Land clearing for development of Brooklyn Fields Estate

Application Number: **02525** Commencement Date: **26/07/2024** Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

Land clearing for development of Brooklyn Fields Estate

1.1.2 Project industry type *

Residential Development

1.1.3 Project industry sub-type

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1.1.4 Estimated start date *

01/10/2024

1.1.4 Estimated end date *

31/12/2035

1.2 Proposed Action details

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

Bowenville Developments Pty Ltd proposes to develop the land described as Lot 479 in DP1284714 and addressed as Kerr Road, Thurgoona and addressed as Brooklyn Drive, Thurgoona, located 2.5 kilometres north-east of the Thurgoona town centre.

The proposal comprises ten (10) northern stages of Brooklyn Fields Estate. A further section of Lot 479 is also identified for creation of the Thurgoona Link Road.

The proposed development for the northern stages reflects the indicative master plan layout that was shown on the plans endorsed as part of the initial application for the southern stages.

The site currently has an approved development consent for the initial 5 stages of Brooklyn Fields Estate. Development Consent 10.2016.34422.1 was issued by Albury City Council on 8 May 2017, relating to a “Four Hundred & Twenty Four (424) Lot Torrens Title Subdivision – Staged – Thurgoona Park North”. Subsequent modifications were also issued on 27 September 2017, 19 September 2018 and 30 August 2021. The modifications sought minor amendments related to deferral of development contributions, amending requirements relating to roundabout sizing on Table Top Road and staging for construction of Sloanes Froglet (*Crinia sloanei*) habitat basins respectively

Stages 1-5 have previously been completed. The proposed works are for Stages 6 to 15.

The works will involve development of these stages to create 664 housing lots along with service roads and the retention of reserve areas. The housing lots will be constructed and released in ten (10) stages (Attachment I, page 1) and will include the removal of vegetation and civil works associated with subdivision. The proposal will include civil works associated with subdivision of the land and will include bulk earthworks, vegetation removal, road construction (and service roads), trenching for underground utilities and the like. The CEMP attached outlines the construction processes (Att L, Section 1.5, p. 3)

The proposal seeks to remove 43 remnant native trees.

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

Yes

1.2.3 Is the proposed action the first stage of a staged development (or a larger project)?

Yes

1.2.5 Provide information about the staged development (or relevant larger project).

The site currently has an approved development consent for the initial 5 stages of Brooklyn Fields Estate. Development Consent 10.2016.34422.1 was issued by Albury City Council on 8 May 2017, relating to a “Four Hundred & Twenty Four (424) Lot Torrens Title Subdivision – Staged – Thurgoona Park North”. Subsequent modifications were also issued on 27 September 2017, 19 September 2018 and 30 August 2021. The modifications sought minor amendments related to deferral of development contributions, amending requirements relating to roundabout sizing on Table Top Road and staging for construction of Sloanes habitat basins respectively. Stages 1 to 5 have been constructed in accordance with this Consent.

The proposal seeks approval for the remaining stages of the Brooklyn Fields Estate, within current Lot 479. It is noted that this application relates to the R1 General Residential land only which will contain the proposed residential lots and civil works.

The proposal comprises ten (10) northern stages of Brooklyn Fields Estate, occupying the remaining balance parcel of the development.

A section of the balance land is also identified for creation of the Thurgoona Link Road. The proposed development for the northern stages reflects the indicative master plan layout that was shown on the plans endorsed as part of the initial application for the southern stages.

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

Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is relevant due to Matters of National Environmental Significance (MNES) that *may* potentially occur in or adjacent to the proposed action area. These are:

