



**Australian Government**

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

## Referral of proposed action

### What is a referral?

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

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided that sufficient information is provided in the referral.

### Who can make a referral?

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

### When do I need to make a referral?

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

World Heritage properties (sections 12 and 15A)

National Heritage places (sections 15B and 15C)

Wetlands of international importance (sections 16 and 17B)

Listed threatened species and communities (sections 18 and 18A)

Listed migratory species (sections 20 and 20A)

Protection of the environment from nuclear actions (sections 21 and 22A)

Commonwealth marine environment (sections 23 and 24A)

Great Barrier Reef Marine Park (sections 24B and 24C)

The environment, if the action involves Commonwealth land (sections 26 and 27A), including:

- actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
- actions taken on Commonwealth land that may have a significant impact on the environment generally;

The environment, if the action is taken by the Commonwealth (section 28)

Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from:

the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. Additional sectoral guidelines are also available.

the Policy Statement titled Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies.

the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location).

### **Can I refer part of a larger action?**

In certain circumstances, the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act). If you wish to make a referral for a staged or component referral, read 'Fact Sheet 6 Staged Developments/Split Referrals' and contact the Referral Business Entry Point (1800 803 772).

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

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

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

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

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

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

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379

Townsville QLD 4810

AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

[www.gbrmpa.gov.au](http://www.gbrmpa.gov.au)

### **Do I have to pay for my referral or assessment / what are the fees?**

Currently the department does not impose fees for environmental impact assessments referred and assessed under the EPBC Act. However, new fees are proposed as part of cost recovery reforms to the EPBC Act from 1 December 2012. Final cost recovery arrangements will be subject to an amending Bill being passed by Parliament and the making of regulations. Fees for environmental impact assessments are proposed to apply to:

- all proposed actions referred after 8 May 2012 that are still undergoing assessment, decision on approval or that may be subject to post approval management plans after 1 December 2012 (fees will only apply to the work undertaken by the department after 1 December 2012); and
- all referrals on or after 1 December 2012.

For projects that are referred after 8 May 2012, that may be subject to fees, the department will inform proponents of their liability for potential fees prior to the introduction of cost recovery arrangements on 1 December 2012. Further details on the proposed cost recovery arrangements can be found here <http://www.environment.gov.au/epbc/publications/consultation-draft-cost-recovery.html>.

## What information do I need to provide?

Completing all parts of this form will ensure that you submit the required information and will also assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal enter N/A.

You can complete your referral by entering your information into this Word file.

### Instructions

Instructions are provided in green text throughout the form.

### Attachments/supporting information

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the project and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

Please ensure any attachments are below two megabytes (2mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referral Business Entry Point for advice. Attachments larger than two megabytes (2mb) may delay processing of your referral.

**Note: the Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence.**

## How do I submit a referral?

Referrals may be submitted by mail, fax or email.

### Mail to:

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

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

### Fax to: 02 6274 1789

Faxed documents must be of sufficiently clear quality to be scanned into electronic format.

Address the fax to the mailing address, and clearly mark it as a 'Referral under the EPBC Act'.

Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

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

Clearly mark the email as a 'Referral under the EPBC Act'.

Attach the referral as a Microsoft Word file and, if possible, a PDF file.

Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

## What happens next?

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

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

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

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

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

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

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

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

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

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

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

**Compliance audits**

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

**For more information**

call the Department of Sustainability, Environment, Water, Populations and Communities Community Information Unit on 1800 803 772 or

visit the web site [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc)

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

# Referral of proposed action

**Project title:** Manzeene Village, Lara

## 1 Summary of proposed action

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

### 1.1 Short description

Development of a residential/commercial subdivision including associated infrastructure such as roads, sewerage, power, water and drainage infrastructure on a combined site covering approximately 60 hectares (ha) located north west of the township of Lara, 15 kilometres (km) north of Geelong.

The development is referred to as the Manzeene Village and will ultimately contain between 400 and 500 residential lots, a Neighbourhood Activity Centre and open spaces. The site is generally bounded by Kees Road to the north, existing residential dwellings to the east, Patullos Road to the south and O'Hallorans Road to the west and is dissected by Manzeene Avenue (As shown in the Planning and Urban Design Report - Attachment A).

### 1.2 Latitude and longitude

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

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds
North West Cnr	38	00	24.4	144	22	49.8
North East Cnr	38	00	50.9	144	23	15.1
Internal Cnr	38	00	49.5	144	23	1.9
South East Cnr	38	01	11.8	144	22	58.1
Internal Cnr	38	01	10.9	144	22	50.6
Internal Cnr	38	01	14.5	144	22	50.0
South West Cnr	38	01	13.5	144	22	41.0

### 1.3 Locality and property description

The subject site is located within the defined township boundary of Lara, located approximately 15 km north of central Geelong, and approximately 56 kilometres south-west of Melbourne Victoria.

