### REFERRAL OF A PROJECT FOR A DECISION ON THE NEED FOR ASSESSMENT UNDER THE *ENVIRONMENT EFFECTS ACT 1978*

### REFERRAL FORM

The *Environment Effects Act 1978* provides that where proposed works may have a significant effect on the environment, either a proponent or a decision-maker may refer these works (or project) to the Minister for Planning for advice as to whether an Environment Effects Statement (EES) is required.

This Referral Form is designed to assist in the provision of relevant information in accordance with the *Ministerial Guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Seventh Edition, 2006). Where a decision-maker is referring a project, they should complete a Referral Form to the best of their ability, recognising that further information may need to be obtained from the proponent.

**It will generally be useful for a proponent to discuss the preparation of a Referral with the Impact Assessment Unit (IAU) at the Department of Environment, Land, Water and Planning (DELWP) before submitting the Referral.**

If a proponent believes that effective measures to address environmental risks are available, sufficient information could be provided in the Referral to substantiate this view. In contrast, if a proponent considers that further detailed environmental studies will be needed as part of project investigations, a more general description of potential effects and possible mitigation measures in the Referral may suffice.

In completing a Referral Form, the following should occur:

* Mark relevant boxes by changing the font colour of the ‘cross’ to black and provide additional information and explanation where requested.
* As a minimum, a brief response should be provided for each item in the Referral Form, with a more detailed response provided where the item is of particular relevance. Cross-references to sections or pages in supporting documents should also be provided. Information need only be provided once in the Referral Form, although relevant cross-referencing should be included.
* Responses should honestly reflect the potential for adverse environmental effects. A Referral will only be accepted for processing once IAU is satisfied that it has been completed appropriately.
* Potentially significant effects should be described in sufficient detail for a reasonable conclusion to be drawn on whether the project could pose a significant risk to environmental assets. Responses should include:

- a brief description of potential changes or risks to environmental assets resulting from the project;

- available information on the likelihood and significance of such changes;

- the sources and accuracy of this information, and associated uncertainties.

* Any attachments, maps and supporting reports should be provided in a secure folder with the Referral Form.
* A USB copy of all documents will be needed, especially if the size of electronic documents may cause email difficulties. **Individual documents should not exceed 2MB as they will be published on the Department’s website.**
* A completed form would normally be between 15 and 30 pages in length. Responses should not be constrained by the size of the text boxes provided. Text boxes should be extended to allow for an appropriate level of detail.
* The form should be completed in MS Word and not handwritten.

The party referring a project should submit a covering letter to the Minister for Planning together with a completed Referral Form, attaching supporting reports and other information that may be relevant. This should be sent to:

Postal address Couriers

**Minister for Planning Minister for Planning**

**PO Box 500 Level 16, 8 Nicholson Street**

**EAST MELBOURNE VIC 8002 EAST MELBOURNE VIC 3002**

In addition to the submission of the hardcopy to the Minister, separate submission of an electronic copy of the Referral via email to [ees.referrals@delwp.vic.gov.au](mailto:ees.referrals@delwp.vic.gov.au) is required. This will assist the timely processing of a referral.

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**PART 1 PROPONENT DETAILS, PROJECT DESCRIPTION & LOCATION**

**1. Information on proponent and person making Referral**

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| **Name of Proponent:** | BAI Communications Pty Ltd\*  \*Digital 4 Pty Ltd is the registered proprietor of the land which is a wholly owned subsidiary of BAI Communications Pty Limited, previously trading as Broadcast Australia, and is an entity that is used to hold BAI Communications land assets |
| **Authorised person for proponent:** | John Mackay |
| **Position:** | General Counsel and Company Secretary |
| **Postal address:** | Broadcast Australia, Level 10, Tower A, 799 Pacific Highway, Chatswood, NSW 2067 |
| **Email address:** | john.mackay@baicommunications.com |
| **Phone number:** | 02 8113 4699 |
| **Facsimile number:** | N/A |
| **Person who prepared Referral:** | Kevin Pike |
| **Position:** | Head of Property Strategy |
| **Organisation:** | Broadcast Australia |
| **Postal address:** | Level 10, Tower A, 799 Pacific Highway, Chatswood, NSW 2067 |
| **Email address:** | [kevin.pike@baicommunications.com](mailto:kevin.pike@baicommunications.com) |
| **Phone number:** | 02 8113 4939 |
| **Facsimile number:** | N/A |
| **Available industry & environmental expertise:** (areas of ‘in-house’ expertise & consultancy firms engaged for project) | Planning: Planning and Property Partners  Environmental: Nature Advisory  Design: Hassell  Traffic: One Mile Grid  Drainage and Services: Cardno  Geological: Golder Associates  Heritage: Tardis  Contamination and Geotechnical: Douglas and Partners  Planning and Environmental Lawyer: MinterEllison |

**2. Project – brief outline**

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| **Project title:**  250A Taylors Road, Delahey |
| **Project location:** (describe location with AMG coordinates and attach A4/A3 map(s) showing project site or investigation area, as well as its regional and local context)  250A Taylors Road, Delahey comprising the whole of Lot B on PS817647S and located at -37.724657°, 144.786617° (index reference: document no. 1) (**Project Site**).  Refer to the enclosed Hassell Urban Design Guidance (index reference: document no. 2) presenting maps of the Project Site, and its regional and local context. |
| **Short project description** (few sentences)**:**  The Project Site comprises 46.10 hectares of land and is located at 250A Taylors Road, Delahey, Victoria. The Project Site is proposed to be subdivided and developed for a mix of urban purposes, including a diverse range of housing and complementary mixed-use development.  The Project Site is an important and rare ‘in-fill’ site and will be developed consistent with metropolitan planning strategy and the planning policy framework. |

**3. Project description**

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| **Aim/objectives of the project** (what is its purpose / intended to achieve?):  *Plan Melbourne 2017-2050* outlines Victoria's long-term plan to ensure Melbourne grows more sustainable, productive and liveable. It seeks to respond to the need to accommodate growth in population which is anticipated to increase to 8 million by 2050 and achieve 70% of this growth in established areas by making use of well serviced urban renewal opportunities, in preference to the alternative of less efficient growth on the fringes of the city that is typically compromised in terms of connectivity, servicing, environmental and social outcomes.  The Project Site has been identified as a significant strategic development site and as a unique ‘in-fill’ subdivision and development opportunity.  It includes significant frontages to Kings and Taylors Roads, and offers the appropriate attributes to support subdivision and development for a mix of urban purposes, including a diverse range of housing and complementary mixed-use development.  Subdivision and development of the Project Site also aligns with local planning policy development over the past 10+ years which has consistently identified the land as a strategic infill redevelopment opportunity, particularly for predominantly residential purposes, with opportunities embedded in future development to deliver improved linkages and interfaces to the benefit of the local community. |
| **Background/rationale of project** (describe the context / basis for the proposal, eg. for siting):  Broadcast Australia (**BA**) operates transmission infrastructure to support the transmission of AM radio services on land directly north of the Project Site. The Project Site was identified as surplus to BA's operational requirements and BA therefore adopted a three-stage process to release the Project Site for urban development purposes. This three-stage process is described below:   1. **Stage 1 (subdivision of Project Site):** A two-lot subdivision (Planning Permit Application P483/2018) was approved in 2018 (‘Stage 1’), creating both the Project Site and the lot directly to the north of the Project Site, being Lot A on PS817647S (**BA Lot**). The BA Lot is anticipated to retained by BA to facilitate BA's ongoing operational requirements in relation to the transmission of AM radio services; 2. **Stage 2 (obtain key approvals):** Commonwealth environmental approval and rezoning of the Project Site. This will include:    1. obtaining approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) for the project;    2. amending the planning controls applicable to the Project Site to:       1. rezone the land from Special Use Zone to Mixed Use Zone;       2. facilitate deletion of the existing Environmental Significance Overlay and Environmental Audit Overlay; and       3. require the preparation of a Development Plan (pursuant to a proposed Development Plan Overlay) and Native Vegetation Precinct Plan to guide future subdivision and development of the Project Site. 3. **Stage 3:** Subject to the obtaining approval under the EPBC Act and the adoption of the planning scheme amendment, the Project Site will be sold and available for an expert land developer to subdivide and develop the Project Site consistent with the approval obtained for the project under the EPBC Act and the planning controls applicable to the Project Site. |
| **Main components of the project** (nature, siting & approx. dimensions; attach A4/A3 plan(s) of site layout if available):  Whilst the proposed form of subdivision and development of the Project Site is not yet confirmed, ultimately, the likely development outcome would be for a predominantly residential subdivision ranging in density and typology, serviced by a network of local roads and open space, and potential for some commercial development as part of this.  The key environmental impact of the project will be the removal of 21.248ha of native vegetation from the Project Site, subject to securing and agreeing appropriate proposed native vegetation offsets and translocation measures as outlined in this referral to ensure policy objectives for no net loss biodiversity outcomes are achieved via the planning process.  It is envisaged that full development of the Project Site will likely take at least 10 years, with the eventual form of subdivision and development being subject to both market preferences at that time and the detail of planning applications and approvals.  Notwithstanding that the ultimate urban form is yet to be decided, the nature and extent of the impact (including how the impact will be assessed through the planning scheme amendment and EPBC Act approval processes, and how the impact is proposed to be mitigated) are known at this stage and are explained in further detail in this referral. |

