

EPBC Act referral



Australian Government
Department of Agriculture, Water and the Environment

Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Title of proposal	2021/9093 - Craigieburn Industrial Development
Section 1	
Summary of your proposed action	
1.1 Project industry type	Commercial Development
1.2 Provide a detailed description of the proposed action, including all proposed activities	
<p>The proposal is to subdivide and develop land for industrial and commercial purposes in accordance with the Industrial 3 zone that applies to the land. This will include the construction of roads, a bridge over Malcolm Creek, buildings, and car parking. The plan of subdivision will create a reservation for the Merri Creek and Malcom Creek in accordance with the requirements of Melbourne water as the drainage authority.</p> <p>The proposed action will involve the removal of 8.099 hectares of Plains Grassland and 11.530 hectares of confirmed Golden Sun Moth habitat during the construction of industrial buildings and access roads.</p> <p>Development works including excavation, construction of roads and bridge crossings will impact patches of Plains Grassland and Golden Sun Moth habitat through complete removal of these areas. Additional information relating to native vegetation and Golden Sun Moth impacts can be found in Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Section 3, Page 17-26.</p>	
1.3 What is the extent and location of your proposed action?	
See Appendix B	
1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland)	
<p>The study area is located between 750 Craigieburn Road E, Craigieburn, Victoria, approximately 25 kilometres north of Melbourne's CBD (Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Figures, Figure 1, Page 38). The study area is bound by Craigieburn Road E to the south and is intersected by the Hume Freeway which runs east-west through the centre of the study area.</p> <p>The landscape generally flat with a mix of remnant native vegetation, grazed land and crosses the Malcolm Creek. Merri Creek makes up the eastern border of the study area and is part of a conservation area under the Biodiversity Conservation Strategy (BCS).</p> <p>According to the DELWP Native Vegetation Information Management (NVIM) Tool (DELWP 2021a), the study area occurs within the Victorian Volcanic Plain bioregion. It is located within the jurisdiction of the Port Philip and Westernport Catchment Management Authority (CMA) and is within the Hume City Council municipality.</p>	
1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?	
<p>The proposed development footprint covers approximately 39 hectares however, the site is partially covered by the Melbourne Strategic Assessment. As such, this EPBC Act referral relates to 13 hectares in the southern portion of the land parcel that is located outside of the Melbourne Strategic Assessment (Refer to Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Figures, Figure 3, Page 40). At present, the project construction footprint is yet to be determined however a Concept Plan has been developed.</p>	
1.7 Proposed action location	
Address - 750 Craigieburn Road East, Craigieburn, VIC, 3064, Australia	
1.8 Primary jurisdiction	Victoria
1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