Lara is the major township in the north eastern area of the City of Greater Geelong municipality and is located adjacent to the Princes Highway and Melbourne Warrnambool train line.

The site is located in the north west of the township boundary and is currently used for rural residential purposes.

Existing conventional density residential development is located to the south and east and agricultural and rural residential uses are predominant to the north and west of the site. The parcel of land to the west of the site is proposed to be developed for conventional residential and is likely to contain up to 3,600 dwellings. The City of Greater Geelong is currently considering the preliminary planning stage of the proposed development to the west.

1.4 **Size of the development footprint or work area (hectares)** The subject site covers approximately 60 hectares.

1.5 **Street address of the site** See Section 1.6

1.6 **Lot description**

The site is currently held in 23 individual titles. Dacland have development agreements in place to purchase each individual land parcel (or portions of the land) that make up the combined total site area, subject to statutory approvals.

The title particulars are as follows:

Address	Title
125 Kees Road	Lot 1 LP 91364
135 Kees Road	Lot 2 LP 91364
145 Kees Road	Lot 3 LP 91364
155 Kees Road	Lot 4 LP 91364
165 Kees Road	Lot 5 LP 91364
175 Kees Road	Lot 6 LP 91364
185 Kees Road	Lot 7 LP 91364
195 Kees Road	Lot 8 LP 91364
5 Manzeene Ave	Lot 18 LP 91364
15 Manzeene Ave	Lot 17 LP 91364
20 Manzeene Ave	Lot 20 LP 97696
25 Manzeene Ave	Lot 16 LP 91364
30 Manzeene Ave	Lot 21 LP 97696
40 Manzeene Ave	Lot 22 LP 97696
45 Manzeene Ave	Lot 1 TP 189943
50 Manzeene Ave	Lot 23 LP 97696
55 Manzeene Ave	Lot 13 LP 91364
65 Manzeene Ave	Lot 12 LP 91364
70 Manzeene Ave	Lot 21 LP 97696
75 Manzeene Ave	Lot 11 LP 91364
95 Manzeene Ave	Lot 9 LP 97697
85 Manzeene Ave	Lot 10 LP 97697
155 Patullos Road	Lot 1 TP 646063

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

The site is located within the City of Greater Geelong. The relevant council contact for this project is Peter Schembri, Strategic Planner.

1.8 **Time frame**

Relevant statutory approvals for the site are anticipated to be received in late 2013 to early 2014. The project construction will commence within 6 – 12 months of obtaining relevant approvals.

1.9 **Alternatives to proposed action** ✓ No  
 Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed? Yes, you must also complete section 2.2

1.10 **Alternative time frames etc** ✓ No  
 Does the proposed action include alternative time frames, locations or activities? Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).

- |      |   |                       |   |
|------|---|-----------------------|---|
| 1.11 | <b>State assessment</b><br>Is the action subject to a state or territory environmental impact assessment?   | <b>TB</b><br><b>C</b> | Not known. A referral is being made.<br>Yes, you must also complete Section 2.5 |
| 1.12 | <b>Component of larger action</b><br>Is the proposed action a component of a larger action?   | ✓                     | No<br>Yes, you must also complete Section 2.7                                   |
| 1.13 | <b>Related actions/proposals</b><br>Is the proposed action related to other actions or proposals in the region (if known)?                                      | ✓                     | No<br>Yes, provide details:   |
| 1.14 | <b>Australian Government funding</b><br>Has the person proposing to take the action received any Australian Government grant funding to undertake this project? | ✓                     | No<br>Yes, provide details:   |
| 1.15 | <b>Great Barrier Reef Marine Park</b><br>Is the proposed action inside the Great Barrier Reef Marine Park?  | ✓                     | No<br>Yes, you must also complete Section 3.1 (h), 3.2 (e)                      |

## 2 Detailed description of proposed action

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

### 2.1 Description of proposed action

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

It is proposed to develop the subject site for conventional density residential uses allowing for the development of between 400 and 500 residential dwellings, a Neighbourhood Activity Centre and open spaces. Infrastructure to support the development of residential dwellings will be established as part of this project, including roads, sewerage, electricity, gas, potable water and drainage infrastructure to treat and manage stormwater entering and exiting the site.

The development will cater for a population of between 1,020 and 1,275 people (based on an average household size of 2.55 people per dwellings provided in Victoria in Future 2012). The attached Development Concept Plan (Attachment B) provides an indicative representation of the proposed development.

Significant population growth in Lara is the key driver for this project. Between 1986 and 2006 the population of Lara doubled from 5,186 persons to 10,525 persons based on ABS data. The 2008 population was estimated to be about 11,680 and is forecast by Council to reach about 14,800 by the year 2030.<sup>1</sup> This parcel of land was identified within the City of Greater Geelong's Lara Structure Plan (2011)<sup>2</sup> for residential development to cater for the short term growth demands.

