.3 **Locality and property description**

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

The site is located approximately 15 km west south west of the Melbourne CBD in Altona, south of the Werribee Rail line (**Figure 1**). It covers **73.66 ha** and includes about 95% of Lot H (78.05 ha) of the Elfield Industrial Estate, which is currently zoned Special Use Zone 4 (SUZ4). The site is bounded to the north by the Werribee rail line and is traversed by the Altona rail line. The western boundary of the site abuts Kayes Drain while the eastern boundary includes an unnamed road linking Ajax Road and Slough Road, the southern boundary of Chester Road, and the western boundary of Galvin Street.

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

52.41 ha (21.25 ha south of the Altona rail line will be retained and managed for conservation purposes).

1.5 **Street address of the site**

Lot H (**73.66** ha) of the Elfield Industrial Estate, Ajax Road, Altona.

1.6 **Lot description**

Describe the lot numbers and title description, if known.

The site covers 73.66 ha and includes the majority of Lot H (78.05 ha) of the Elfield Industrial Estate. It is currently zoned Special Use Zone 4 (SUZ4) which is designated for industrial development.

1.7 **Local Government Area and Council contact (if known)**

If the project is subject to local government planning approval, provide the name of the relevant council contact officer.

City of Hobsons Bay

1.8 **Time frame**

Specify the time frame in which the action will be taken including the estimated start date of construction/operation.

The site will be developed within 12 months of approval to proceed.

1.9	<b>Alternatives to proposed action</b> Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?	X	No
			Yes, you must also complete section 2.2
1.10	<b>Alternative time frames etc</b> Does the proposed action include alternative time frames, locations or activities?	X	No
			Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).
1.11	<b>State assessment</b> Is the action subject to a state or territory environmental impact assessment?	X	No
			Yes, you must also complete Section 2.5
1.12	<b>Component of larger action</b> Is the proposed action a component of a larger action?	X	No
			Yes, you must also complete Section 2.7
1.13	<b>Related actions/proposals</b> Is the proposed action related to other actions or proposals in the region (if known)?	X	No
			Yes, provide details:
1.14	<b>Australian Government funding</b> Has the person proposing to take the action received any Australian Government grant funding to undertake this project?	X	No
			Yes, provide details:
1.15	<b>Great Barrier Reef Marine Park</b> Is the proposed action inside the Great Barrier Reef Marine Park?	X	No
			Yes, you must also complete Section 3.1 (h), 3.2 (e)

## 2 Detailed description of proposed action

**NOTE:** It is important that the description is complete and includes all components and activities associated with the action. If certain related components are not intended to be included within the scope of the referral, this should be clearly explained in section 2.7.

### 2.1 Description of proposed action

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

The project proposes to establish an industrial subdivision over the 55.4 ha of the site to the north of the Altona rail line. The 18.26 ha of land to the south of the Altona rail line will be managed for its conservation values and serve as an offset site for both Commonwealth and state listed significant environmental values (**Figure 2**).

### 2.2 Alternatives to taking the proposed action

This should be a detailed description outlining any feasible alternatives to taking the proposed action (including not taking the action) that were considered but are not proposed (note, this is distinct from any proposed alternatives relating to location, time frames, or activities – see section 2.3).

Not Applicable (N/A)

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

If you have identified that the proposed action includes alternative time frames, locations or activities (in section 1.10) you must complete this section. Describe any alternatives related to the physical location of the action, time frames within which the action is to be taken and alternative methods or activities for undertaking the action. For each alternative location, time frame or activity identified, you must also complete (where relevant) the details in sections 1.2-1.9, 2.4-2.7, 3.3 and 4. Please note, if the action that you propose to take is determined to be a controlled action, any alternative locations, time frames or activities that are identified here may be subject to environmental assessment and a decision on whether to approve the alternative.

Not Applicable (N/A)

### 2.4 Context, planning framework and state/local government requirements

Explain the context in which the action is proposed, including any relevant planning framework at the state and/or local government level (e.g. within scope of a management plan, planning initiative or policy framework). Describe any Commonwealth or state legislation or policies under which approvals are required or will be considered against.

The objectives of the project are to develop the site in line with its existing Special Use Zone designation while achieving consistency with other requirements for sustainable development through the use of water sensitive design and the protection and management of high conservation values identified to the south of the Altona rail line. The proposed Conservation land will be transferred to either Hobsons Bay Council or another suitable public organisation to ensure permanent maintenance of its ecological values. This transfer of conservation land will include appropriate funds and management guidance.

#### **City of Hobsons Bay Planning Scheme**

The land is currently zoned Special Use Zone 4 (SUZ4) which is designated for industrial development.

#### **Planning and Environment Act 1987**

A Planning Permit, pursuant to the *Planning and Environment Act 1987*, would be required from the City of Hobsons Bay to remove or clear native vegetation within the site (i.e. scattered occurrences of indigenous plants) as the landholding is greater than 0.4 hectares. As the proposed development area within Lot H supports more than 0.5 ha of an endangered community (i.e. Plains Grassland), the Department of Sustainability and Environment (DSE) is a mandatory referral authority.

#### **Wildlife Act 1975**

If permission for removal of vegetation is granted under provisions of other Victorian legislation a separate permit under the *Wildlife Act 1975* is not required for removal of vegetation that constitutes habitat for fauna. If construction activities are likely to result in the death of wildlife or the need to remove it, a permit will be required under the *Wildlife Act 1975*.

