

## Referral Form

### 1. Contacts and proponent

#### 1.1 Person making the referral

(Note: The term "person" can refer to an individual or a corporation)

The person making the referral can be either the person proposing to take the action, an agent acting on their behalf (eg, a consultant), or a government agency making the referral in relation to an action to be taken by another person. *(Include name, postal address, telephone, fax, email.)*

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#### 1.2 Person(s) proposing to take the action

This is the person who proposes to carry out the action, or who is otherwise responsible for the action. If approval is necessary, this is the person to whom the approval will be granted, and they will be responsible for meeting any conditions of approval. *(Include name postal address, telephone, fax, email – if same as person making the referral, write "as above".)*

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#### 1.3 Person(s) who will be the proponent for the action

The proponent is responsible for preparing all documentation for the assessment process, if the action requires approval. If the proponent is the same as the person proposing to take the action, write 'as above'. If the proponent is different from the person proposing to take the action, the signature of both is required (at Section 7.3). *(Include name(s), postal address, telephone, fax, email)*

As above

### 2. Description of the proposal

#### 2.1 Provide a *summary description* of the action (two or three sentences)

The development of a residential subdivision into 90 lots. The construction of public roads and underground services. This will necessitate the removal of the existing bushland areas totalling 5.2 ha.

## 2.2 Details of the *location* of the project area

Where the project is of less than 1 km<sup>2</sup> in size, provide the location as a single pair of latitude and longitude references. Latitude and longitude references should be used instead of AMG and/or digital coordinates.

### Locality:

Latitude: 42 degrees: 58 minutes: 40 seconds:

Longitude: 147 degrees: 16 minutes: 30 seconds:

Where the project area is greater than 1 km<sup>2</sup> or any dimension is greater than 1 km, provide additional coordinates to enable accurate identification of the location of the project area.

Please provide a brief physical description of the project area, including the size of the development footprint or work area in hectares (a more detailed description is required at Part 3 of this form).

A total of 10.61 ha on flat to gently sloping ground of south westerly aspect. The underlying geology includes basalt with fertile deep loamy soils previously cleared and currently pasture with a remnant stand (0.4 ha) of *Eucalyptus ovata*. The forested land overlies Triassic sandstone with 2.2 ha of *Eucalyptus amygdalina* heathy forest and 2.6 ha of *Eucalyptus obliqua* shrubby forest. The site has been previously used for grazing which has impacted on the bushland such that it is generally characterised by a dense bracken understorey. The site is 2km from the coast and is 60-70m asl. Mean rainfall is 888 mm per annum.

## 2.3 Provide the *timeframe* in which the action is proposed to occur. Include start and finish dates where applicable.

The time frame depends entirely on the approvals process. Local authority planning approval has been granted and so the project has two years to be substantially commenced. It is envisaged that the works would be undertaken between 0-6 months following approval.

## 2.4 Provide a *description* of the action, including *all activities* proposed to be carried out as part of the proposed action.

The action will require the clearing of the subdivision area of all trees and vegetation in preparation for developing the infrastructure. These will include roads and accesses, sewage, trenching for power and telecom lines. A strip approximately 25m in width along the western boundary is to become Public Open Space. This includes a small pasture and *E.obliqua* forest with a small patch of *E.ovata*. It is presumed that trees will be retained where their retention is consistent with bushfire hazard minimisation requirements.

## 2.5 Provide an *explanation of the context* in which the action is proposed to take place, including any relevant planning framework (for example, relevant management plans or State or Local Government approvals). Indicate whether, and in what way, the action is *related to other actions or proposals* that may have already occurred, are occurring, or are likely to occur, at a future date. You should also provide the name(s) of the Local Council and/or Local Government Area the action will take place in, if relevant.