### 2.2 Alternatives to taking the proposed action

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

Non-applicable

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

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

Non-applicable

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

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

The project may require assessment and/or approvals under the following legislation:

- *Planning and Environment Act 1987;*
- *Flora and Fauna Guarantee Act 1988;*
- *Environment Effects Act 1978;*
- *Aboriginal Heritage Act 2006;* and
- *Environment Protection and Biodiversity Conservation Act 1999.*

Other relevant policy and guidelines that may be applicable to this project are the 'Lara Structure Plan' and 'Victoria's Native Vegetation Management – A Framework for Action'. The recently approved 'Golden Sun Moth Sub-regional Species Strategy' also provides relevant guidance.

The implication of these legislative controls and guidelines is outlined in the following pages.

---

<sup>1</sup> Panel Report, August 2012, Greater Geelong Planning Scheme Amendments C73 and C198

<sup>2</sup> Lara Structure Plan, April 2011, City of Greater Geelong



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

The *Planning and Environment Act 1987* (P&E Act) governs the use, development, protection and conservation of land in Victoria. The P&E Act provides the primary approval mechanism for this project.

The project will be subject to the provisions of the City of Greater Geelong Planning Scheme, including the relevant clauses of the State Planning Policy Framework, Local Planning Policy Framework (including Municipal Strategic Statement) and Particular and General Provisions.

The site is located within the Rural Living Zone (RLZ) and is not covered by any overlay controls. An application to amend the planning scheme to alter the zoning of the site to Residential 1 Zone (R1Z) will be undertaken as part of this proposal. This is required to facilitate the development of conventional density residential development on the site.

Several permits will be required under relevant clauses including permits to subdivide the site, remove native vegetation and undertake earthworks that alter the drainage across the site. These permits may be sought at the same time as the process to amend the planning scheme is undertaken (under Section 96A of the P&E Act).

### ***Flora and Fauna Guarantee Act 1988***

The *Flora and Fauna Guarantee Act 1988* (FFG Act) seeks to establish a legal and administrative structure to enable and promote the conservation of native flora and fauna. This includes establishing a permit system to undertake works on public land which might kill, injure or disturb protected native plants. A permit may be required for works to provide access from the surrounding road network to the site. The Department of Sustainability and Environment (DSE) administer this process.

### ***Environment Effects Act 1978***

The *Environment Effects Act 1978* is an advisory act without a regulatory approval mechanism. The EE Act provides for the assessment of proposed project (works) that are capable of having a significant effect on the environment.

The *Ministerial Guidelines for the Assessment of Environment Effects under the Environment Effects Act 1978* provide guidance on the types of impacts that may be considered to contribute to a significant environmental impact. A referral to the Minister for Planning is required to determine whether the project is likely to result in a significant impact on the environment and whether further environmental assessment is necessary. There is no legislative requirement for a proponent to refer a project to the Minister for Planning.

A referral to the Minister for Planning is being undertaken concurrently with this referral on the basis of a possible trigger due to clearance of over 10 ha of native vegetation from the site.

### ***Aboriginal Heritage Act 2006***

The purpose of the *Aboriginal Heritage Act 2006* (AH Act) is to provide for the protection of Aboriginal cultural heritage in Victoria. A Cultural Heritage Management Plan (CHMP) is required to assess the area to determine the nature of any Aboriginal cultural heritage present and provide recommendations for measures to manage and protect any cultural heritage present. A CHMP has been prepared under the AH Act, in consultation with the Wathaurong Aboriginal Cooperative (WAC), for this project. Management measures have been prescribed and agreed as part of this process. This CHMP was approved by the WAC on 28 June 2012.

### ***Environment Protection and Biodiversity Conservation Act 1999***

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for, amongst other objectives, the protection of the environment, especially those aspects of the environment that are matters of national environmental significance.

This project has the potential to impact on two matters relevant to this Act; namely a listed fauna species (Golden Sun Moth *Synemon plana*) and listed community (Natural Temperate Grasslands of the Victorian Volcanic Plains).

The outcome of this referral will guide any further approvals required under the EPBC Act.

### ***Lara Structure Plan***

The Lara Structure Plan is a reference document to the Greater Geelong Planning Scheme and provides the policy intent and strategic justification for the proposed development of conventional residential dwellings on the subject site.

The Lara Structure Plan was created following consultation with relevant agencies and the community. This document summarises the City of Greater Geelong's land use intentions for the township of Lara.

### ***Victoria's Native Vegetation Management – A Framework for Action***

'Victoria's Native Vegetation Management – A Framework for Action' (The Framework) is an incorporated document to the Greater Geelong Planning Scheme. The Framework establishes the strategic direction for the protection, enhancement and revegetation of native vegetation across the State. The Framework seeks to establish a net gain of vegetation retention across the landscape and requires three stages of consideration prior to the removal of native vegetation; namely avoid, minimise and offset.