- *Anseranas semipalmata* (Magpie Goose) – Vulnerable under the *Biodiversity Conservation Act 2016* (BC Act)
- *Artamus cyanopterus cyanopterus* (Dusky Woodswallow) – Vulnerable under the BC Act
- *Crinia sloanei* (Sloane's Froglet) – Endangered under the EPBC Act and Vulnerable under the BC Act
- *Daphoenositta chrysoptera* (Varied Sitella) – Vulnerable under the BC Act
- *Glossopsitta pusilla* (Little Lorikeet) – Vulnerable under the BC Act
- *Haliaeetus leucogaster* (White-bellied Sea Eagle) – Marine under the EPBC Act and Vulnerable under the BC Act
- *Petroica boodang* (Scarlet Robin) – Vulnerable under the BC Act
- *Petroica phoenicea* (Flame Robin) – Vulnerable under the BC Act
- *Phascolarctos cinereus* (Koala) – Endangered under the EPBC Act and BC Act
- *Pteropus poliocephalus* (Grey-headed Flying-fox) – Vulnerable under the EPBC Act and BC Act
- Seasonal Herbaceous Wetlands (Freshwater), listed as a Critically Endangered Ecological Community under the EPBC and BC Acts.
- White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland), listed as a Critically Endangered Ecological Community under the EPBC and BC acts.

Environmental Planning and Assessment Act 1979

The New South Wales (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal planning legislation for NSW. It provides a framework for the overall environmental planning and assessment of development proposals. The EP&A Act provides for the creation of the State Environmental Planning Policies (SEPP), Local Environmental Plans (LEPs) and Development Control Plans (DCPs). Under the EP&A Act, there are two main pathways in which most proposed works are assessed. These are either under Part 4 of the EP&A Act (development that requires consent), or Part 5 of the EP&A Act (development without requiring consent).

Biodiversity Conservation Act 2016

Activities assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) must assess impacts to threatened species, ecological communities or their habitats via Section 7.3 of the NSW *Biodiversity Conservation Act 2016* (BC Act), via a Test of Significance (ToS). If the proposed activity is likely to have a significant impact or will be carried out in a declared Area of Outstanding Biodiversity Value (AOBV), the proponent must either apply the Biodiversity Offsets Scheme (BOS) or prepare a Species Impact Statement (SIS). Proponents of a Part 5 activity can choose to opt-in to the BOS. Triggers for the BOS, such as the minimum lot size clearing thresholds and impacting land mapped under the Biodiversity Values Map only apply to developments assessed under Part 4 of the EP&A.

In respect of Part 4 developments, the BC Act establishes a framework to avoid, minimize and offset the impacts of the proposed development and land-use change on biodiversity. It provides a method for assessing the likely impacts of the proposed development on biodiversity values, for calculating measures to offset those impacts and for assessing improvements in biodiversity values. The Act aims to maintain the diversity and quality of ecosystems and to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature.

The primary requirement of the BC Act is to determine if a proposed development is considered likely to significantly affect threatened species. Of specific importance however, is that Clause 7.6 of the BC Act states that Part 7 of the Act does not apply to development or activities on biodiversity certified land under

Part 8.

Through the gazettal of Albury Local Environmental Plan 2010, the NSW Government issued a 'biodiversity certification' to the majority of the Albury LGA under Part 7AA of the former *Threatened Species Conservation Act 1995* (TSC Act). The proposed development falls on lands covered by this biodiversity certification. Biodiversity certification was made on the consideration that there were no features of high biodiversity values within the residential zones and that offsets for all losses of vegetation and habitat in developable areas would be achieved completely within the Natural Areas of the Local Environmental Plan (LEP). The BC Act repealed the TSC Act in 2017, with the original order of biodiversity certification amended to enable continued recognition under Part 8 of the BC Act. The initial certification was effective from 25 February 2011 until 24 February 2021. Council subsequently sought, and obtained, an extension to this order through to 24 February 2026.

For local development under Part 4 of the EP&A Act, the biodiversity certification removes the need for a consent authority to consider the likely impact of the development on biodiversity values when determining a development application. Where land is certified, development may proceed without the usual requirement for site-by-site assessment. It is particularly suitable when strategic land use planning at a landscape scale is proposed or underway.

As the subject development is to occur entirely on Biodiversity Certified Land, matters relevant to the BC Act are not applicable to the application.

The applicant has received written advice that was been provided to Council by the Biodiversity Conservation Division (BCD) (dated 5 May 2023) which states that biodiversity certification of the Albury City Council (Council) LEP can be relied upon until it expires, is suspended or is revoked. It also clarified that the Council's Biodiversity Certification Extension Report of 24 February 2022 did not extend to 12 new species which had been listed under the BC Act since the original Biodiversity Certification Order, which includes Sloane's Froglet.