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| **Ancillary components of the project** (eg. upgraded access roads, new high-pressure gas pipeline; off-site resource processing):  No works are specifically proposed beyond the scope of the site. Signalisation and access changes to the existing urban road network will likely be required subject to the eventual detail of future development proposals on the site. As noted above, the proposed subdivision and development of the Project Site will be able to be serviced from existing utility infrastructure. |
| **Key construction activities:**  In light of the envisaged ultimate development outcomes, being generally a residentially led mixed-use subdivision and development, the key construction activities will involve removal of all native vegetation located onsite, preparatory earthworks, installation of utilities and construction of various residential and commercial buildings. This will likely involve some levelling of the project site (i.e. removal of existing soil), and the installation of underground utilities (e.g. pipes, cabling etc). The scope, sequencing and timing of such works would be carried out by, and subject to, the delivery model of the eventual expert land developer, in accordance with the requirements of any approvals (e.g. construction management plans, environmental management plans). Construction activities would be largely limited to being on site together with several vehicular / access connections to the surrounding road network in some locations.  The entirety of the Project Site would be subject to future infill development inclusive of areas of potential open space and construction of a retarding basin and wetland areas as generally depicted on page 40 of the Hassell urban design guidance (index reference: document no. 2). |
| **Key operational activities:**  Following construction, the Project Site is intended to operate an integrated community infill development, involving predominantly residential use, with the potential for associated commercial uses including retail, office, medical facilities, childcare and the like. |
| **Key decommissioning activities** (if applicable):  N/A. |
| **Is the project an element or stage in a larger project?**  **🗙** No 🗙 Yes If yes, please describe: the overall project strategy for delivery of all stages and components; the concept design for the overall project; and the intended scheduling of the design and development of project stages). |
| **Is the project related to any other past, current or mooted proposals in the region?**  **🗙** No 🗙Yes If yes, please identify related proposals. |

**4. Project alternatives**

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| **Brief description of key alternatives considered to date** (eg. locational, scale or design alternatives. If relevant, attach A4/A3 plans): |
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| The Project Site is fixed and therefore there are no alternative locations that may be suitable for the project.  Alternate subdivision configurations or a smaller development on the Project Site that would result in the retention of conservation / grassland areas on the Project Site has been considered, however it was ultimately decided to not be the preferred outcome because it would be likely to result in compromised urban development and environmental outcomes. In relation to the compromised environmental outcomes, this would include:   * 'edge effects’ through weed invasion and disturbance associated with urban development; * an ongoing requirement to manage weeds, including for fire protection purposes involving ongoing spraying and slashing activities, which would be incompatible with, or constrained by, proximate residential development; and * the limited potential for any ‘remnant’ conservation / grassland area to remain viable over the long-term.   Please refer to pages 45-46 of the enclosed Flora & Fauna assessment prepared by Nature Advisory in relation to these alternative configurations (index reference: document no. 4).  Notwithstanding the above, BA notes that the concept planning proposed in the Hassell report (index reference: report no. 2) forms the basis for further consideration as part of future approvals processes. The ultimate general form and scale of future subdivision and development will be considered as part of the planning scheme amendment process. |
| **Brief description of key alternatives to be further investigated** (if known)**:** |
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| N/A. |

**5. Proposed exclusions**

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| **Statement of reasons for the proposed exclusion of any ancillary activities or further project stages from the scope of the project for assessment:**  N/A. |

**6. Project implementation**

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| **Implementing organisation** (ultimately responsible for project, ie. not contractor):  BA is responsible for Stages 1 and 2 as described in section 3 above. BA will also be responsible for securing most offset requirements for the project under the Native Vegetation Precinct Plan and the EPBC Act approval.  An expert land developer will then be responsible for preparing future development plans, obtaining any other approvals and remaining offsets, subdividing the Project Site, carrying out various construction activities and then selling parts of the Project Site to third parties for future development and use.  **Implementation timeframe:**  It is estimated the applicable planning scheme amendment and environmental approval processes (e.g. the receipt of EPBC Act approval, approval of the development plan / Native Vegetation Precinct Plan and any planning permissions required) will be resolved within 24-36 months. The construction works will commence after the completion of these processes.  **Proposed staging (if applicable):**  An expert land developer may stage the development of certain parts the Project Site if staging is permitted by the requirements of any approvals or planning controls applicable to the Project Site. |
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**7. Description of proposed site or area of investigation**

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| **Has a preferred site for the project been selected?**  🗙 No **🗙** Yes If no, please describe area for investigation.  If yes, please describe the preferred site in the next items (if practicable). |
| **General description of preferred site,** (including aspects such as topography/landform, soil types/degradation, drainage/ waterways, native/exotic vegetation cover, physical features, built structures, road frontages; attach ground-level photographs of site, as well as A4/A3 aerial/satellite image(s) and/or map(s) of site & surrounds, showing project footprint):  The Project Site is located 20 kilometres to the north of the Melbourne CBD and well located to existing transport with the south-east corner of the land being 200 metres from Keilor Plains Railway Station and bounded on two sides the arterial roads of Taylors Road and Kings Road.  All necessary services abut the land and the necessary capacity is available to allow any future subdivision and development of the land to take access from those services. The land is well connected to existing social infrastructure such as local and regional centres (Delahey Village, Watergardens and St Albans), primary and secondary schools, community centre, retirement living/aged care and outdoor recreation.  The Project Site currently comprises native vegetation which is subject to ongoing slashing and spraying actions due to serrated tussock infestation, implemented under an agreed land management plan (index reference: document no. 3), and the proposal for the site will involve impacts to this native vegetation as outlined in this referral.  Refer to enclosed Urban Design Guidance (index reference: report no. 2) which includes a comprehensive summary and depictions of site features. |
| **Site area** (if known): 46.1ha (hectares)  **Route length** (for linear infrastructure) N/A………………. (km) **and width** ……………….. (m) |
| **Current land use and development:**  Vacant area of grassland subject to ongoing slashing and spraying activities in accordance with the enclosed land management plan implemented to manage serrated tussock infestation (index reference: report no. 3). |
| **Description of local setting** (e.g. adjoining land uses, road access, infrastructure, proximity to residences & urban centres):  The site is surrounded by predominantly residential suburban development. As noted previously, Keilor Plains Railway Station is positioned to the Project Site's south, and Delahey Village (being a neighbourhood activity centre) sits to the Project Site's immediate west. The railway line to Sunbury tracks along the Project Site's eastern boundary. |
| **Planning context** (e.g. strategic planning, zoning & overlays, management plans):  Building on Plan Melbourne objectives for urban renewal and urban infill in well-serviced existing urban areas, the site is recognised by planning policy as a strategic residential infill site. This includes:   * Recognition there are no large scale greenfield development sites available in Brimbank to address housing demand, creating a need to accommodate growth in key strategic sites and activity centres (clauses 21.02 and 21.07 of the Brimbank Planning Scheme) * The strategic framework plan at clause 21.04 of the Brimbank Planning Scheme recognises the Project Site as a strategic development site * The residential framework plan at clause 21.07 of the Brimbank Planning Scheme recognises the Project Site as a potential residential development area * The 2014 Brimbank Housing Strategy identifies the Project Site as a strategic redevelopment site * The 2018 Brimbank Activity Centre Strategy identifies the Project Site as an infill development site adjacent to the Delahey Village Activity Centre   The above policies follow earlier strategic Council work, which has also historically identified this Project Site as a key strategic transit oriented development opportunity. This includes work undertaken as part of the Sydenham Transit Cities report, dating back to the early 2000s.  The existing planning controls applicable to the Project Site do not currently reflect the above matters and are proposed to be updated as part of the planning scheme amendment process.  The existing controls include the Special Use Zone, Environmental Audit Overlay and Environmental Significance Overlay.  Proposed changes to the Project Site's existing planning controls through the proposed planning scheme amendment include rezoning the land to the *Mixed Use Zone* and introducing a *Development Plan Overlay*.  This will ensure the strategic opportunity for infill housing and mixed-use development in an established metropolitan setting is realised in a coordinated, holistic and integrated way, including the opportunity to accommodate growth, deliver quality housing, and to capitalise on efficiencies of existing urban infrastructure and services including public transport.  A *Native Vegetation Precinct Plan* is proposed in place of the existing *Environmental Significance* *Overlay* (which would be deleted as part of the planning scheme amendment). The Native Vegetation Precinct Plan, amongst other matters, will facilitate:   * the proposed future translocation of 19 Spiny Rice-flowers; and * the removal and offsetting of all native vegetation on the Project Site.   The proposed planning framework has been developed in consultation with relevant authorities and will ensure appropriate environmental outcomes are achieved through offset and translocation actions, and flexibility for future use and development to provide a high quality and sustainable urban form that complements the existing urban setting. |
| **Local government area(s):**  Brimbank City Council (**BCC**). |