The vegetation on site will be assessed in the context of the objectives of the Framework to establish a net gain across the landscape. This will be undertaken in consultation with DSE.

### ***Golden Sun Moth Sub-regional Species Strategy***

The Golden Sun Moth (GSM) Sub-regional Species Strategy, and associated Final Prescription for Golden Sun Moth, have been endorsed by the Australian Government Minister for the Environment pursuant to the endorsed Program Delivering Melbourne's Newest Sustainable Communities (DMNSC). This site is not located within the area of the DMNSC program and therefore this guideline is not legislatively applicable. However, given that this site is located less than 18 km from the DMNSC boundary, and within the same bioregion, it is considered that it provides the most current and applicable guidance for considering the impacts of development of GSM.

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

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

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

The *Environment Effects Act 1978*, *Planning and Environment Act 1987*, *Flora and Fauna Guarantee Act 1988* and *Aboriginal Heritage Act 2006* provide for the assessment of environmental impacts. An outline of the requirements for assessment for this project follows:

### ***Environment Effects Act 1978***

A determination on the need for assessment under the *Environment Effects Act 1978* has not been made at this time. A referral to the Minister for Planning to determine the need for assessment under the EE Act is being prepared concurrently with this referral on the basis that the project may require the removal of over 10ha of native vegetation.

Based on discussions with the Department of Planning and Community Development (DPCD), the project is unlikely to require the preparation of an Environment Effects Statement (EES).

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

A planning scheme amendment and planning permit will be required for this project. The Minister for Planning will be required to consider whether the proposed amendment will have a significant effect on the environment as part of the planning scheme amendment process. Any application for a planning permit to remove native vegetation will require consideration against Victoria's Native Vegetation – A Framework for Action. The Department of Sustainability and Environment will be a referral authority on the permit application. An initial discussion with DSE (Nathan McDonald, South West Region) has been undertaken.

A detailed flora and fauna assessment and targeted assessments for Golden Sun Moth have been undertaken.

### ***Flora and Fauna Guarantee Act 1988***

The FFG Act will require a detailed assessment of any flora likely to be removed on public land as part of any application for a permit to remove. A focussed targeted assessment may be required once detailed design and access arrangements are understood. This process will be discussed with DSE during further design processes.

### ***Aboriginal Heritage Act 2006***

The assessment of the heritage values of a place (as included within the EPBC definition of environment) has been undertaken as part of the preparation of a Cultural Heritage Management Plan (CHMP) under the Aboriginal Heritage Act 2006. The CHMP was approved by the Wathaurong Aboriginal Cooperative in June 2012. A detailed desktop and field assessment was undertaken during the preparation of this CHMP. No further assessment is required under this Act, provided the project is undertaken in accordance with the management measures within the CHMP. The CHMP provides contingency measures should any artefacts or heritage sites be identified during the project works. A copy of this approval and the management measures is provided in Attachment C.

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

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

Three levels of engagement have been, or are proposed to be, undertaken during the life of this project; namely regional, local and targeted.

**Regional:**

The preparation of the Lara Structure Plan involved considerable public consultation and engagement with a range of external agencies to reflect the views and requirements of those agencies across the relevant region (in this case the wider area of Lara and surrounds). The Lara Structure Plan identifies this site for conventional density residential development.

**Local:**

The Planning Permit application and Planning Scheme Amendment material will be publicly exhibited as part of the planning assessment process. This will provide opportunities for local community engagement and engagement with neighbouring residents.

**Targeted:**

The Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006* was undertaken in consultation with representatives from the Wathaurong Aboriginal Corporation, as the Registered Aboriginal Party (RAP) for this area. Documentation for this consultation is enclosed with this referral.

The following relevant agencies have been consulted to date:

- Department of Planning and Community Development
- City of Greater Geelong
- Department of Sustainability and Environment
- Wathaurong Aboriginal Cooperative
- Aboriginal Affairs Victoria; and
- Relevant servicing infrastructure agencies (Telstra, Barwon Water, Vicroads etc).

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

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

The project is referred in its entirety and is not part of a staged development or larger project. The project may be constructed and released for sale in a staged manner within the confines of the project boundary and in accordance with the State planning permits.

## 3 Description of environment & likely impacts

### 3.1 Matters of national environmental significance

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

Your assessment of likely impacts should refer to the following resources (available from the Department's web site): specific values of individual World Heritage properties and National Heritage places and the ecological character of Ramsar wetlands;

profiles of relevant species/communities (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;

*Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*; and associated sectoral and species policy statements available on the web site, as relevant.

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

#### 3.1 (a) World Heritage Properties

##### Description

There are no World Heritage Places within 10 km of the proposal.

##### Nature and extent of likely impact

Non-applicable

---

#### 3.1 (b) National Heritage Places

##### Description

There are no National Heritage Places within 10 km of the proposal.