In response to the directions and clarifications provided by the New South Wales (NSW) Department of Planning and Environment (DPE), the applicant has provided a Test of Significance, which considers the 12 new listed species and including the Sloanes Froglet, which has subsequently determined the proposal is not likely to have a significant impact on any of the listed species if the management strategy for the species was followed. Having regard to the above, the proposal is considered to have correctly interpreted and applied the provisions of the Albury Biodiversity Certification Order (as per recent extensions).

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. *

Aboriginal Heritage

The site has been the subject of a number of Aboriginal Cultural Heritage investigations including initial due diligence and detailed investigation. The subject land benefits from a site wide Aboriginal Heritage Impact Permit (AHIP) (Att J) issued by Heritage New South Wales (NSW) number #C0002476 in 2017. The AHIP allows “movement only of certain Aboriginal objects. Salvage excavations. Harm to certain Aboriginal objects through proposed works”. An Archaeological Salvage Report (Att K) was subsequently prepared by “Architecture, Engineering, Construction, Operations and Management” (AECOM) in December 2016 to support the salvage works proposed under the AHIP. The completion of the works and the Archaeological Salvage Report are considered to satisfy the conditions of the AHIP which allowed works to proceed for the entire Brooklyn Fields Estate.

Aboriginal Heritage Impact Permit (AHIP) remains active until 2031.

Engagement with Federal Department of Environment in 2015, prior to purchase of land. Engagement through environmental consultants (AECOM) confirming findings of Ecological Assessment and *“… that the site is of low to poor quality. Taking this plus the guidance in the conservation advice into account, we consider that the seasonal wetlands present on this site are not of sufficient condition to warrant protection.”*

Other engagement:

Engagement with NSW Department of Climate Change, Energy, the Environment and Water (formerly NSW Biodiversity Conservation Division) over a period comprising 2014 to current. The developer has met with the Department on many occasions prior to submission of original Development Application and construction approvals, and meets regularly for inspections of drainage and habitat wetlands and to ensure ongoing compliance with management obligations.

Engagement with Albury City Council, including environmental planning team, statutory planning team, strategic planning team, assets and engineering and landscapes. Engagement has involved pre-lodgment activities, detailed review and investigation of development options, joint co-ordination of infrastructure delivery and placement of open spaces.

Engagement with Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) in November 2023 for an EPBC Act pre-referral meeting to discuss the referral with respect to Sloane's Froglet and the Sloane's Froglet Habitat Management Plan.

1.3.1 Identity: Referring party

Privacy Notice:

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

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

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

Personal information may be disclosed to other Australian government agencies, persons or organisations where necessary for the above purposes, provided the disclosure is consistent with relevant laws, in particular the Privacy Act 1988 (Privacy Act). Your personal information will be used and stored in accordance with the Australian Privacy Principles.

See our Privacy Policy to learn more about accessing or correcting personal information or making a complaint.

Alternatively, email us at privacy@awe.gov.au.

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

1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN	87096512088
Organisation name	ECO LOGICAL AUSTRALIA PTY LTD
Organisation address	Tower B Citadel Tower, Level 20, 799 Pacific Highway, Chatswood, NSW 2067

Referring party details

Name	Danielle Madden-Hallett
Job title	Principal Ecologist
Phone	0439754488
Email	ellie.maddenhallett@ecoaus.com.au
Address	level 11 2 Riverside Quay, Southbank, Victoria

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	99607363315
Organisation name	BOWENVILLE DEVELOPMENTS PTY LTD
Organisation address	11 Keatinge Court, LAVINGTON NSW 2641

Person proposing to take the action details

Name	Peter Bowen
Job title	Director of Bownville Developments PTY LTD
Phone	0412875369
Email	peterbowen@peterbowenhomes.com.au
Address	11 Keatinge Court, LAVINGTON NSW 2641

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. *

Peter Bowen, Director, Bowenville Developments Pty Ltd does not have any proceedings under any government body.