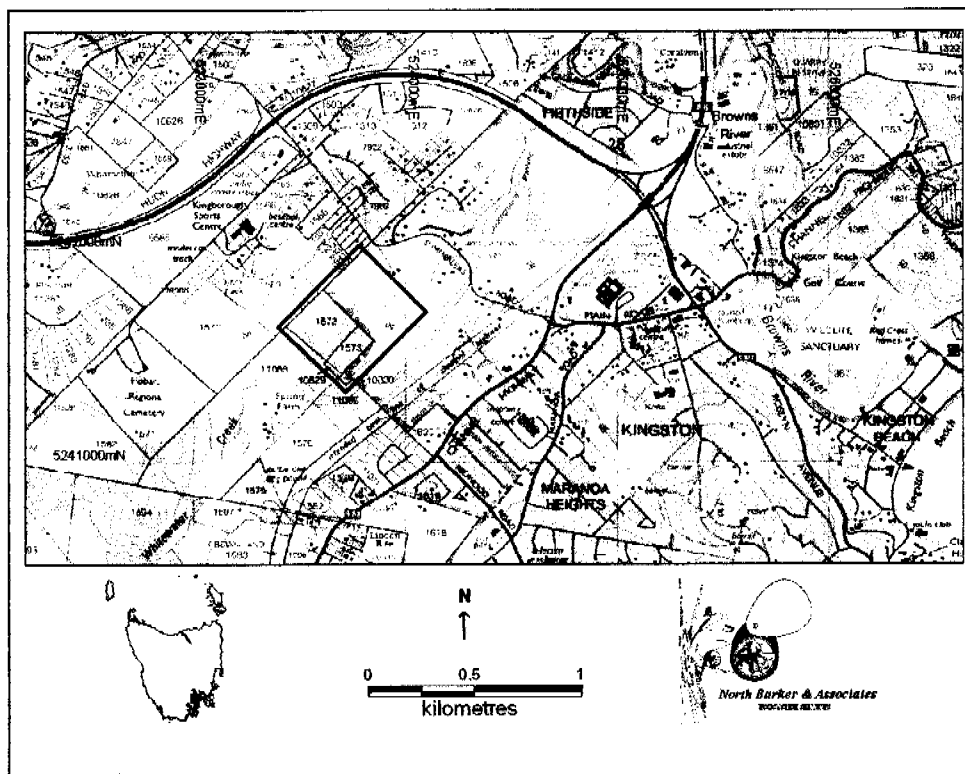
The proposed subdivision is part of a staged development that is consistent with the intent of the Planning scheme as indicated by the zoning as 'residential' in the Kingborough Planning Scheme 2002. The subdivision has received local planning authority (Kingborough Council) approval (DAS2003-156).

The removal of bushland requires a Forest Practices Plan, under the *Forest Practices Act 1986*, which has been approved subject to the threatened species issues being resolved to the satisfaction of the Threatened Species Unit, DPIWE.

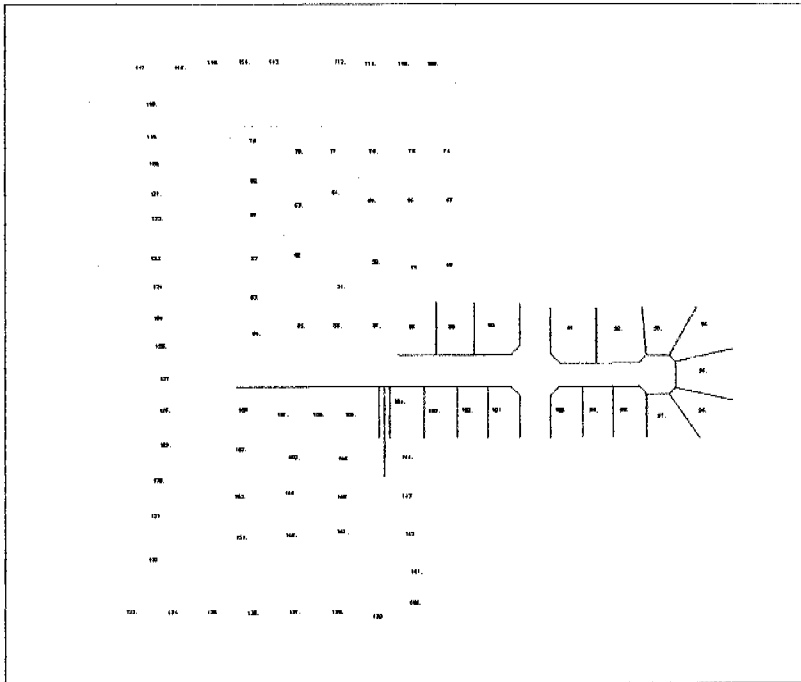
A letter of Agreement (From K&T to TSU) is attached. This identifies a commitment for a substantial offset to secure the values at a site elsewhere in Kingborough

This is the final stage of a two staged residential subdivision development. Refer to your correspondence of 9 June 2004 with respect to the first stage.