**8. Existing environment**

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| Overview of key environmental assets/sensitivities in project area and vicinity (cf. general description of Project Site/study area under section 7):  The existing environmental values on site are confirmed in the enclosed Flora & Fauna assessment prepared by Nature Advisory (index reference: document no. 4). The environmental values and conditions on site are known and have been comprehensively documented, noting that the Flora and Fauna assessment has been subject of peer review by Eco-Aerial (index reference: report no. 5). Additionally, the environmental conditions of the land have also been subject of peer-reviewed environmental site assessment (index reference: document no. 6), and peer-reviewed geological assessment (index reference: document nos 8 & 9). The environmental impacts of the project are discussed further in section 11 below.  **Vegetation assets / sensitivities**  Vegetation within the Project Site consists of intact native grassland dominated by wallaby and spear grasses. Some drainage lines and small wet depressions across the Project Site support grassy wetland vegetation. A rocky rise in the west of the Project Site is dominated by native Kangaroo Grass. Some sections are dominated by introduced grass species. High levels of invasive Serrated Tussock grass are persistent across the majority of the Project Site.  Evidence on site, including floristic composition and soil characteristics, suggest that Plains Grassy Wetland (EVC 125), and Heavier Soils Plains Grassland (EVC 132\_61) are present within the Project Site.  Twenty remnant patches (referred to as habitat zones) comprising the abovementioned Ecological Vegetation Classes (EVCs) have been identified in the Project Site.  Based on an assessment of native vegetation in the Project Site against published descriptions and condition thresholds for these communities:  20.807 hectares of Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) – listed as critically endangered under the EPBC Act exists on the site (occurring in all mapped Heavier-soils Plains Grassland habitat zones). BA notes that the presence of the NTGVVP has triggered the requirement to refer the project for assessment and approval under the EPBC Act.  One population consisting of a total of 19 Spiny Rice-flower (listed in the EPBC Act and *Flora and Fauna Guarantee Act 1989* (Vic) (**FFG Act**)) individuals was recorded during the targeted surveys. Individual plants of Spiny Rice-flower were found to occur within areas dominated by Kangaroo Grass and where the cover of Serrated Tussock was relatively low.  **Fauna assets / sensitivities**  The Striped Legless Lizard and the Golden Sun Moth are EPBC and FFG Act listed fauna species and have been found to occur within a study area that included the Project Site and the BA Lot. Whilst the Striped Legless Lizard was found to be present in the BA Lot, no Striped Legless Lizards were recorded within the Project Site during past targeted surveys. Notwithstanding this, the surveys undertaken have identified the Project Site as land which supports habitat for the Striped Legless Lizard. Instances of the Golden Sun Moth have been recorded on the Project Site during targeted surveys. |
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**9. Land availability and control**

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| **Is the proposal on, or partly on, Crown land?** |
| **🗙** No 🗙 Yes If yes, please provide details. |
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| **Current land tenure** (provide plan, if practicable):  The Project Site is privately and contiguously held by Digital 4 Pty Ltd, a wholly owned subsidiary of BAI Communications Pty Ltd, trading as Broadcast Australia. Refer to enclosed certificate of title (index reference: document no. 1). |
| **Intended land tenure** (tenure over or access to project land):  BA propose to divest the Project Site to a third party purchaser for future subdivision development purposes. Completion of the divestment process will be subject to approval of the planning scheme amendment and EPBC Act approval (among other things).  Following construction of supporting infrastructure, parts of the Project Site (such as individual lots) will likely be divested to third parties to facilitate the mixed use development of the site. |
| **Other interests in affected land** (eg. easements, native title claims):  The land is subject to a number of easements associated with BCC and Melbourne Water drainage services. Additionally, the eastern portion of the Project Site contains a waterway which is part of the St Albans West Drain. Conversations and site visits with Melbourne Water suggest that the orientation of the waterway may be able to be changed, or a constructed waterway could replace the existing waterway. These options will need to be considered as part of any subsequent planning processes. |
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**10. Required approvals**

