

For Public Notice via Internet

REASONS FOR DECISION UNDER ENVIRONMENT EFFECTS ACT 1978

Title of Proposal: 250A Taylors Road, Delahey

Proponent: BAI Communications Australia

Description of Project:

The proposed project comprises an urban development and subdivision of 46.1 hectares at 250A Taylors Road, Delahey, for housing and complementary mixed-uses.

Decision:

Assessment though an environment effects statement (EES) **is not required** for the reasons set out in the attached Notice of Reasons for Decision, **subject to the following conditions.**

- a) The project is to be constrained to avoid all native vegetation and associated biodiversity values within the area depicted in Figure 1 as Heavier soils Plains Grassland.
- b) An environment report for the project must be prepared in consultation with DELWP and completed to the satisfaction of the Minister for Planning. The report needs to encompass and document:
 - i. assessment of impacts (direct and indirect) on biodiversity values within, and to the immediate north of, the project area, particularly values associated with
 - endangered EVCs – Heavier soils Plains Grassland and Plains Grassy Wetland,
 - listed species – Golden Sun Moth, Spiny Rice-flower and Striped Legless Lizard,
 - other matters listed under the *Flora and Fauna Guarantee Act 1988*;
 - ii. examination of development-configuration alternatives that avoid, to the greatest extent possible, or minimise (where avoidance is impossible) potential impacts on native vegetation and biodiversity values;
 - iii. selection of a preferred development-configuration from those considered under condition (b)(ii);
 - iv. mapping that clearly articulates the preferred development-configuration (condition (b)(iii)), proposed uses and key environmental assets/values to be avoided (e.g. no-go zones); and
 - v. the approach to staging the approval and delivery of the project's preferred development configuration.
- c) The environment report (condition (b)) will be prepared to inform subsequent planning or approval processes, in particular under the *Planning and Environment Act 1987*.
- d) An environmental management plan (EMP) must be prepared to the satisfaction of the Secretary, Department of Environment Land Water and Planning (DELWP). The EMP will:
 - i. be informed by the environment report (condition (b));
 - ii. document environmental management measures for all stages of the project;
 - iii. provide environmental monitoring, auditing, reporting, notification and rehabilitation procedures for the project; and
 - iv. include a statement of environmental commitments for the project.
- e) A report on progress against, or success of, the environmental management measures set in the EMP (condition (d)) must be prepared annually for the Secretary DELWP, until such time as

the Secretary DELWP notifies the landholder in writing that an annual report is no longer required.

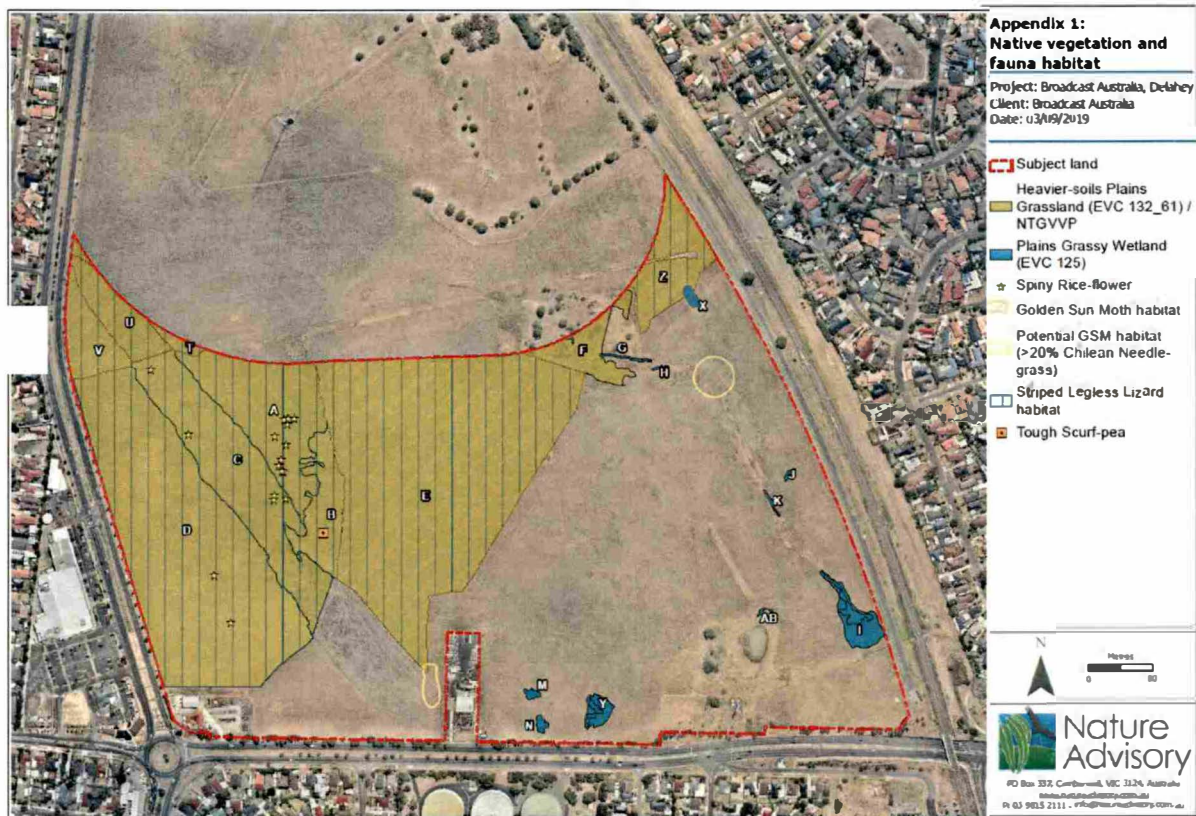


Figure 1: Extent of native vegetation for the purposes of describing avoidance.

Reasons for Decision:

- a) The project as described in the referral is inconsistent with state native vegetation regulations.
- b) The project as described in the referral has the potential for significant unacceptable effects on biodiversity values.
- c) The project has potential for significant adverse effects on biodiversity values, in particular:
 - i. the removal of over 21 hectares of endangered native vegetation;
 - ii. the removal or loss of potential habitat for a range of threatened species listed under the EPBC Act and FFG Act, in particular: Spiny Rice-flower, Golden Sun Moth and Striped Legless Lizard; and
 - iii. cumulative impacts to biodiversity values in the adjacent BAI Communications property immediately to the north of the project area.
- d) The project as described in the referral does not adequately address avoidance and minimisation of significant effects on biodiversity values. The conditions set through this decision provide clear requirements for avoidance and a robust framework for assessment to ensure further minimisation of significant biodiversity impacts. These conditions will ensure the subsequent planning or approval processes are well informed.
- e) While the effects on biodiversity values are likely to be significant, other environmental effects of the project are unlikely to be significant and can be addressed through other statutory planning and approvals processes.

Date of Decision 19/04/2020