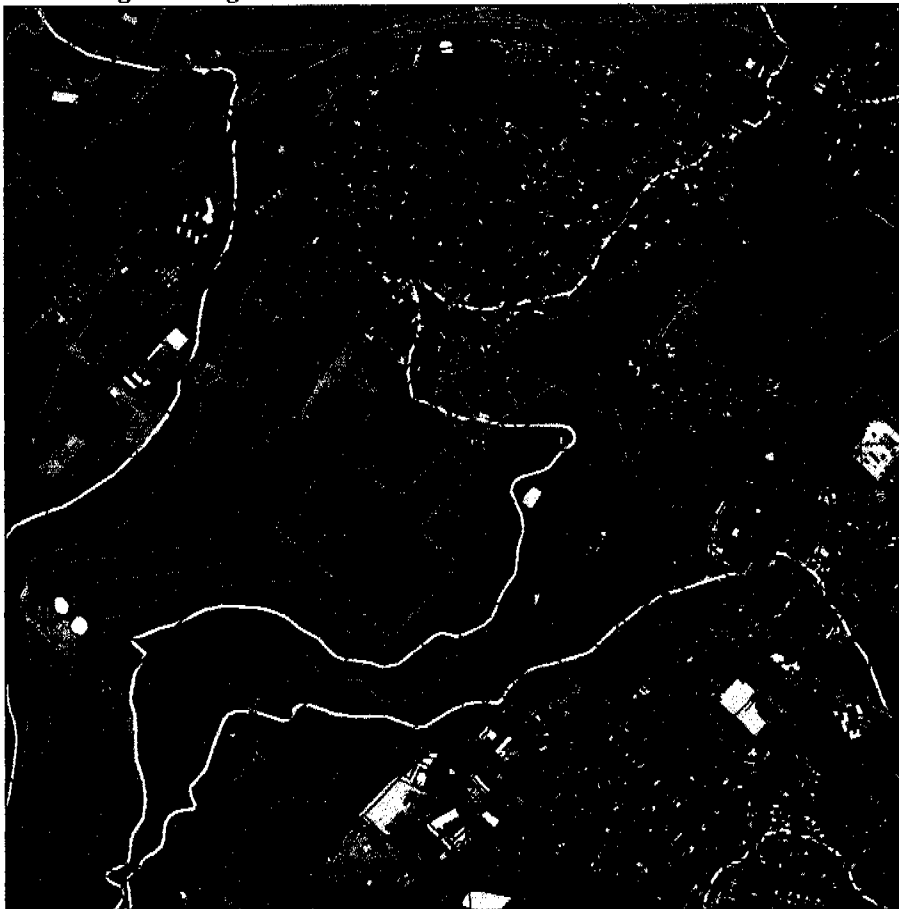
**Note: You must include a *map(s)* clearly showing the location of the action, and any relevant features referred to in 3.1. (A general location map (eg, 1:250 000 scale) and a more detailed map showing the elements of the proposal may be appropriate. If available, an aerial photograph or other photograph of the site can be included.)**



