

# Shared User Path Upgrades

Application Number: **03433**Commencement Date:  
**04/05/2026**Status: **Locked**

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## 1. About the project

### 1.1 Project details

#### 1.1.1 Project title \*

#### 1.1.2 Project industry type \*

#### 1.1.3 Project industry sub-type

#### 1.1.4 Estimated start date \*

#### 1.1.4 Estimated end date \*

## 1.2 Proposed Action details

### 1.2.1 Provide an overview of the proposed action, including all proposed activities. \*

The proposed development is to occur at Sugarloaf Bend, Brookfield VIC 3023.

It will entail the upgrading of approximately 500 m of shared path. These upgrades will consist of a combination of path widening from 1.2 m to 3 m, and construction batter and mesh fencing for safety. This is to be undertaken along the alignment of the existing path to minimise impacts.

As part of the proposal, 0.05 ha of native vegetation is to be removed, or is to be considered lost due to being within the 1.5 m construction buffer applied to this project.

This referral concerns 0.035628 ha of this native vegetation, which has been assessed and identified as representative of the Natural Temperate Grassland of the Victorian Volcanic Plain community.

### 1.2.2 Is the project action part of a staged development or related to other actions or proposals in the region?

No

### 1.2.6 What Commonwealth or state legislation, planning frameworks or policy documents are relevant to the proposed action, and how are they relevant? \*

### **Planning and Environment Act 1987 (PE Act)**

This is a key legislative planning requirement that must be considered. The relevant Melton Planning Scheme specifies the relevant planning requirements and approval mechanisms related to this project.

The southern portion of the proposed work site is zoned Public Park and Recreation Zone – Schedule 2 (PPRZ2). The remaining area on site is zoned General Residential Zone – Schedule 1 (GRZ1). As the development does not fall under any exemptions as outlined in Clause 42.01-3, a permit will be required. The southernmost section of the site (land adjacent to 55 Kilmore Street, Brookfield VIC 3388 and below) is covered by an Environmental Significance Overlay – Schedule 2 (ESO2) (Melton). A permit under the ESO may be required to remove native vegetation within this section of the site.

Under the Melton Planning Scheme, native vegetation, as defined in Clause 73.01, comprises *plant species that are native to Victoria, encompassing trees, shrubs, herbs, and grasses*. The removal of such native vegetation within each local Planning Scheme in Victoria is evaluated based on either Clause 52.16 or 52.17. In this particular scenario, Clause 52.17 is applicable, and the assessment and compensation for vegetation removal must adhere to the prescribed guidelines as outlined in the incorporated document known as the *Guidelines for the removal, destruction, or lopping of native vegetation* (DELWP 2017).

As this proposed action will not fall under any exemptions, as outlined in Clause 52.17-7, a permit is required for the removal of native vegetation. A range of measures have been incorporated into the project design and implementation to avoid and minimise impacts on native vegetation, as required under Clause 52.17. These also act to minimise impacts to threatened species and ecological communities, and conjunction with the following:

- Utilising the existing shared path footprint where possible to reduce impact extent;
- Constraining construction activities to development buffers also to reduce impact extent; and
- Utilising sensitive construction methods where practicable.

Targeted surveys for Golden Sun Moth were also conducted in Summer 2025 to determine if a population persists on site and to ensure a population will not be impacted by the development. No Golden Sun Moth were identified. See *Targeted Fauna Survey Synemon plana - Sugarloaf Bend* (see Attachment 2);

### **Catchment and Land Protection Act 1994 (CaLP Act)**

The project works will comply with the CaLP Act, particularly with regard to the management of land degradation and weed control. A number of CaLP Act listed weed and pest flora and fauna have been identified within the area of works (see Attachment 1: FFIA, page 24). Steps will be taken to conserve soil, protect water resources, eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds and, where possible, eradicate established pest animals, as declared under the CaLP Act.

### **Flora and Fauna Guarantee Act 1988 (FFG Act)**

The main purpose of this Act is to protect endangered species and ecosystems in Victoria and to address potential threats to these environments. As per the Flora and Fauna Assessment and Impact Analysis report completed by Practical Ecology (2026) (see Attachment 1: FFIA, section 3), no FFG Act listed species were identified within the vicinity of the proposed works, except for Fragrant Saltbush. Only one individual plant was found, and it has been identified as a planted specimen.