##### Nature and extent of likely impact

Non-applicable

---

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

The Port Philip Bay (Western Shoreline) and Bellarine Ramsar wetland is located approximately 5 km south east of the site. Hovels Creek, located approximately 200 metres north of the site drains to Limeburners Bay (part of the Port Philip (Western Port) and Bellarine Ramsar wetland).

## Nature and extent of likely impact

The project is unlikely to significantly impact to the Ramsar wetland as the project will have a negligible impact on the rate of flow within Hovells Creek. Hovells Creek extends inland from Limeburners Bay approximately 20 km north west covering an extensive catchment which includes the entire Lara township. This 60 ha project will have a negligible impact on the hydraulic function of this waterway.

On-site drainage requirements (quantity and quality) will be established to ensure appropriate drainage controls and filtering mechanisms (i.e. rain gardens or wetlands) occur on the site. The appropriateness of these will be assessed as part of the assessment under the *Planning and Environment Act 1978*.

---

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

#### Description

The protected matters search tool indicated that the site contains suitable habitat to 10 rare or threatened plant species listed under the EPBC Act. The search tool also indicated that 35 fauna species could occur within the 10 km radius of the site comprising 23 birds, 6 mammals, 5 reptiles and frogs and 1 invertebrate. The field assessment did not identify suitable habitat for any flora species but located potential habitat for one EPBC listed fauna species; namely Golden Sun Moth. The 'Flora, Fauna and Habitat Hectare Assessment' prepared by Brett Lane and Associates provides an assessment of likelihood of occurrence for species identified in the protected matters search (Attachment D). The Targeted Golden Sun Moth assessment also undertaken by Brett Lane and Associates is provided (Attachment E). The assessment was undertaken during the 2012/13 summer and did not locate the species. It is considered that Golden Sun Moth does not occur on site.

The protected matters search tool also indicated that the site could contain suitable habitat for the EPBC listed grassland community Natural Temperate Grasslands of the Victorian Volcanic Plain. The site survey identified patches of this community present on the site.

## Nature and extent of likely impact

#### Listed Community:

Twelve patches of vegetation with the floristic composition to be classified as the EPBC listed Natural Temperate Grasslands of the Victorian Volcanic Plain have been located on the site. These 12 patches covering an area of 7.8 ha. These fragmented patches, ranging in size from .097 ha to 1.53 ha, are currently under individual ownership and management regimes (predominantly grazed).

The majority of this vegetation is proposed to be removed and offset as part of this project (see Section 4 – Measures to avoid or reduce). The removal and offsetting of this vegetation will comply with the requirements of 'Victoria's Native Vegetation Management – A Framework for Action' as the vegetation has the floristic composition to be classified as Ecological Vegetation Class 132:63 Low-rainfall Plains Grassland.

This removal and offset is considered to result in a net gain for the community as the 7.8 ha will be offset in one contiguous area that will be managed for conservation purposes and secured as part of the approvals for this project. It is considered unlikely that the patches will provide a significant environmental benefit under their current management and ownership regimes and survival of these patches is not secured.

#### Listed Species:

The site contains 12 patches of vegetation that could provide suitable habitat for Golden Sun Moth (GSM). These patches of vegetation do not correspond with the listed community and cover an area of 9.96 ha, with the patches ranging in size from 2.14 ha to 0.97 ha. A separation of more than 200 m of unsuitable habitat effectively isolates populations<sup>3</sup>. The Targeted Golden Sun Moth assessment undertaken during the 2012/13 summer and did not locate the species and it is therefore considered that Golden Sun Moth does not occur on site for the reasons set out below.

It is considered unlikely that the site contains confirmed habitat for GSM<sup>4</sup> due to the following:

- The potential wallaby grass habitat that occurs on site is characterised by dense swards with little to no inter-tussock space which is considered important for reproduction<sup>5</sup>. Any inter-tussock space that is available appears to be dominated by annual flat weeds (i.e. Onion Grass).

---

<sup>3</sup> DPCD, 2009, Delivering Melbourne's Newest Sustainable Communities – Strategic Assessment Report

<sup>4</sup> DSE, 2011, Sub-regional species Strategy for the Golden Sun Moth. Outlines that 'Areas of habitat located within a land parcel within which parcel five or more Golden Sun Moths have been recorded' are confirmed habitat (Page 8).

- The previous land management practices on the site including extensive grazing and slashing may have limited the habitat potential
  - The disjointed land management practices on the due to multiple ownerships (i.e. stochastic events) may have limited the value of potential habitat (i.e. larger section of the site have not been managed in a combined manner that could allow a population to survive as can occur on larger 'greenfield' sites); and
  - The adjacent properties fail to provide a contiguous vegetation habitat making any population more susceptible to land management impacts.
- 

### 3.1 (e) Listed migratory species

#### Description

No listed migratory species are likely to occur on the site and no suitable habitat is present.