### **Victoria's Biodiversity Assessment Guidelines**

The project has been assessed against these guidelines and the quantum of vegetation losses and offsets have been calculated (Biosis 2014 provided as a supporting document).

#### **2.5 Environmental impact assessments under Commonwealth, state or territory legislation**

If you have identified that the proposed action will be or has been subject to a state or territory environmental impact statement (in section 1.11) you must complete this section. Describe any environmental assessment of the relevant impacts of the project that has been, is being, or will be carried out under state or territory legislation. Specify the type and nature of the assessment, the relevant legislation and the current status of any assessments or approvals. Where possible, provide contact details for the state/territory assessment contact officer.

Describe or summarise any public consultation undertaken, or to be undertaken, during the assessment. Attach copies of relevant assessment documentation and outcomes of public consultations (if available).

Not Applicable (N/A)

#### **2.6 Public consultation (including with Indigenous stakeholders)**

Your referral must include a description of any public consultation that has been, or is being, undertaken. Where Indigenous stakeholders are likely to be affected by your proposed action, your referral should describe any consultations undertaken with Indigenous stakeholders. Identify the relevant stakeholders and the status of consultations at the time of the referral. Where appropriate include copies of documents recording the outcomes of any consultations.

No public consultation has been conducted to date including consultation with Indigenous stakeholders.

#### **2.7 A staged development or component of a larger project**

If you have identified that the proposed action is a component of a larger action (in section 1.12) you must complete this section. Provide information about the larger action and details of any interdependency between the stages/components and the larger action. You may also provide justification as to why you believe it is reasonable for the referred action to be considered separately from the larger proposal (eg. the referred action is 'stand-alone' and viable in its own right, there are separate responsibilities for component actions or approvals have been split in a similar way at the state or local government levels).

Not Applicable (N/A)

## 3 Description of environment & likely impacts

### 3.1 Matters of national environmental significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The interactive map tool can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest.

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

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

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

**Note that even if your proposal will not be taken in a World Heritage area, Ramsar wetland, Commonwealth marine area, the Great Barrier Reef Marine Park or on Commonwealth land, it could still impact upon these areas (for example, through downstream impacts). Consideration of likely impacts should include both direct and indirect impacts.**

#### 3.1 (a) World Heritage Properties

##### Description

Not Applicable (N/A)

##### Nature and extent of likely impact

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

Not Applicable (N/A)

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#### 3.1 (b) National Heritage Places

##### Description

Not Applicable (N/A)

##### Nature and extent of likely impact

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

Not Applicable (N/A)

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

##### Description

The Protected Matters Search Tool identified the nominated area as within the catchment of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site.

##### Nature and extent of likely impact

The proposed action is not likely to impact the ecological character of this Ramsar wetland as the development is already within a highly urbanised section of the catchment.

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### 3.1 (d) Listed threatened species and ecological communities

#### Description

The Protected Matters Search Tool (interrogated on 21/11/12) identifies two listed ecological communities which may occur within the site:

- Grassy Eucalypt Woodland of the Victorian Volcanic Plain (critically endangered); community known to occur within area
- Natural Temperate Grassland of the Victorian Volcanic Plain (critically endangered); community likely to occur within area

Grassy Eucalypt Woodland of the Victorian Volcanic Plain and Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia are not present within the site (Biosis 2014).

Nine patches of vegetation which satisfy the description of Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) have been identified within the site (**Figure 3**). These patches cover a total of 26.75 ha and were assessed to constitute 14.45 habitat hectares (DSE 2004).

More recently Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains community (SHWFTLP) has been listed under the EPBC Act and in some instances this community correlates to Plains Grassy Wetland (EVC 125). While the description of this community is somewhat ambiguous it only appears to exclude ephemeral wetlands dominated by Spike-sedges *Eleocharis* spp. where these are dominated by relatively tall species (>1m) such as Tall Spike-sedge *Eleocharis sphacelata* rather than the lower mat forming species such as Common Spike-sedge *Eleocharis acuta*. The areas of Plains Grassy Wetland within the study area are dominated by Brown-back Wallaby-grass *Rytidosperma duttonianum*, Common Blown-grass *Lachnagrostis filiformis*, Common Woodruff *Asperula conferta*, Common Spike-sedge *Eleocharis acuta*, Prickfoot *Eryngium vesiculosum* and Varied Raspwort *Haloragis heterophylla*. Floristically therefore, the examples of Plains Grassy Wetland within the study area correspond to the EPBC Act listed community. All of the wetlands identified were less than 0.5 ha in size. However, the wetland identified as HZ11 (Figure 4) is greater than 0.1 ha in size (0.46 ha) and part of a large patch of native vegetation (10.23 ha) with a combined area of greater than 1 ha. This is not the case for HZ2.

While HZ11 is an ephemeral wetland it is not classified as a remnant of Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains community as it is dominated by more salt tolerant species. This area of native vegetation is also outside the proposed development area and would be included within a conservation reserve managed to improve and enhance the ecological values present.

The Protected Matters Search Tool identifies 24 listed threatened species of relevance to the site (7 birds, 2 fish, 1 frog, 4 reptiles, 4 mammals and 6 plants). These species are listed in Appendices 1 and 2 of the Flora and Fauna Assessment Report (Biosis 2014). In addition to these, one listed insect, Golden Sun Moth *Synemon plana*, has been recorded from close to the site (from Ajax Road). Records of listed species within 5 km of the site are shown in **Figure 4** (obtained from the Victorian Biodiversity Atlas).