Three FFG Act-listed species (Fork-tailed Swift, White-throated Needletail, and Grey-headed Flying-fox) are considered as having a moderate or higher likelihood of occurring within the Study Area. However, they are aerial species that are highly unlikely to make significant use of the site. Additionally, Golden Sun Moth were considered to have a moderate likelihood of occurrence on site due to the high cover of Chilean Needle-grass and the presence of scattered indigenous grasses. However, as mentioned above, no individuals were identified during targeted surveys (see Attachment 2) and this was revised to low.

Elements of the *Western (Basalt) Plains Grasslands Community* were identified within the development area (mostly in the form of scattered Wallaby Grasses and Spear Grasses), meaning a FFG Act permit to remove protected flora will be required for the proposed vegetation removal (see Attachment 1: FFIA, page 28).

### ***Flora and Fauna Guarantee Amendment Act 2019 (FFG Amendment Act)***

The *Flora and Fauna Guarantee Amendment Act 2019*, provides a strengthened framework for biodiversity protection in Victoria. Key reforms include recognition of Traditional Owner rights, consideration of climate change, improved critical habitat protection, alignment with national threatened species assessment methods, and stronger enforcement measures. The Act is relevant to this proposal as it applies to public land.

### ***Wildlife Act 1975 (Wildlife Act)* and the *Wildlife Regulations 2013 (Wildlife Regulations)***

As per the Flora and Fauna Assessment and Impact Analysis report completed by Practical Ecology (2025) (see Attachment 1: FFIA), fauna habitat is to be impacted by this action. The Council has, therefore, committed to engage a zoologist to inspect all habitat prior to removal and provide advice for fauna salvage as needed, with this inspection to occur no more than one week prior to habitat removal commencing.

Information on the salvage and relocation of fauna that will be implemented as part of the proposed action are detailed within Attachment 1: FFIA, section 4.3.2. A valid permit under the *Wildlife Act 1975* will be required by any person undertaking the capture and release of fauna as part of the proposed action.

### ***Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)***

This federal legislation provides a framework for the protection of flora, fauna, and ecological communities that have been identified as matters of national significance. As per the Flora and Fauna Assessment and Impact Analysis report completed by Practical Ecology (2025) (see Attachment 1: FFIA, section 3), no listed flora and fauna species were identified within the Project Area. The listed community *Natural Temperate Grassland of the Victorian Volcanic Plain*, was however found on site.

A review of the significant impact criteria was conducted for this community, as per the *Significant Impact Guidelines 1.1: Environment Protection and Biodiversity Conservation Act 1999* (DEWHA 2013), which found the development may trigger one of the significant impact criteria: *Reduce the extent of an ecological community*.

While this is the case, it is expected that this reduction in extent of 0.035628 ha will not necessarily be of a level that would be deemed a 'significant impact' on this community. A 'significant impact' is defined under the EPBC Act as an impact that is important, notable, or of consequence, having regard to its context or intensity (DEWHA 2013). Given this, the risk of a 'significant impact' on this community, based on the proposed low-level reduction in extent, is considered low. A referral to the Commonwealth minister is however being submitted to disclose this risk, albeit low, of a significant impact, and to provide legal certainty for the proponent as to whether or not the Commonwealth deems the project a Controlled Action under the EPBC Act.

It is also worth noting that three EPBC Act listed fauna species were also identified as having a Moderate or likelihood of occurrence on site: Fork-tailed Swift, White-throated Needletail, and Grey-headed Flying-fox. The proposed development is not likely to have a significant impact on any of these species, as they are aerial animals unlikely to make significant use of the site.

**1.2.7 Describe any public consultation that has been, is being or will be undertaken regarding the project area, including with Indigenous stakeholders. Attach any completed consultation documentations, if relevant. \***

No Cultural Heritage Management Plan has been developed and no correspondence within indigenous stakeholders has taken place.

## 1.3.1 Identity: Referring party

### **Privacy Notice:**

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

By completing and submitting this form, you consent to the collection of all personal information contained in this form. If you are providing the personal information of other individuals in this form, please ensure you have their consent before doing so.

The Department of Climate Change, Energy, the Environment and Water (the department) collects your personal information (as defined by the Privacy Act 1988) through this platform for the purposes of enabling the department to consider your submission and contact you in relation to your submission. If you fail to provide some or all of the personal information requested on this platform (name and email address), the department will be unable to contact you to seek further information (if required) and subsequently may impact the consideration given to your submission.