#### Nature and extent of likely impact

Non applicable.

---

### 3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

#### Description

No Commonwealth marine areas exist on or near the site.

#### Nature and extent of likely impact

Non-applicable

---

### 3.1 (g) Commonwealth land

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

#### Description

There is no Commonwealth land on or near the site.

#### Nature and extent of likely impact

Non-applicable

---

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

---

<sup>5</sup> DEWHA, 2009, EPBC Act Policy Statement 3.12 – Significant impact assessment guidelines for the critically endangered Golden Sun Moth

**Description**

Non-applicable

**Nature and extent of likely impact**

Non-applicable

---

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

You must describe the nature and extent of likely impacts (both direct & indirect) on the whole environment if your project:  
 is a nuclear action;  
 will be taken by the Commonwealth or a Commonwealth agency;  
 will be taken in a Commonwealth marine area;  
 will be taken on Commonwealth land; or  
 will be taken in the Great Barrier Reef marine Park.

Your assessment of impacts should refer to the *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* and specifically address impacts on:  
 ecosystems and their constituent parts, including people and communities;  
 natural and physical resources;  
 the qualities and characteristics of locations, places and areas;  
 the heritage values of places; and  
 the social, economic and cultural aspects of the above things.

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

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

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

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

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

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

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

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

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

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



### **3.3 Other important features of the environment**

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

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

The flora and fauna assessment (Attachment D) indicated that the site contained potential suitable habitat for 26 rare or threatened species listed under either the EPBC Act, FFG Act or the DSE advisory list. The relevant species under the EPBC Act are discussed in Section 3.1(d) of this referral. No rare or threatened species listed under with the FFG Act or DSE advisory list were found on site during the site assessment and are not considered likely to occur on the site.

The site contains 25 fragmented patches of remnant vegetation that have the floristic composition to be considered as Ecological Vegetation Class (EVC) 132\_63 Low-rainfall Plains Grassland. Some of this vegetation also has the floristic composition to be considered the EPBC listed Natural Temperate Grasslands of the Victorian Volcanic Plain. The clearance of EVC132\_63 will be required to be assessed against the intention of 'Victoria's Native Vegetation Management – A Framework for Action'.

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

No standing water or farm dams are present on the site.

The site is relatively flat, with the southern half of the site sloping west to east with the site draining as three sub-catchments from north to south. The existing rural land use of the site and wider area to the west currently results in uncontrolled drainage implications across the site (i.e. agricultural sheet flow). A stormwater drainage strategy to manage stormwater will be prepared to support the relevant statutory approvals (Attachment F). This stormwater drainage strategy will require extensive earthworks and infrastructure to be introduced to the site. Stormwater management is a critical constraint to development of this site.

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

The site is situated within the Victorian Volcanic Plains of the Central Lowlands comprising quaternary deposits of tholoitic to alkaline basalts, minor scoria and ash. There is a general absence of surface stone indicating previous selective removal to facilitate grazing and / or cultivation.

The site area consists of disturbed and degraded patches of indigenous vegetation, combined with planted trees and gardens. This is reflective of the rural residential land use history of the site, with the majority used for horse and stock grazing.

The patches of remnant indigenous vegetation are small, scattered and contained low indigenous species diversity. Common species were spear grasses, Windmill Grass and wallaby grasses. Other indigenous species such as Berry Saltbush and Bindweed were present. Weeds such as Galenia, Ribwort and Couch are dominant.

The existing tree plantings in gardens and along roadsides and fence lines comprise indigenous, non-indigenous native and / or introduced trees. Species include European ornamental plants, Sugar Gums, pines and Paperbarks. An arboriculture assessment was undertaken which confirmed the above.

Area of cropping and garden lawns cover the remaining vegetated areas of the site.

#### **3.3 (d) Outstanding natural features**

The site does not contain any outstanding natural features. The You Yangs Regional Park is the main natural feature of the wider area and is located 6 km north of the site. The You Yangs Regional Park is managed by Parks Victoria.

#### **3.3 (e) Remnant native vegetation**

The existing vegetation on the site is discussed in Section 3.1 and Section 3.3 of this referral.

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

The site is relatively flat, with the southern half of the site sloping west to east with less than 3m drop across the site.

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

The existing environment is typical of rural residential development with scattered patches of remnant grassland vegetation interspersed with introduced crops, tree plantings and agricultural and residential structures.

The remnant grassland vegetation is fragmented due to the multiple ownership controls of the site. The species diversity of the remnant patches is low with the dominance of Wallaby Grass indicating the re-establishment of areas following significant reductions in vegetation cover (either due to drought or land use implications).

The existing tree plantings in gardens and along roadsides and fence lines comprise indigenous, non-indigenous native and / or introduced trees. These planted trees provide habitat for common bird species with Lorikeets particularly abundant in the planted eucalypts. These trees provide a few small hollows and perching and nesting opportunities for birds foraging in the area.