#### **Plant Species**

Targeted survey of the site identified a large population of Spiny Rice-flower *Pimelea spinescens* subsp. *spinescens*. This species has been recorded from the western two thirds of Lot H (**Figure 3**). This systematic survey identified 489 individuals of Spiny Rice-flower to the west of the unnamed road linking the western end of Ajax and Slough roads, placing this population within the largest 10% of known populations of this species.

EPBC Act listed flora species recorded or predicted to occur within 5 km of the study area, and their likelihood of occurring at the site after consideration of the level of survey conducted, is presented in Table 1. Targeted surveys conducted at times when these species would be detectable only located individuals of Spiny Rice-flower.

**Table 1 - Nationally threatened flora species recorded or predicted to occur within 5 km of the project area (# - Predicted to occur on the PMST).**

Scientific name	Common name	Aust. status	Vic. status	Most recent record	Likelihood of occurrence in study area
<b>National significance:</b>					
<i>Carex tasmanica</i>	Curly Sedge	VU	v/L	#	Negligible
<i>Diuris basaltica</i>	Small Golden Moths	EN	v/L	1996/#	Medium
<i>Glycine latrobeana</i>	Clover Glycine	VU	v/L	2006/#	Low
<i>Pimelea spinescens</i> subsp. <i>spinescens</i>	Spiny Rice-flower	CR	e	2009/#	Recorded
<i>Prasophyllum frenchii</i>	Maroon Leek-orchid	EN	e/L	#	Negligible
<i>Rutidosis leptorhynchoides</i>	Button Wrinklewort	EN	e/L	#	Negligible

### **Fauna species**

The Golden Sun Moth *Synemon plana* has been recorded within 200 m of the site in 2007, immediately adjacent to Ajax Road (**Figure 4**). Although targeted survey for the species in 2010-11 did not detect the species, there are many additional records of the species from the surrounding area, yet no surveys for Golden Sun Moth conducted in Altona during the 2010-11 flight season recorded this species. The 2010-11 flight season was uncharacteristically wet and may have attributed to no moths being detected at the site. Low quality habitat exists on the site and it is possible a population is present in the local area.

Areas of Plains Grassland (and exotic vegetation) within the site provide potential habitat for Striped Legless Lizard *Delma impar*, but a targeted survey undertaken in 2013/14 failed to detect the species. Based on these results there is a low likelihood that this species occurs within the affected area.

The south-west corner of Lot H contains saltmarsh and sedgeland habitat within a brackish wetland that provides potential habitat for the Orange-bellied Parrot *Neophema chrysogaster* and Australasian Bittern *Botaurus poiciloptilus*. This area is not considered to contain high quality or critical habitat for either species, however there is potential for individuals to utilise the site in an unpredictable manner. This habitat will also be retained as part of the development proposal and managed for its conservation values. Therefore no impact on these threatened species is anticipated.

EPBC Act listed fauna species recorded or predicted to occur within 5 km of the study area, and their likelihood of occurring at the site is presented in Table 2.

**Table 2 - Nationally threatened fauna species recorded or predicted to occur within 5 km of the project area (# = Predicted to occur on the PMST)**

Scientific Name	Common Name	Aust. status	Vic. status	Most recent record	Likelihood of occurrence in study area
<i>Pachyptila turtur</i>	Fairy Prion	VU	vu	1999	Negligible
<i>Thalassarche cauta</i>	Shy Albatross	VU	vu/L	#/1956	Negligible
<i>Rostratula australis</i>	Australian Painted Snipe	VU	cr/L	#/1985	Low
<i>Botaurus poiciloptilus</i>	Australasian Bittern	EN	en/L	1997	Medium (HZ 10)
<i>Neophema chrysogaster</i>	Orange-bellied Parrot	CR	cr/L	2004/#	Medium (HZ 10)
<i>Lathamus discolor</i>	Swift Parrot	EN	en/L	#	Low
<i>Anthochaera phrygia</i>	Regent Honeyeater	EN	cr/L	#	Negligible
<i>Diomedea exulans gibsoni</i>	Gibson's Albatross	VU		#	Negligible
<i>Macronectes giganteus</i>	Southern Giant-Petrel	EN	vu/L	#	Negligible
<i>Diomedea bulleri</i>	Buller's Albatross	VU	L	#	Negligible
<i>Macronectes halli</i>	Northern Giant-Petrel	VU	nt/L	#	Negligible
<i>Dasyurus maculatus</i>	Spot-tailed Quoll	EN	en/L	#	Negligible
<i>Isoodon obesulus obesulus</i>	Southern Brown Bandicoot	EN	nt	#	Negligible
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	VU	vu/L	#	Low
<i>Pseudomys novaehollandiae</i>	New Holland Mouse	VU	vu/L	#	Negligible
<i>Eubalaena australis</i>	Southern Right Whale	EN	cr/L	#	Negligible
<i>Megaptera novaeangliae</i>	Humpback Whale	VU	vu/L	2001/#	Negligible
<i>Arctocephalus tropicalis</i>	Subantarctic Fur Seal	VU		1989	Negligible
<i>Caretta caretta</i>	Loggerhead Turtle	EN		#	Negligible
<i>Dermochelys coriacea</i>	Leathery Turtle	VU	cr/L	#	Negligible
<i>Delma impar</i>	Striped Legless Lizard	VU	en/L	2005/#	Low
<i>Tympanocryptis pinguicollis</i>	Grassland Earless Dragon	EN	cr/L	#	Low
<i>Litoria raniformis</i>	Growling Grass Frog	VU	en/L	2006/#	Low
<i>Prototroctes maraena</i>	Australian Grayling	VU	vu/L	#	Not assessed
<i>Galaxiella pusilla</i>	Dwarf Galaxias	VU	vu/L	#	Not assessed
<i>Carcharodon carcharias</i>	Great White Shark	VU	vu/L	#	Negligible
<i>Thalassarche salvini</i>	Salvin's Albatross	VU		#	Negligible
<i>Diomedea sanfordi</i>	Northern Royal Albatross	EN	vu	#	Negligible
<i>Synemon plana</i>	Golden Sun Moth	CR	cr/L	2007	Medium. Not detected by targeted survey

