

**REQUEST FOR ADDITIONAL INFORMATION**

**ASSESSMENT BY PRELIMINARY DOCUMENTATION**

**Residential Development, 80a and 80b Oakwood Road, Albanvale, Victoria (EPBC 2018/8158)**

On 21 March 2018 it was determined that the proposed action to undertake the residential development of 80A and 80B Oakwood Road, Albanvale, Victoria, is likely to have a significant impact on listed threatened species and ecological communities (s18 & s18A) protected under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

It was also determined that the proposed action will be assessed by preliminary documentation. Preliminary documentation for the proposal will include:

- The information contained in your original referral.
- The further information you provide on the impacts of the action and the strategies you propose to avoid, mitigate and/or offset those impacts (as described below).
- Any other relevant information on the matters protected by the EPBC Act.

The preliminary documentation should be sufficient to allow the Minister (or delegate) to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

The preliminary documentation must address the matters set out below.

**1. GENERAL CONTENT, FORMAT AND STYLE**

The preliminary documentation should be provided as one document with attachments, in a format that is objective, clear and succinct. It must contain sufficient information to avoid the need to search out previous or supplementary reports and be written so that any conclusions reached can be independently assessed. The documentation should be supported by:

- a) The best available scientific literature.
- b) Relevant maps, plans, diagrams and technical information. Maps and diagrams must be clearly annotated, in colour and of high resolution.
- c) Details on relevant uncertainties, including whether impacts are unknown, unpredictable or irreversible, as well as acceptability of the relevant impacts to Matters of National Environmental Significance (MNES).
- d) References or other descriptive detail in relation to the information provided, including how recent the various pieces of information are.
- e) A covering summary of the information provided and identification within the summary of where the requirements set out below have been addressed within the consolidated documentation.

The documentation must avoid passive language and use active, clear commitments (e.g. 'must' and 'will') where appropriate. Where relevant information was provided at the referral

stage, incorporate or refer to this information as necessary in the consolidated preliminary documentation.

## **2. DESCRIPTION OF THE ACTION**

All construction, operational and (if relevant) decommissioning components of the action should be described in detail, including the precise location of all works to be undertaken, including plans and maps, and elements of the action that may have impacts on relevant MNES. The description of the action must also include details of how the works are to be undertaken (including stages of development and their timing) and design parameters for those aspects of the structures or elements of the action that may have relevant impacts.

Please ensure the information you provide includes the following:

- a) The location, boundaries and size (in hectares) of the disturbance footprint and of any adjoining areas which may be indirectly impacted by the proposal, including nearby habitat; and areas for stockpiles, vehicle access and associated activities.
- b) For pre-construction, construction and operation phases:
  - i. The proposed activities associated with each phase.
  - ii. The anticipated timing and duration (including start and completion dates) of each phase.
- c) A description of the operational requirements of the action including any anticipated maintenance works.
- d) Relevant information about the history and use of the proposed action area and of any adjoining areas
- e) Any feasible alternatives to the action to the extent reasonably practicable, including the alternative of taking no action, a comparative description of the impacts of each alternative on MNES. Sufficient detail must be provided to make clear why any alternative is preferred to another. Short, medium and long-term advantages and disadvantages of the options should be discussed.

## **3. DESCRIPTION OF THE ENVIRONMENT AND MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE**

The preliminary documentation must provide a general description of the environment affected by and surrounding the proposed action area, in both the short and long term. Specific matters this section must address include, but are not limited to:

- a) Descriptions of any MNES that may be affected by this proposal, including but not limited to the:
  - i. Natural Temperate Grassland of the Victorian Volcanic Plain ecological community that may be affected by the proposal.
  - ii. Striped Legless Lizard (*Delma impar*) habitat and populations that may be affected by this proposal.
  - iii. Flora species that may be affected by this proposal including but not limited to: Matted Flax-lily (*Dianella amoena*), Button Wrinklewort (*Rutidosis*

*leptorrhynchoides*), Large-fruit Fireweed (*Senecio macrocarpus*) and Spiny Rice-flower (*Pimelea spinescens* subsp. *Spinescens*).