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**Confirm that you have read and understand this Privacy Notice \***

### **1.3.1.1 Is Referring party an organisation or business? \***

Yes

## Referring party organisation details

**ABN/ACN** 88082911377

**Organisation name** PRACTICAL ECOLOGY PTY LTD

**Organisation address** 3072 VIC

## Referring party details

**Name** Ryan Adams

**Job title** Ecological Consultant

**Phone** 03 9484 1555

**Email** ryana@practicalecology.com.au

**Address** 2B Stott St, Preston VIC 3072

## 1.3.2 Identity: Person proposing to take the action

### 1.3.2.1 Are the Person proposing to take the action details the same as the Referring party details? \*

No

### 1.3.2.2 Is Person proposing to take the action an organisation or business? \*

Yes

## Person proposing to take the action organisation details

**ABN/ACN** 22862073889

**Organisation name** MELTON CITY COUNCIL

**Organisation address** 3337 VIC

## Person proposing to take the action details

**Name** Jihan Waas

**Job title** Design Engineer

**Phone** +61 3 9747 7200

**Email** Jihan.Waas@melton.vic.gov.au

**Address** 232 High St, Melton VIC 3337

**1.3.2.14 Are you proposing the action as part of a Joint Venture? \***

No

**1.3.2.15 Are you proposing the action as part of a Trust? \***

No

**1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the Person proposing to take the action. \***

Melton City Council has a satisfactory record of responsible environmental management, and there are no proceedings under Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against Melton City Council.

**1.3.2.18 If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework**

Please see Attachment 3 for the Melton City Council "Biodiversity Guidance for Planning Applications". This framework outlines the requirements and expectations of planning applications within Melton under local, State, and Federal law.

**1.3.3 Identity: Proposed designated proponent****1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? \***

Yes

## Proposed designated proponent organisation details

**ABN/ACN** 22862073889

**Organisation name** MELTON CITY COUNCIL

**Organisation address** 3337 VIC

## Proposed designated proponent details

**Name** Jihan Waas

**Job title** Design Engineer

**Phone** +61 3 9747 7200

**Email** Jihan.Waas@melton.vic.gov.au

**Address** 232 High St, Melton VIC 3337

## 1.3.4 Identity: Summary of allocation

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**✔ Confirmed Referring party's identity**

The Referring party is the person preparing the information in this referral.

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ABN/ACN	88082911377
Organisation name	PRACTICAL ECOLOGY PTY LTD
Organisation address	3072 VIC
Representative's name	Ryan Adams
Representative's job title	Ecological Consultant
Phone	03 9484 1555
Email	ryana@practicalecology.com.au
Address	2B Stott St, Preston VIC 3072

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**✔ Confirmed Person proposing to take the action's identity**

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

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ABN/ACN	22862073889
Organisation name	MELTON CITY COUNCIL
Organisation address	3337 VIC
Representative's name	Jihan Waas
Representative's job title	Design Engineer
Phone	+61 3 9747 7200
Email	Jihan.Waas@melton.vic.gov.au
Address	232 High St, Melton VIC 3337

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**✔ Confirmed Proposed designated proponent's identity**

The Person proposing to take the action is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

## 1.4 Payment details: Payment exemption and fee waiver

**1.4.1 Do you qualify for an exemption from fees under EPBC Regulation 5.23 (1) (a)? \***

No

**1.4.3 Have you applied for or been granted a waiver for full or partial fees under Regulation 5.21A? \***

No

**1.4.5 Are you going to apply for a waiver of full or partial fees under EPBC Regulation 5.21A?**

No

**1.4.7 Has the department issued you with a credit note? \***

No

**1.4.9 Would you like to add a purchase order number to your invoice? \***

No

## 1.4 Payment details: Payment allocation

**1.4.11 Who would you like to allocate as the entity responsible for payment? \***

Person proposing to take the action

## 2. Location

## 2.1 Project footprint



**Project Area: 1.16 Ha Disturbance Footprint: 0.03 Ha**

## 2.2 Footprint details

### 2.2.1 What is the address of the proposed action? \*

Sugarloaf Bend, Brookfield VIC 3023

### 2.2.2 Where is the primary jurisdiction of the proposed action? \*

Victoria

### 2.2.3 Is there a secondary jurisdiction for this proposed action? \*

No

### 2.2.5 What is the tenure of the action area relevant to the project area? \*

Non-freehold land.

## 3. Existing environment

## 3.1 Physical description

### 3.1.1 Describe the current condition of the project area's environment.

Patches of native vegetation representative of EVC 132\_63: Low-rainfall Plains Grassland were mapped at four locations across the Study Area. As shown on Attachment 1: FFIA - Map 2, this includes the areas to the east and west of the existing pathway alongside Sugarloaf Bend (Habitat Zone 1 and 2A), along with smaller patches (Habitat Zone 2B and 2C) to the north and south of the Study Area.