1.10 Is the proposed action subject to local government planning approval?		
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
1.10.1 Is there a local government area and council contact for the proposal?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
1.11 Provide an estimated start and estimated end date for the proposed action	Start Date	01/06/2022
	End Date	01/06/2024
1.12 Provide details of the context, planning framework and state and/or local Government requirements		
<p>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) Suitable habitat within the study area was identified for two fauna species (Golden Sun Moth and Growling Grass Frog). Targeted surveys were undertaken for both species. A total of 290 Golden Sun Moth were recorded within the study area. No Growling Grass Frog were identified within the study area.</p> <p>Flora and Fauna Guarantee Act 1988 (Victoria) One FFG listed flora species (Slender Bindweed <i>Convolvulus angustissimus</i> subsp. <i>omnigracilis</i>) was recorded within the study area during the field assessment. As the study area is within private property a permit under the FFG Act is not required.</p> <p>Planning and Environment Act 1987 (Victoria) The Planning and Environment Act 1987 outlines the legislative framework for planning in Victoria and for the development and administration of planning schemes. All planning schemes contain native vegetation provisions at Clause 52.17 which require a planning permit from the relevant local Council to remove, destroy or lop native vegetation, unless an exemption under clause 52.17-7 of the Victorian Planning Schemes applies.</p> <p>The study area is located within the Hume City Council municipality. The following zoning and overlays apply:</p> <ul style="list-style-type: none"> • Industrial Zone – Schedule 3 (IN3Z) • Urban Growth Zone (UGZ) • Bushfire Prone Area • Environmental Significance Overlay – Schedule 2 (ESO2) • Environmental Significance Overlay – Schedule 10 (ESO10) <p>The study area is within Location 2 and 8.099 hectares of native vegetation is proposed to be removed. As such, the permit application falls under the Detailed Assessment pathway. A Planning Permit from Hume City Council is required to remove, destroy or lop any native vegetation. In this instance, the application will be referred to DELWP as the application is within the Detailed Assessment Pathway.</p> <p>Wildlife Act 1975 and Wildlife Regulations 2013 (Victoria) The Wildlife Act 1975 (and associated Wildlife Regulations 2013) is the primary legislation in Victoria providing for protection and management of wildlife. Authorisation for habitat removal may be obtained under the Wildlife Act 1975 through a licence granted under the Forests Act 1958, or under any other Act such as the P&E Act. Any persons engaged to remove, salvage, hold or relocate native fauna during construction must hold a current Management Authorisation under the Wildlife Act 1975, issued by DELWP.</p> <p>Catchment and Land Protection Act 1994 (Victoria) Weeds listed as noxious under the CaLP Act were recorded during the assessment (Chilean Needle-grass, Serrated Tussock and Gorse). A Weed Management Plan and a pest fauna eradication plan may be required.</p>		
1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders		
No public consultant has been undertaken to date as it is a small parcel of land already zoned INZ 3.		
1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project		
The project is not subject to any Commonwealth or State Environmental Impact Assessments.		



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

Yes No

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

The larger action proposes to subdivide and develop the land for industrial and commercial purposes in accordance with the Industrial 3 zone. The project is proposed to be developed in 4 stages (Refer to Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Figures, Figure 2, Page 39), generally moving in a north to south direction. Construction in each stage is proposed to commence upon completion of the previous stage.

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

Yes No



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Section 2

Matters of national environmental significance

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

Yes No

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

Yes No

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

Yes No

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

Yes No

Species or threatened ecological community

Golden Sun Moth - *Synemon plana*

Impact

Targeted surveys for Golden Sun Moth were undertaken in accordance with the recommended survey guidelines detailed in the significant impact guidelines for the species (DEWHA 2009), and the Biodiversity Precinct Planning Structure Kit.

Targeted surveys for Golden Sun Moth were undertaken on 28 November 2019 and 9, 17 and 23 December 2019 by Zoologists experienced in the detection and identification of the species. Surveys concentrated on areas identified as supporting native grassland, as well as non-native areas comprising scattered occurrences of wallaby grasses.

Areas of suitable habitat were walked by qualified zoologists over at least four separate days during the known flight season (i.e. November to early January). Surveys were undertaken at a time which is considered suitable for detecting the species (i.e. when adult males are flying), and when Golden Sun Moth were recorded flying at nearby sites.

Targeted surveys for Golden Sun Moth were undertaken in the Summer 2019 flying season and a total of 290 Golden Sun Moth were recorded within the study area. This comprised 11.53 hectares of Golden Sun Moth suitable habitat proposed within the study area.

The proposed action will have a direct impact on Golden Sun Moth through the removal of 11.53 hectares of confirmed habitat for the species and a potential indirect impact to the species through fragmentation of habitat for the species. Additional information can be found in Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Section 4, Page 27.

Species or threatened ecological community

Growling Grass Frog - *Litoria raniformis*

Impact

Growling Grass Frog was not recorded in the study area during targeted surveys between 06-10 February 2020. Water quality was poor, particularly along Malcolm Creek. As such, there was limited suitable breeding habitat for Growling Grass Frog and a resident population of the species is not known from within the study area or immediate surrounds.