Bowenville Developments do work under CEMPs and the CEMP for stages 6 and 7 is attached (Att L, section 1.5, p. 4). This gives an outline of what Site Rehabilitation will involve.

(Please note with reference to the automated field in section 1.3.2: The person proposing to take the action is Peter Bowen and his organisation is Bowenville Developments PTY LTD. The domain name in the email address for Peter Bowen for his business is peterbowenhomes.com.au. So this is the same person and only one business).

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

The Corporation does not have environmental policy and planning framework documentation available.

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	99607363315
Organisation name	BOWENVILLE DEVELOPMENTS PTY LTD
Organisation address	11 Keatinge Court, LAVINGTON NSW 2641

Proposed designated proponent details

Name	Peter Bowen
Job title	Director of Bownville Developments PTY LTD
Phone	0412875369
Email	peterbowen@peterbowenhomes.com.au
Address	11 Keatinge Court, LAVINGTON NSW 2641

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	87096512088
Organisation name	ECO LOGICAL AUSTRALIA PTY LTD
Organisation address	Tower B Citadel Tower, Level 20, 799 Pacific Highway, Chatswood, NSW 2067
Representative's name	Danielle Madden-Hallett
Representative's job title	Principal Ecologist
Phone	0439754488
Email	ellie.maddenhallett@ecoaus.com.au
Address	level 11 2 Riverside Quay, Southbank, Victoria

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	99607363315
Organisation name	BOWENVILLE DEVELOPMENTS PTY LTD
Organisation address	11 Keatinge Court, LAVINGTON NSW 2641
Representative's name	Peter Bowen
Representative's job title	Director of Bownville Developments PTY LTD
Phone	0412875369
Email	peterbowen@peterbowenhomes.com.au
Address	11 Keatinge Court, LAVINGTON NSW 2641

