West Ballina Service Centre Development

Application Number: **02545** Commencement Date: **09/08/2024** Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

West Ballina Service Centre Development

1.1.2 Project industry type *

Commercial Development

1.1.3 Project industry sub-type

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1.1.4 Estimated start date *

01/01/2025

1.1.4 Estimated end date *

30/09/2027

1.2 Proposed Action details

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

The proposed action will consists of a series of following activities (as per Section 523 of Environmental Protection and Biodiversity Conservation Act – 1999 (EPBC Act) (https://www.dcceew.gov.au/environment/epbc/publications/epbc-act-policy-statement-definition-action-section-523-section-524-and-section-524a-epbc)):

1. Clearing of the existing vegetation across the site including the regrowth vegetation. While the existing cleared areas do not need an EPBC Act Referral approval as an exemption (https://www.dcceew.gov.au/environment/epbc/publications/agricultural-actions-exempt-from-approval-under-national-environmental-law), the clearing of regrowth for both practicing agriculture and development of service centre requires an EPBC Act Referral approval.
2. Progress the design phase of development of service centre
3. Practice agriculture across the subject site until designs are ready and construction is ready to commence
4. Start construction of various components of the integrated development including the highway service centre, commercial shops, fuel, food and tourist services, an automotive repair station, a regional expo centre (as per the plan – Figure 3)
5. Continued practicing agriculture in the remaining of the site (eastern part) through the construction phase of service centre,
6. Construction of the service centre's internal access roads, connections with existing roads, intersections and various parking spaces,
7. Complete development of the service centre
8. Landscaping as and where applicable across the service centre site,
9. Operation and maintenance of the service centre and all associated facilities.
10. Continue agriculture in rest of the site

The vegetation required to be cleared includes previously cleared areas where agriculture has historically been practiced, and some areas of regrowth vegetation amongst broader areas of agricultural land (Figure 1, Figure 2, Figure 3, and Figure 4). The design phase of development of the West Ballina Service Centre is in progress either per the existing consent approved under the New South Wales (NSW) Environmental Protection and Assessment Act 1979 (EP&A Act) or under a modified consent (DA 2010.962) (Attachment 1A, 1B, and 2). The proposed development is for a multi-purpose service centre including the construction of carparking, pedestrian walkways, access roads and associated native landscaping to provide commercial services (Figure 3). Agriculture will be practiced across the entire site until the construction of the service centre can commence. Agriculture will continue to be practiced across the area outside the development footprint within the site during the construction and operation phases of the development of the service centre. The activities that are subject to this referral will occur on the free hold land.

The proposed action will include vegetation clearing specifically for the purpose of development of the West Balina Highway Service Centre. About 2.5 ha of regrowth vegetation will be required to be removed across the entire site to support the development of the Service Centre as per the development plan provided in Figure 3.

The proposed schedule for the various phases and activities of the project is as described below:

- Clearing of vegetation including regrowth (January to March 2025)
- Practice agriculture (from March 2025)
- External Design and Authority Approval (Now – July 2025)
- External Works Construction (July 2025 – July 2026)
- Internal Design and Authority Approval (Now – July 2026)
- Internal Works Construction (August 2025 – December 2026)
- TfNSW Slip Lane Approval (Now – July 2026)
- TfNSW Slip Lane Construction (August 2026 – December 2026)
- Building Fitout and OC (January 2027 – July 2027)
- Building Operation (September 2027 Onwards)

In the context of the EPBC Act, the proposed action will create disturbance through the activities such as vegetation clearing, excavation, drilling and ground works, road development, development of the flood way, and landscaping during the construction phase. These activities may lead to various impacts such as

loss of biodiversity, ground disturbance, erosion and sediment loss, noise pollution, light pollution, changes to hydrological flows (surface and sub-surface), water pollution and dust impacts.

In the operations phase the activity would be maintenance of the services including the landscape, buildings, facilities, services and access roads and parking areas. The use of the facilities may also incur potential impacts such as disturbance to hydrological flows (surface and sub-surface) and water quality, noise pollution, water pollution, dust impacts, and light pollution within the site and the surroundings. These will include some other indirect impacts once the service centre is operational, such as overall increased disturbance, and increase traffic volumes in the broader area and to the River Street. The above activities may have potential to impact the habitat for threatened species and migratory species as Matters of National Environmental Significance (MNES) as presented in Attachment 4 through direct impacts of removal of vegetation and disturbance to the habitat through the above mentioned indirect impacts. The project will try to avoid, minimize and mitigate all the above impacts where possible through various management plans that are included in the Development Application (DA). The designs will continue to be updated before the intended commencement of construction in July 2025; though the designs are not expected to have any major changes (Attachment 1B). From a Water Quality perspective, the stormwater design and associated management plan will ensure the development meets Council's stormwater quality pollutant reduction targets. Additionally, the design will ensure any hydrocarbons/petrol contamination is contained in a separate system to the stormwater network when disposing off-site. This will ensure these contaminants are not discharged into the adjacent river. This referral presents self-analysis of the impacts. The total area of the site is 17.02 ha and the development footprint comprises of the entire site.

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? *

- The Ballina Shire Local Environment Plan 2012 (BLEP 2012: https://legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0020) and Ballina Shire Development Control Plan 2012 (BDCP 2012: https://ballina.nsw.gov.au/development-control-plan-dcp) apply to the subject land. The 'development of service centre' part of the proposed action is a local development assessed under Part 4 of NSW *Environmental Planning and & Assessment Act 1979* (EP&A Act: https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203). The Development Applications DA 1010/962 is relevant to the proposed action (Attachment 1A and 1B), which has received local government planning approval subject to conditions (Attachment 2). The proposed future service centre will be constructed and operated in accordance with the development application that has received consent under the EP&A Act. Even if the existing consent is modified via the EP&A Act, the modification is likely to be minimal, and the 'action' will be consistent with what is as described in this EPBC Act referral.
- An EPBC Act referral (https://www.dcceew.gov.au/environment/epbc/approvals) is required to be made where an action is likely to have impacts on Matters of National Environmental Significance (MNES) and other Protected Matters This EPBC Referral submission is prepared in support of the proposed vegetation clearing for practicing agriculture and the [SJ1] development of the Service Centre and discusses the potential impacts of the action on the MNES.
- The subject land is considered Category 1 Exempt Land due to the historical clearing of all native vegetation for agricultural purposes before 1 January 1990. The clearing of native vegetation regulated under the *Local Land Services Act 2013* (LLS

Act: https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-051) would therefore not need any further approval under the LLS Act.

- Due to the existence of Category 1 land, no further approval under the BC Act is required to clear native vegetation as part of the continued agricultural use of the land. However, implementation of a fauna monitoring and management will occur during clearing works.
- No other approvals under the various State Environmental Planning Policies (https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies), the BDCP 2012, the *Fisheries Management Act 1994* (https://legislation.nsw.gov.au/view/html/inforce/current/act-1994-038) or *Water Management Act* 2000 (https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-092) are required.
- The NSW Rural Boundary Code (for bushfire hazard risk reduction) (https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0014/231422/Rural-Boundary-Clearing-Code-for-New-South-Wales.pdf) can also be implemented along some of the boundaries.

All the management plans provided in Attachment 1A and 1B are applicable at the time of this submission. These will be reviewed, revised and updated once the final minor changes in the designs are completed before commencement of the groundworks in July 2025.

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. *

At present, there has been no public consultation undertaken for this project. Once the referral is confirmed to be valid, provided the information set out in Schedule 2 of the EPBC Act regulations, the referral will be published and all of its supporting documents on the EPBC public portal for public comments for 10 business days.

The development applications for the proposed development were subject to public notification and advertising in accordance with the NSW EP&A Act 1979.

1.3.1 Identity: Referring party

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1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN	23650148879
Organisation name	BOWER ECOLOGY PTY LTD
Organisation address	4101 QLD

Referring party details

Name	Steve Jarman
Job title	
Phone	0422213338
Email	steve.jarman@bowerecology.com.au
Address	Po Box 3404 South Brisbane Bc, Qld 4101

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	89675932297
Organisation name	BALLINA SERVICE CENTRE PTY LTD
Organisation address	14 Jubilee Court, Prince Henry Heights, Qld 4350

Person proposing to take the action details

Name	Joseph Matoki
Job title	Director
Phone	(07) 4637 2331
Email	ballinaservicecentre@gmail.com
Address	14 Jubilee Court, Prince Henry Heights QLD 4350

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. *

The person proposing the action has no history of proceedings of this nature. There is no environmental history for Ballina Service Centre Pty Ltd. It is a new company and does not have a record of too many previous projects. The Person Proposing to take the Action (PPA) has a satisfactory record of responsible environmental management.