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| State and Commonwealth approvals required for project components (if known):  Have any applications for approval been lodged?  No 🗙 Yes If yes, please provide details.  Two assessment and approval processes are underway in respect of the project and are discussed below:   * Planning Scheme Amendment request submitted to BCC pursuant to the *Planning and Environment Act 1987* (Vic) (**P&E Act**); and * Assessment of the project under the EPBC Act.   **Brimbank Planning Scheme Amendment C207:**  BCC officers across multiple departments (including environment) will review the detail of the project and associated planning scheme amendment prior to authorisation by the Minister for Planning and subsequent public exhibition. The amendment has also been referred to external authorities, including the Environment Protection Authority, for comment prior to authorisation. The planning scheme amendment is currently at this stage.  Pre-authorisation engagement will occur with DELWP’s state planning services department during November and December 2019. At the authorisation phase, DELWP has advised it will seek the advice of various internal departments, including environmental input in relation to the proposed impact on, removal and management of flora and fauna.  The planning scheme amendment, once authorised, will be placed on public exhibition for 28 days in accordance with the requirements of the P&E Act. This is expected to occur in April 2020. At the public exhibition phase, the planning scheme amendment will also be referred by BCC to relevant state agencies, such as the Environment Protection Authority, Melbourne Water and others. The planning scheme amendment will also be directly referred to prescribed Ministers, including those responsible for the *Conservation, Forest and Lands Act 1987* (Vic) and the *Catchment and Land Protection Act 1994* (Vic) for review and comment. This will allow the relevant State departments an opportunity to give feedback on the project and the proposed planning controls (including the Native Vegetation Precinct Plan) which will apply to the Project Site, including the relevant native vegetation sub-departments of DELWP.  In collaboration with BCC, BA will work through a consultation strategy to ensure any further community or stakeholder consultation that may be appropriate is undertaken.  Any submissions made to the planning scheme amendment will be considered by BCC and if they cannot be resolved, will be referred to an independent planning panel who will review the planning scheme amendment and the submissions made by all submitters, including State departments.  Subject to the further consideration of the planning scheme amendment and the Panel’s report of recommendations, BCC will formally adopt the planning scheme amendment, prior to the further consideration of the planning and environmental merits of the proposal by the Minister for Planning.  The planning scheme amendment will not take effect if and until it is approved by the Minister for Planning. As DELWP will be aware, the Minister for Planning has the ability to approve the planning scheme amendment with any changes he believes are necessary to ensure an acceptable planning outcome.  Through the above processes the merits of the project will be comprehensively reviewed, particularly including in relation to the environmental impacts of the project. The environmental impacts of the project will be considered in light of the planning policy context for the Project Site, incorporating existing environmental policies and controls (including, but not limited to, the DELWP *Guidelines for the removal, destruction or lopping of native vegetation* (December 2017) (**Guidelines**)).  In particular, the Guidelines set out and describe the application of Victoria’s statewide policy in relation to assessing and compensating for the removal of native vegetation. A key strategy for the protection and management of native vegetation is the application of the following three step approach in accordance with the Guidelines:     * avoid the removal, destruction or lopping of native vegetation; * minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided; and * provide an offset to compensate for the removal, destruction or lopping of native vegetation.   The methods and approaches outlined in the Guidelines will be used to guide and inform protection of areas with biodiversity and other values during the strategic planning stage for the Project Site, consistent with DELWP's document *Preparing a Native Vegetation Precinct Plan* (December 2017). Considering how native vegetation will be protected and managed through the planning scheme amendment process will:   * allow areas of higher value native vegetation at a landscape scale to be identified; * enable indirect and cumulative impacts of use or development of the Project Site on native vegetation to be understood and addressed; * provide the best opportunity to avoid and minimise impacts on native vegetation by directing use and development away from higher value areas; and * minimises unnecessary or complex regulation by establishing clear expectations for where use and development can occur, and/or by coordinating approvals and offsets.   The above process also allows significant opportunities for BCC and BA to review and respond to any comments made by State departments and third parties following review of the impacts of the project on flora and fauna, and any outcomes of the EPBC referral and approval process currently underway (see further commentary below).  As can be seen, the planning scheme amendment process provides a comprehensive framework for assessing the impacts of the project on native vegetation, flora and fauna.  **EPBC Act Assessment and Approval:**  The project was referred under the EPBC Act (EPBC Act referral 2019/8404) and determined to be a "controlled action" on 1 July 2019. A decision on the assessment approach was made on 21 August 2019 that the project will be assessed by preliminary documentation.  This assessment approach will allow a comprehensive assessment of the impacts of the project on matters of national environmental significance under the EPBC Act will involve the following key steps:   * the Commonwealth Minister will give BA a written direction to publish specified information in the referral, certain other information, and an invitation for anyone to give BA comments in writing in relation to the information or the action. BA is currently undertaking some further studies (as outlined below), then it will seek a written direction from the Minister to publish this information; * the public will have an opportunity to review and comment on the information published by BA; * if comments are received by BA, BA will be required to prepare a document that sets out the information previously given to the Commonwealth Minister (with any amendments required to address those comments) and that also contains a summary of the comments received and how they have been addressed. BA will also be required to give that document to the Commonwealth Minister and to publish the document; * if no comments are received by BA, then BA will be required to notify the Commonwealth Minister of this and republish certain information; * the Secretary to the Commonwealth Department of Environment and Energy will then prepare a recommendation report outlining whether to approve, approve with conditions or not approve the project; and * the Commonwealth Minister will decide whether to approve, approve with conditions or not approve the project.   BA notes that any EPBC approval ultimately received through DoEE for the project may include various conditions as to how the project may be undertaken in order to facilitate an acceptable impact on flora and fauna (including habitat) protected under the EPBC Act associated with the project. These conditions will be taken into account through the ongoing State-based planning scheme amendment process.  An assessment of the project's impacts on matters of national environmental significance was prepared by Nature Advisory and was submitted with the EPBC Act referral. This will be supported by the following further assessments that have recently been completed:   * a Growling Grass Frog Assessment, which was undertaken in October/November 2019. However, on inspection of the potential habitat it was found that the wetlands were dry and no targeted frog surveys were undertaken because it was determined that there was no suitable habitat; and * a targeted flora survey for Small Golden Moth Orchid and Large-headed Fireweed was undertaken in September 2019. This survey resulted in no individuals of these species being found.   The following consultation has been undertaken to date to support these assessment and approval processes:  **Brimbank Planning Scheme Amendment C207:**  Detailed consultation has been undertaken with various authorities, including:   * **BCC**: Considerable preliminary consultation on the details of the project has occurred, spanning engagements between July 2018 to lodgement of the amendment request in September 2019. This consultation has included engagement with BCC's planning, environmental, infrastructure and other departments, including numerous joint site inspections. Consultation also occurred as part of the preliminary two-lot subdivision of the BA landholding to create the Project Site and the BA Lot, which included formalisation of the land management plan, public exhibition and local community consultation. * **DELWP**: BA has undertaken preliminary engagements with DELWP’s state planning services department in 2019 to discuss the details of the planning scheme amendment proposal at a high level, including the selection of planning controls including the Native Vegetation Precinct Plan. This has also extended to discussion of the approval process, including DELWP’s preference that the EPBC Act approval be substantially progressed prior to exhibition and resolution of the planning scheme amendment. This will allow for any conditions associated with any approval issued under the EPBC Act for the project to be factored into applicable planning controls for the Project Site following the planning scheme amendment. * **Melbourne Water:** BA has held multiple preliminary engagement sessions with Melbourne Water in relation to the Project Site's drainage functions. This has extended to discussions regarding Melbourne Water's requirements for the planning scheme amendment process in terms of managing overland flows and managing existing drainage infrastructure on site (which may include, as discussed earlier, relocation of Melbourne Water's existing drainage assets). * **VicRoads:** BA has undertaken engagement regarding future traffic generation and provision of access to the Project Site. * **Environment Protection Authority:** BCC has referred the amendment externally to the Environment Protection Authority for comment prior to authorisation.   Following over 12 months’ pre-lodgement consultation with BCC, BA submitted its request for a planning scheme amendment to BCC in September 2019. It is anticipated that the planning scheme amendment process will be concluded within 12-24 months of lodgement, following further consultation and a potential independent planning panel hearing / submissions process.  **EPBC Act Assessment and Approval:**   * **DoEE:** Consultation has involved:   + Pre-referral meeting with Kevin Pike (BA), Inga Kulik (Nature Advisory), Kylie Bishop (DoEE), Tiffeny Horwood (DoEE) and Helen Searle (DoEE), 17th January 2017.   + Email and phone consultation pre- and post-EPBC referral with Kylie Bishop (DoEE), Robert Kirby (DoEE) and William Bonney (DoEE) throughout 2019   The EPBC Act referral was submitted to DoEE in May 2019 and as noted above the project has been determined to be a controlled action to be assessed by preliminary documentation. Completion of the EPBC Act assessment process is anticipated by January 2020. |
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PART 2 POTENTIAL ENVIRONMENTAL EFFECTS

**11. Potentially significant environmental effects**

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| **Overview of potentially significant environmental effects** (identify key potential effects and comment on their significance and likelihood, as well as key uncertainties):  The project will involve impacts to the following on the Project Site:   * 21.248 hectares of native vegetation, comprising:   + 20.807 hectares of Heavier Soils Plains Grassland (EVC 132\_61), listed as endangered in the Victorian Volcanic Plains according to the document titled "Bioregional Conservation Status for each BioEVC as maintained by DELWP"; and   + 0.441 hectares of Plains Grassy Wetland (EVC 125), listed as endangered in the Victorian Volcanic Plains according to the document titled "Bioregional Conservation Status for each BioEVC as maintained by DELWP". * 20.807 hectares of Natural Temperate Grassland of the Victorian Volcanic Plain, being an EPBC Act-listed ecological community; * 19 Spiny Rice-flower (*Pimelea spinescens subsp. spinescens*) plants; * 9.797 hectares of habitat for Golden Sun Moth (*Synemon plana*); and * 20.325 hectares of potential habitat for Striped Legless Lizard (*Delma impar*).   The impacts described above generally involve the removal of the above listed native vegetation, plants and habitat from the Project Site. No impacts are expected to offsite listed native vegetation, plants and habitat.  The referral of the project to DoEE under the EPBC Act indicated the project will involve impacts which are slightly different from those presented above. The impacts presented above are current as at the time of the submission of this referral, and no material change is expected prior to subdivision and development of the Project Site. The impacts as listed above have been discussed with the DoEE and the referral under the EPBC Act will be updated before it is publicly exhibited pursuant to the preliminary documentation process.  As previously noted, the impacts described above will be fully considered and assessed as part of the planning scheme amendment and EPBC Act assessment and approvals processes. |