# Subdivision Plan

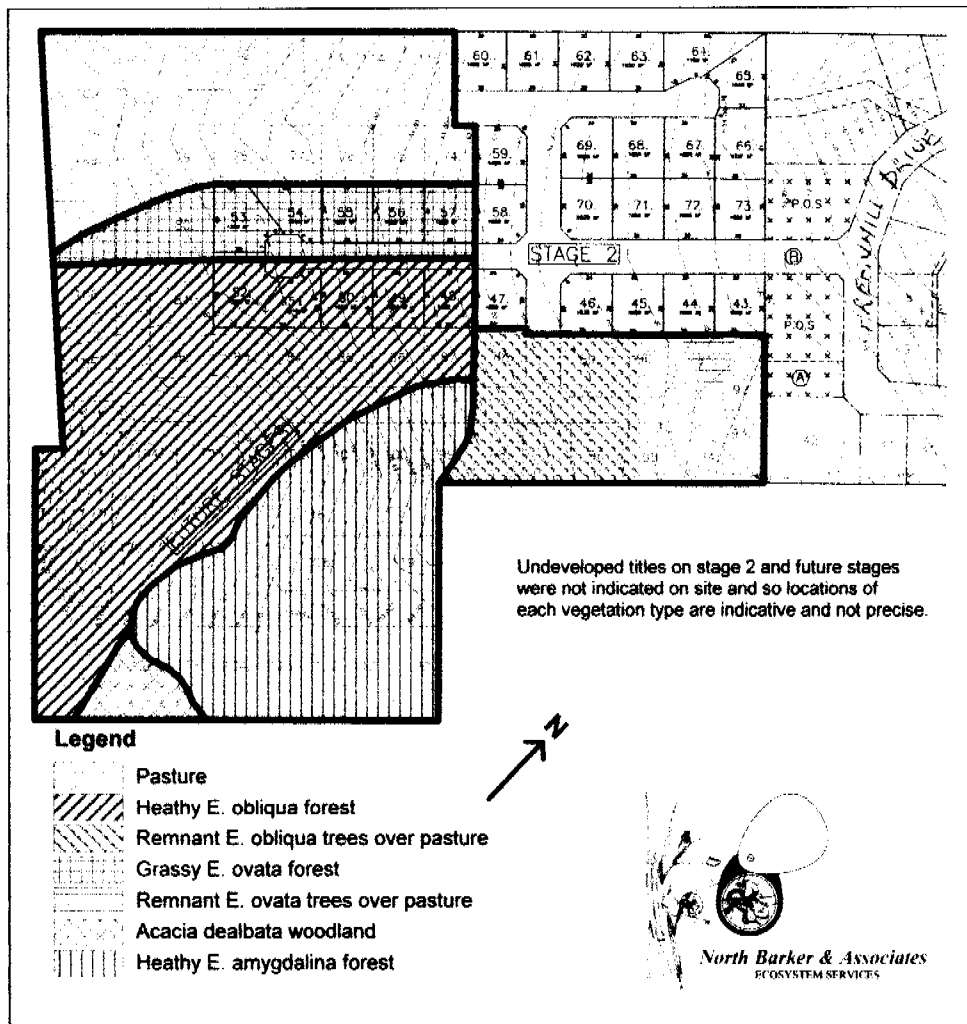


# Aerial image showing location of subdivision



**3.1 Describe the affected area, referring, as appropriate, to attached maps. In particular, indicate on the map the location of any of the following features: World Heritage properties, Ramsar wetlands, listed threatened species or communities and/or known habitat for these species or communities, listed migratory species and/or known habitat for these species, Commonwealth marine areas and Commonwealth land, conservation reserves/parks, and areas of remnant native vegetation.**

The site includes native vegetation of which a small part is dominated by *Eucalyptus ovata*, which is known to provide potential foraging habitat for a national threatened species - the swift parrot (*Lathamus discolor*). The bushland remnant extends across this and two adjacent properties. Previous grazing has limited opportunity for regeneration. The size and situation of the remnant suggests that it is unlikely to be viable in the long term. It is surrounded by encroaching housing on all sides, suffers from various edge effects. The viability of the vegetation would require active management for which there is no current obligation on any of the landowners. Even if the development did not proceed there is no guarantee that the values on the property could be maintained. The opportunity to receive funding from the developer towards an offset that targets alternate and a more viable site for the conservation of foraging habitat for Swift Parrot is likely to deliver a better long term conservation outcome.



**3.2 Provide a description of important features of the project area and the affected area and show these on the attached map, including (if relevant to the project area or affected area) information about:**

(a) soil and vegetation characteristics;

The underlying geology includes basalt with fertile deep loamy soils previously cleared and currently pasture with a remnant stand (0.4 ha) of *Eucalyptus ovata*. The forested land overlies Triassic sandstone with 2.2 ha of *Eucalyptus amygdalina* heathy forest, 2.6 ha of *Eucalyptus obliqua* shrubby forest and a small patch of regenerating vegetation dominated by *Acacia dealbata* with no eucalypts. The remainder is pasture and pasture with scattered eucalypts (mainly *E. obliqua*).