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Based on the targeted survey results, and the lack of recent records within the project locality, a population of Growling Grass Frog is considered unlikely to be present within the study area, or if present, in very low numbers. As such, the proposed action will not result in a significant impact to this species. Additional information can be found in Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Section 4, Page 27.

Species or threatened ecological community

Matted Flax-lily - *Dianella amoena*

Impact

Targeted flora surveys for Matted Flax-lily were undertaken between 20 November 2019 and 23 December 2019 and surveys. The study area was systematically traversed in areas of potential habitat at approximately five-metre linear intervals in accordance with the survey guidelines for Matted Flax-lily outlined in the Biodiversity Precinct Structure Planning Kit. Although the study area does not occur in a Precinct Structure Plan area to which the guidelines generally apply, they are considered 'best practice' guidelines for conducting Matted Flax-lily Surveys. Targeted surveys were directed to all potential habitat (i.e. native and non-native grasslands including degraded areas, and fence lines).

Although the targeted surveys were undertaken during the known flowering period when the species were known to be flowering within the locality, Matted Flax-lily was not identified within the study area. As such, the proposed action will not result in a significant impact to this species. Additional information can be found in Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Section 4, Page 27.

2.4.2 Do you consider this impact to be significant?

Yes No

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

Yes No

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

Yes No

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

Yes No

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

Yes No

2.9 Is the proposed action likely to have any direct or indirect impact on a water resource from coal seam gas or large coal mining development?

Yes No

2.10 Is the proposed action a nuclear action?

Yes No

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

Yes No

2.12 Is the proposed action to be undertaken in a Commonwealth Heritage place overseas?

Yes No



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2.13 Is the proposed action likely to have any direct or indirect impact on any part of the environment in the Commonwealth marine area?

Yes

No



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Section 3

Description of the project area

3.1 Describe the flora and fauna relevant to the project area

Flora

A total of 9 native and 14 introduced flora species were recorded within the study area during the field assessment. Remnant native vegetation in the study area is representative of one EVC: Plains Grassland (EVC 132_61).

Remnant native vegetation in the study area is representative of Plains Grassland (EVC 132_61). The presence of this EVC is generally consistent with the modelled pre-1750s native vegetation mapping. The remainder of the study area comprises introduced and planted vegetation, present as windrows and exotic grassland.

Plains Grassland is located throughout the study area within paddocks and estimated to be in low-moderate condition at the time of assessment. However, due to the study area being grazed by livestock prior to and during the assessment the extent and condition of native grassland patches was difficult to determine. Plains Grassland within the study area was typically dominated by wallaby grass *Rytidosperma* spp. Other native species include spear grass *Austrostipa* spp., Kangaroo Grass *Themeda triandra*, Slender Bindweed *Convolvulus angustissimus*.

One FFG listed flora species (Slender Bindweed *Convolvulus angustissimus* subsp. *omnigracilis*) was recorded within the study area during the field assessment.

Relevant information relating to flora and fauna values can be found in Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Section 3, Page 17-26.

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

The Malcolm Creek runs along the northern extent of the study area that is located in the land covered by the Biodiversity Conservation Strategy.

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

The study area is within the Victorian Volcanic Plain bioregion. Detailed soil analysis has not been undertaken to date. Vegetation descriptions can be found in Attachment Att 1-Ecological Assessment-Craigieburn Road-v2, Section 3, Page 17-26.

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

There are no outstanding natural features in the project area.

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

Remnant native vegetation in the study area is representative of Plains Grassland (EVC 132_61). The presence of this EVC is generally consistent with the modelled pre-1750s native vegetation mapping. The remainder of the study area comprises introduced and planted vegetation, present as windrows and exotic grassland.

Plains Grassland is located throughout the study area within paddocks and estimated to be in low-moderate condition at the time of assessment. However, due to the study area being grazed by livestock prior to and during the assessment the extent and condition of native grassland patches was difficult to determine. Plains Grassland within the study area was typically dominated by wallaby grass *Rytidosperma* spp. Other native species include spear grass *Austrostipa* spp., Kangaroo Grass *Themeda triandra*, Slender Bindweed *Convolvulus angustissimus*.