Each of these patches of native vegetation had a cover of Common Wallaby-grass (*Rytidosperma caespitosum*), Bristly Wallaby-grass (*Rytidosperma setaceum*) and Rough Spear-grass (*Austrostipa scabra*) along with other native perennial species that exceeded 25%. Herb species present included Ruby Saltbush (*Enchylaena tomentosa var. tomentosa*), and Grassland Wood-sorrel (*Oxalis perennans*). The mean annual rainfall for all recorded years by the Bureau of Meteorology is 486.60 mm (BOM 2025).

EVC 55\_61: Plains Grassy Woodland is mapped as having historically occurred towards the southern end of the site. Habitat Zone 3 has therefore been mapped as, and assessed against, this EVC.

It is important to note that the vegetation represented by Habitat Zone 3 appears to comprise a planted stand, likely established as a biodiversity planting given its location, planting density and species diversity. The species present include Gold-dust (*Wattle Acacia acinacea s.l.*), Blackwood (*Acacia melanoxylon*), Hedge Wattle (*Acacia paradoxa*), and Wirilda (*Acacia retinodes*). Notably, there was also one specimen of the FFG-listed Fragrant Saltbush (*Rhagodia parabolica*) which is also considered to be planted.

The remaining vegetation was largely exotic grasses, dominated by Chilean Needle-grass.

### 3.1.2 Describe any existing or proposed uses for the project area.

The site primarily consists of public open space dominated by periodically mown grasses, a few planted trees in various states of growth, and a vegetated waterway to the east. The rear private open space of some adjacent properties is also included in the overall Study Area on its western side.

The majority of the site is used for occasional public recreation, as an urban reserve.

### 3.1.3 Describe any outstanding natural features and/or any other important or unique values that applies to the project area.

There are no outstanding natural features or any other important or unique values that apply to the Project Area.

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

The topography of the land is relatively flat. The overall Project Area has very limited cross fall (no gradient).

## 3.2 Flora and fauna

**3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.**

## FLORA

The EVCs modelled as occurring within the Project Area prior to colonisation (DSE 2005) are 55\_61: Plains Grassy Woodland and 132\_63: Low-rainfall Plains Grassland. During the site assessment conducted by Practical Ecology (2026) (Attachment 1: FFIA, page 17), these EVC's were mapped as being present.

Within Habitat Zones 1 and 2 contained no trees or midstory, as per the requirements of EVC: 132\_63. The ground cover was made up of native grasses such as Common Wallaby-grass, Bristly Wallaby-grass, and Rough Spear-grass, and native herbs such as Ruby Saltbush. Areas with not supporting native vegetation have a high cover (>80%) of weeds. The dominated weed species was Chilean Needle-grass.

Habitat Zone 3 was mapped as EVC 55\_61: Plains Grassy Woodland. This is due to the presence of a stand of native tree and midstory species such as Gold-dust Wattle, Blackwood, and Wildira. Due to the species assemblage, lack of recruitment or diversity in age, positioning, presence of what appears to be remaining garden bed, and overall characteristics, we determined this zone to be planted in origin.

Remnants of the FFG Act listed *Western (Basalt) Plains Grasslands Community* also appear to exist within the Project Area. Aligning with Habitat Zones 1 and 2A.

The EPBC listed *Natural Temperate Grassland of the Victorian Volcanic Plain* community was also assessed as present within the Project Area (see Attachment 4). At least some impacts to these communities based on the design and associated construction are deemed unavoidable even with proposed mitigation measures. As previously mentioned, a review of the significant impact guidelines based on residual impacts - and with consideration of mitigation measures - was undertaken for the EPBC listed *Natural Temperate Grassland of the Victorian Volcanic Plain* community and found that Criterion 1 (Reduce the extent of an ecological community) is triggered given that the extent of the community will technically be reduced. It was, therefore, recommended that the project be referred to the Commonwealth minister within regard to potential impacts to this listed community.

Regarding the FFG Act listed *Western (Basalt) Plains Grasslands Community*, a FFG Act permit to remove protected flora will be required for the proposed vegetation removal.

With the exception of one planted Fragrant Saltbush, no flora species protected under the EPBC Act, or listed under the FFG Act, were identified on site as part of the site assessment conducted by Practical Ecology (2026). A review of the Protected Matter Search Tool and all Victorian Biodiversity Atlas (VBA) records within 5 km from the last 50 years determined that no listed species have a moderate or higher likelihood of being present on site.