(b) water flows, including rivers, creeks and impoundments;

none

(c) the presence of outstanding natural features, including caves;

none

(d) gradient;

Flat to gently sloping ground of south westerly aspect

(e) any buildings or other infrastructure;

none

(f) any marine areas;

none

(g) kinds of fauna in the area;

Typical dry sclerophyll avifauna utilise the habitat on site for foraging feeding and nesting. There are numerous hollow bearing trees. Small marsupials are likely to occur including the Eastern Barred Bandicoot (note the Tasmanian sub species is not listed on EPBC)

(h) the current state of the environment in the area, including information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

The site has been previously used for grazing which has impacted on the bushland such that it is generally characterised by a dense bracken understorey. Weeds are occasional and include Spanish Heath (*Erica lusitanica*) and Blackberry (*Rubus fruticosus*). There has been little if any regeneration in recent years due to the grazing pressure.

A detailed description of the site can be found in the attached report:

"Fauna and Vegetation Assessment , 83 Summerleas Rd, Kingston, .North Barker & Associates, June 2003."

**3.3 What is the tenure of the project area (for example is it freehold, leasehold or some other tenure)? If practicable, show on the attached map.**

Private freehold

**3.4 What are the current and/or proposed land uses for the project area?**

Currently vacant land (ex grazing). Approved for residential development

## **4. Nature and extent of the likely impacts of the action**

**4.1 Describe, as relevant to your project, the nature and extent of likely impacts on the following matters protected by the EPBC Act:**

- the world heritage values of a declared World Heritage property; or
- the ecological character of a declared Ramsar wetland; or
- the members of a listed threatened species (except a conservation-dependent species) or any threatened ecological community, or their habitat, or
- the members of a listed migratory species or their habitat; or
- the environment in part of the Commonwealth marine area; or
- the environment on Commonwealth land.

The project will affect 90 trees of a remnant of *Eucalyptus ovata*. These trees are considered to provide potentially significant foraging habitat for the Swift Parrot – *Lathamus discolor*, a listed 'endangered' species.

**4.2 Indicate if your action is:**

- (a) a nuclear action; or
- (b) will be taken by the Commonwealth or by a Commonwealth agency; or
- (c) will be taken in a Commonwealth marine area; or
- (d) will be taken on Commonwealth land.

If your action falls into one of these categories, provide details about the impact of your action on the environment generally (ie, in addition to the specific matters addressed above in 4.1).

None of the above

## **5. Measures aimed at avoiding or reducing significant impacts on matters protected under the EPBC Act**

**5.1 Describe any specific measures proposed as part of the action to avoid or lessen significant impacts on matters protected under the EPBC Act. Include a timeframe or workplan for implementation of any relevant measures.**

K & T are proposing, in consultation with the Threatened Species Unit, DPIWE, to commit funds to be held in a trust administered under the *Threatened Species Protection Act 1995*. This fund will be used to finance offset conservation for losses on the property. The value of the offset (\$90 000) has been calculated from equivalent land values to capture nine times the area of loss of significant communities – thus 3.6 ha of *Eucalyptus ovata* and 18.9 ha of *E. amygdalina* on sandstone or a combination of purchase and tree planting to re-establish Swift Parrot foraging habitat. Refer to attached Letter of Agreement. The proposed actions will be developed in such a way as to be consistent with "Black Gum (*E. ovata*) Conservation Management Strategy for Kingborough Council, May 2004, North Barker Ecosystem Services".

## **6. Information sources**

### **6.1 List relevant references**

Letter of Agreement from K&T Development to Threatened Species Unit, 27 May 2004

North Barker Ecosystem Services, Fauna and vegetation Assessment, Briefing Notes, June 2003.

North Barker Ecosystem Services, Black Gum (*E.ovata*) Conservation Management Strategy. For Kingborough Council, May 2004

**6.2 For information given in sections 3 and 4 of this referral, please indicate:**

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) any uncertainties in the information.