### Nature and extent of likely impact

Address any impacts on the members of any listed threatened species (except a conservation dependent species) or any threatened ecological community, or their habitat.

#### **Flora**

Development of the area north of the Altona railway line will result in the loss of 15.62 ha of Plains Grassland (all equivalent to NTGVVP) and 0.2 ha of Plains Grassy Wetland (below the 0.5 ha threshold for SHWFTLP). This would also result in the removal of 33 individuals of Spiny Rice-flower.

Should a permit be granted to remove native vegetation under Victoria's Permitted Clearing of Native Vegetation – Biodiversity assessment Guidelines a total of **12.760** specific biodiversity equivalence units (SBEU) is required to be provided prior to the commencement of development. This includes 11.391 SBEU for Salt Lawrenca *Lawrenca spicata* and 1.369 SBEU for Creeping Rush *Juncus revolutus*. No minimum strategic biodiversity score for the offset is defined but the offset site must provide habitat for the target species as defined by the relevant habitat importance model. Offsets may be located anywhere in Victoria identified as habitat by the relevant habitat importance models for the two species identified (Salt Lawrenca and Creeping Rush).

Some of these offsets would be provided through the protection and management of the grassland and grassy wetlands found to the south of the Altona railway. Similarly, protection and management of this habitat will result in the protection and active ecological management of a population of 456 Spiny Rice-flower.

#### **Fauna**

Development of the site will result in the removal of potential habitat for Golden Sun Moth and Striped Legless Lizard. Golden Sun Moth has been the subject of targeted surveys and has not been recorded on site (but has been recorded within 200 m of the site). Therefore the size and extent of a population, if it occurs on site, is not known although in its current condition the habitat is considered to be poor. A targeted survey failed to locate a population of the Striped Legless Lizard on the site and it is considered that there is a low likelihood that the site supports a population and, if a population is present, that it is not likely to constitute an important population under the provisions of the EPBC Act. Therefore, impacts to this species are likely to be low.

Although potential habitat occurs in the south-west corner of Lot H for Orange-bellied Parrot and Australasian Bittern, these species have not been recorded on site and it is unknown to what extent, if at all, the species would use this habitat. This section of the site is also to be retained and managed as a conservation reserve. Therefore impacts on these species are expected to be negligible.

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### 3.1 (e) Listed migratory species

#### **Description**

A list of the EPBC listed migratory species that have been recorded or predicted to occur within 5 km of the study area is presented in Table 4.

One of these species, Latham's Snipe *Gallinago hardwickii*, has been adjacent to the site. Five individuals of Latham's Snipe were observed just outside the study area in a patch of Plains Grassy Wetland north of Ajax Road during targeted flora surveys in March 2011. There are other areas of habitat for this species in the study area which could support an ecologically significant number of this species as defined under the draft *Significant Impact Guidelines for 36 Migratory Shorebirds* - EPBC Policy Statement 3.21 (DEWHA 2009). The south-west corner of the study area (Lot H) is of particular importance as potential habitat for Latham's Snipe although this area will be retained and managed for conservation.

**Table 4 - Migratory fauna species recorded, or predicted to occur, within 5 kilometres of the site**  
 (# - Predicted to occur on the PMST)