## FAUNA

A range of common fauna species were observed on site when the project area was assessed by Practical Ecology (2026) (Attachment 1: FFIA) These included the Red Wattlebird, Galah, Superb Fairy-wren, House Sparrow, and Eastern Brown Snake.

A review of the Protected Matter Search Tool and all Victorian Biodiversity Atlas (VBA) records within 5 km from the last 50 years determined that three species have a moderate or higher chance of being present. All three of these are unlikely to make significant use of the site and only occasionally fly over the site and/or forage on site: Fork-tailed Swift, White-throated Needletail and Grey-headed Flying-fox.

Golden Sun Moth were initially assessed as having a moderate likelihood of occurrence due to the high levels of Chilean Needle-grass and presence of indigenous grasses. Following a targeted survey effort, this species was confirmed to not be present on site (see Attachment 2).

For additional information on the Flora and Fauna of the project area, please see the Flora and Fauna Assessment and Impact Analysis conducted by Practical Ecology (2026) (Attachment 1: FFIA).

### **3.2.2 Describe the vegetation (including the status of native vegetation and soil) within the project area.**

As mentioned above, the Project Area supports native vegetation characteristic of EVC 55\_61: Plains Grassy Woodland, and EVC 132\_63: Low-rainfall Plains Grassland, with remnants of the FFG Act listed *Western (Basalt) Plains Grasslands Community* and areas qualifying as the EPBC listed *Natural Temperate Grassland of the Victorian Volcanic Plain*.

Vegetation quality varies across the site. The assessment by Practical Ecology (2026) (Attachment 1: FFIA) identified three native vegetation patches within the Project Area (referred to as Habitat Zones). Habitat Zones 1, and 2 contained native grass and ground cover species. Habitat Zone 3 was a stand planted with numerous native and indigenous tree and shrub species.

Areas outside of these native patches contained a high cover of invasive species. Weedy exotics cover almost the entirety of the reserve; specifically Chilean Needle-grass. In addition, there was Kikuyu, Couch, Onion Grass, and Spear Thistle.

Soil condition across the site is typical of a volcanic grassland out towards the west of Melbourne.

## **3.3 Heritage**

### **3.3.1 Describe any Commonwealth Heritage Places Overseas or other places recognised as having heritage values that apply to the project area.**

There are no Commonwealth Heritage places or other places recognised as having heritage value within the Project Area.

### **3.3.2 Describe any Indigenous heritage values that apply to the project area.**

A Cultural Heritage Management Plan has not been developed for the project. No Heritage Overlay (HO) applies to the Project Area.

## 3.4 Hydrology

### 3.4.1 Describe the hydrology characteristics that apply to the project area and attach any hydrological investigations or surveys if applicable. \*

No creeks, tributaries, or drainage lines are located within the Project Area or likely to be affected by the proposed action.

## 4. Impacts and mitigation

## 4.1 Impact details

**Potential Matters of National Environmental Significance (MNES) relevant to your proposed action area.**

<b>EPBC Act section</b>	<b>Controlling provision</b>	<b>Impacted</b>	<b>Reviewed</b>
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	No	Yes
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

### 4.1.1 World Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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#### 4.1.1.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \*

No

#### 4.1.1.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

\*

There are no World Heritage Properties present within the Project Area, or within the immediate surrounds. As such, no direct or indirect impact is expected.

### 4.1.2 National Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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#### 4.1.2.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \*

No

#### 4.1.2.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

\*

There are no National Heritage Properties present within the Project Area, or within the immediate surrounds. As such, no impact is expected.

### 4.1.3 Ramsar Wetland

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Ramsar wetland
No	No	Port Phillip Bay (Western Shoreline) and Bellarine Peninsula

**4.1.3.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.3.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

There is no Ramsar Wetland present within the Project Area, or within the immediate surrounds. As such, no direct or indirect impact is expected.

**4.1.4 Threatened Species and Ecological Communities**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

### Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	<i>Amphibromus fluitans</i>	River Swamp Wallaby-grass, Floating Swamp Wallaby-grass
No	No	<i>Anthochaera phrygia</i>	Regent Honeyeater
No	No	<i>Aphelocephala leucopsis</i>	Southern Whiteface
No	No	<i>Aprasia parapulchella</i>	Pink-tailed Worm-lizard, Pink-tailed Legless Lizard
No	No	<i>Botaurus poiciloptilus</i>	Australasian Bittern
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo
No	No	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (south-eastern)
No	No	<i>Dasyurus maculatus maculatus</i> (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	<i>Delma impar</i>	Striped Legless Lizard, Striped Snake-lizard
No	No	<i>Dianella amoena</i>	Matted Flax-lily
No	No	<i>Diuris basaltica</i>	Small Golden Moths Orchid, Early Golden Moths
No	No	<i>Diuris fragrantissima</i>	Sunshine Diuris, Fragrant Doubletail, White Diuris
No	No	<i>Dodonaea procumbens</i>	Trailing Hop-bush
No	No	<i>Falco hypoleucos</i>	Grey Falcon
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Glycine latrobeana</i>	Clover Glycine, Purple Clover
No	No	<i>Grantiella picta</i>	Painted Honeyeater