Patches of grassland were predominantly represented by wallaby grass cover between 25% and 75%. Patches of Plains Grassland within the study area were recorded with varying levels of the WONS listed Artichoke thistle.

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

The study area is generally flat across the entire extent with no ridges or hills present. There is a slight slope leading down into Malcolm Creek.

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

The project area is located between 750 Craigieburn Road E, Craigieburn, Victoria, approximately 25 kilometres north of Melbourne's CBD. The study area is bound by Craigieburn Road E to the south and is intersected by the Hume Freeway which runs east-west through the centre of the study area.



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Plains Grassland is located throughout the study area within paddocks and estimated to be in low-moderate condition at the time of assessment. However, due to the study area being grazed by livestock prior to and during the assessment the extent and condition of native grassland patches was difficult to determine. Plains Grassland within the study area was typically dominated by wallaby grass *Rytidosperma* spp. Other native species include spear grass *Austrostipa* spp., Kangaroo Grass *Themeda triandra*, Slender Bindweed *Convolvulus angustissimus*.

Areas not supporting remnant native vegetation have a high cover (>80%) of exotic grass species. Scattered native grasses are generally present in these areas, however they did not have the required 25% relative cover to be considered a remnant patch.

Disturbed areas were dominated by environmental weeds such as Toowoomba Canary-grass *Phalaris aquatica*, Rye-grass *Lolium* spp., Large Quaking Grass *Briza maxima* and Brome *Bromus* spp. Weeds of National Significance (WoNS) Serrated Tussock *Nassella trichotoma*, Gorse *Ulex europaeus* and Chilean Needle-Grass *Nassella neesiana* were scattered throughout the study area with several large patches of Gorse also present.

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

No Commonwealth Heritage Places or other places with heritage values are present within the activity area.

3.9 Describe any Indigenous heritage values relevant to the project area

CHMP site investigations will determine any indigenous heritage values. The assessment is currently underway.

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

Freehold.

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

The project area is currently undeveloped and generally used for agricultural grazing. The proposed action is to subdivide and develop the land for industrial and commercial purposes in accordance with the Industrial 3 zone.



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Section 4

Measures to avoid or reduce impacts

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

The current development plan proposes to develop the entire site with no native vegetation, or habitat for Golden Sun Moth to be retained. As such, no minimisation of impacts are proposed. Any areas proposed to be retained will be shown in the final design plans.

Given the current condition of the site, surrounding land-uses, and relatively small, isolated extent of the ecological values present, minimisation is difficult to achieve within the study area. Any retained native vegetation and/or fauna habitat would be likely to have limited long-term prospects of retaining its current biodiversity value should development in the study area proceed.

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

Impact on matters of National Environmental Significance associated with the removal of Golden Sun Moth habitat would be offset in accordance with the EPBC Act offset Policy to achieve an overall no net loss in habitat.

The project is likely to have a significant impact on the extant population of Golden Sun Moth. Should the project be determined to have a significant impact on Golden Sun Moth, offsets will be sought from a third party that satisfy the EPBC Act offset policy and the EPBC Act approval conditions.



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Section 5

Conclusion on the likelihood of significant impacts

5.1 You indicated the below ticked items to be of significant impact and therefore you consider the action to be a controlled action

- World Heritage properties
- National Heritage places
- Wetlands of international importance (declared Ramsar wetlands)
- Listed threatened species or any threatened ecological community
- Listed migratory species
- Marine environment outside Commonwealth marine areas
- Protection of the environment from actions involving Commonwealth land
- Great Barrier Reef Marine Park
- A water resource, in relation to coal seam gas development and large coal mining development
- Protection of the environment from nuclear actions
- Protection of the environment from Commonwealth actions
- Commonwealth Heritage places overseas
- Commonwealth marine areas

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

Not applicable.