**12. Native vegetation, flora and fauna**

Native vegetation

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| **Is any native vegetation likely to be cleared or otherwise affected by the project?**  🗙 NYD 🗙 No **🗙** Yes If yes, answer the following questions and attach details.  **What investigation of native vegetation in the project area has been done?** (briefly describe)  Information on the investigations that have been undertaken into native vegetation on the Project Site are outlined on page 13 of the enclosed Flora & Fauna assessment prepared by Nature Advisory (index reference: document no. 4). This has included the following field assessments:   * Native vegetation mapping and habitat hectare assessment - 3rd and 4th May, 2017; * Wetland extent and quality verification - 29th November 2018; * Targeted surveys for Spiny Rice-flower – 30th June, 8th, 9th and 17th July 2008, and 3rd and 4th May, 2017.   In addition, the following further field assessments have recently been completed:   * A Growling Grass Frog Assessment, which was undertaken in October/November 2019. However, on inspection the wetlands were dry and no targeted frog surveys were undertaken because it was determined that there was no suitable habitat; and * A targeted flora survey for Small Golden Moth Orchid and Large-headed Fireweed was undertaken in September 2019. This survey resulted in no individuals of these species being found.   **What is the maximum area of native vegetation that may need to be cleared?**  🗙 NYD Estimated area 21.248 (hectares)  **How much of this clearing would be authorised under a Forest Management Plan or Fire Protection Plan?**  **🗙** N/A ………………………. approx. percent (if applicable)  **Which Ecological Vegetation Classes may be affected?** (if not authorised as above)  🗙 NYD **🗙** Preliminary/detailed assessment completed. If assessed, please list.   * Heavier Soils Plains Grassland (EVC 132\_61); and * Plains Grassy Wetland (EVC 125).   **Have potential vegetation offsets been identified as yet?**  🗙 NYD **🗙** Yes If yes, please briefly describe.  The offset target for the project will likely be achieved via a third-party offset. BA's consultants have identified two sites supporting large high-quality native grassland areas west of Melbourne that would contribute to meeting the State and federal offset requirements. Negotiations with the landowners of these sites are currently underway. BA is also pursuing alternative options to meet the offset requirements through offset site brokers, in the event these negotiations are not successful, or do not satisfy the totality of the offset requirements associated with the project. |
| **Other information/comments?** (eg. accuracy of information)  A number of detailed surveys have been undertaken by experienced ecologists within and surrounding the Project Site between 2009 and 2017.  In addition, the Flora and Fauna assessment has been subject of peer review by Eco-Aerial (index reference: report no. 5) and the environmental conditions of the land have also been subject of peer-reviewed environmental site assessment (index reference: document no. 6), and peer-reviewed geological assessment (index reference: document nos 8 & 9).  On this basis, BA considers that the information provided is accurate.  The BA Lot to the north of the project site contains similar native vegetation and fauna habitat as the project site, including NTGVVP, Striped Legless Lizard and Golden Sun Moth habitat, but no Spiny Rice-flower. There are not expected to be any offsite impacts to native vegetation on the BA Lot. This is because:   * no project activities will be located on the BA Lot, * there are no proposed changes to the management of the BA Lot. * a legal section 173 agreement has been registered over the BA Lot and Project Site ensuring that no native vegetation within 2 metres of the boundary between the BA Lot and the Project Site can be cleared. This is intended to act as a buffer between native vegetation on the BA Lot and the development of the Project Site. |