<b>Direct impact</b>	<b>Indirect impact</b>	<b>Species</b>	<b>Common name</b>
No	No	<i>Hirundapus caudacutus</i>	White-throated Needletail
No	No	<i>Lathamus discolor</i>	Swift Parrot
No	No	<i>Lepidium aschersonii</i>	Spiny Peppercross
No	No	<i>Lepidium hyssopifolium</i>	Basalt Pepper-cress, Peppercross, Rubble Pepper-cress, Pepperweed
No	No	<i>Leucochrysum albicans</i> subsp. <i>tricolor</i>	Hoary Sunray, Grassland Paper-daisy
No	No	<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	<i>Nannoperca obscura</i>	Yarra Pygmy Perch
No	No	<i>Neophema chrysostoma</i>	Blue-winged Parrot
No	No	<i>Pedionomus torquatus</i>	Plains-wanderer
No	No	<i>Pimelea spinescens</i> subsp. <i>spinescens</i>	Plains Rice-flower, Spiny Rice-flower, Prickly Pimelea
No	No	<i>Prasophyllum suaveolens</i>	Fragrant Leek-orchid
No	No	<i>Prototroctes maraena</i>	Australian Grayling
No	No	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox
No	No	<i>Ranoidea raniformis</i>	Southern Bell Frog, Growling Grass Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog
No	No	<i>Rostratula australis</i>	Australian Painted Snipe
No	No	<i>Rutidosis leptorhynchoides</i>	Button Wrinklewort
No	No	<i>Senecio macrocarpus</i>	Large-fruit Fireweed, Large-fruit Groundsel
No	No	<i>Stagonopleura guttata</i>	Diamond Firetail
No	No	<i>Synemon plana</i>	Golden Sun Moth
No	No	<i>Thelymitra orientalis</i>	Hoary Sun-orchid
No	No	<i>Tringa nebularia</i>	Common Greenshank, Greenshank
No	No	<i>Tympanocryptis pinguicolla</i>	Victorian Grassland Earless Dragon
No	No	<i>Xerochrysum palustre</i>	Swamp Everlasting, Swamp Paper Daisy

**Ecological communities**

Direct impact	Indirect impact	Ecological community
No	No	Grassy Eucalypt Woodland of the Victorian Volcanic Plain
No	No	Grey Box ( <i>Eucalyptus microcarpa</i> ) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia
Yes	No	Natural Temperate Grassland of the Victorian Volcanic Plain
No	No	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

**4.1.4.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

Yes

**4.1.4.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. \***

As previously mentioned, the Project Area was found to support *Natural Temperate Grassland of the Victorian Volcanic Plain* by an independent assessment by Practical Ecology (2026) (Attachment 1 FFIA; Attachment 4 EPBC Community Map). The total (direct and indirect impact) area is 356.28 m<sup>2</sup> or 0.035628 hectares. This accounts for the area of construction, and associated buffers required to upgrade and widen the shared path (see Appendix 4 Attachment 1: FFIA). Considering this, Criterion 1 (Reduce the extent of an ecological community) of *Significant Impact Guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999* (DEWHA 2013) is triggered, as the extent of the community will technically be reduced. Proposed mitigation measures, include (but are not limited to) utilising existing path footprints where possible to reduce impact extent, constraining construction activities to development buffers also to reduce impact extent, and utilising sensitive construction methods where practicable.

A desktop assessment of Flora and Fauna species within a 5 km radius of the impact area was conducted through VBA records (Attachment 1: FFIA).

No EPBC listed flora species, were found to have a moderate or higher likelihood of occurring within the Project Area. This was confirmed by the site assessment.

Three EPBC listed fauna species were identified as having a moderate or higher likelihood of occurring on site: Fork-tailed Swift, White-throated Needletail and Grey-headed Flying-fox. These are aerial species which may occasionally forage or pass through the site. However, due to the areas degraded status, and lack of suitable foraging habitat for any of these species, it is unlikely any are making significant use of the site.