Scientific Name	Common Name	Most recent record
<i>Ardenna tenuirostris</i>	Short-tailed Shearwater	2000
<i>Thalassarche cauta</i>	Shy Albatross	#/1956
<i>Hydroprogne caspia</i>	Caspian Tern	2002
<i>Sternula albifrons</i>	Little Tern	2003/#
<i>Stercorarius parasiticus</i>	Arctic Jaeger	2000
<i>Arenaria interpres</i>	Ruddy Turnstone	2006/#
<i>Pluvialis squatarola</i>	Grey Plover	1992
<i>Pluvialis fulva</i>	Pacific Golden Plover	2006/#
<i>Charadrius mongolus</i>	Lesser Sand Plover	1992
<i>Charadrius bicinctus</i>	Double-banded Plover	2006/#
<i>Numenius madagascariensis</i>	Eastern Curlew	1997/#
<i>Numenius phaeopus</i>	Whimbrel	#/1986
<i>Numenius minutus</i>	Little Curlew	#
<i>Limosa limosa</i>	Black-tailed Godwit	#/1986
<i>Limosa lapponica</i>	Bar-tailed Godwit	1997/#
<i>Tringa glareola</i>	Wood Sandpiper	1994/#
<i>Heteroscelus brevipes</i>	Grey-tailed Tattler	2006/#
<i>Actitis hypoleucos</i>	Common Sandpiper	2000
<i>Tringa nebularia</i>	Common Greenshank	2006
<i>Tringa stagnatilis</i>	Marsh Sandpiper	2006/#
<i>Xenus cinereus</i>	Terek Sandpiper	1997
<i>Calidris ferruginea</i>	Curlew Sandpiper	2006/#
<i>Calidris ruficollis</i>	Red-necked Stint	2006/#
<i>Calidris acuminata</i>	Sharp-tailed Sandpiper	2006/#
<i>Calidris canutus</i>	Red Knot	2000/#
<i>Calidris tenuirostris</i>	Great Knot	#/1982
<i>Calidris alba</i>	Sanderling	2000
<i>Limicola falcinellus</i>	Broad-billed Sandpiper	#/1986
<i>Gallinago hardwickii</i>	Latham's Snipe	2011/#
<i>Rostratula australis</i>	Australian Painted Snipe	#/1985
<i>Plegadis falcinellus</i>	Glossy Ibis	1996
<i>Ardea modesta</i>	Eastern Great Egret	2006/#
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	1993/#
<i>Merops ornatus</i>	Rainbow Bee-eater	#
<i>Hirundapus caudacutus</i>	White-throated Needletail	2005/#
<i>Apus pacificus</i>	Fork-tailed Swift	#/1977
<i>Rhipidura rufifrons</i>	Rufous Fantail	#
<i>Myiagra cyanoleuca</i>	Satin Flycatcher	#
<i>Acrocephalus stentoreus</i>	Clamorous Reed Warbler	2001
<i>Diomedea exulans gibsoni</i>	Gibson's Albatross	#
<i>Tryngites subruficollis</i>	Buff-breasted Sandpiper	1962
<i>Macronectes giganteus</i>	Southern Giant-Petrel	#
<i>Diomedea bulleri</i>	Buller's Albatross	#
<i>Phalaropus lobatus</i>	Red-necked Phalarope	1992

<i>Philomachus pugnax</i>	Ruff	#/1988
<i>Macronectes halli</i>	Northern Giant-Petrel	#
<i>Sterna hirundo</i>	Common Tern	2001
<i>Calidris subminuta</i>	Long-toed Stint	#/1986
<i>Ardea ibis</i>	Cattle Egret	2005/#
<i>Calidris melanotos</i>	Pectoral Sandpiper	#/1987
<i>Eubalaena australis</i>	Southern Right Whale	#
<i>Caperea marginata</i>	Pygmy Right Whale	#
<i>Balaenoptera edeni</i>	Bryde's Whale	#
<i>Megaptera novaeangliae</i>	Humpback Whale	2001/#
<i>Lagenorhynchus obscurus</i>	Dusky Dolphin	#
<i>Tursiops aduncus</i>	Indian Ocean Bottlenose Dolphin	#
<i>Caretta caretta</i>	Loggerhead Turtle	#
<i>Dermochelys coriacea</i>	Leathery Turtle	#
<i>Carcharodon carcharias</i>	Great White Shark	#
<i>Diomedea sanfordi</i>	Northern Royal Albatross	#
<i>Thalassarche salvini</i>	Salvin's Albatross	#
<i>Gallinago megala</i>	Swinhoe's Snipe	#
<i>Gallinago stenura</i>	Pin-tailed Snipe	#
<i>Thalassarche impavida</i>	Campbell Albatross	#

### Nature and extent of likely impact

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

Development of the site will result in the removal of a small area of known habitat (Plains Grassy Wetland (HZ2 in **Figure 3**) for Latham's Snipe. This area of wetland is relatively small and is unlikely to support an ecologically significant proportion of the species' population. Potentially important habitat for this species is located in the south-west corner of the site which is to be retained.

### 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

Not Applicable

### Nature and extent of likely impact

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

Not Applicable

### 3.1 (g) Commonwealth land

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

#### Description

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

Not Applicable

### **Nature and extent of likely impact**

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

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

Not Applicable

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

#### **Description**

Not Applicable

#### **Nature and extent of likely impact**

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

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

Not Applicable

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

#### **Description**

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

Not Applicable

#### **Nature and extent of likely impact**

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

Not Applicable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3.3 Other important features of the environment

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed above). If at Section 2.3 you identified any alternative locations, time frames or activities for your proposed action, you must complete each of the details below (where relevant) for each alternative identified.

#### 3.3 (a) 3.3 (a) Flora and fauna

A total of 109 indigenous and 80 introduced plant species was recorded from the site (a complete list of species recorded on site can be found in Biosis 2014 – Attachment 1). Of these species, several significant species have been recorded on site, including Spiny Rice-flower (EPBC listed), Arching Flax-lily *Dianella* sp. aff. *longifolia* (vulnerable in Victoria), Pale Spike-sedge *Eleocharis pallens* (poorly known in Victoria), Creeping Rush *Juncus revolutus* (rare in Victoria), and Salt Lawrenca *Lawrenca spicata* (rare in Victoria).