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

Ballina Service Centre Pty Ltd is created to complete the proposed development. It has no environmental policy and planning framework documentation in place at the time of this submission.

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	89675932297

Organisation name	BALLINA SERVICE CENTRE PTY LTD
Organisation address	14 Jubilee Court, Prince Henry Heights, Qld 4350

Proposed designated proponent details

Name	Joseph Matoki
Job title	Director
Phone	(07) 4637 2331
Email	ballinaservicecentre@gmail.com
Address	14 Jubilee Court, Prince Henry Heights QLD 4350

1.3.4 Identity: Summary of allocation

Confirmed Referring party's identity

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

ABN/ACN	23650148879
Organisation name	BOWER ECOLOGY PTY LTD
Organisation address	4101 QLD
Representative's name	Steve Jarman
Representative's job title	
Phone	0422213338
Email	steve.jarman@bowerecology.com.au
Address	Po Box 3404 South Brisbane Bc, Qld 4101

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.

ABN/ACN	89675932297
Organisation name	BALLINA SERVICE CENTRE PTY LTD
Organisation address	14 Jubilee Court, Prince Henry Heights, Qld 4350
Representative's name	Joseph Matoki
Representative's job title	Director
Phone	(07) 4637 2331
Email	ballinaservicecentre@gmail.com
Address	14 Jubilee Court, Prince Henry Heights QLD 4350

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? *

Proposed designated proponent

2. Location

2.1 Project footprint

Maptaskr © 2024 -28.866611, 153.550558

Powered By Esri - Sources: Esri, TomTom, Garmin, F…

Project area: 17.04 Ha
Disturbance footprint: 17.04 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

595 River Street, Ballina, NSW

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

New South Wales

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? *

The action is proposed on two freehold lots: 101 and 102 DP1234815, per Figure 1.

3. Existing environment

3.1 Physical description

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

The subject land is located about 6 km West of the Ballina town centre, next to the Pacific highway in Northern NSW. The NSW Government SEED Database shows the subject land divided into two zones viz., Rural Landscape (RU2) and Deferred Matter (DM) (Figure 1). The subject land is bound by residential development to the East (zoned as R2 – Low Density Residential), agricultural fields to the North (zoned as RU2 – Rural Landscape), Pacific Highway and River Street to the West and along the curved boundary in the South-Western edge (zoned as RU2). River Street borders the Southern edge of the subject land zoned as RU2). Along the South-Western and Southern edge beyond the River Street, is a section of a bend of the Emigrant Creek (mapped as a fourth-order stream by the NSW Government) in close proximity to the subject land (Figure 1). Additionally, the subject land is located in close proximity to estuaries and coastline (Figure 2).

Apart from the patch of vegetation across the River Street in the West - South West and the Emigrant Creek, as well as the thin band of vegetation along the Eastern boundary the subject land does not have any significant ecological connectivity. Having been subject to intensive agricultural activity for several decades (Figure 5 and Figure 6), the subject land is ecologically highly disturbed. It contains a flat topography with several constructed drainage lines traversing across the land, including one first-order drainage line that runs from west to east along the southern boundary of the site and occasionally intersects within the subject land and comprises of multiple low-lying areas where water can temporarily pool during high rainfall periods (Figure 1). There exists an unmapped waterway off Emigrant Creek that runs approximately 20 m into the subject land and harbours several well-established *Avicennia marina* (Grey Mangrove) individuals (Figure 7).

At present the subject land can be accessed via River Street from South and South West. During the future proposed agricultural activities, this is not proposed to be changed. However, the future development plan (Figure 3) for the service centre proposes the access to and from the site as follows:

- left into the site from the southbound off ramp of the Pacific Highway Bypass interchange (north west corner of the site), as a dual lane (in and out) at the site's Spine road access point at the Pacific Highway; and
- a dual lane (in and out), 30 m diameter roundabout and associated roadworks constructed near the South-Centre of the site exiting to the River Street, situated at the Emigrant Creek boat ramp entrance. which facilitates a variety of traffic movements.

The roundabout proposed for the South-Centre of the site to the River Street, provides motorists with the opportunity to make a variety of traffic movements, including east into the township of Ballina, west to the Pacific Highway Bypass, and south to the boat ramp and a safe exit from the proposed service centre.

It is not intended to dedicate any of the road created within the site as public road.

The entrance to the Service Centre from the Ballina Highway Bypass includes two lanes which will provide for the separation of light and heavy vehicles, with heavy vehicle fuel and parking services located in the north. The conditions in the Council Determination (current, or potentially modified in the future) will be followed with the development plan.

The subject land has been under continuous agricultural land use for several decades and has undergone periodic or continuous clearing for the agricultural use. The Development Application attached (Attachment 1A PDF page 88) contains an ecological assessment conducted by Cardno in year 2010. According to this assessment entire subject land was subject to continuous agriculture, and this is evidenced in historical aerial photography (Figure 5 and Figure 6). A preliminary site investigation by Bower Ecology on 6th June 2024 and 07th July 2024 (Attachment 7 - Legislative Review Tech Memo V1), however, revealed that at present the subject land exhibits patches of native regrowth vegetation within the South-West and Central area of the subject land. The rest of the subject land harbours a ground cover of exotic grasses and agricultural land that is regularly harvested/slashed. This native regrowth has established since the previous ecological surveys by Cardno in 2010 (See Figure 5 and Figure 6 that reflects the regrowth of native vegetation during this period).

The site is not within NSW *Biodiversity Conservation Act's* (2016) Biodiversity Values mapping and would not be considered core koala habitat under the NSW *Biodiversity and Conservation State Environmental Planning Policy* (SEPP 2021). NSW State Vegetation Mapping (SVTM; NSW Government 2023) has mapped the entire site as 'Not native vegetation' except for a very small portion of the site covered by the Plant Community Type (PCT)` 3989 (Figure 4): Far North Paperbark Fern Swamp Forest; potentially represented by one or two individual trees. The preliminary site inspection identified a small patch of regrowth of *Casuarina glauca* (Swamp Oak) individuals (Figure 8) that would be representative of NSW BC Act-listed endangered ecological community, Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. PCT 3989 is also associated with the EPBC Act endangered TEC Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland. However, it is in relatively low ecological condition due to weed infestation, lack of understory species, fragmentation and patch size and does not meet the 'small patch' qualification requirements of the TEC according to the conservation advice as it does not have the TEC understory species. Photos of this community are provided in Figure 8. Species observed to be present are further described in the Flora and Fauna section below.

At a federal level, the EPBC Act Protected Matters Search Tool (PMST, for a 5km radial search area – Attachment 4) identified three other endangered threatened ecological communities (TECs) and one critically endangered threatened ecological community that have the potential to occur within the site – although the preliminary site inspection confirmed they do not exist on site. Furthermore, the PMST identified 110 threatened species with the potential to occur in the search area, in addition to 79 threatened migratory species. Similarly, the BioNet Atlas identified 74 threatened fauna species and 20 threatened flora species based on local records (in a 10 km radial search area – Attachment 6). Most of the threatened species identified by the PMST and the BioNet Atlas are less likely to be found within the subject land given the ecologically degraded condition of the land with continuous agriculture and clearing over years and very limited and poor quality of habitat that the subject land offers. The only BioNet record within the subject site is one sighting of *Grus rubicunda* (Brolga) (listed Vulnerable under BC Act NSW but not listed under EPBC Act) from year 2017. The subject land does not provide any swampy areas near wetlands that the Brolgas need to forage. It is unlikely that the Brolgas would use the subject land in the current state. Considering

that the subject site is small as compared to the 5 Km (PMST records buffer) and 10 Km (BioNet Atlas Records buffer) buffer areas from which these records are generated, it is less likely that these threatened species would be found within the subject site.

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

The existing land use of the subject land is agriculture; and that has remained unchanged over past many years. The proposed land use within the subject land is practice of agriculture, and then future development of a service centre some time in the future (as per the approved DA 2010/962, or as modified in the future) with continuation of agriculture in rest of the subject land.

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

The subject land is located about 2 km to the North of Western part of Richmond River Nature Reserve and about 6 km South West of Ballina Nature Reserve. The project area is in close proximity to estuarine environments and coastal area near the Richmond River and Emigrant Creek (Figure 2).

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 site is located on low-lying areas of the Richmond River floodplain, at the western entrance to Ballina. The subject land exhibits almost flat terrain with elevation of about 1m above sea level, with isolated areas about 1.3m above sea level. Agricultural drains are present on the site some 300mm deep. The site is located in an area known to be underlain by Holocene soft soil deposits.