Confirmed Proposed designated proponent's identity

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

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

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

No

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

No

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

No

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

No

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

No

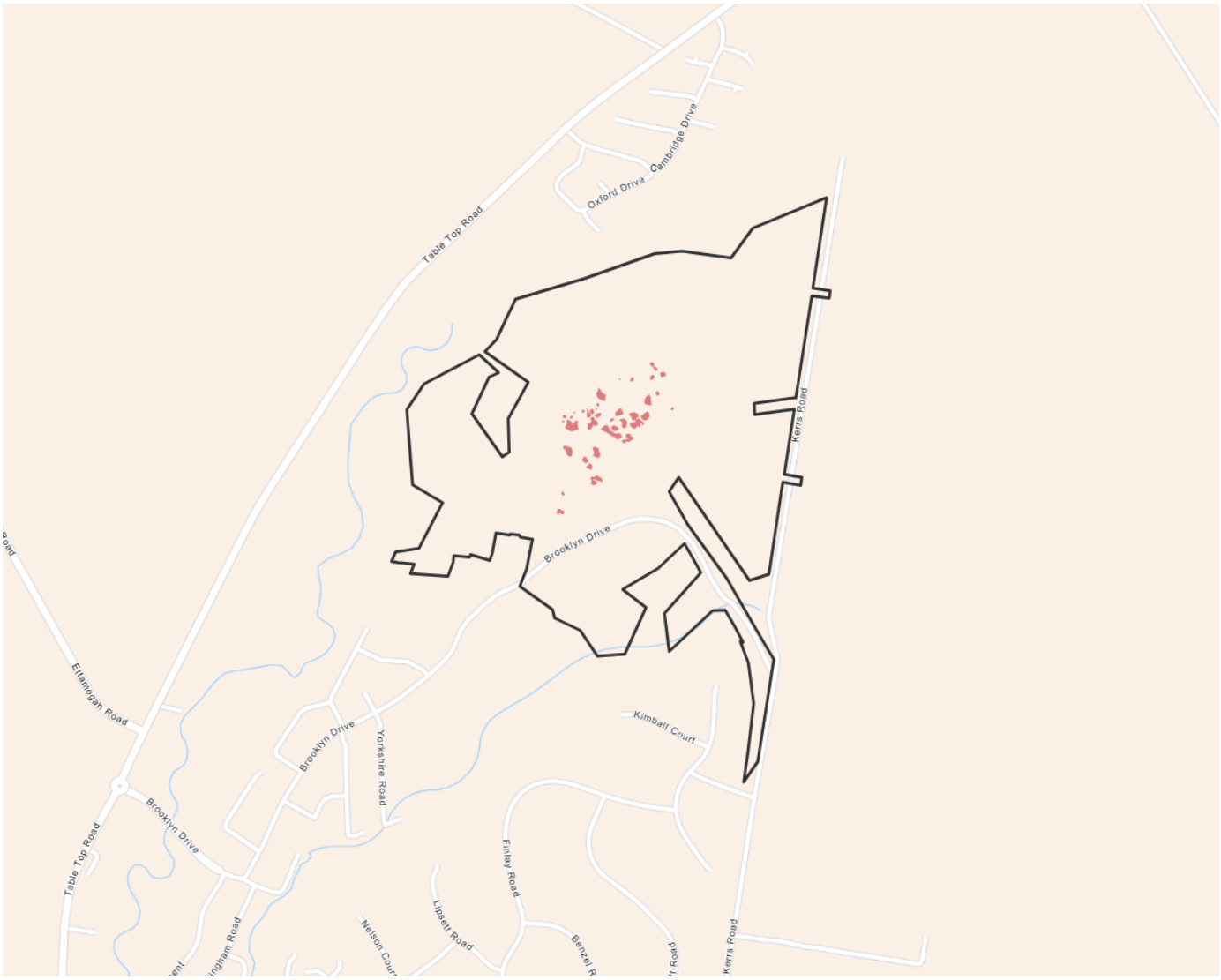
1.4 Payment details: Payment allocation

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

Person proposing to take the action

2. Location

2.1 Project footprint



Project Area: 74.65 Ha **Disturbance Footprint:** 0.81 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

Lot 479 in DP1284714 and addressed as Kerr Road, Thurgoona

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 entirety of the area of the proposed action is Freehold.

3. Existing environment

3.1 Physical description

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

The Project Area is located at Lot 479 in DP1284714 and addressed as Kerr Road, Thurgoona within the City of Albury Local Government Area. The Project Area is part of the Brooklyn Fields Estate, located 2.5 kilometres north-east of Thurgoona in the South Western Slopes bioregion and Murray Catchment Management Authority area.

The Project Area is zoned General Residential (R1) as per the Albury Local Environmental Plan 2010. In 2011, a biodiversity certification order (the Order) was conferred on the Albury Local Environmental Plan 2010, under Schedule 7 of the repealed NSW *Threatened Species Conservation Act 1995* (TSC Act). This Order conferring biodiversity certification on the Albury Local Environmental Plan 2010 was extended in 2021 for a period of up to five years. Under this Order, Residential (R) Zones, within which the Project Area is zoned, are grouped as Developable Area Zones and as such do not require assessment under the Biodiversity Conservation Act 2016 (BC Act).

The current condition of the Project Area is that of grazed farmland, surrounding land use is residential to the southeast, subdivision development (Brooklyn Fields stages 1 to 5) underway to the south of the Project Area, with pastureland to the east. The site can be accessed via existing road infrastructure (Kerr Road and Brooklyn Drive). Soil within the Project Area consists of deep, well-drained Red Chromosols and Kurosols (Red Podzolic Soils) occurring on crests, with deep, moderately well-drained Yellow Chromosols (Yellow Podzolic Soils) on slopes. Foot slopes and drainage lines consist of deep, poorly drained Yellow Sodosols (Brown and Yellow Soloths and Solodic Soils).

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

The current use of the site of the proposed action is for grazing. Surrounding land use is residential to the south and southeast, with pastureland to the east.

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

There are no outstanding natural features within the Project Area, however the protected area of Bell's Travelling Stock Reserve is located approximately 500 metres to the northeast of the Project Area. Development of the site will not encroach upon the reserve, leaving it unaffected.

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 gradient across the Project Area is approximately 20 m, with elevation of 200 m in the southeast and approximately 220 m in the northwest.

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.