A total of 28 indigenous and 7 introduced fauna species were recorded from the site during the field assessment (a complete list of species recorded on site can be found in Biosis Research 2014 – Attachment 1). Of these, one significant species has been recorded on site, Latham's Snipe *Gallinago hardwickii* (near threatened in Victoria). The site provides habitat for a range of species with potential for the following significant species to occur: Orange-bellied Parrot (EPBC Listed), Australasian Bittern (EPBC Listed), Lewin's Rail *Lewinia pectoralis* (vulnerable in Victoria), Baillon's Crake *Porzana pusilla* (vulnerable in Victoria), Royal Spoonbill *Platalea regia* (vulnerable in Victoria), Little Egret *Egretta garzetta* (endangered in Victoria), Eastern Great Egret *Ardea modesta* (vulnerable in Victoria), Little Bittern *Ixobrychus minutus* (endangered in Victoria), Black Falcon *Falco subniger* (vulnerable in Victoria), Altona Skipper *Hesperilla flavescens flavescens* (vulnerable in Victoria), Brown Quail *Coturnix ypsilophora* (near threatened in Victoria), Glossy Ibis *Plegadis falcinellus* (near threatened in Victoria), Nankeen Night Heron *Nycticorax caledonicus* (near threatened in Victoria), Fat-tailed Dunnart *Sminthopsis crassicaudata* (near threatened in Victoria).

#### 3.3 (b) Hydrology, including water flows

The area of Brackish Wetland in the south east of the study area is part of a broader area of this vegetation associated with the estuary of Laverton Creek. This near coastal environment provides an unusual ecotone between native grasslands and coastal communities. As a result a number of species more typical of saline environments, such as Coast Tussock-grass *Poa poiformis* and Australian Salt-grass *Distichlis distichophylla*, occur in association with typical Plains Grassland flora such as Spiny Rice-flower.

#### 3.3 (c) Soil and Vegetation characteristics

The site is dominated by a basalt geology and while some surface rock removal appears to have occurred in the past, surface rock is still evident over some of the site.

The site includes a matrix of remnant native vegetation and disturbed industrial land dominated by exotic species. Disturbed areas included bare ground and were dominated exotic grasses and other herbs such as Kikuyu *Pennisetum clandestinum*, Galenia *Galenia pubescens*, Bearded Oat *Avena barbata*, Chilean Needle-grass *Nassella neesiana*, Serrated Tussock *Nassella trichotoma*, Toowoomba Canary-grass *Phalaris aquatica*, Barley-grass *Hordeum leporinum* and Wimmera Rye-grass *Lolium rigidum*. Remnant native grasslands were variously dominated by Kangaroo Grass *Themeda triandra*, Spear-grass *Austrostipa* spp. and Wallaby-grass *Rytidosperma* spp.

#### 3.3 (d) Outstanding natural features

None noted.

### 3.3 (e) Remnant native vegetation

The study area supports remnants of three ecological vegetation classes (EVCs) Plains Grassland (EVC 132), Plains Grassy Wetland (EVC 125) and Brackish Wetland (EVC 656), covering a total of 34.9 ha.

Plains Grassland on site is dominated by thick swards of Kangaroo Grass *Themeda triandra*. Other common native grasses include wallaby-grasses *Rytidosperma* spp., spear grasses *Austrostipa* spp., Common Wheat-grass *Anthosachne scabra*, Grey Tussock-grass *Poa sieberiana* and Rigid Panic *Walwhalleya proluta*. It contains scattered herbs including Lemon Beauty-heads *Calocephalus citreus*, bindweeds *Convolvulus* spp., Small St John's Wort *Hypericum gramineum*, Grassland Wood-sorrel *Oxalis perennans*, Cotton Fireweed *Senecio quadridentatus* and Yellow Rush-lily *Tricoryne elatior*. An unusual form of Plains Grassland dominated by Coast Tussock-grass *Poa poiformis* and including Australian Salt-grass *Distichlis distichophylla* dominated portions (HZ 9 in **Figure 3**) of land south of the Altona railway line. The composition of this grassland appears to be influenced by elevated levels of soil salinity and seasonally wet soil conditions.

Areas of Plains Grassy Wetland are dominated by Common Spike-sedge *Eleocharis acuta*, Brown-back Wallaby-grass *Rytidosperma duttonianum*, Common Blown-grass *Lachnagrostis filiformis*, Common Woodruff *Asperula conferta*, Prickfoot *Eryngium vesiculosum* and Raspwort *Haloragis heterophylla*. This community is relatively disturbed and when dry is typically dominated by exotic grasses and other herbs.

The Brackish Wetland is dominated by Chaffy Saw-sedge *Gahnia filum*. Other common species include Rounded Noon-flower *Disphyma crassifolium* subsp. *clavellatum*, Australian Salt-grass *Distichlis distichophylla*, Knobby Club-sedge *Ficinia nodosa*, Beaded Glasswort *Sarcocornia quinqueflora*, Small Loosestrife *Lythrum hyssopifolia*, Shiny Bog-sedge *Schoenus nitens* and Creeping Brookweed *Samolus repens*.

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

The study area is a relatively flat area of volcanic plain.

### 3.3 (g) Current state of the environment

The site supports a relatively large proportion of high quality remnants of Plains Grassland (equivalent to NTGVVP) and small areas of Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains community. However, the site also has areas of disturbed land where exotic grasses and herbs dominate (e.g. Chilean Needle-grass and Serrated Tussock). There are also sections of bare ground and areas where dumped fill, rocky material and other waste is present. Some of these areas provide habitat and refuge sites for exotic fauna such as rabbits and foxes.