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.

Ecological assessment of the subject land was carried out by Cardno in 2010 (Attachment 1A PDF page 88). This assessment concluded that the site is ecologically highly disturbed supporting the agricultural land use and exotic grasses while the multiple artificial drainage lines across the site supported some native vegetation (with the central drainage supporting some small mangroves) along with exotic weed species. No flora or fauna species of significance pursuant to the EPBC Act or *Threatened Species Conservation Act 1995* (NSW) (now repealed) were recorded on the site during field surveys. Assessment against the criteria for significant impacts (EPBC Act) concluded that the proposed development is unlikely to have significant impact on any listed threatened species or ecological communities.

The preliminary site survey and desktop assessment by Bower Ecology (2024) aimed at a high level site inspection and involved assessing the plant community types (Attachment 7). No threatened species surveys and detailed vegetation surveys were conducted. This assessment revealed that there has been regrowth of some native vegetation across the subject land since the last assessment in 2010. Most of the subject land was dominated by ground cover of *Phragmites australis* (Common Reed), *Setaria sphacelata* (South African Pigeon Grass) and the exotic weed *Gomphocarpus physocarpus* (Balloon cotton bush). During the field ecological assessment by Bower Ecology no incidental records of threatened fauna species occurred within the subject land. Except for a few bird species that commonly occur in such landscapes, no other fauna was found to occur within the subject land. No fauna tracks or scats were recorded within the subject land. The list of the bird species recorded during the ecological investigations as incidental fauna records is included in the attached TechMemo (Attachment 7 PDF Page 14).

Vegetation in the south-west portion of the site is dominated by multiple regrowth *Casuarina glauca* (Swamp Oak) individuals (Figure 8), however there was a significant intrusion of *Ipomoea cairica* (Coastal Morning Glory) under the canopy layer of the *Casuarina glauca* individuals and along the ground (Figure 7). Within the central portion of the site, dense *Acacia melanoxylon* (Blackwood) individuals (Figure 9) up to approximately 10 m tall were also identified.

While a large quantity of the site was identified as introduced pastoral grasses during the recent site inspection, the patches of native regrowth vegetation may have some (albeit limited by several factors) potential to offer supporting habitat for threatened species listed under the EPBC Act or support locally listed TECs. The small patch of regrowth of *Casuarina glauca* (Swamp Oak) individuals that would be representative of NSW BC Act-listed endangered ecological community, Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. The PCT 3989 is mapped over a small area near the central portion of the subject land (Figure 4), potentially represented only by a small number of individuals. The PCT is also associated with the EPBC Act listed endangered TEC Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland. However, the vegetation on site does not meet the description of the TEC (as per the conservation advice - Attachment 3) because it is in relatively a low ecological condition due to: its young

age (<10 years); the extent of weed infestation; lack of understory species; fragmentation and patch size; and extent of clearing proposed. Further detail on the assessment of this vegetation against diagnostic criteria within the conservation advice is provided in the sections below.

Emigrant Creek is mapped as a fourth-order stream by the NSW Government and is located directly across the road from the site. The site is linked to emigrant creek via a pipe culvert that runs under River Street at the location of the mangrove community shown in Figure 7.

The site is located in close proximity to estuaries and coastline (Figure 2), has areas of drainage lines and water pools and has some ground cover and native regrowth vegetation (Figure 1, Figure 4, Figure 5, and Figure 6). The site may be considered to potentially have habitat value for some migratory and threatened species. However, due to the small size of the subject land, highly disturbed nature due to continuous agricultural land use and clearing, the sparce and low value regrowth vegetation providing a limited habitat value and the location of the site being in close proximity to a major transport corridor - Pacific Highway and the main road that connects to the Ballina Town, the site is not considered to represent habitat critical to the survival of any threatened species and provide any significant habitat value.

The Erosion and Sediment Control Plan that is part of the DA (Attachment 1A PDF page 123) describes the soil within the subject land as alluvial moderately dispersive soil with a very low erosion risk.

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

With the clearing and continuous agriculture practiced for several decades, the vegetation within the site is in ecologically degraded state with extensive areas of groundcover of pastoral and exotic grasses, and some native vegetation growth that has escaped clearing over past few years. According to the NSW Government SEED Database, only one small portion of the site is mapped as PCT 3989: Far North Paperbark Fern Swamp Forest; which is associated with the NSW BC Act-listed endangered ecological community, Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions; and the EPBC Act listed endangered TEC Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland. The rest of the site is mapped as ‘non native vegetation’ by the NSW State Vegetation Mapping (SVTM; NSW Government 2023). The ground truthing of vegetation conducted by Bower Ecology in June 2024 identified that the SEED mapping was not accurate and hence, the aforementioned EPBC Act listed TEC are not considered to be present within the site.
The ground truthing of vegetation showed the presence of a scattered individuals of *Casuarina glauca* (Swamp Oak) along with *Melaleuca quinquenerva* (Paperbark), and *Cupaniopsis anacardioides* (Tuckeroo). This vegetation corresponds to the PCT 3993: Far North Swamp Oak-Paperbark Tidal Forest. This PCT is also associated with the EPBC Act listed endangered TEC Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland.
The existing native vegetation on the site representing PCT 3993 is regrowth that is approximately 10 years old, as the entire site was repetitively subjected to clearing and agriculture in the recent past. The conservation advice for the Coastal Swamp Oak TEC (approved 9/3/2018, Attachment 3) was referred to assess its potential presence (Attachment 3). Although small patch with dense *Casuarina glauca* meets the key diagnostic characteristics, it does not have a ‘predominantly native understory’ to qualify as Category C -small patch of the TEC (per the conservation advice) (Figure 8). Hence, this TEC (or any other TEC for that matter) does not exist on the site and no significant impact to TECs will occur as part of the action. The other four TECs identified by the PMST were not found within the site.

The site exhibits significant infestations by exotic grasses, and invasive weeds such as *Gomphocarpus physocarpus* (Balloon cotton bush), *Ipomoea cairica* (Coastal Morning Glory) and other introduced species such as the pastoral grasses. Near the South edge of the site towards the central portion there exists a stream that contains several well-established *Avicennia marina* (Grey Mangrove) individuals (Figure 7).

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.

The desktop search revealed that the subject land does not contain or come within any Commonwealth heritage places of indigenous, cultural or historic heritage as per the SEED mapping by NSW Government Attachment 4).

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

No Indigenous heritage values are known to apply to the 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. *

The subject land has been under agricultural use for several decades and the surface drainage of the site is highly modified. The Erosion and Sediment Control Plan that is part of the DA (Attachment 1A PDF Page 123) suggests that the site is serviced by two constructed drainage lines located externally to the site (Figure 1). One drainage line originates from the north east of the site and continues adjacent to the subject site's southern boundary, before turning south under the River Street and discharging to Emigrant Creek. The other drainage line originates from the north-west of the site and continues south along River Street, passing the western boundary of the site and discharging to Emigrant Creek. These drainage lines are constructed and maintained.

Several drainage lines also traverse the two lots. Although they haven't been mapped, they are clearly visible on aerial photography (Figure 1). These have been constructed to drain the land and facilitate agriculture.

The subject land is a low-lying area located within the floodplains of the Richmond river and is in close proximity to the Emigrant creek (Figure 1 and Figure 2) that meets the Richmond River about 1.5 km away from the site .

4. Impacts and mitigation

4.1 Impact details

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

EPBC Act section	Controlling provision	Impacted	Reviewed
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	Yes	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

EPBC Act section	Controlling provision	Impacted	Reviewed
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.

—

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. *

Not identified as a potential impact on the Protected Matter from the proposed action.

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.

—

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. *

Not identified as a potential impact on the Protected Matter from the proposed action.

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.

—

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. *

Not identified as a potential impact on the Protected Matter from the proposed action.