An ecological assessment was conducted in the Project Area by “Architecture, Engineering, Construction, Operations and Management” (AECOM) in 2015. During this assessment, AECOM did not record any threatened flora or fauna listed under the EPBC Act (Attachment A, Appendix D, p D-3). Approximately 30 Cattle Egrets (*Ardea ibis*), which are listed as Migratory under the EPBC Act, were observed foraging in the Project Area by AECOM (Attachment A, Section 4.2.1, page 13). This assessment outlines the flora and fauna species and weed species that were recorded onsite (Attachment A, Section 4.2 pages 12 to 15).

In 2022, a further ecological assessment was conducted by Eco Logical Australia Pty Ltd at the site of the proposed action (Attachment B, section 3.1). The assessment aimed to confirm the relevance of the findings of the ecological assessment conducted by AECOM in 2015, update the assessment of potential impacts on Matters of National Environmental Significance (MNES) listed under the EPBC Act, and complete Tests of Significance (ToS) for threatened species and ecological communities listed under the NSW *Biodiversity Conservation Act 2016* (BC Act) that were determined to be known or would potentially occur in the Project Area. The ELA assessment also included opportunistic searches for threatened flora species that were identified during a literature review. Habitat for potentially occurring threatened and migratory fauna species returned by the literature and data review were also assessed across the Project Area, including hollow-bearing trees (HBTs), surface rocks, large woody debris (LWD) and key foraging resources.

One fauna species, Sloane’s Froglet, listed as Endangered under the EPBC Act has been recorded within the Project Area. A number of fauna species listed as threatened or migratory under the EPBC Act were determined to have the potential to occur within the Project Area. These species are discussed in more detail in Section 4.1.4. No flora species listed under the EPBC Act have been recorded within the Project Area or are considered likely or potential to occur (Attachment A, section Appendix C, p. C-6-C-7).

Remnant vegetation was surveyed and mapped across the site with a particular focus on the EPBC Act listed threatened ecological community (TECs) White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland) listed as Critically Endangered under the EPBC Act (Attachment B, section 3.2.1, pp. 12-15). Where Gilgai’s were observed, notes on condition regarding suitability of habitat for Sloane’s Froglet were recorded (Attachment B, section 4.3, p. 23).

Across the majority of the Project Area, non-native vegetation dominated the understorey, consisting of weedy species including *Phalaris aquatica* (Phalaris), *Lolium* sp. (Ryegrass), *Hypochaeris radicata* (Flatweed) and *Trifolium repens* (White Clover) (Attachment B, section 3.1, p. 7). Non-native fauna observed in the Project Area consisted of cattle, which has led to vegetation degradation, with pugging and faecal contamination present (Attachment B, section 3.1, p. 7 and Att A).

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

The study site contains scattered trees with a heavily disturbed understory due to cattle grazing and weed invasion. Across most of the site the ground layer is dominated by exotic grasses and herbs. Sections of the Project Area are within low-lying areas dominated by native rushes and sedges, with few other native species present. Due to the presence of cattle these areas are degraded by grazing, pugging, and faecal contamination.

During the ELA field survey, three Plant Community Types (PCTs) were identified (Attachment B, section 3.1, pp. 7-10):

- PCT 5 – River Red Gum herbaceous-grassy very tall open forest wetland on inner floodplains in the lower slopes sub-region of the NSW Western Slopes Bioregion and eastern Riverina Bioregion.
- PCT 277 – Blakely's Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion
- PCT 360 – Gilgai wetland mosaic in the southern NSW South Western Slopes Bioregion

The data obtained from the field survey and desktop assessment of the EPBC Act Protected Matters Search Tool (PMST) identified two Threatened Ecological Communities (TECs) that were considered likely to occur within the Project Area: White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland and Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains, both of which are listed as Critically Endangered under the EPBC Act.

Soil within the Project Area consists of deep, well-drained Red Chromosols and Kurosols (Red Podzolic Soils) occurring on crests, with deep, moderately well-drained Yellow Chromosols (Yellow Podzolic Soils) on slopes. Footslopes and drainage lines consist of deep, poorly drained Yellow Sodosols (Brown and Yellow Soloths and Solodic Soils).