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Section 6

Environmental record of the person proposing to take the action

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

Yes, Landream Craigieburn Unit Trust does have a satisfactory record of responsible environmental management. Landream Craigieburn Unit Trust has not undertaken any developments of this scale or with significant impacts to any matters listed under the EPBC Act. There are no environmental records or history to be provided.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application

There are not currently any past or present proceedings against either the person proposing the action or the person making the application.

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

Yes No

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

Yes No



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Section 7

Information sources

Reference source

DELWP 2021a. Native Vegetation Information Management Tool [www Document]. URL: <https://nvim.delwp.vic.gov.au>. Victorian Department of Environment, Land, Water and Planning, Melbourne, Victoria.

Reliability

High

Uncertainties

N/A

Reference source

DELWP 2021b. NatureKit Map [www Document]. URL: <http://maps.biodiversity.vic.gov.au/viewer/?viewer=NatureKit>. Victorian Department of Environment, Land, Water and Planning, Melbourne, Victoria.

Reliability

High

Uncertainties

None

Reference source

DELWP 2021c. Ecological Vegetation Class (EVC) Benchmarks for each Bioregion [www Document]. URL: <https://www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks>. Victorian Department of Environment, Land, Water and Planning, Melbourne, Victoria.

Reliability

High

Uncertainties

N/A

Reference source

DELWP 2021d. VicPlan Map [www Document]. URL: <https://mapshare.maps.vic.gov.au/vicplan/>. Victorian Department of Environment, Land, Water and Planning, Melbourne, Victoria.

Reliability

High

Uncertainties

N/A

Reference source

DAWE 2020a. Protected Matters Search Tool. [www Document] URL: <http://www.environment.gov.au/epbc/pmst/index.html>. Commonwealth Department of Agriculture, Water and Environment, Canberra, ACT.

Reliability

High

Uncertainties

N/A



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Section 8

Proposed alternatives

Do you have any feasible alternatives to taking the proposed action?

Yes



No



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Referring party (person preparing the information)	
9.3.1 Is the referring party an organisation or a business?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Organisation	
Organisation name (as registered for ABN/ACN)	Ecology and Heritage Partners Pty Ltd
Business name	
ABN	
ACN	111427920
Business address	292 Mt Alexander Rd, Ascot Vale, 3032, VIC, Australia
Postal address	
Main Phone number	[REDACTED]
Fax	
Primary email address	[REDACTED]
Secondary email address	
9.3.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)	
First name	[REDACTED]
Last name	[REDACTED]
Job title	[REDACTED]
Phone	[REDACTED]
Mobile	
Fax	
Email	[REDACTED]
Primary address	292 Mt Alexander Rd, Travancore, 3032, VIC, Australia
Address	
Declaration: Referring party (person preparing the information)	
[REDACTED], declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence.	
[REDACTED]	



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Appendix A	
Attachment	
Document Type	File Name
supporting_tech_reports	13029_Ecological Assessment_Craigieburn Road_Final_08112021.pdf
supporting_tech_reports	Att 1-Ecological Assessment-Craigieburn Road.pdf
supporting_tech_reports	Att 1-Ecological Assessment-Craigieburn Road-v2.pdf
trust-deed	Att 2 Deed - Landream Craigieburn Unit Trust.pdf

Appendix B
Coordinates
Area 1
-37.599954568767,144.94956969754
-37.597886385691,144.94926799825
-37.596004248637,144.94842130022
-37.594153260585,144.94707620733
-37.598223465505,144.94538865449
-37.598293473942,144.94597512818
-37.599388216317,144.94551063043
-37.599405961563,144.94555869797
-37.599384252487,144.94564653138
-37.599336710207,144.9457943341
-37.599348447478,144.94595297527
-37.599389682543,144.94606177278
-37.599550198134,144.94663770382
-37.599691356542,144.94719673575
-37.599954568767,144.94956969754