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	Acronychia littoralis	Scented Acronychia
No	No	Anthochaera phrygia	Regent Honeyeater
No	No	Ardenna grisea	Sooty Shearwater
No	No	Arenaria interpres	Ruddy Turnstone
No	No	Argynnis hyperbius inconstans	Australian Fritillary
No	No	Arthraxon hispidus	Hairy-joint Grass
No	No	Baloghia marmorata	Marbled Balogia, Jointed Baloghia
No	No	Bosistoa transversa	Three-leaved Bosistoa, Yellow Satinheart
Yes	No	Botaurus poiciloptilus	Australasian Bittern
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris canutus	Red Knot, Knot
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Calidris tenuirostris	Great Knot
No	No	Calyptorhynchus lathami lathami	South-eastern Glossy Black-Cockatoo
No	No	Caretta caretta	Loggerhead Turtle
No	No	Chalinolobus dwyeri	Large-eared Pied Bat, Large Pied Bat
No	No	Charadrius leschenaultii	Greater Sand Plover, Large Sand Plover

Direct impact	Indirect impact	Species	Common name
No	No	Charadrius mongolus	Lesser Sand Plover, Mongolian Plover
No	No	Chelonia mydas	Green Turtle
No	No	Climacteris picumnus victoriae	Brown Treecreeper (south-eastern)
No	No	Cryptocarya foetida	Stinking Cryptocarya, Stinking Laurel
No	No	Cryptostylis hunteriana	Leafless Tongue-orchid
No	No	Cyclopsitta diophthalma coxeni	Coxen's Fig-Parrot
No	No	Cynanchum elegans	White-flowered Wax Plant
No	No	Dasyurus maculatus maculatus (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	Yes	Dermochelys coriacea	Leatherback Turtle, Leathery Turtle, Luth
No	No	Diomedea antipodensis	Antipodean Albatross
No	No	Diomedea antipodensis gibsoni	Gibson's Albatross
No	No	Diomedea epomophora	Southern Royal Albatross
No	No	Diomedea exulans	Wandering Albatross
No	No	Diploglottis campbellii	Small-leaved Tamarind
No	No	Endiandra floydii	Floyd's Walnut, Crystal Creek Walnut
No	No	Endiandra hayesii	Rusty Rose Walnut, Velvet Laurel
No	No	Epinephelus daemelii	Black Rockcod, Black Cod, Saddled Rockcod
No	Yes	Eretmochelys imbricata	Hawksbill Turtle
No	No	Erythrotriorchis radiatus	Red Goshawk
No	No	Falco hypoleucos	Grey Falcon
Yes	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Hirundapus caudacutus	White-throated Needletail
No	No	Lathamus discolor	Swift Parrot
No	No	Leichhardtia longiloba	Clear Milkvine
No	No	Limosa lapponica baueri	Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit

Direct impact	Indirect impact	Species	Common name
No	No	Limosa limosa	Black-tailed Godwit
No	No	Litoria olongburensis	Wallum Sedge Frog
No	No	Macadamia integrifolia	Macadamia Nut, Queensland Nut Tree, Smooth-shelled Macadamia, Bush Nut, Nut Oak
No	No	Macronectes giganteus	Southern Giant-Petrel, Southern Giant Petrel
No	No	Macronectes halli	Northern Giant Petrel
No	No	Mixophyes fleayi	Fleay's Frog
No	No	Mordacia praecox	Non-parasitic Lamprey, Precocious Lamprey
No	No	Natator depressus	Flatback Turtle
No	No	Numenius madagascariensis	Eastern Curlew, Far Eastern Curlew
No	No	Ochrosia moorei	Southern Ochrosia
No	No	Pachyptila turtur subantarctica	Fairy Prion (southern)
No	No	Petaurus australis australis	Yellow-bellied Glider (south-eastern)
No	No	Phaius australis	Lesser Swamp-orchid
No	No	Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	Phyllodes imperialis smithersi	Pink Underwing Moth
No	No	Pluvialis squatarola	Grey Plover
No	No	Potorous tridactylus tridactylus	Long-nosed Potoroo (northern)
No	No	Pseudomys novaehollandiae	New Holland Mouse, Pookila
No	No	Pteropus poliocephalus	Grey-headed Flying-fox
No	No	Rhodamnia maideniana	Smooth Scrub Turpentine
No	No	Rhodamnia rubescens	Scrub Turpentine, Brown Malletwood
No	No	Rhodomyrtus psidioides	Native Guava
Yes	No	Rostratula australis	Australian Painted Snipe

Direct impact	Indirect impact	Species	Common name
No	No	Sphyrna lewini	Scalloped Hammerhead
No	No	Stagonopleura guttata	Diamond Firetail
No	No	Sternula nereis nereis	Australian Fairy Tern
No	No	Syzygium hodgkinsoniae	Smooth-bark Rose Apple, Red Lilly Pilly
No	No	Syzygium moorei	Rose Apple, Coolamon, Robby, Durobby, Watermelon Tree, Coolamon Rose Apple
No	No	Thalassarche cauta	Shy Albatross
No	No	Thalassarche impavida	Campbell Albatross, Campbell Black-browed Albatross
No	No	Thalassarche melanophris	Black-browed Albatross
No	No	Thalassarche salvini	Salvin's Albatross
No	No	Thalassarche steadi	White-capped Albatross
No	No	Thersites mitchellae	Mitchell's Rainforest Snail
No	No	Thesium australe	Austral Toadflax, Toadflax
No	No	Tringa nebularia	Common Greenshank, Greenshank
No	No	Vincetoxicum woollsii	
No	No	Xenus cinereus	Terek Sandpiper

Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community
No	No	Lowland Rainforest of Subtropical Australia
No	No	Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions

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. *

The proposed action involves clearing of the regrowth of native vegetation and the ground cover across entire site as a direct impact. The area of regrowth vegetation that will be required to be removed:

Regrowth *Avicennia marina* within tidal drain: 0.04 ha

Regrowth *Acacia melanoxylon* forest with disturbed understory: 1.43 ha

Regrowth *Casuarina glauca* forest with disturbed understory: 0.99 ha

The search of the MNES within the site and a 5 km buffer listed 110 threatened species and five threatened ecological communities (TEC) (Attachment 4). A close analysis of this data and the SPRAT revealed that many of the threatened species from the PMST list (Attachment 4) are not likely to occur within; or use the site being marine species (e.g. Whale, Fish and Turtle species). The potential indirect impact to these species were considered given the proximity of the site to the Emigrant Creek that meets the Richmond River both during the construction phase and operation phase. These indirect impacts can potentially be in the form of pollution and water quality impacts. The agricultural use of the land will be consistent with the past and is unlikely to result in any additional significant indirect impacts to the marine species through water quality and sediment loss.

Most of the threatened bird (forest, marine, water and other birds such as Swift Parrot, Gould's Petrel etc.), frogs and small mammal species (e.g. microbats, mammals such as Koala etc) have particular habitat requirements. For example, hollow bearing trees, healthy vegetation communities, particular foraging, nesting or roosting habitats, vegetation and microtopographic habitat characters – which all are considered unlikely to occur within the site because of the disturbed nature and the geographic, geomorphological and vegetation limitations of the status of the site.

Some of the threatened species may potentially be directly impacted due to the proposed action due to their habitat preferences, as the site offers similar habitats. However, the likelihood for these the species using the site is very low due to the small size of the site, poor ecological health, poor habitat conditions and continuous past disturbance through agriculture.

These species are: 1) *Rostratula australis* (Australian Painted Snipe) (Endangered) 2)*Gallinago hardwickii* (Latham's Snipe) (Vulnerable) and 3)*Botaurus poiciloptilus* (Australian Bittern) (Endangered)

According to the SPRAT, the Australian Painted Snipe, Latham's Snipe and Australian Bittern, all the three species prefer mud-flats and shallow waters for nocturnal or day-time foraging. While the site does not offer any mud-flats, depending on the rainfall patterns it may have some seasonal shallow water pools with degraded weedy vegetation. Tussocks and reeds vegetation preferred by all three species are absent though some Phragmites, Juncus and Cyperus might be present. Surrounding estuarine environments in the wider region, offer mudflats and shallow waters which would attract the above three species. The site is unlikely to be used by them for roosting, nesting or foraging. Additionally, all the three species are now known to be highly mobile and move between the wetlands according to the threatened species databases (Attachment 12, 13 and 14). The site also has a busy highway in close proximity and a busy local road (River Street), inflicting constant disturbance to the site; as well as the agricultural practices with agricultural machinery operating across the site regularly and frequently over years. Thus, given the existing disturbed nature of the habitat and site condition, the above three species are not considered to be significantly impacted by the proposed action.

Assessment against the significant impact criteria was carried out for the Australian Painted Snipe and the Australian Bittern (both Endangered), and the Latham's Snipe (Vulnerable) species.

Australian Painted Snipe and Australian Bittern:

The populations of both Australian Painted Snipe and the Australian Bittern have declined significantly over decades (Attachment 12 and Attachment 13). However, the site offers a poor habitat as discussed previously and the two species are less likely to occur within the site. When assessed against the following criteria for significant impacts on endangered species, it was concluded that the proposed action is unlikely to have a significant impact on Australian Painted Snipe and Australian Bittern, The proposed action will not lead to a long-term decrease in the size of a population for these two species, reduce the area of occupancy or fragment existing populations of these two species. It won't adversely affect habitat critical to the survival or disrupt the breeding cycle. The action would not modify, destroy, remove or isolate or decrease the availability or quality of habitat. It will not result in harmful invasive to establish in the endangered species' habitat or introduce disease that may cause the species decline or interfere substantially with the recovery of the species.