There is therefore expected to be no significant impact on listed flora and fauna

**4.1.4.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? \***

\*

No

#### 4.1.4.6 Describe why you do not consider this to be a Significant Impact. \*

The proposed action is unlikely to have a significant impact on any protected matters based on the following:

- The proposal will remove only 356.28 m<sup>2</sup> or 0.035628 hectares of EPBC listed support *Natural Temperate Grassland of the Victorian Volcanic Plain*, which represents a fraction of the community present on site.
- The patches of Natural Temperate Grassland present within the impact area are small and highly fragmented. While they technically meet the criteria for remnant vegetation, they are in poor condition and provide limited ecological value. Species diversity is low and only marginally meets benchmarks for the ecological community. The surrounding landscape is dominated by Chilean Needle-grass and other weed species, further reducing the ecological integrity of these patches.
- The level of impact and the quality of the vegetation removed is not considered consistent with the definition of a significant impact under the Act, given it is not deemed to be of consequence with regard to either its context, nor intensity.
- In accordance with the *Significant Impact Guidelines 1.1: Environment Protection and Biodiversity Conservation Act 1999*, only one of the seven criteria is potentially relevant: “Reduce the extent of an ecological community.” While the proposal will technically result in a minor reduction in extent, the area to be removed is highly degraded and likely to only become more so over time. It is highly unlikely that this removal would constitute a significant impact on the ecological community.

The City of Melton have consistently demonstrated compliance and a proactive commitment to the protection of native flora and fauna. The Council has shown substantial competency in managing construction projects of a variety of scale.

#### 4.1.4.7 Do you think your proposed action is a controlled action? \*

No

#### 4.1.4.9 Please elaborate why you do not think your proposed action is a controlled action.

\*

As outlined in section 4.1.4.6, this action is unlikely to result in a significant impact to the *Natural Temperate Grassland of the Victorian Volcanic Plain* within the area. Subsequently, as long as the action is undertaken as described in this referral, a **Not a controlled action (NCA) decision** can be reached.

#### 4.1.4.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. \*

Measures have been incorporated into the project design and implementation to avoid and minimise impacts on native vegetation, threatened species, and ecological communities, including:

- Expanding existing footpath areas to ensure that native vegetation impacts are minimal;
- Conduct targeted fauna surveys to confirm threatened species are not present on site (see Attachment 2); and
- Constraining construction activities to construction buffers to reduce impact extent.

**4.1.4.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. \***

There are no proposed offsets for the proposed action yet. An offset strategy will be developed as necessary in due course once DCCEEW has determined the required Federal offset obligations.

**4.1.5 Migratory Species**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Species	Common name
No	No	Actitis hypoleucos	Common Sandpiper
No	No	Apus pacificus	Fork-tailed Swift
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Calidris melanotos	Pectoral Sandpiper
No	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Hirundapus caudacutus	White-throated Needletail
No	No	Motacilla flava	Yellow Wagtail
No	No	Pandion haliaetus	Osprey
No	No	Tringa nebularia	Common Greenshank, Greenshank

**4.1.5.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.5.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The impact area does not provide habitat that is utilised by migratory species, either occasionally or periodically within the region, at a level that would support an ecologically significant proportion of any such species population. Consequently, no direct or indirect impact on any migratory species is expected.

**4.1.6 Nuclear**

**4.1.6.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.6.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The proposed action is not a nuclear action.

**4.1.7 Commonwealth Marine Area**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

**4.1.7.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.7.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

There is no Commonwealth Marine Area present within the Project Area, or within the immediate surrounds. As such, no direct or indirect impact is expected.

**4.1.8 Great Barrier Reef**

**4.1.8.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.8.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The Great Barrier reef does not encompass the Project Area, nor is it located within the immediate surrounds of the Project Area. As such, no direct or indirect impact is expected.

**4.1.9 Water resource in relation to large coal mining development or coal seam gas**

**4.1.9.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.9.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The proposed action does not include the development of a coal mine or coal seam gas.

**4.1.10 Commonwealth Land**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

**4.1.10.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.10.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The Project Area is not expected to have a direct or indirect impact on Commonwealth Land.

**4.1.11 Commonwealth Heritage Places Overseas**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

**4.1.11.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.11.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The impact area does not concern any Commonwealth Heritage Places overseas. As such no direct or indirect impact is expected.

**4.1.12 Commonwealth or Commonwealth Agency**

#### 4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? \*

No

## 4.2 Impact summary

### Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

*None*

### Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Threatened Species and Ecological Communities (S18)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth Heritage Places Overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

## 4.3 Alternatives

### 4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? \*

No

### 4.3.8 Describe why alternatives for your proposed action were not possible. \*

#### Timeline

As the subject of any potential impacts is an ecological community, a change in timeline will not reduce the impact on the community and thus is unwarranted.