NYD = not yet determined

Flora and fauna

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| **What investigations of flora and fauna in the project area have been done?**  (provide overview here and attach details of method and results of any surveys for the project & describe their accuracy)  The following field assessments were conducted by experienced ecologists within the Project Site:   * Flora and Fauna Assessment in 2005; * Native vegetation mapping - 3rd and 4th May, 2017; * Wetland extent and quality verification - 29th November 2018; * Targeted survey for Spiny Rice-flower – 30th June, 8th, 9th and 17th July 2008, and 3rd and 4th May, 2017; * Growling Grass Frog (GGF) targeted survey - December 5th, 2005; * Striped Legless Lizard (SLL) targeted survey – August to November 2009; and * Golden Sun Moth (GSM) targeted survey - 23rd and 24th November 2006, and 1st, 4th, 8th and 18th December 2006. * Growling Grass Frog habitat assessment – 24th October 2019 and 13th November 2019 * Targeted flora survey for Small Golden Moth (orchid) and Large-headed Fireweed – 25th September 2019 |
| **Have any threatened or migratory species or listed communities been recorded from the local area?**  🗙 NYD 🗙 No **🗙** Yes If yes, please:   * List species/communities recorded in recent surveys and/or past observations. * Indicate which of these have been recorded from the project site or nearby.   The following listed communities and species have been recorded on the Project Site:   * 20.807 hectares of Natural Temperate Grassland of the Victorian Volcanic Plain according to the document titled "Bioregional Conservation Status for each BioEVC as maintained by DELWP", being an EPBC Act-listed ecological community (critically endangered). The area is comparable to that identified during earlier surveys; * 19 Spiny Rice-flower (*Pimelea spinescens subsp. spinescens*) plants (EPBC Act (critically endangered) and FFG Act listed (threatened)); * 9.797 hectares of habitat for Golden Sun Moth (*Synemon plana*, a species listed pursuant to both the EPBC Act (critically endangered) and FFG Act (threatened), which have been recorded within the Project Site and the BA Lot (145 moths were observed in the Project Site in 2006); and * 20.325 hectares of potential habitat for Striped Legless Lizard (*Delma impar*, listed pursuant to both the EPBC Act (vulnerable) and FFG Act (threatened)), two of which have been recorded immediately north of the Project Site.   In November 2018, areas of Plains Grassy Wetland were assessed against the condition and size thresholds for seasonal herbaceous wetland, but none of the habitat zones met these thresholds.  Habitat Zone G, which was associated with the ephemeral drainage line, contained very narrow linear strips of vegetation which met the condition thresholds for characteristic flora species cover, but did not meet the size thresholds for individual wetlands, or clusters of wetlands (0.5 hectares), to be considered part of the ecological community.  The majority of Habitat Zones I, M, N and Y contained areas of vegetation which met the condition thresholds for characteristic flora species cover but did not meet the size thresholds for individual wetlands, or clusters of wetlands, to be considered part of the ecological community.  Habitat Zones AB, F, H, J and K did not meet either of the thresholds.  As a result, none of the habitat zones mapped as Plains Grassy Wetland qualified as the EPBC Act listed community Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains.  No migratory species are expected to use the Project Site.  **If known, what threatening processes affecting these species or communities may be exacerbated by the project?** (eg. loss or fragmentation of habitats) Please describe briefly.  The project will result in loss of habitat for all of the above-listed values.  **Are any threatened or migratory species, other species of conservation significance or listed communities potentially affected by the project?**  🗙 NYD 🗙 No **🗙** Yes If yes, please:   * List these species/communities: * Indicate which species or communities could be subject to a major or extensive impact (including the loss of a genetically important population of a species listed or nominated for listing) Comment on likelihood of effects and associated uncertainties, if practicable.   The proposal will involve impacts to:   * 20.807 hectares of Natural Temperate Grassland of the Victorian Volcanic Plain according to the document titled "Bioregional Conservation Status for each BioEVC as maintained by DELWP", being an EPBC Act-listed ecological community (critically endangered); * 19 Spiny Rice-flower (*Pimelea spinescens subsp. spinescens*) plants (EPBC Act (critically endangered) and FFG Act listed (threatened)); * 9.797 hectares of habitat for Golden Sun Moth (*Synemon plana*, a species listed pursuant to both the EPBC Act (critically endangered) and FFG Act (threatened), which have been recorded within the Project Site and the BA Lot (145 moths were observed in the Project Site in 2006); and * 20.325 hectares of potential habitat for Striped Legless Lizard (*Delma impar*, listed pursuant to both the EPBC Act (vulnerable) and FFG Act (threatened)), two of which have been recorded immediately north of the Project Site.   BA does not anticipate any impacts on listed communities or species that are not listed within this referral. Notwithstanding this, as a precaution, as noted above a Growling Grass Frog habitat survey was conducted in October/November 2019 within areas assessed the suitability of habitat for this species.  **Is mitigation of potential effects on indigenous flora and fauna proposed?**  🗙 NYD **🗙** No Yes If yes, please briefly describe.  The Project Site presents as part of an isolated and fragmented ‘island’ disconnected from any broader ecological corridor and is within the midst of an established, predominantly residential area, surrounded by major road, rail and broadcasting infrastructure. Due to the island site characteristics of the Project Site, including the intensive surrounding urban subdivision, the native vegetation values on the site are not considered to form part of any broader natural environment corridor or system.  The objective of the project is to maximise the rare strategic opportunity for future sustainable infill urban use and development of the land to build up the existing urban area and to capitalise on efficiencies from investment in existing infrastructure and services in line with key metropolitan planning objectives.  Avoidance and minimisation options are accordingly limited in this context without undermining the important strategic objectives of the project, and the opportunity to deliver housing and growth in an established urban setting consistent with the relevant overarching planning policy framework.  In addition, the retention of conservation / grassland areas on the Project Site is not proposed as it would be likely to result in unsustainable and compromised urban and environmental outcomes, including:   * 'edge effects’ through weed invasion and disturbance associated with urban development; * an ongoing requirement to manage weeds, including for fire protection purposes involving ongoing spraying and slashing activities, which would be incompatible with, or constrained by, proximate residential development; and * the limited potential for any ‘remnant’ conservation / grassland area to remain viable over the long-term Please refer to page 46 of the enclosed Flora & Fauna assessment prepared by Nature Advisory (index reference: document no. 4).   These matters are further compounded by the presence of Serrated Tussock at the Project Site, which is impacting upon the quality of native vegetation present (despite BA's ongoing spraying and slashing activities).  Therefore, in this context, a site specific strategy is proposed to achieve biodiversity outcomes involving a proposed translocation strategy, in conjunction with an appropriate off-site offset strategy.  The translocation strategy is proposed to involve the following:   * translocation of all 19 Spiny Rice-flower plants on the Project Site to a suitable alternative property. Once translocated, these plants will be managed via appropriate practices, which may be similar to the methodology applied to the recent translocation of Spiny Rice-flower plants to the Mount Cottrell Nature Reserve in Melton; and * prior to translocation, seed will be collected from Spiny Rice-flower plants within the Project Site to be used in propagation to increase the population over time, in conjunction with management practices described above.   The proposed offset strategy can achieve no net loss to biodiversity outcomes by securing high quality flora and fauna values elsewhere. This includes the opportunity to secure values that are viable into the longer-term; form part of a broader natural environment context; are not compromised by urban edge / fragmentation effects associated with major road and rail infrastructure; and are also not compromised by ongoing slashing and spraying activities required by the Land Management Plan to manage the extensive Serrated Tussock infestation across the Project Site. |
| **Other information/comments?** (eg. accuracy of information)  A number of detailed surveys have been undertaken by experienced ecologists within the study area between 2009 and 2017 of the various flora and fauna species present at the Project Site. Therefore, BA considers that the foregoing information is considered to have a high degree of accuracy. |

**13. Water environments**

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| **Will the project require significant volumes of fresh water (eg. > 1 Gl/yr)?**  🗙 NYD **🗙** No 🗙 Yes If yes, indicate approximate volume and likely source.  Future development of site will utilise potable water from City West Water water supply system. |
| **Will the project discharge waste water or runoff to water environments?**  🗙 NYD **🗙** No 🗙 Yes If yes, specify types of discharges and which environments.  Runoff from future development will discharge to Melbourne Water’s drainage systems. |
| **Are any waterways, wetlands, estuaries or marine environments likely to be affected?**  🗙 NYD 🗙 No **🗙** Yes If yes, specify which water environments, answer the following questions and attach any relevant details.  The project is likely to have an impact upon the existing St Albans West Drain waterway. The patches of grassy wetland along this drainage line are degraded and fall dry throughout most of the year. These habitats are considered to be of low habitat quality for fauna due to the degree of disturbance and modification and no threatened species have been found or are expected to occur within these areas. Subject to future development plan and detailed subdivision design processes, this waterway may be developed as a constructed waterway, in conjunction with the proposed wetland and retarding basin associated with the project. The ultimate management of the St Albans West Drain will be determined in conjunction with Melbourne Water. Potential design responses are depicted and described on pages 43-44 of the Hassell urban design guidance (index reference: document no. 2).  The St Albans West Drain waterway feeds into a piped system as it leaves the Project Site, dispersing into an urban drainage system before entering Jones Creek at the Rita Street Reserve, south of the Project Site. Stormwater from the Project Site will comprise a limited component of the overall discharges entering this waterway  The downstream waterway will be protected by matching pre-to-post conditions through onsite detention in accordance with Melbourne Water’s requirements for stormwater.  The quality of stormwater discharged from the site will also be managed by adherence to *Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999).* |
| **Are any of these water environments likely to support threatened or migratory species?**  🗙 NYD **🗙** No 🗙 Yes If yes, specify which water environments. |
| **Are any potentially affected wetlands listed under the Ramsar Convention or in 'A Directory of Important Wetlands in Australia'?**  🗙 NYD **🗙** No 🗙 Yes If yes, please specify. |
| **Could the project affect streamflows?**  **🗙** NYD No 🗙 Yes If yes, briefly describe implications for streamflows.  As noted above, the project outcomes for the St Albans West Drain waterway are not confirmed at this stage. Notwithstanding this, the St Albans West Drain may be upgraded to a constructed waterway / wetland. Impacts on native vegetation, flora and fauna as a result of his upgrade have been considered in this referral. |
| **Could regional groundwater resources be affected by the project?**  🗙 NYD **🗙** No 🗙 Yes If yes, describe in what way. |
| **Could environmental values (beneficial uses) of water environments be affected?**  🗙 NYD **🗙** No 🗙 Yes If yes, identify waterways/water bodies and beneficial uses (as recognised by State Environment Protection Policies) |
| **Could aquatic, estuarine or marine ecosystems be affected by the project?**  🗙 NYD **🗙** No 🗙 Yes If yes, describe in what way. |
| **Is there a potential for extensive or major effects on the health or biodiversity of aquatic, estuarine or marine ecosystems over the long-term?**  **🗙** No 🗙 Yes If yes, please describe. Comment on likelihood of effects and associated uncertainties, if practicable. |
| **Is mitigation of potential effects on water environments proposed?**  🗙 NYD 🗙 No **🗙** Yes If yes, please briefly describe.  Stormwater flows from future development will be managed to achieve applicable legislative requirements and relevant conditions of associated project approvals and planning controls. |
| **Other information/comments?** (eg. accuracy of information) |