Latham's Snipe:

The population decline for the species has slowed down as per the conservation advice (Attachment 14). The proposed action will be taking place in an area that does not offer a habitat critical for the survival of the species as it is a landscape that is significantly disturbed with respect to vegetation; does not have permanent wetlands; has undergone continuous disturbance due to the high volume transport corridor and local busy traffic streets in close proximity; and has been subject to frequent movement of agricultural machinery (slashers/tractors etc) and related disturbances due to the agricultural practices for many years.

The site does not provide habitat for an important population of the species and offers a very small area of poor potential habitat. The proposed action is unlikely to have a significant impact on a Latham Snipe (vulnerable species) because it will not lead to a long-term decrease, or reduce area of occupancy or fragment an important population of the species. Action on Site with poor habitat conditions won't adversely affect habitat critical to the survival of the species. Latham's Snipe does not breed in Australia so no disruption of the breeding cycle. The action would not modify, destroy, remove or isolate or decrease the availability or quality of habitat. It will not result in harmful invasive to establish in the vulnerable species' habitat or introduce disease that may cause the species decline or interfere substantially with the recovery of the species.

The condition of native vegetation and PCTs within the site is poor. Only one or two flora species representatives of the PCT present, the desired ground cover is absent, all the vegetation is recent regrowth, and lacks connectivity with healthier patches of vegetation.

The ground truthing confirmed that the native regrowth vegetation on the site represents the PCT 3993 (Attachment 7): Far North Swamp Oak-Paperbark Tidal Forest – which is associated with one of the five TECs from the PMST list (Attachment 4 PDF page 3) - Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and Southeast Queensland Endangered ecological community. However, it was concluded that the vegetation representing PCT 3993 within the site does not qualify to represent the TEC as it does not meet the criteria for small patches as per the conservation advice for the TEC for the lack of the understory species composition (Attachment 3 PDF page 13). The EPBC Act business portal for this case shows three TECs to be potentially impacted by the action and these are included in the five TECs from the PMST results (Attachment 4) addressed in this section. Based on surveys results, and the diagnostic criteria from the Conservation Advise for each of the TECs, the other four TECs are not considered to occur within the site for the following reasons.
1. The Coastal Swamp Oak sclerophyll Forest of New South Wales and South East Queensland (Attachment 9): Absence of tall closed to open forest to woodland, to dense closed shrubland or scrub forest – that identifies this TEC (Attachment 9 PDF Page 10). Absence of dominating canopy species for the TEC (Attachment 9 Page 11) - *Melaleuca quinquenervia* and *Eucalyptus robusta*.
2. The Grey box-grey gum wet forest of subtropical eastern Australia (Attachment 11): The site does not occur between 100 m to 600 m above sea level (ASL) (Attachment 11 PDF Page 11). Absence of the dominant canopy species grey box and / or grey gum species (Attachment 11 PDF Page 11).

3. Lowland Rainforest of Subtropical Australia (Attachment 8): Absence of moderately tall (>20 m) to tall (>30 m) closed forest (canopy cover > 70 %) (Attachment 8 PDF Page 1). Absence of species composition representing the TEC.

4. The Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions (Attachment 10): Absence of a tall closed-forest, tall open-forest, closed forest, open forest, tall woodland, or woodland. Absence of a canopy dominated by one or a combination of Angophora, Corymbia, Eucalyptus, Lophostemon and/or Syncarpia tree species (Attachment 10 PDF Page 5).

The proposed action may also have potential indirect impacts on such as noise, light and visual disturbance, impacts due to increased traffic, and the stormwater and water quality impacts. It is noted that the site has been under various degrees of disturbance for years due to the agricultural activities, busy transport corridors such as the Pacific highway and local major roads in close proximity, the residential development around the site. The site is ecologically degraded at present and no significant impacts on threatened species and threatened ecological communities are likely to be expected as a result of the proposed action.

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. *

This section has been written in reference to the PMST search that was undertaken for this referral, as well as professional opinion as to the habitat and distribution of species and ecological communities that are listed as threatened under the EPBC Act.

Threatened Species:

While the site offers extremely degraded habitat, a few threatened birds (e.g. Latham's Snipe – Status Vulnerable) may potentially use the site for sporadic foraging due to the occurrence of seasonal and permanent presence of water bodies and drainage. However, the site is unlikely to offer any important, core or unique habitat critical for the survival of the species or habitats for the threatened species. The continued use of the land for agriculture has also meant that habitat quality is severely limited (refer to the historical imagery provided chronologically in Figure 6). For the potential indirect impact on the marine species, considering their wider large habitat and with the mitigation measures in place with the stormwater management plan and erosion and sediment control plan (Attachment 1A and 1B), the water quality impacts will be mitigated in both the construction and operations phase of the service centre and are not considered to be significant impacts. The same is applicable to the noise, and light pollution as the project will meet the mitigation requirements as discussed in the 4.1.4.10 Section.

Hence, no significant impacts on the threatened species are likely to occur as a result of the proposed action.

Threatened Ecological Communities:
With consideration of the vegetation condition within the site, and the conservation advice of the TECs, no TECs exists within the site and hence there will be no direct or indirect impact on the threatened ecological communities within the site due to the proposed action.

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. *

There will be no impact to TECs, as none exist on site or in close proximity to the site. Therefore the action is not considered a 'controlled action' for this matter.

Regarding threatened species - To determine whether or not the proposed action is likely to have a significant impact on threatened species, an assessment against the *EPBC Act Significant Impact Guidelines 1.1* was carried out against the significant impact criteria for each of the categories of conservation status - 'Critically Endangered', 'Endangered', and 'Vulnerable', which determined that the proposed action is not likely to have a significant impact on the threatened species listed under EPBC Act. This is due to the lack of habitat on site, and the associated limitations to habitat related to the age of the vegetation; the small size of the vegetation patches; the low ecological condition of the regrowth vegetation; the fragmentation and isolation of the vegetation patches; the disturbance history of the site (and continued disturbance due to agricultural use); and the wider agricultural and urban setting.

Hence the proposed action is not a considered to be a 'controlled action'.

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. *

Although the action is not anticipated to cause significant impacts to MNES, the following mitigation have or will be undertaken:

1. The proposed service centre is located predominantly on agricultural land and avoids clearing of habitat for MNES.

2. A fauna management plan has been developed for all native vegetation clearing activities (Attachment 5) to avoid injuries to any threatened species that may potentially be using the habitat.

3. The proposed service centre will be designed to meet modern standards to mitigate water quality and hydrological impacts to the Emigrant Creek and Richmond River, to avoid potential indirect impacts on the MNES Threatened species. From a Water Quality perspective, the stormwater design and associated management plan will ensure the development meets council's stormwater quality pollutant reduction targets. Additionally, the design will ensure any hydrocarbons/petrol contamination is contained in a separate system to the stormwater network when disposing off-site (Attachment 1A PDF Page 123, Attachment 1B PDF page 183). This will ensure these contaminants are not discharged into the adjacent river.

Several avoidance, minimisation and mitigation measures have been adopted for the design. Construction and operation of the proposed development aimed at reducing the potential impacts of the project. These are described in various sections within the DA document (Attachment 1A and 1B).

Please see the below management plans and sections within the DA Document (Attachment 1A and 1B) that provide more information on the measures adopted to avoid, minimize and mitigate the impacts of the project.

Erosion and Sediment Control Plan for construction phase, as well as operation phase (includes water quality, dust management); (Attachment 1A PDF Page 123, 131, 134)

Construction Noise and Vibration Control Plan within Construction Environmental Management Plan (CEMP) (Attachment 1A PDF Page 54, Attachment 1B PDF Page 149)

Industrial Noise (Attachment 1A PDF Page 54, Attachment 1B PDF Page 150)

Stormwater Management Plan for operational phase (Attachment 1B PDF Page 192, 200)
The project design incorporates measures to meet state requirements and standards (Attachment 1A and 1B). The impacts to the surrounding environment and the site are minimized through the adaptation of bets practices, meeting the standards and adopting mitigation measures.

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

Due to the poor and limited habitat conditions offered by the subject land and the mitigation measures planned with the proposed action (such as Fauna Management Plan, Stormwater Management Plan, Erosion and Sediment Control Plan), there is not likely to be any direct or indirect impact on the threatened species and TECs within the subject land. Hence, no offset measures are likely to be required for the proposed action.