#### Location

The proposed works involve upgrading an existing pathway. Relocating the works to an alternative location would require the construction of a new shared path, which would result in substantially greater vegetation removal and additional ground disturbance compared to upgrading the existing alignment.

#### Actions

The proposed action involves upgrading an existing shared path to improve safety, accessibility and usability. Alternative activities were not considered feasible, as the existing path already provides an established transport and recreation link within the area. Retaining the path in its current condition would not meet accessibility and safety standards, and support the growing community which is expected for the City of Melton.

## 5. Lodgement

## 5.1 Attachments

## 1.2.6 Commonwealth or state legislation, planning frameworks or policy documents that are relevant to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1_FINAL PE_FFIA_Brookefield_Sugarloaf Bend.pdf Flora and Fauna Assessment and Impact Analysis	01/04/2026	No	High
#2.	Document	Att 2_PE_Targeted GSM Survey_Brookfield_Sugarloaf Bend.pdf Targeted Fauna Surveys	01/12/2025	No	High

## 1.3.2.18 (Person proposing to take the action) If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3_Planning for the Environment Document 2025.pdf Biodiversity guidance for planning permit applications	01/02/2025	No	High

## 3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1_FINAL PE_FFIA_Brookefield_Sugarloaf Bend.pdf Flora and Fauna Assessment and Impact Analysis	31/03/2026	No	High

## 3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1_FINAL PE_FFIA_Brookefield_Sugarloaf Bend.pdf Flora and Fauna Assessment and Impact Analysis	31/03/2026	No	High
#2.	Document	Att 2_PE_Targeted GSM Survey_Brookfield_Sugarloaf Bend.pdf Targeted Fauna Surveys	30/11/2025	No	High
#3.	Document	Att 4_EPBC Community Map.pdf A map depicted extent of Natural Temperate Grassland of the Victorian Volcanic Plain	04/05/2026	No	High

## 3.2.2 Vegetation within the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att 1_FINAL PE_FFIA_Brookefield_Sugarloaf Bend.pdf Flora and Fauna Assessment and Impact Analysis	31/03/2026	No	High

4.1.4.2 (Threatened Species and Ecological Communities) Why your action has a direct and/or indirect impact on the identified protected matters

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att 1_FINAL PE_FFIA_Brookefield_Sugarloaf Bend.pdf Flora and Fauna Assessment and Impact Analysis	31/03/2026	No	High
#2.	Document Att 4_EPBC Community Map.pdf A map depicted extent of Natural Temperate Grassland of the Victorian Volcanic Plain	03/05/2026	No	High

4.1.4.10 (Threatened Species and Ecological Communities) Avoidance or mitigation measures proposed for this action

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att 2_PE_Targeted GSM Survey_Brookfield_Sugarloaf Bend.pdf Targeted Fauna Surveys	30/11/2025	No	High

## 5.2 Declarations

## ✔ Completed Referring party's declaration

The Referring party is the person preparing the information in this referral.

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ABN/ACN	88082911377
Organisation name	PRACTICAL ECOLOGY PTY LTD
Organisation address	3072 VIC
Representative's name	Ryan Adams
Representative's job title	Ecological Consultant
Phone	03 9484 1555
Email	ryana@practicalecology.com.au
Address	2B Stott St, Preston VIC 3072

Check this box to indicate you have read the referral form. \*

Check this box to confirm these are the correct identification details. \*

By checking this box, I, **Ryan Adams of PRACTICAL ECOLOGY PTY LTD**, 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. \*

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

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## ✔ Completed Person proposing to take the action's declaration

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

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ABN/ACN	22862073889
Organisation name	MELTON CITY COUNCIL
Organisation address	3337 VIC
Representative's name	Jihan Waas

Representative's job title	Design Engineer
Phone	+61 3 9747 7200
Email	Jihan.Waas@melton.vic.gov.au
Address	232 High St, Melton VIC 3337

Check this box to indicate you have read the referral form. \*

Check this box to confirm these are the correct identification details. \*

I, **Jihan Waas of MELTON CITY COUNCIL**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. \*

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

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### **Completed Proposed designated proponent's declaration**

The Proposed designated proponent is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

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Same as Person proposing to take the action information.

Check this box to indicate you have read the referral form. \*

Check this box to confirm these are the correct identification details. \*

I, **Jihan Waas of MELTON CITY COUNCIL**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. \*

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