- b) Information about the resources used to identify and assess the environmental values on site, including survey data and historical records.
- c) The results of any targeted surveys undertaken for the above matters in accordance with the relevant guidelines.
- d) Information detailing known/recorded areas of the ecological community mentioned above, the quantification (in hectares) of the extent of the ecological community present and details on the quality of this community within the development site and the area surrounding the proposed action area.
- e) Information detailing known/recorded populations of the species mentioned above and known or potential habitat within the development site and the area surrounding the proposed action area.
- f) Information must include maps indicating the extent and distribution of the ecological community and threatened species habitat/population.
- g) An assessment of the adequacy of any resources and historical data used and any surveys undertaken (including survey effort and timing). In particular, the extent to which these surveys were appropriate and undertaken in accordance with the Department's relevant scientific and policy guidance (see: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>).

#### **4. RELEVANT IMPACTS**

The preliminary documentation must include an assessment of potential impacts (including direct, indirect, facilitated and cumulative impacts) that may occur as a result of all elements and project phases of the proposed action including but not limited to the MNES addressed at Section 3. Consideration of impacts must not be confined to the immediate area of the proposed action but must also consider the potential of the proposed action to impact on adjacent areas that are likely to contain MNES or habitat for MNES.

For listed threatened species and communities this must include, but not be limited to:

- a) An assessment of the direct and indirect loss and/or disturbance of the Natural Temperate Grassland of the Victorian Volcanic Plain ecological community as a result of the proposed action. This assessment must include the quality of the ecological community impacted, quantification of the total area in hectares and an analysis of the direct and indirect impacts on the ecological community including the nature of the proposed impacts (e.g. disturbance, destruction, modification, fragmentation).
- b) An assessment of the direct and indirect loss and/or disturbance of any known or potential habitat/populations of the species addressed at Section 3 as a result of the proposed action. This assessment must include the area/number of known or potential habitat/populations to be impacted and an analysis of the direct or indirect impacts on the species' populations/habitat including the nature of the impacts (e.g. disturbance, habitat loss, modification, fragmentation).

- c) Details on whether any impacts are likely to be unknown, unpredictable or irreversible.
- d) Any technical data and other information used or needed to make a detailed assessment of the relevant impacts.
- e) Any information about potential impacts to MNES within or adjacent to the proposed disturbance footprint resulting from site condition, context or usage history.
- f) A local and regional scale analysis of the likely impacts. This should include a discussion of connectivity, flow-on effects, potential cumulative impacts within the broader region and information on the long-term viability of the ecological community and threatened species if the proposed action proceeds.
- g) Full justification of all discussions and conclusions based on the best available information including relevant conservation advices, recovery plans, threat abatement plans and guidance documents, if applicable. Departmental documents regarding listed threatened species can be found at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>.

## 5. PROPOSED AVOIDANCE AND MITIGATION MEASURES

The preliminary documentation must provide information on proposed avoidance and mitigation measures to prevent or minimise impacts to the MNES addressed at Section 3 that are likely to be impacted by the proposed action. A consolidated list of proposed avoidance and mitigation measures must be provided, based on best available practices and including, but not be limited to, the following elements:

- a) A detailed description of the measures proposed. This must include relevant protocols, the name of the agency responsible for each measure, and the location(s) and timing for each measure. Information regarding the extent to which such measures accord with the conservation priorities for relevant ecological community and/or threatened species.
- b) A detailed description of any avoidance or mitigation, such as habitat retention, for known habitat/populations of ecological community and/or threatened species, including those addressed at Section 3, within the development area and information about how these measures accord with conservation priorities.
- c) Details of any measures to minimise weed and pest introduction/spread. In particular, the specific weed and pest management actions that are proposed to be implemented in the project area.
- d) A description (including maps) of the location, boundaries and size (in metres) of any buffer areas for proposed exclusion zones or conservation purposes and details on how these areas will be excluded or protected.
- e) A statement addressing the environmental objectives/outcomes the measures are expected to achieve. This must include details of any baseline data, performance criteria, monitoring, reporting and corrective actions proposed to demonstrate progress towards achieving these objectives.

For further information on outcomes-based conditions please see relevant Departmental policy documents at: <http://www.environment.gov.au/epbc/publications/outcomes-based-conditions-policy-guidance>.

- f) An assessment of the expected or predicted effectiveness of the measures proposed.