**14. Landscape and soils**

**Landscape**

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| **Has a preliminary landscape assessment been prepared?**  **🗙** No 🗙 Yes If yes, please attach.  The enclosed Hassell Urban Design Guidance (index reference: document no. 2). provides an overview of the site context including landscape values. |
| Is the project to be located either within or near an area that is:   * **Subject to a Landscape Significance Overlay or Environmental Significance Overlay?**   🗙 NYD 🗙 No **🗙** Yes If yes, provide plan showing footprint relative to overlay.  The plan at 4.7 of the enclosed Hassell Urban Design Guidance shows the extent of mapped existing native vegetation on site, the full extent of which is covered by Schedules 1 & 2 to the Environmental Significance Overlay, which respectively relate to native grassland and geomorphological features. Schedule 1 to the ESO is proposed to be removed from the site on the basis it would become redundant following implementation of the proposed Native Vegetation Precinct Plan. Schedule 2 to the ESO is proposed to be removed on the basis of peer-reviewed expert geological reporting conducted in the Project Site, which concludes that no significant geomorphological features are located on Project Site and removal of the overlay is warranted.   * **Identified as of regional or State significance in a reputable study of landscape values?**   🗙 NYD **🗙** No 🗙 Yes If yes, please specify.  As an infill site generally surrounded by suburban development, the project is not within or near any area of known regional or state significant landscape value.   * **Within or adjoining land reserved under the *National Parks Act 1975* ?**   🗙 NYD **🗙** No 🗙 Yes If yes, please specify.   * **Within or adjoining other public land used for conservation or recreational purposes?**   🗙 NYD **🗙** No 🗙 Yes If yes, please specify.  Land to the north of the site is used for ongoing broadcasting purposes with infrastructure and operations managed by BA. |
| **Is any clearing vegetation or alteration of landforms likely to affect landscape values?**  🗙 NYD **🗙** No 🗙 Yes If yes, please briefly describe.  Existing native grassland on site will be subject to removal, translocation and offsetting to enable subdivision and development of this strategic infill development site.  No Significance Landscape Overlay applies to this site and no landscape values of regional importance are located within the site.  As noted above, Schedule 2 to the ESO is proposed to be removed on the basis of peer reviewed expert geological reporting (index reference: document no. 8 & 9) which concludes that no significant geomorphological features are located on site and removal of the overlay is warranted. This work advises that the primary part of the Round Hill volcanic vent is located approximately 200 metres south of the site, in an area that has been subject to residential development and the installation Melbourne Water storage tanks between the 1970’s through to the 1990’s. The reports indicate that as a result, the features' earlier condition rating should be considered poor and that removal of Schedule 2 to the ESO is warranted. |
| **Is there a potential for effects on landscape values of regional or State importance?** 🗙 NYD **🗙** No 🗙 Yes Please briefly explain response.  The landscape values on site are not considered to be of state or regional importance as this site is surrounded by residential areas and isolated from larger native grasslands and habitat west of Melbourne. As a result, there is not considered to be potential for effects on landscape values of regional or state significance. |
| **Is mitigation of potential landscape effects proposed?**  X NYD **🗙** No X Yes If yes, please briefly describe.  As there are no landscape effects anticipated, no mitigation is proposed. Notwithstanding this, future subdivision and development of the Project Site will be subject to the preparation of proposed landscape concept plans to the satisfaction of the responsible planning authority, which BA considers will improve the landscape outcomes on the Project Site. |
| **Other information/comments?** (eg. accuracy of information) |

**Note:** A preliminary landscape assessment is a specific requirement for a referral of a wind energy facility. This should provide a description of:

* The landscape character of the site and surrounding areas including landform, vegetation types and coverage, water features, any other notable features and current land use;
* The location of nearby dwellings, townships, recreation areas, major roads, above-ground utilities, tourist routes and walking tracks;

Views to the site and to the proposed location of wind turbines from key vantage points (including views showing existing nearby dwellings and views from major roads, walking tracks and tourist routes) sufficient to give a sense of the overall site in its setting.

**Soils**

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| **Is there a potential for effects on land stability, acid sulphate soils or highly erodible soils?**  🗙 NYD **🗙** No 🗙 Yes If yes, please briefly describe.  Douglas and Partners has conducted preliminary investigations of ground conditions and advised of low probability of any potential for effects on land stability, acid sulphate soils or highly erodible soils (index reference: document no. 6). |
| **Are there geotechnical hazards that may either affect the project or be affected by it?**  **🗙** NYD 🗙 No 🗙 Yes If yes, please briefly describe.  Geotechnical investigation reports will be required prior to the commencement of subdivision or development on site. |
| **Other information/comments?** (eg. accuracy of information) |

**15. Social environments**

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| **Is the project likely to generate significant volumes of road traffic, during construction or operation?**  **🗙** NYD 🗙 No 🗙 Yes If yes, provide estimate of traffic volume(s) if practicable.  It is envisaged future construction on site would occur in stages and hence traffic impacts associated with construction of any future built form on the site (or preparatory earthworks) would be negligible.  At completion, traffic impacts would be subject to the extent of development approved. The enclosed access report prepared by One Mile Grid (index reference: document no. 7) provides a high level analysis which indicates that the surrounding road network can accommodate future subdivision and development of the site. Further assessments will be required to be prepared in conjunction with specific future development proposals, including as a likely requirement of a future development plan contemplated by the planning scheme amendment. |
| Is there a potential for significant effects on the amenity of residents, due to emissions of dust or odours or changes in visual, noise or traffic conditions?  **🗙** NYD 🗙 No 🗙 Yes If yes, briefly describe the nature of the changes in amenity conditions and the possible areas affected.  Emissions of dust or odours, or changes in noise conditions are most likely during the construction phase of the proposed development. It is likely that these will be regulated through future approval processes, including requiring a construction and / or environmental management to be prepared as part of any planning authorisation ultimately required for the project. It is broadly envisaged that subdivision and development of the Project Site will ultimately provide improved visual amenity, services and connections within the area. |
| **Is there a potential for exposure of a human community to health or safety hazards, due to emissions to air or water or noise or chemical hazards or associated transport?**  🗙 NYD **🗙** No 🗙 Yes If yes, briefly describe the hazards and possible implications.  Any future construction activity on site would be subject to future construction management plans. Ultimate change of use of the site for urban / residential purposes is not expected to involve potential for health or safety hazards to the surrounding area. The proximity of the Project Site to the Sunbury railway line and any associated noise impacts will be managed as part of the planning scheme amendment process and ultimate preparation of a development plan for the Project Site (i.e. through the inclusion of any acoustic attenuation measures). |
| **Is there a potential for displacement of residences or severance of residential access to community resources due to the proposed development?**  🗙 NYD **🗙** No 🗙 Yes If yes, briefly describe potential effects. |
| Are non-residential land use activities likely to be displaced as a result of the project?  🗙 NYD **🗙** No 🗙 Yes If yes, briefly describe the likely effects. |
| Do any expected changes in non-residential land use activities have a potential to cause adverse effects on local residents/communities, social groups or industries?  🗙 NYD **🗙** No 🗙 Yes If yes, briefly describe the potential effects.  At present, there is no community access to the Project Site. The future subdivision and development of the Project Site is likely to improve community connections and linkages within the Delahey area, including to the Keilor Plains railway station. |
| **Is mitigation of potential social effects proposed?**  🗙 NYD **🗙** No 🗙 Yes If yes, please briefly describe.  There are no negative social effects associated with the project, therefore no mitigation measures are required. |
| **Other information/comments?** (eg. accuracy of information) |