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

No Commonwealth Heritage Places or other places recognised as having heritage values have been identified on the site.

### **3.3 (i) Indigenous heritage values**

The assessment undertaken as part of the preparation of the Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* assessed the Aboriginal cultural heritage potential of the site. The assessment demonstrated that a total of two Aboriginal cultural heritage places occur within the site both classified as being of low scientific significance (note, however that all Aboriginal cultural heritage places are of high significance when considering Aboriginal traditional significance values).

The results of the evaluation have also determined that no dense deposits of stone artefacts or other materials of cultural origin are likely to occur in the activity area as, in the wider region, these place types are generally associated with alluvial deposits adjacent to water courses or rises adjacent to water sources. The activity area, at its closest point, is 140m from the nearest water source (Hovells Creek).

Management measures for the relocation or protection of the two identified sites and contingency plans should additional sites or artefacts be located are contained within the CHMP. The relevant section of the CHMP is attached.

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

The You Yangs Regional Park is located 6 km north of the site.

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

The tenure of the site is freehold, with a contract in place for Manzeene Avenue Development Trust to develop to site following statutory approvals.

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

Rural residential land use

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

Conventional density residential land use.

## **4 Measures to avoid or reduce impacts**

A combination of avoid and offset measures have been utilised to ensure an appropriate net impact.

### **Avoid:**

The current subdivision concept plan proposes to retain four vegetated areas within the proposed residential development. These are over approximately 1.71 ha and have been selected based on their size (greater than 1 ha), quality and likelihood of survival based on the development impacts. These two areas cover the predicted maximum extent practicable of vegetation retention available without impacting on project viability in the current market. Further detailed design and associated feasibility calculations may provide opportunities to increase the areas designated for retention.

It is also proposed to further avoid and reduce impacts during the detailed design process. In particular, the design of access ways and lot layouts will be undertaken to retain vegetation within the road reserves and within individual lots (particularly trees). The project design is seeking to retain as many trees as practicable as a point of differentiation for this development.

The retention of any more vegetation than proposed will limit the viability of the project. In addition, it is considered unlikely that the retention of further vegetation on the site is likely to result in a longterm biodiversity gains given the urbanisation of the area.

### **Offset:**

The proposed offsets will be established to secure an area of greater size to offset this loss. This area will be selected in consultation with the City of Greater Geelong and DSE. This offset will ensure that an area is secured for conservation purposes under one management regime which will not occur should the existing vegetation be retained in the current formation.

## 5 Conclusion on the likelihood of significant impacts

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

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

- No, complete section 5.2  
 Yes, complete section 5.3

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

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

The project could result in the removal of 7.8 ha of EPBC listed community. This vegetation is currently managed by 23 individual owners and is not actively managed for conservation purposes. This project will result in the creation of a reserve that will be secure at an appropriate area of equivalent vegetation which will be managed for the purpose of conservation.

The retention of this vegetation onsite in the absence of the proposal is unlikely to lead to a beneficial environmental outcome given the fragmentation, ownership constraints and impending urbanisation. A secure offset management site for conservation is considered to result in a superior environmental outcome than the current arrangements.

### 5.3 Proposed action IS a controlled action

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

#### Matters likely to be impacted

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | World Heritage values (sections 12 and 15A)  |
| <input type="checkbox"/> | National Heritage places (sections 15B and 15C)  |
| <input type="checkbox"/> | Wetlands of international importance (sections 16 and 17B)                                   |
| <input type="checkbox"/> | Listed threatened species and communities (sections 18 and 18A)                              |
| <input type="checkbox"/> | Listed migratory species (sections 20 and 20A)   |
| <input type="checkbox"/> | Protection of the environment from nuclear actions (sections 21 and 22A)                     |
| <input type="checkbox"/> | Commonwealth marine environment (sections 23 and 24A)  |
| <input type="checkbox"/> | Great Barrier Reef Marine Park (sections 24B and 24C)  |
| <input type="checkbox"/> | Protection of the environment from actions involving Commonwealth land (sections 26 and 27A) |
| <input type="checkbox"/> | Protection of the environment from Commonwealth actions (section 28)                         |
| <input type="checkbox"/> | Commonwealth Heritage places overseas (sections 27B and 27C)                                 |

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

## 6 Environmental record of the responsible party

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

		Yes	No
6.1	<p><b>Does the party taking the action have a satisfactory record of responsible environmental management?</b></p> <p><b>Provide details</b></p> <p>The implementation of the project will be managed by Dacland Management Pty Ltd following the receipt of statutory approvals. Dacland Management Pty Ltd has undertaken numerous previous land development projects under appropriate environmental management frameworks. No reportable environmental incidents have occurred on sites under the control of Dacland Management Pty Ltd.</p>	✓	
6.2	<p><b>Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</b></p> <p><b>If yes, provide details</b></p>		✓
6.3	<p><b>If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</b></p> <p><b>If yes, provide details of environmental policy and planning framework</b></p>		✓
6.4	<p><b>Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</b></p> <p><b>Provide name of proposal and EPBC reference number (if known)</b></p>		✓

## 7 Information sources and attachments

(For the information provided above)

### 7.1 References

List the references used in preparing the referral.