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	Anous stolidus	Common Noddy
No	No	Apus pacificus	Fork-tailed Swift
No	No	Ardenna grisea	Sooty Shearwater
No	No	Arenaria interpres	Ruddy Turnstone
No	No	Calidris acuminata	Sharp-tailed Sandpiper

Direct impact	Indirect impact	Species	Common name
No	No	Calidris alba	Sanderling
No	No	Calidris canutus	Red Knot, Knot
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Calidris melanotos	Pectoral Sandpiper
No	No	Calidris pugnax	Ruff
No	No	Calidris ruficollis	Red-necked Stint
No	No	Calidris subminuta	Long-toed Stint
No	No	Calidris tenuirostris	Great Knot
No	No	Calonectris leucomelas	Streaked Shearwater
No	No	Caretta caretta	Loggerhead Turtle
No	No	Charadrius bicinctus	Double-banded Plover
No	No	Charadrius leschenaultii	Greater Sand Plover, Large Sand Plover
No	No	Charadrius mongolus	Lesser Sand Plover, Mongolian Plover
No	No	Charadrius veredus	Oriental Plover, Oriental Dotterel
No	No	Chelonia mydas	Green Turtle
Yes	No	Cuculus optatus	Oriental Cuckoo, Horsfield's Cuckoo
No	No	Dermochelys coriacea	Leatherback Turtle, Leathery Turtle, Luth
No	No	Diomedea antipodensis	Antipodean Albatross
No	No	Diomedea epomophora	Southern Royal Albatross
No	No	Diomedea exulans	Wandering Albatross
No	No	Dugong dugon	Dugong
No	No	Eretmochelys imbricata	Hawksbill Turtle
No	No	Fregata ariel	Lesser Frigatebird, Least Frigatebird
No	No	Fregata minor	Great Frigatebird, Greater Frigatebird
Yes	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Gallinago megala	Swinhoe's Snipe

Direct impact	Indirect impact	Species	Common name
No	No	Gallinago stenura	Pin-tailed Snipe
No	No	Hirundapus caudacutus	White-throated Needletail
No	No	Lamna nasus	Porbeagle, Mackerel Shark
No	No	Limicola falcinellus	Broad-billed Sandpiper
No	No	Limosa limosa	Black-tailed Godwit
No	No	Macronectes giganteus	Southern Giant-Petrel, Southern Giant Petrel
No	No	Macronectes halli	Northern Giant Petrel
No	No	Mobula alfredi	Reef Manta Ray, Coastal Manta Ray
No	No	Mobula birostris	Giant Manta Ray
No	No	Monarcha melanopsis	Black-faced Monarch
No	No	Motacilla flava	Yellow Wagtail
Yes	No	Myiagra cyanoleuca	Satin Flycatcher
No	No	Natator depressus	Flatback Turtle
No	No	Numenius madagascariensis	Eastern Curlew, Far Eastern Curlew
No	No	Numenius minutus	Little Curlew, Little Whimbrel
No	No	Numenius phaeopus	Whimbrel
No	No	Pandion haliaetus	Osprey
No	No	Phaethon lepturus	White-tailed Tropicbird
No	No	Pluvialis fulva	Pacific Golden Plover
No	No	Pluvialis squatarola	Grey Plover
Yes	No	Rhipidura rufifrons	Rufous Fantail
No	No	Sousa sahulensis	Australian Humpback Dolphin
No	No	Symposiachrus trivirgatus	Spectacled Monarch
No	No	Thalassarche cauta	Shy Albatross
No	No	Thalassarche impavida	Campbell Albatross, Campbell Black-browed Albatross

Direct impact	Indirect impact	Species	Common name
No	No	Thalassarche melanophris	Black-browed Albatross
No	No	Thalassarche salvini	Salvin's Albatross
No	No	Thalassarche steadi	White-capped Albatross
No	No	Tringa brevipes	Grey-tailed Tattler
No	No	Tringa glareola	Wood Sandpiper
No	No	Tringa incana	Wandering Tattler
No	No	Tringa nebularia	Common Greenshank, Greenshank
No	No	Tringa stagnatilis	Marsh Sandpiper, Little Greenshank
No	No	Xenus cinereus	Terek Sandpiper

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

Yes

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

The PMST results for MNES indicated potential presence of 84 migratory species that may occur within the site or the 5 km radius buffer area around the site (Attachment 4).

A close analysis of this data and the Species Profile and Threats Database revealed that many of the migratory species are not likely to occur within or use the site being marine species (e.g. Whale, Dugong, Shark, Fish and Turtle species). Considering the proximity of the site to Emigrant Creek that meets the Richmond River and larger habitat for these species (marine species), the potential indirect impact to these species were considered. However, with the mitigation measures in place with the stormwater management plan and erosion and sediment control plan (Attachment 1A and 1B), the water quality impacts will be mitigated in both the construction and operations phase of the proposed service centre. At the same time, the agricultural use of the land is mostly going to be the same as past few years and is not likely to result into any potential indirect impacts to the marine species through water quality and sediment loss.

The site has been subjected to continued agricultural use and harbours only recent young regrowth vegetation in poor ecological health. The vegetation within the site a) has vegetation communities with only one or two representative species, b) does not have the desired composition including the ground cover, c) is all a recent regrowth and d) is devoid of habitat features such as large and hollow-bearing trees, fallen logs and e) has poor connectivity with any nearby ecologically healthier patches. Hence, the site offers only a limited and poor habitat value. Hence, from the list of migratory birds potentially likely to occur within the site, most of the species that require good habitat conditions (including hollow bearing trees, vegetation and plant communities in good health, water edges, or particular foraging, nesting or roosting habitats), can also be safely excluded from the likelihood of occurring within the site. The site is unlikely to offer any unique habitat critical to the survival of the species or habitats for the migratory species. While the site may offer

some habitat characteristics similar to those required for some of the listed migratory species it is unlikely that these migratory species would use the site as essential habitat and may seek alternatives in the broader region that offer healthier habitat conditions and absence of constant disturbance from the agricultural machinery and works.

From the list of migratory species from the PMST results, the following species were retained as these species may have a possibility of using the vegetation and habitat within the site.

1. *Rhipidura rufifrons* (Rufous Fantail)

2. *Myiagra cyanoleuca* (Satin Flycatcher)

3. *Cuculus optatus* (Oriental Cuckoo, Horsfield's Cuckoo)

4. *Gallinago hardwickii* (Latham's Snipe, Japanese Snipe)

The Rufous Fantail, Satin Flycatcher, Oriental an Hosfield's Cuckoo are the species that may have a possibility of using the vegetation within the site as these species are sometimes found to occur in semi-urban landscapes where suitable vegetation (large trees and woodland) is available. However, these species do not have a requirement for any unique habitat that is found within the site and the neighbouring landscapes in the wider region are likely to provide healthier habitat conditions for these three species. As a result, even if these species have a possibility of using the site, they are likely to locally move to other areas that present better habitat conditions than the site.
According to the SPRAT, the Latham's Snipe prefers mud-flats and shallow waters for nocturnal or day-time foraging (Attachment 14). While the site does not offer any mud-flats, it may have some seasonal shallow water pools, with degraded weedy vegetation. It does not offer tussocks and reeds vegetation, though it may have some Phragmites, Juncus and Cyperus. With many areas of estuarine environments, mudflats and shallow waters available in the region, Latham's Snipe is unlikely to use the site for roosting, or foraging. According to the SPRAT (Attachment 14) Latham's Snipe is known to be highly mobile and move across the wetlands. Hence, Latham's Snipe is not expected to be significantly impacted by the proposed action.

Assessment against significant impact criteria for migratory species:

All the four species were considered for the assessment against significant impact criteria for the migratory species. For the Rufous Fantail, Satin Flycatcher, Oriental and Horsfield's Cuckoo, and Latham's Snipe – it was concluded none of the four species to be significantly impacted by the proposed action because the proposed action for these species will not:

• substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species (the site does not offer an area of important habitat for these four species as it only harbours ecologically degraded poor condition habitat)

• result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species, or

• seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species (as the site does not contain an ecologically significant population of any of the four species)

While the potential impacts of the proposed action on the MNES within the site are assessed, it is also noted that the site has been under various degrees of disturbance for years due to the agricultural activities, busy transport corridors such as the Pacific highway in close proximity, the residential development around the site within the Ballina Shire Council area, and the local major roads such as River Street. The site is ecologically degraded at present and no significant impacts on migratory species are likely to be expected as a result of the proposed action.