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

None

### 3.3 (i) Indigenous heritage values

None Known

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

Although the site itself does not support a Biosite, it is surrounded by Biosites to the north (Biosite 3494 of National significance), south (Biosite 4623 for Truganina Swamp which is of State significance) and east (Maidstone Road grassland which has regional significance).

The site is in close proximity to the Laverton Creek estuary. Laverton Creek drains directly into the Port Phillip Bay which connects to the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site.

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

The subject site is privately owned (freehold).

**3.3 (l) Existing land/marine uses of area**

The site is currently vacant land with no designated land use in practice.

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

It is proposed that the areas of the subject site north of the Altona rail line will be cleared for industrial development. Areas of the site south of the Altona rail line will be retained, protected and managed to enhance the existing conservation values.

## 4 Measures to avoid or reduce impacts

**Note:** If you have identified alternatives in relation to location, time frames or activities for the proposed action at Section 2.3 you will need to complete this section in relation to each of the alternatives identified.

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

For any measures intended to avoid or mitigate significant impacts on matters protected under the EPBC Act, specify:

- what the measure is,
- how the measure is expected to be effective, and
- the time frame or workplan for the measure.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

Provide information about the level of commitment by the person proposing to take the action to implement the proposed mitigation measures. For example, if the measures are preliminary suggestions only that have not been fully researched, or are dependent on a third party's agreement (e.g. council or landowner), you should state that, that is the case.

Note, the Australian Government Environment Minister may decide that a proposed action is not likely to have significant impacts on a protected matter, as long as the action is taken in a particular manner (section 77A of the EPBC Act). The particular manner of taking the action may avoid or reduce certain impacts, in such a way that those impacts will not be 'significant'. More detail is provided on the Department's web site.

For the Minister to make such a decision (under section 77A), the proposed measures to avoid or reduce impacts must:

- clearly form part of the referred action (eg be identified in the referral and fall within the responsibility of the person proposing to take the action),
- be must be clear, unambiguous, and provide certainty in relation to reducing or avoiding impacts on the matters protected, and
- must be realistic and practical in terms of reporting, auditing and enforcement.

More general commitments (eg preparation of management plans or monitoring) and measures aimed at providing environmental offsets, compensation or off-site benefits CANNOT be taken into account in making the initial decision about whether the proposal is likely to have a significant impact on a matter protected under the EPBC Act. (But those commitments may be relevant at the later assessment and approval stages, including the appropriate level of assessment, if your proposal proceeds to these stages).

The south-west corner of Lot H, including all land south of the Altona Rail Line, will be retained and managed for its ecological values, including the presence of patches of Natural Temperate Grassland of the Victorian Volcanic Plain (11.13 ha from HZ 8 and 9), two patches of Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains community (0.46 ha, HZ 11) and a patch of Brackish Wetland (7.49 ha, HZ 10). This area also supports a significant population of Spiny Rice-flower (456 plants or 93% of the known population within the study area) and potential habitat for Golden Sun Moth, Orange-bellied Parrot and Latham's Snipe.

If clearing of the northern section of the site is permitted, an Offset Management Plan will be implemented in accordance with Biodiversity Assessment Guidelines and the southern section of the study area will be protected as an offset (conservation) site.

The 33 Spiny Rice-flower plants known to occur within the proposed development footprint will be translocated to a recipient site approved by DoE and DEPI.

## 5 Conclusion on the likelihood of significant impacts

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

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

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

### 5.2 Proposed action IS NOT a controlled action.

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

### 5.3 Proposed action IS a controlled action

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

#### Matters likely to be impacted

<input type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)
<input checked="" type="checkbox"/>	Listed threatened species and communities (sections 18 and 18A)
<input type="checkbox"/>	Listed migratory species (sections 20 and 20A)
<input type="checkbox"/>	Protection of the environment from nuclear actions (sections 21 and 22A)
<input type="checkbox"/>	Commonwealth marine environment (sections 23 and 24A)
<input type="checkbox"/>	Great Barrier Reef Marine Park (sections 24B and 24C)
<input type="checkbox"/>	A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
<input type="checkbox"/>	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
<input type="checkbox"/>	Protection of the environment from Commonwealth actions (section 28)
<input type="checkbox"/>	Commonwealth Heritage places overseas (sections 27B and 27C)

Specify the key reasons why you think the proposed action is likely to have a significant adverse impact on the matters identified above.

The proposed action will result in:

- the loss of a significant number of a population of Spiny Rice-flower - 33 individual plants or about 6.7% of the known population within the study area; and
- the removal of about 15.62 ha of Natural Temperate Grassland of the Victorian Volcanic Plain.

The study area contains potential habitat for the Golden Sun Moth and therefore the proposed action has potential to impact this species if it is present on site.

## 6 Environmental record of the responsible party

**NOTE:** If a decision is made that a proposal needs approval under the EPBC Act, the Environment Minister will also decide the assessment approach. The EPBC Regulations provide for the environmental history of the party proposing to take the action to be taken into account when deciding the assessment approach.