Highlight documents that are available to the public, including web references if relevant.

The information sources used within this referral have been listed throughout. All documents referred to are publicly available via the DSE or DPCD website.

### 7.2 Reliability and date of information

For information in section 3 specify:

source of the information;

how recent the information is;

how the reliability of the information was tested; and

any uncertainties in the information.

The field assessment by Brett Lane and Associates was undertaken in January 2012, May 2012 and December 2012 – January 2013. Brett Lane and Associates are a qualified and respected ecological research company that frequently undertakes ecological assessments on behalf of private and public entities to support statutory applications.

### 7.3 Attachments

Indicate the documents you have attached. All attachments must be less than two megabytes (2mb) so they can be published on the Department's website. Attachments larger than two megabytes (2mb) may delay the processing of your referral.

		✓ attached	Title of attachment(s)
<b>You must attach</b>	figures, maps or aerial photographs showing the project locality (section 1)	✓	Attach 1 - Location Plan
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	Attach 2 - Concept Plan
<b>If relevant, attach</b>	copies of any state or local government approvals and consent conditions (section 2.5)		
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)	✓	Attach 3 - Cultural Heritage Management Plan (Sections)
	copies of any flora and fauna investigations and surveys (section 3)	✓	Attach 4 - Flora and Fauna Assessment
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)		
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)	✓	Attach 3 - Cultural Heritage Management Plan (Sections)

## 8 Contacts, signatures and declarations

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

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

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action<sup>6</sup>.

### Project title:

---

#### 8.1 Person proposing to take action

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

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

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

If the proposed action requires a permit under the Great Barrier Reef Marine Park Act<sup>7</sup>, this is the person requiring the grant of a GBRMP permission.

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

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

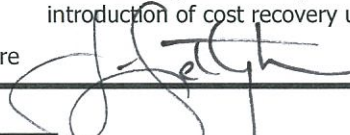
If the Minister decides that further assessment and approval is required, the Minister must designate a person as a proponent of the action. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent will generally be the person proposing to take the action<sup>8</sup>.

Name Jonathon Fetterplace  
Title Manager – Business and Project Development  
Organisation The trustee for the Manzeene Avenue Development Project Trust  
ACN / ABN (if applicable) 31 453 887 638  
Postal address Level 1, 20 Wilson Street, South Yarra, VIC, 3141  
Telephone 03 9044 1200  
Email jfetterplace@dacland.co.au

Declaration

I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.  
I understand that giving false or misleading information is a serious offence.  
I agree to be the proponent for this action.  
I acknowledge that I may be liable for fees related to my proposed action following the introduction of cost recovery under the EPBC Act.

Signature



Date 26 February 2013

---


<sup>6</sup> If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed. However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person which has not otherwise been referred, please contact the Referrals Business Entry Point (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

<sup>7</sup> If your referred action, or a component of it, is to be taken in the Great Barrier Reef Marine Park the Minister is required to provide a copy of your referral to the Great Barrier Reef Marine Park Authority (GBRMPA) (see section 73A, EPBC Act). For information about how the GBRMPA may use your information, see [http://www.gbrmpa.gov.au/privacy/privacy\\_notice\\_for\\_permits](http://www.gbrmpa.gov.au/privacy/privacy_notice_for_permits).

<sup>8</sup> If a person other than the person proposing to take action is to be nominated as the proponent, please contact the Referrals Business Entry Point (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

---

**8.2 Person preparing the referral information (if different from 8.1)**  
Individual or organisation who has prepared the information contained in this referral form.

Name	Anthony Wansink
Title	Associate - Planner
Organisation	Spiire Australia Pty Ltd
ACN / ABN (if applicable)	55 050 029 635
Postal address	PO Box 4032, Geelong, VIC, 3220
Telephone	03 5249 6827
Email	anthony.wansink@spiire.com.au
Declaration	I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct. I understand that giving false or misleading information is a serious offence.
Signature	
Date	26 February 2013

---



## REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

### HAVE YOU:

- ✓ Completed all required sections of the referral form?
- ✓ Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- ✓ Provided a map showing the location and approximate boundaries of the project area?
- ✓ Provided a map/plan showing the location of the action in relation to any matters of NES?
- ✓ Provided complete contact details and signed the form?
- ✓ Provided copies of any documents referenced in the referral form?
- ✓ Ensured that all attachments are less than two megabytes (2mb)?
- ✓ Sent the referral to the Department (electronic and hard copy preferred)?