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

No

4.1.5.6 Describe why you do not consider this to be a Significant Impact. *

To determine whether or not the proposed action is likely to have a significant impact on migratory species, an assessment against the EPBC Act *Significant Impact Guidelines 1.1* was carried out against the significant impact criteria for the migratory species, which determined that the proposed action is not likely to have a significant impact on the migratory listed under EPBC Act. This is due to the lack of habitat on site, and the associated limitations to habitat related to the age of the vegetation; the small size of the vegetation patches; the low ecological condition of the regrowth vegetation; the fragmentation and isolation of the vegetation patches; the disturbance history of the site (and continued disturbance due to agricultural use); and the wider agricultural and urban setting.

4.1.5.7 Do you think your proposed action is a controlled action? *

No

4.1.5.9 Please elaborate why you do not think your proposed action is a controlled action. *

The migratory species are not likely to have a significant impact from the proposed action. Hence the proposed action is not a controlled action.

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

Although the action is not anticipated to cause significant impacts to MNES, the following mitigation have or will be undertaken:

1. The proposed service centre is located predominantly on agricultural land and avoids clearing of habitat for MNES.

2. A fauna management plan has been developed for all native vegetation clearing activities (Attachment 5) to avoid injuries to any threatened species that may potentially be using the habitat.

3. The proposed service centre will be designed to meet modern standards to mitigate water quality and hydrological impacts to the Emigrant Creek and Richmond River, to avoid potential indirect impacts on the MNES Threatened species. From a Water Quality perspective, the stormwater design and associated management plan will ensure the development meets council's stormwater quality pollutant reduction targets. Additionally, the design will ensure any hydrocarbons/petrol contamination is contained in a separate system to the stormwater network when disposing off-site (Attachment 1A PDF Page 123, Attachment 1B PDF page 183). This will ensure these contaminants are not discharged into the adjacent river.

Several avoidance, minimisation and mitigation measures have been adopted for the design. Construction and operation of the proposed development aimed at reducing the potential impacts of the project. These are described in various sections within the DA document (Attachment 1A and 1B).

Please see the below management plans and sections within the DA Document (Attachment 1A and 1B) that provide more information on the measures adopted to avoid, minimize and mitigate the impacts of the project.

Erosion and Sediment Control Plan for construction phase, as well as operation phase (includes water quality, dust management); (Attachment 1A PDF Page 123, 131, 134)

Construction Noise and Vibration Control Plan within Construction Environmental Management Plan (CEMP) (Attachment 1A PDF Page 54, Attachment 1B PDF Page 149)

Industrial Noise (Attachment 1A PDF Page 54, Attachment 1B PDF Page 150)

Stormwater Management Plan for operational phase (Attachment 1B PDF Page 192, 200)

The project design incorporates measures to meet state requirements and standards (Attachment 1A and 1B). The impacts to the surrounding environment and the site are minimized through the adaptation of best practices, meeting the standards and adopting mitigation measures.

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

The proposed action is not likely to have a significant impact on the migratory species and no offset measures are likely to be required for the proposed action.

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. *

Not identified as a potential impact on the Protected Matter from the proposed 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.

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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. *

Not identified as a potential impact on the Protected Matter from the proposed action.

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. *

Not identified as a potential impact on the Protected Matter from the proposed action.

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. *

Not identified as a potential impact on the Protected Matter from the proposed action.

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. *

Not identified as a potential impact on the Protected Matter from the proposed action.

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. *

Not identified as a potential impact on the Protected Matter from the proposed action.

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. *

The proposed development to assist the highly needed transport related services including the service centre and fuel centre, food outlets and other related facilities is situated at an ideal location at the subject site, given its proximity to the Pacific Highway, the primary highway along the eastern Australia, as well as the gateway to the township of Ballina. Hence at its current location it will be convenient both for the highway traffic and the local residents/motorists. The proposed development will not be requiring conversion of any natural landscape supporting native ecosystems, but will be utilising a landscape that has been under agricultural use for the past many years and is ecologically degraded at present, hence minimising the harm to the environment. The current location of the proposed development offers the best option to provide the transport related services with respect to the distance from the township and densely populated areas, while having minimum direct and indirect impact on the environment.

The proposed development is needed to serve the growing demand of providing both the local residents and thorough traffic with the necessary variety of transport related services on the Pacific Highway – the principal vehicular route along the eastern coast of Australia. The proposed development represents an opportunity to provide a signature development which acts as an attractive gateway to the southern entry of the Ballina township. With the construction of a floodway along the central portion of the subject land, the proposed development may contribute to alleviate flooding of the floodplain to the North, by connecting this area to the proposed West Ballina Flood Relief Culverts. The current site does not have any consideration for conveying flood water through the site footprint, and the stormwater infrastructure under River Street is inadequate. This development will address these issues. The proposed development will also provide wider economic benefits for the Ballina economy, through employment opportunities and wider multiplier effects.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment 1A - DA 2010_962 Development Application Form 1(A) and SEE_extract_1-256.pdf First half of the Development Application Document	31/10/2010	No	High
#2.	Document	Attachment 1B - DA 2010_962 Development Application Form 1(A) and SEE_extract_pg_257onwards.pdf Second Half of The Development Application Document	31/10/2010	No	High
#3.	Document	Attachment 2 - DA 2010_962 Notice of Determination (3).pdf Council's Notice of Determination	23/06/2011	No	High
#4.	Document	Fig 4. - Regrowth Clearing Required for the Project V3.jpg Map of regrowth vegetation clearing required for the project	16/10/2024	No	High
#5.	Document	Figure 1 Location of Subject land.jpeg Map of location of subject land	23/07/2024	No	High
#6.	Document	Figure 2 Regional Context.jpg Map of regional context	23/07/2024	No	High
#7.	Document	Figure 3 Layout of proposed development.jpg Layout of proposed development	04/07/2024	No	High
#8.	Link	EPBC Act - Definition of Action https://www.dcceew.gov.au/environment/epbc/publi..			High
#9.	Link	EPBC Act Referrals - Agricultural Action Exemption https://www.dcceew.gov.au/environment/epbc/publi..			High

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.	Link	Ballina Local Environmental Plan 2012 (2013 EPI 20) https://legislation.nsw.gov.au/view/html/inforce..			High
#2.	Link	Development Control Plan (DCP) https://ballina.nsw.gov.au/development-control-p..			High
#3.	Link				

		Environmental Planning and Assessment Act 1979 No 203 https://legislation.nsw.gov.au/view/html/inforce..		High
#4.	Link	Local Land Services Act 2013 No 51 https://legislation.nsw.gov.au/view/html/inforce..		High
#5.	Link	Referrals and environmental assessments under the EPBC Act https://www.dcceew.gov.au/environment/epbc/appro..		High
#6.	Link	Rural Boundary Clearing Code for NSW https://www.rfs.nsw.gov.au/__data/assets/pdf_fil..		High
#7.	Link	Water Management Act 2000 No 92 https://legislation.nsw.gov.au/view/html/inforce..		High

2.2.5 Tenure of the action area relevant to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Figure 1 Location of Subject land.jpeg Map of location of subject land	22/07/2024	No	High

3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment 1A - DA 2010_962 Development Application Form 1(A) and SEE_extract_1-256.pdf First half of the Development Application Document	30/10/2010	No	High
#2.	Document	Attachment 4 - Protected Matters - MNES layers - June 5th 2024.pdf PMST Results	05/06/2024	No	High
#3.	Document	Attachment 6 - BioNet_Species_List.xls.pdf BIONET Atlas Area Species Records Search Results	18/07/2024	No	High
#4.	Document	Attachment 7 - Legislative Review Tech Memo V1.pdf Report on ecological assessment conducted by Bower Ecology	19/06/2024	No	High
#5.	Document	Fig 4. - Regrowth Clearing Required for the Project V3.jpg Map of regrowth vegetation clearing required for the project	15/10/2024	No	High
#6.	Document	Figure 1 Location of Subject land.jpeg Map of location of subject land	22/07/2024	No	High
#7.	Document	Figure 2 Regional Context.jpg Map of regional context	22/07/2024	No	High

#8.	Document	Figure 3 Layout of proposed development.jpg Layout of proposed development	03/07/2024	No	High
#9.	Document	Figure 5 Photographs of the regrowth vegetation within the subject land required to be cleared.pdf Photographs of the regrowth vegetation within the subject land required to be cleared	23/07/2024	No	High
#10.	Document	Figure 6 Regrowth of Native Vegetation.pdf Series of photographs showing recent regrowth of native vegetation	23/07/2024	No	High
#11.	Document	Figure 7 Mangrove vegetation on waterway from Emigrant Creek.pdf Photographs of Mangrove vegetation on waterway from Emigrant Creek	23/07/2024	No	High
#12.	Document	Figure 8 Casuarina glauca_Swamp Oaks_ with non-native understorey.pdf Photographs of Casuarina glauca_Swamp Oaks with non-native understorey	23/07/2024	No	High