- g) A description of how the measures take into account the site condition/history.
- h) Details of any statutory or policy basis for the measures proposed.
- i) Measures for all project phases (construction, operation, decommission) of the proposed action.
- j) Details of ongoing management, including research and monitoring programs to support an adaptive management approach and determine the effectiveness of the measures proposed.
- k) An assessment of the achievability of the measures proposed, including affordability.
- l) A description of any proposed rehabilitation to disturbed habitat areas, including management, methodology and timing.

Specific measures can be presented in the form of a management plan, such as an Environmental Management Plan, Conservation Management Plan and/or a Construction Environmental Management Plan specific to the proposed action. At a minimum, the plan must include a detailed outline that sets out the framework for the management, mitigation and monitoring of relevant impacts of the action, including provision for independent auditing.

Plans must include details of the key commitments and measures to ensure that impacts to relevant MNES are avoided and minimised. Plans should refer to relevant conservation advices, recovery plans, threat abatement plans, and other guidance documents published by the Department.

To assist you, the Department's *Environmental Management Plan Guidelines 2014* are available at: [www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines](http://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines).

## **6. RESIDUAL IMPACTS/PROPOSED OFFSETS**

The preliminary documentation must also provide details of:

- a) The likely residual impacts on MNES discussed at Section 3 that are likely to occur after proposed avoidance and/or mitigation measures are taken into account. If applicable, this should include the reasons why avoidance or mitigation of impacts cannot be reasonably achieved.
- b) An offset package to compensate for residual impacts to MNES, if relevant. This should consist of an offset proposal (Offset Strategy) and key commitments and management actions for delivering and implementing a proposed offset (e.g. an Offset Management Plan). Please note the strategy and management plan should be prepared as two separate documents.

The proposed offset must meet the requirements of the Department's *EPBC Act Environmental Offsets Policy* (October 2012) available at: [www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy](http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy).

The package must include, but not be limited to, the following:

- i. Offset Strategy:
  - i. A description of the offset site(s) including location, size, condition and environmental values present. Details of the surveys used to confirm the presence of the protected matter at the offset site and the quality of the offset site must also be included.
  - ii. Justification of how the offset package meets the *EPBC Act Environmental Offsets Policy*.
  - iii. An assessment (and justification for each input used) of the offset site(s) using the Department's *Offset Assessment Guide* available at: [www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy](http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy).
- ii. Offset Management Plan
  - i. Details on how the offset will be secured, managed and monitored, including management actions, responsibility, timing and performance criteria. This should include the specific environmental outcomes to be achieved from management measures.

## **7. OTHER APPROVALS AND CONDITIONS**

The preliminary documentation must include information on any other requirements for approval or conditions that apply, or that you reasonably believe are likely to apply, to the proposed action. This must include:

- a) A description of any approval obtained or required to be obtained from a local, state or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply to the proposed action.
- b) A statement identifying any additional approval that is required.
- c) A description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.
- d) A statement identifying any interaction with other approved projects under the EPBC Act, including compliance with conditions on other approved projects.

## **8. SOCIAL AND ECONOMIC**

The preliminary documentation must address the economic and social impacts (both positive and negative) of the proposed action. This may include:

- a) Details of any public consultation activities undertaken, and their outcomes.
- b) Projected costs and benefits of the proposed action, including the basis for estimation through cost/benefit analysis or similar studies, e.g. employment opportunities expected to be generated by the project (including construction and operational phases).

Social and economic impacts must be considered at the local, regional and national level.

## **9. ENVIRONMENTAL RECORD OF PERSON PROPOSING TO TAKE THE ACTION**

The information provided must include details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- a) The person proposing to take the action.
- b) For an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework should be described.

## **10. CONCLUSION**

The preliminary documentation must provide an overall conclusion as to the environmental acceptability of the proposal, including discussion on compliance with the principles of Ecologically Sustainable Development (section 3A) and the objects (section 3) and requirements of the EPBC Act.

You may wish to include a statement as to whether or not the controlled action should be approved and may recommend conditions pertaining to an approval. This should include justification for undertaking the proposed action in the manner proposed. The measures proposed or required by way of offset for any unavoidable impacts on MNES and the relative degree of compensation, should be restated here.

## **11. INFORMATION SOURCES**

The preliminary documentation must state for the information provided, the following:

- a) The source and currency (date) of the information.
- b) How the reliability of the information was tested.
- c) The uncertainties (if any) in the information.
- d) The guidelines, plans and/or policies considered.