		Yes	No
<b>6.1</b>	<p><b>Does the party taking the action have a satisfactory record of responsible environmental management?</b></p> <p><b>Provide details</b></p>		X
<b>6.2</b>	<p><b>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?</b></p> <p><b>If yes, provide details</b></p>		X
<b>6.3</b>	<p><b>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?</b></p> <p><b>If yes, provide details of environmental policy and planning framework</b></p>		X
<b>6.4</b>	<p><b>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?</b></p> <p><b>Provide name of proposal and EPBC reference number (if known)</b></p>		X

## 7 Information sources and attachments

(For the information provided above)

### 7.1 References

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

Biosis 2014. Flora and Fauna Assessment: Ajax Road, Altona. Report for Axxcel Management Services. Authors: S Mueck, C McCutcheon & S Koehler, Biosis Pty Ltd, Melbourne. Project No. 16344.

DEPI 2013. *Permitted clearing of native vegetation - Biodiversity assessment guidelines*. Victorian Government Department of Environment and Primary Industries, Melbourne.

DEWHA 2009. *Draft Significant Impact Guidelines for 36 Migratory Shorebirds - EPBC Policy Statement 3.21*. Australian Government Department of the Environment, Water, Heritage and the Arts, Canberra.

### 7.2 Reliability and date of information

For information in section 3 specify:

- source of the information;
- how recent the information is;
- how the reliability of the information was tested; and
- any uncertainties in the information.

The information provided in section 3 has been sourced from the flora and fauna assessment undertaken by Biosis (Attachment 1). The database searches were conducted in March 2014 and the field investigations were completed between August 2010 and January 2014. The information within the report does not contain any notable uncertainties.

### 7.3 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)
<b>You must attach</b>	figures, maps or aerial photographs showing the project locality (section 1)	✓	Figures 1, 2, 3 & 4
	GIS file delineating the boundary of the referral area (section 1)		
	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)	✓	Figures 3 and 4
<b>If relevant, attach</b>	copies of any state or local government approvals and consent conditions (section 2.5)		Not Applicable
	copies of any completed assessments to meet state or local government approvals	✓	Attachment 1

and outcomes of public consultations, if available (section 2.6)		
copies of any flora and fauna investigations and surveys (section 3)	✓	Attachment 1
technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	Attachment 1
report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		Not Applicable

## 8 Contacts, signatures and declarations

**NOTE:** Providing false or misleading information is an offence punishable on conviction by imprisonment and fine (s 489, EPBC Act).

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

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action<sup>1</sup>.

### Project title:

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#### 8.1 Person proposing to take action

This is the individual, government agency or company that will be principally responsible for, or who will carry out, the proposed action.

If the proposed action will be taken under a contract or other arrangement, this is:

- the person for whose benefit the action will be taken; or
- the person who procured the contract or other arrangement and who will have principal control and responsibility for the taking of the proposed action.

If the proposed action requires a permit under the Great Barrier Reef Marine Park Act<sup>2</sup>, this is the person requiring the grant of a GBRMP permission.

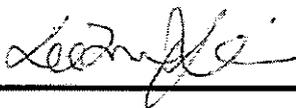
The Minister may also request relevant additional information from this person.

If further assessment and approval for the action is required, any approval which may be granted will be issued to the person proposing to take the action. This person will be responsible for complying with any conditions attached to the approval.

If the Minister decides that further assessment and approval is required, the Minister must designate a person as a proponent of the action. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent will generally be the person proposing to take the action<sup>3</sup>.

**Name** Lee Fong Lai  
**Title** Director  
**Organisation** Axxcel Management Services Pty Ltd  
**ACN / ABN (if applicable)** 73 065 111 042  
**Postal address** c/- PO Box 33096 Domain LPO Vic 3004  
**Telephone** 0417 286 628  
**Email** Stephen@gslegal.com.au  
**Declaration**  
I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.  
I understand that giving false or misleading information is a serious offence.  
I agree to be the proponent for this action.

**Signature**



**Date**

12/5/2014

<sup>1</sup> If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed. However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person which has not otherwise been referred, please contact the Referrals Business Entry Point (1800 953 772) to obtain an alternative contacts, signatures and declarations page.

<sup>2</sup> If your referred action, or a component of it, is to be taken in the Great Barrier Reef Marine Park the Minister is required to provide a copy of your referral to the Great Barrier Reef Marine Park Authority (GBRMPPA) (see section 75A, EPBC Act). For information about how the GBRMPA may use your information, see [http://www.gbrmpa.gov.au/privacy/privacy\\_notice\\_for\\_permits](http://www.gbrmpa.gov.au/privacy/privacy_notice_for_permits).

<sup>3</sup> If a person other than the person proposing to take action is to be nominated as the proponent, please contact the Referrals Business Entry Point (1800 953 772) to obtain an alternative contacts, signatures and declarations page.

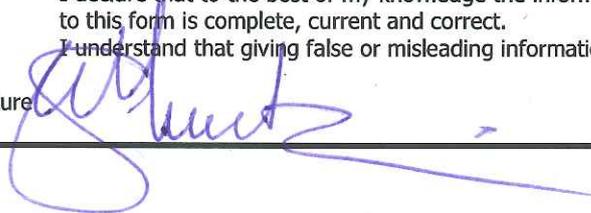
**8.2 Person preparing the referral information (if different from 8.1)**

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

Name Stephen Mueck  
Title Senior Consultant Botanist  
Organisation Biosis Pty. Ltd.  
ACN / ABN (if applicable) 006 175 097 / 65 006 175 097  
Postal address P.O. Box 489 Port Melbourne 3207  
Telephone (03) 9646 9499  
Email smueck@biosis.com.au

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

Signature



Date

13/05/14

## 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](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/>)