3.1.3 Natural features, important or unique values that applies to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Figure 2 Regional Context.jpg Map of regional context	22/07/2024	No	High

3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment 1A - DA 2010_962 Development Application Form 1(A) and SEE_extract_1-256.pdf First half of the Development Application Document	30/10/2010	No	High
#2.	Document	Attachment 3 - 141-conservation-advice.pdf Conservation Advice for the Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community	20/03/2018	No	High
#3.	Document	Fig 4. - Regrowth Clearing Required for the Project V3.jpg Map of regrowth vegetation clearing required for the project	15/10/2024	No	High
#4.	Document	Figure 1 Location of Subject land.jpeg Map of location of subject land	22/07/2024	No	High
#5.	Document	Figure 2 Regional Context.jpg Map of regional context	22/07/2024	No	High
#6.	Document	Figure 5 Photographs of the regrowth vegetation within the subject land required to be cleared.pdf Photographs of the regrowth vegetation within the subject land required to be cleared	22/07/2024	No	High

#7.	Document	Figure 6 Regrowth of Native Vegetation.pdf Series of photographs showing recent regrowth of native vegetation	22/07/2024	No	High
#8.	Document	Figure 7 Mangrove vegetation on waterway from Emigrant Creek.pdf Photographs of Mangrove vegetation on waterway from Emigrant Creek	22/07/2024	No	High
#9.	Document	Figure 8 Casuarina glauca_Swamp Oaks_ with non-native understorey.pdf Photographs of Casuarina glauca_Swamp Oaks with non-native understorey	22/07/2024	No	High
#10.	Document	Figure 9 Acacia melanoxylon forest regrowth with disturbed understory.pdf Photograph of Acacia melanoxylon forest regrowth with disturbed understory	23/07/2024	No	High

3.2.2 Vegetation within the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment 3 - 141-conservation-advice.pdf Conservation Advice for the Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community	19/03/2018	No	High
#2.	Document	Figure 7 Mangrove vegetation on waterway from Emigrant Creek.pdf Photographs of Mangrove vegetation on waterway from Emigrant Creek	22/07/2024	No	High
#3.	Document	Figure 8 Casuarina glauca_Swamp Oaks_ with non-native understorey.pdf Photographs of Casuarina glauca_Swamp Oaks with non-native understorey	22/07/2024	No	High

3.3.1 Commonwealth heritage places overseas or other places that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment 4 - Protected Matters - MNES layers - June 5th 2024.pdf PMST Results	04/06/2024	No	High

3.4.1 Hydrology characteristics that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment 1A - DA 2010_962 Development Application Form 1(A) and SEE_extract_1-256.pdf First half of the Development Application Document	30/10/2010	No	High
#2.	Document				

	Figure 1 Location of Subject land.jpeg Map of location of subject land		22/07/2024	No	High
#3.	Document	Figure 2 Regional Context.jpg Map of regional context		22/07/2024	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	Attachment 10 - 179-conservation-advice.pdf Conservation Advice for Subtropical Eucalypt Floodplain Forest and Woodland of the New South Wales North Coast and South East Queensland Bioregions	05/10/2022	No	High
#2.	Document	Attachment 11 - 181-conservation-advice.pdf Conservation Advice for Grey Box - Grey Gum Wet Forest of Subtropical Eastern Australia	11/08/2022	No	High
#3.	Document	Attachment 12 - Australian_Painted Snipe_77037-conservation-advice.pdf Conservation Advice for Australian Painted Snipe	30/05/2018	No	High
#4.	Document	Attachment 13 - Australian_Bittern_1001-conservation-advice-18012019.pdf Conservation Advice for Australian Bittern	18/01/2019	No	High
#5.	Document	Attachment 14 - Lathams_Snipe_863-conservation-advice-05012024.pdf Conservation Advice for Latham's Snipe	05/01/2024	No	High
#6.	Document	Attachment 3 - 141-conservation-advice.pdf Conservation Advice for the Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community	19/03/2018	No	High
#7.	Document	Attachment 4 - Protected Matters - MNES layers - June 5th 2024.pdf PMST Results	04/06/2024	No	High
#8.	Document	Attachment 4 - Protected Matters - MNES layers - June 5th 2024.pdf PMST Results	04/06/2024	No	High
#9.	Document	Attachment 7 - Legislative Review Tech Memo V1.pdf Report on ecological assessment conducted by Bower Ecology	18/06/2024	No	High
#10.	Document	Attachment 8 - 101-conservation-advice.pdf Conservation Advice for Lowland Rainforest of Subtropical Australia	11/11/2011	No	High
#11.	Document	Attachment 9 - 171-conservation-advice.pdf Conservation Advice for Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland	08/12/2021	No	High

4.1.4.6 (Threatened Species and Ecological Communities) Why you do not consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment 1A - DA 2010_962 Development Application Form 1(A) and SEE_extract_1-256.pdf First half of the Development Application Document	30/10/2010	No	High
#2.	Document	Attachment 1B - DA 2010_962 Development Application Form 1(A) and SEE_extract_pg_257onwards.pdf Second Half of The Development Application Document	30/10/2010	No	High
#3.	Document	Figure 6 Regrowth of Native Vegetation.pdf Series of photographs showing recent regrowth of native vegetation	22/07/2024	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	Attachment 1A - DA 2010_962 Development Application Form 1(A) and SEE_extract_1-256.pdf First Half Of The Development Application Document	31/10/2010	No	High
#2.	Document	Attachment 1B - DA 2010_962 Development Application Form 1(A) and SEE_extract_pg_257onwards.pdf Second Half Of The Development Application Document	31/10/2010	No	High
#3.	Document	Attachment 5 - Fauna and Environmental Management during vegetation clearing V1 DRAFT.pdf Fauna Management Plan for Vegetation Clearing	23/07/2024	No	High

4.1.5.2 (Migratory Species) Why your action has a direct and/or indirect impact on the identified protected matters

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment 14 - Lathams_Snipe_863-conservation-advice-05012024.pdf Conservation Advice for Latham's Snipe	04/01/2024	No	High
#2.	Document	Attachment 1A - DA 2010_962 Development Application Form 1(A) and SEE_extract_1-256.pdf First half of the Development Application Document	30/10/2010	No	High
#3.	Document	Attachment 1B - DA 2010_962 Development Application Form 1(A) and SEE_extract_pg_257onwards.pdf Second Half of The Development Application Document	30/10/2010	No	High
#4.	Document	Attachment 4 - Protected Matters - MNES layers - June 5th 2024.pdf PMST Results	04/06/2024	No	High

4.1.5.10 (Migratory Species) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence

#1.	Document	Attachment 1A - DA 2010_962 Development Application Form 1(A) and SEE_extract_1-256.pdf First half of the Development Application Document	30/10/2010	No	High
#2.	Document	Attachment 1B - DA 2010_962 Development Application Form 1(A) and SEE_extract_pg_257onwards.pdf Second Half of The Development Application Document	30/10/2010	No	High
#3.	Document	Attachment 5 - Fauna and Environmental Management during vegetation clearing V1.pdf Fauna Management Plan for Vegetation Clearing	23/07/2024	No	High

5.2 Declarations

Completed Referring party's declaration

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

ABN/ACN	23650148879
Organisation name	BOWER ECOLOGY PTY LTD
Organisation address	4101 QLD
Representative's name	Steve Jarman
Representative's job title	
Phone	0422213338
Email	steve.jarman@bowerecology.com.au
Address	Po Box 3404 South Brisbane Bc, Qld 4101

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

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

☑ By checking this box, I, **Steve Jarman of BOWER 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. *

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

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.

ABN/ACN	89675932297
Organisation name	BALLINA SERVICE CENTRE PTY LTD
Organisation address	14 Jubilee Court, Prince Henry Heights, Qld 4350
Representative's name	Joseph Matoki
Representative's job title	Director
Phone	(07) 4637 2331
Email	ballinaservicecentre@gmail.com
Address	14 Jubilee Court, Prince Henry Heights QLD 4350

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

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

☑ I, **Joseph Matoki of BALLINA SERVICE CENTRE PTY LTD**, 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. *

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

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.

Same as Person proposing to take the action information.

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

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

☑ I, **Joseph Matoki of BALLINA SERVICE CENTRE PTY LTD**, 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. *

☐ I would like to receive notifications and track the referral progress through the EPBC portal. *