The sources are listed in 6.1. Within these attached reports are bibliographies that refer to original source material, relevant legislation and policies



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## 7. Signatures and Declarations

### 7.1. Signature of person making the referral

I, ANDREW JAMES NORTH (full name), declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature

Date

3/8/04

### 7.2. Signature of person proposing to take the action

I, RONALD AUBURN BACCHUS (full name), declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature

Date

3/08/04

### 7.3. Declaration of person nominated as proponent in Section 1.3, if different from person proposing to take the action

I, ..... (full name), being (or agent acting on behalf of) the person nominated in Section 1.3 of this referral form as the nominated proponent agree to be designated as the proponent for the action described above if it is decided that the action requires approval under Part 9 of the EPBC Act.

Signature

Date

Signature of person proposing to take the action

Date

**7.4. If you think your proposed action is not likely to have a significant impact on any of the matters listed in the table below, then you should select and complete the following statement and you should not mark any of the boxes in the table below.**

I RONALD A. BRUCES.....(full name), being the person making this referral and the person proposing to take the action (or agent acting on behalf of the person) believe that the action described in this referral is not a controlled action.

**Briefly provide reasons why you believe your proposed action is not a controlled action:**  
(Note: For an explanation of the term "controlled action", see the Referral Guide.)

The long term viability of the threatened species habitat (Swift Parrot foraging resource) on site is uncertain. The project includes an opportunity to capture a significant offset where a larger and more viable area can be secured. This proposal is totally consistent with a Strategy that has been developed for Kingborough (North Barker Ecosystem Services May 2004) that is a response to concerns for the viability of small and fragmented remnants such as the one that occurs on this property. The Strategy included an assessment of *Eucalyptus ovata* in Kingborough and confirmed 146 ha of *E.ovata* dominated forest and woodland. An additional 70 ha previously mapped (TASVEG 2000) was unable to be truthed although the project identified 74 ha not previously mapped. Much of the extant remnants are on private land (179 ha). Many of these remnants are partially degraded or fragmented and in need of active management and ideally formal protection through a management agreement or conservation covenant. This project provides the opportunity through a financed offset to secure a significantly larger (up to 9 x) and more viable area than the 0.4ha at the site.

The criteria for determining whether or not an action is significant with respect to an endangered species are listed below. This project will not result in any of these impacts:

- lead to a long-term decrease in the size of a population, or
  - Any habitat loss in the short term will be offset by increased conservation of existing habitat and additional area of planted habitat
- reduce the area of occupancy of the species, or
  - The species breeding range extends from Bicheno to Southport. This site is located in the centre of its range and so will not affect the overall range. Any short term losses to the area of habitat (occupancy) will be more than offset by the mitigation measures.
- fragment an existing population into two or more populations, or
  - Populations are mobile. Nearest breeding population is at the other end of Summerleas Rd near Ferntree. These breeding birds would utilise habitat from a broad area that includes 20 ha of *E. ovata* within 2km radius of the subject area.
- adversely affect habitat critical to the survival of a species, or
  - The stand of *E. ovata* at 83 Summerleas Rd is no way critical to the survival of the species for the reasons above.
- disrupt the breeding cycle of a population, or
  - For the same reasons as mentioned previously it is difficult to conclude that the loss of 2% of *E.ovata* from a 2km radius area is likely to disrupt the breeding cycle.
- modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline, or
  - Habitat loss is relatively small (refer above) and will be sufficiently offset by the proposal to improve the quality of habitat in the long term
- result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat\*, or

- The intention of the offset strategy is to improve management of the most viable remnants . This will include tackling invasive species such as weeds as well as providing conditions most suited to encouraging natural recruitment of habitat trees.
  - interfere with the recovery of the species.
    - The proposed offsets associated with this project are consistent with several parts of the Swift Parrot Recovery plan, notably: Action 2b – Management and Protection of habitat.
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If the person making this referral is, or is representing, a *small business* (a business having fewer than 20 employees), please provide an estimate of the time taken to complete this form.

***Please Include***

- The time spent reading the instructions, working on the questions and obtaining the information;  
and
- The time spent by all employees in collecting and providing this information.

9 hours 0 minutes

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END OF FORM