Cultural heritage

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| **Have relevant Indigenous organisations been consulted on the occurrence of Aboriginal cultural heritage within the project area?**  **🗙** No If no, list any organisations that it is proposed to consult.  🗙 Yes If yes, list the organisations so far consulted.  Consultation with any organisations relating to cultural heritage issues will occur later in the project development process by the expert land developer if required or otherwise considered appropriate. |
| **What investigations of cultural heritage in the project area have been done?**  (attach details of method and results of any surveys for the project & describe their accuracy)  Cultural heritage advice prepared by Tardis, March 2019 (index reference: document no. 10), and earlier studies referenced in that advice. |
| **Is any Aboriginal cultural heritage known from the project area?**  🗙 NYD 🗙 No **🗙** Yes If yes, briefly describe:   * Any sites listed on the AAV Site Register * Sites or areas of sensitivity recorded in recent surveys from the Project Site or nearby * Sites or areas of sensitivity identified by representatives of Indigenous organisations   Refer enclosed cultural heritage advice prepared by Tardis, March 2019 (index reference: document no. 10). There is one previously registered aboriginal place within the Project Site, and two places within 50 metres of the Project Site. |
| **Are there any cultural heritage places listed on the Heritage Register or the Archaeological Inventory under the *Heritage Act 1995* within** **the project area?**  **🗙** NYD 🗙 No 🗙 Yes If yes, please list.  There are no sites located under the *Heritage Act 2017* (Vic) within or abutting the Project Site.  **Is mitigation of potential cultural heritage effects proposed?**  **🗙** NYD 🗙 No 🗙 Yes If yes, please briefly describe. |
| **Other information/comments?** (eg. accuracy of information)  The preparation of a planning scheme amendment in itself does not constitute a "high impact activity" pursuant to the *Aboriginal Heritage Act 2006* (Vic) (**AH Act**). Any future subdivision or development proposal that constitutes a "high impact activity" within an area of sensitivity on site would be subject to preparation of a cultural heritage management plan (**CHMP**), as required by the AH Act. It is appropriate that any CHMP be prepared at a later stage of the project, in conjunction with the detail of any subdivision or development proposal. BA particularly notes that a CHMP may be required as part of any Development Plan proposed for the project, or if not at that time, a CHMP must be prepared and approved prior to the issue of any planning permit for the ultimate subdivision or development of the Project Site.. |

**16. Energy, wastes & greenhouse gas emissions**

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| What are the main sources of energy that the project facility would consume/generate?  🗙 Electricity network. If possible, estimate power requirement/output ………………….  🗙 Natural gas network. If possible, estimate gas requirement/output …………………...  🗙 Generated on-site. If possible, estimate power capacity/output ……………………….  🗙 Other. Please describe.  Please add any relevant additional information.  Future development will source energy from existing electricity and gas networks. Loads will be in accordance with typical urban development loads, with the final amount to be determined following approval of an expected subdivision layout and yield. |
| What are the main forms of waste that would be generated by the project facility?  🗙 Wastewater. Describe briefly.  🗙 Solid chemical wastes. Describe briefly.  🗙 Excavated material. Describe briefly.  🗙 Other. Describe briefly.  Please provide relevant further information, including proposed management of wastes.  Wastewater will be discharged via existing, standard residential sewage systems.  Excavated material is expected to be surplus clean insitu soil. This will be disposed of / re-used in accordance with environmental legislation and requirements of any construction management plan(s) approved for the Project Site. |
| What level of greenhouse gas emissions is expected to result directly from operation of the project facility?  🗙 Less than 50,000 tonnes of CO2 equivalent per annum  🗙 Between 50,000 and 100,000 tonnes of CO2 equivalent per annum  🗙 Between 100,000 and 200,000 tonnes of CO2 equivalent per annum  🗙 More than 200,000 tonnes of CO2 equivalent per annum  Please add any relevant additional information, including any identified mitigation options.  Emissions from future development will be in accordance with typical urban development, with the final amount to be determined following approval of an expected subdivision layout and yield. Therefore, it has not been estimated at this stage. |

**17. Other environmental issues**

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| Are there any other environmental issues arising from the proposed project?  **🗙** No 🗙 Yes If yes, briefly describe.  Preliminary geotechnical and site assessment analyses have confirmed there is no contamination on site or geomorphological constraints that would preclude future urban infill subdivision or development (index reference: document nos 6, 8 & 9). |

**18. Environmental management**

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| What measures are currently proposed to avoid, minimise or manage the main potential adverse environmental effects? (if not already described above) |
| 🗙 Siting: Please describe briefly |
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| 🗙 Design: Please describe briefly |
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| 🗙 Environmental management: Please describe briefly.  **🗙** Other: Please describe briefly |
|  |
| The main potential adverse environmental effect associated with the project relates to impacts on native flora and fauna, discussed at length within the balance of this referral. The Project Site presents as part of an isolated and fragmented ‘island’ disconnected from any broader ecological corridor and is within the midst of an established, predominantly residential area, surrounded by major road, rail and broadcasting infrastructure.  Due to the island site characteristics of the Project Site, including the intensive surrounding urban subdivision, the native vegetation values of the Project Site are not considered to form part of any broader natural environment corridor or system.  The objective of the project is to maximise the rare strategic opportunity for future subdivision and development of the Project Site to add to the existing urban area and capitalise on efficiencies from existing infrastructure and services in line with key metropolitan planning objectives.  Whilst avoidance and minimisation options have been considered, they are significantly limited as they would likely have an unmanageable impact on the viability of the project, and unreasonably constrain the opportunity to deliver housing and growth in an established urban setting consistent with the relevant overarching planning policy framework.  Using this Project Site intensively for housing is considered preferable to using additional urban fringe land at the edge of metropolitan Melbourne for accommodating ongoing housing growth pressures, due to the inherent social and town planning advantages associated with proximity to services, reduced travel distances and the like.  Therefore in this context, a site specific strategy is proposed to achieve biodiversity outcomes involving avoidance and minimisation through a proposed translocation strategy, in conjunction with an appropriate off-site offset strategy. |
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19. Other activities

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| Are there any other activities in the vicinity of the proposed project that have a potential for cumulative effects?  🗙 NYD **🗙** No 🗙 Yes If yes, briefly describe. |

20. Investigation program

Study program

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| Have any environmental studies not referred to above been conducted for the project?  🗙 No **🗙** Yes If yes, please list here and attach if relevant. |
| Has a program for future environmental studies been developed?  🗙 No |

Consultation program

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| --- |
| Has a consultation program conducted to date for the project?  🗙 No **🗙** Yes If yes, outline the consultation activities and the stakeholder groups or organisations consulted.  The extent of consultation associated with the project (both completed and proposed) has been outlined in previous sections of this referral. To date, BA has consulted with State and Federal government agencies and stakeholders in relation to the subdivision of the Project Site from the BA Land, preparing and submitting the planning scheme amendment request, referral pursuant to the EPBC Act and this referral.  Further agency consultation and community and third party consultation will occur as part of the statutory public exhibition of the proposed planning scheme amendment and as part of the EPBC Act approval, with the opportunity for submissions to be made as outlined earlier in this referral form. This includes the opportunity for DELWP to provide feedback and recommend conditions on any future subdivision and development of the Project Site. |
| Has a program for future consultation been developed?  🗙 NYD 🗙 No **🗙** Yes If yes, briefly describe.  In relation to the planning scheme amendment process, future community/stakeholder consultation for this project will be adjusted in partnership with BCC.  A future consultation program will likely include:   * Letters to the community surrounding the site with details of rezoning application and process for making a submission. * Notification in local paper advising of rezoning application and planned information sessions * Community consultation sessions (number of sessions to be agreed with BCC). * Local Councillor and MP briefings. * Specific agency consultation as required, including consultation with DELWP in relation to impacts on native vegetation / flora and fauna issues.   Further consultation and engagement will be required if the planning scheme amendment progresses to an independent planning panel.  BA will continue to consult with BCC as the rezoning applications progresses.  The EPBC Act assessment process currently underway will also lead to further consultation with relevant stakeholders including the public to determine whether EPBC Act approval is appropriate, and whether any conditions ought to be imposed on that EPBC approval.  Following approval of both the planning scheme amendment and the proposed "controlled action" pursuant to the EPBC Act, there will be further consultation with various stakeholders as the project progresses. This includes opportunities for consultation, particularly with DELWP, upon submission and consideration of any future Development Plan and Native Vegetation Precinct Plan associated with the project. These opportunities will provide stakeholders with the ability to comment and provide feedback on the detail associated with the project once it is known. |

**Authorised person for proponent:**

I, …………………………………………………(full name),

……………………………………………………(position), confirm that the information contained in this form is, to my knowledge, true and not misleading.

**Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Date

**Person who prepared this referral:**

I, …………………………………………………(full name),

……………………………………………………(position), confirm that the information contained in this form is, to my knowledge, true and not misleading.

**Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Date