3.3 Heritage

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

There are no known commonwealth heritage places or values within the Project Area.

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

There are known Indigenous heritage values within the Project Area.

An Aboriginal Cultural Heritage Assessment (ACHA) has been undertaken for the entire Brooklyn Fields development area and resulted in identification of a number of sites. The assessment of the subject land involved a consultation with Aboriginal parties, a review of background information relevant to the subject area, field assessments, subsurface testing, significance assessments culminating in an Aboriginal Archaeological Report (AAR) and Aboriginal Cultural Heritage Assessment Report (ACHAR) (Att K).

As a result of this assessment work, an Aboriginal Heritage Impact Permit (AHIP) has been granted for the entire development area which enabled the development and construction of the subject land. Prior to works commencing on the first stages of Brooklyn Fields, an Archaeological Salvage was commissioned and carried out for the entire Brooklyn Fields Estate area. This work was completed in 2017 and activated the approved AHIP.

Artefacts collected from the site have been reburied in the area of proposed Reserve 10 and provided with appropriate site identification numbers on the Aboriginal Heritage Information Management System (AHIMS).

3.4 Hydrology

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

No specific hydrological studies have been completed for the Project Area. However, the area is relatively flat with a gentle rise from 200 m in the southwest to 220 m in the northwest. Depressions of 1-2 m deep are located across the site, forming the gilgais that were mapped during the ecological assessments, with water being able to accumulate in these areas after rain (Attachment B, section 3.2.2, p. 18). Remaining rainfall would either soak into the soil or leave the Project Area as surface runoff into adjacent areas.

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
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

4.1.1 World Heritage

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

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

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

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

No

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

There are no known World Heritage values present within the area of 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.

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

No

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

There are no known National Heritage values present within the area of 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.

Direct impact	Indirect impact	Ramsar wetland
No	No	Banrock Station Wetland Complex
No	No	Barmah Forest
No	No	Gunbower Forest
No	No	Hattah-Kulkyne Lakes
No	No	NSW Central Murray State Forests
No	No	Riverland
No	No	The Coorong, and Lakes Alexandrina and Albert Wetland

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

No

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

There are no known Ramsar Wetland sites within the area of 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	Amphibromus fluitans	River Swamp Wallaby-grass, Floating Swamp Wallaby-grass
No	No	Anthochaera phrygia	Regent Honeyeater
Yes	Yes	Aphelocephala leucopsis	Southern Whiteface
No	No	Aprasia parapulchella	Pink-tailed Worm-lizard, Pink-tailed Legless Lizard
No	No	Botaurus poiciloptilus	Australasian Bittern
No	No	Caladenia concolor	Crimson Spider-orchid, Maroon Spider-orchid
Yes	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Callocephalon fimbriatum	Gang-gang Cockatoo
No	No	Climacteris picumnus victoriae	Brown Treecreeper (south-eastern)
Yes	Yes	Crinia sloanei	Sloane's Froglet
No	No	Dasyurus maculatus maculatus (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	Delma impar	Striped Legless Lizard, Striped Snake-lizard
No	No	Falco hypoleucos	Grey Falcon
No	No	Galaxias rostratus	Flathead Galaxias, Beaked Minnow, Flat-headed Galaxias, Flat-headed Jollytail, Flat-headed Minnow
Yes	Yes	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Grantiella picta	Painted Honeyeater
No	No	Hirundapus caudacutus	White-throated Needletail
No	No	Keyacris scurra	Key's Matchstick Grasshopper

Direct impact	Indirect impact	Species	Common name
No	No	Lathamus discolor	Swift Parrot
No	No	Litoria raniformis	Southern Bell Frog,, Growling Grass Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog
No	No	Macquaria australasica	Macquarie Perch
No	No	Melanodryas cucullata cucullata	South-eastern Hooded Robin, Hooded Robin (south-eastern)
Yes	No	Neophema chrysostoma	Blue-winged Parrot
No	No	Nyctophilus corbeni	Corben's Long-eared Bat, South-eastern Long-eared Bat
No	No	Pedionomus torquatus	Plains-wanderer
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	Polytelis swainsonii	Superb Parrot
No	No	Prasophyllum petilum	Tarengo Leek Orchid
No	No	Prasophyllum validum	Sturdy Leek-orchid, Mount Remarkable Leek-orchid
No	No	Pteropus poliocephalus	Grey-headed Flying-fox
No	No	Rostratula australis	Australian Painted Snipe
No	No	Stagonopleura guttata	Diamond Firetail
No	No	Swainsona murrayana	Slender Darling-pea, Slender Swainson, Murray Swainson-pea
No	No	Swainsona recta	Small Purple-pea, Mountain Swainson-pea, Small Purple Pea

Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia

Direct impact	Indirect impact	Ecological community
No	No	Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains
Yes	No	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

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

Yes

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

Threatened species

ELA have conducted further due diligence post- completion of the field survey and report writing by undertaking an updated desktop assessment using the Protected Matters Search Tool and have found that species have been added since the field assessment.

As these species were not listed previously, ELA have provided assessments against the Significant Impact Criteria in Attachment H (sections 1-5, pp. 1-7), identifying that significant impacts against these species are unlikely.

Threatened species other than those assessed against the Significant Impact Criteria in Section 4.1.4.5 are not expected to occur within the Project Area regularly or in large numbers, as such direct or indirect impacts are considered unlikely to occur.

Sloane's Froglet *Crinia sloanei*

A population of Sloane's Froglet has been recorded in natural and artificial waterbodies in the Albury-Thurgoona area and the area is considered a refuge for the species (Attachment C, Section 2.0, p. 4). Habitat for Sloane's Froglet includes temporary and permanent waterbodies, including wetlands with riparian and aquatic vegetation. AECOM mapped areas of Sloane's Froglet habitat within the Project Area, including the Wetland/Gilgai area in the centre of the Project Area and along Woolshed Creek to the east of the Project Area (Attachment A, section Appendix A, p. 35). The majority of wetland patches mapped did not contain permanent water during the time of the field survey.

The proposed action will result in the loss of 1.8 ha of habitat for Sloane's Froglet. Whilst additional habitat will be created under the Sloane's Froglet Habitat Plan (Attachment D, section 1, p. 3), it does not account for the loss of existing habitat as a result of the proposed development. Although this species may utilise the new habitat in the long-term, the majority of its existing habitat on site is being cleared and the opportunity for this species to move through the landscape is being impacted. Overall, the loss of this habitat is considered as a likely significant impact on this species and is likely to directly impact upon Sloane's Froglet and the species' existing habitat (Attachment E, section 1, p. 2).

Southern Whiteface *Aphelocephala leucopsis*

The proposed action will result in the removal of potentially 5 suitable hollow bearing trees, and therefore will adversely affect habitat critical to the survival of the species. As a result of this activity, there will be a direct impact on Southern Whiteface, however, the extent of this vegetation removal will not constitute a significant impact on the species (Attachment H, section 1, p. 1).

White Box-Yellow Box-Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands

The proposed action will have a direct impact on the Threatened Ecological Community (TEC) White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland), listed as a Critically Endangered Ecological Community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Biodiversity Conservation Act 2016* (BC Act). The action will involve removing 8.26 ha of this threatened community (this excludes the proposed council road area).

Blue-winged Parrot *Neophema chrysostoma*

The proposed action will result in the removal of potentially 5 suitable hollow bearing trees, and therefore will adversely affect habitat critical to the survival of the species. As a result of this activity, there will be a direct impact on Blue-winged Parrot, however, the extent of this vegetation removal will not constitute a significant impact on the species (Attachment H, section 2, pp. 2-3).

Latham's Snipe *Gallinago hardwickii*

The proposed project will involve the removal of 0.64 ha of wetland/Gilgai clusters (this excludes the proposed council road area); however, despite the wetlands being degraded and unlikely to support habitat this species may utilise (Attachment B, section 3.2.2, p. 16), the removal of wetland/Gilgai clusters will still constitute a direct impact on potential Latham's Snipe habitat. The loss of this wetland habitat will not constitute a significant impact on Latham's Snipe (Attachment H, section 4, pp. 5-6).

Sharp-tailed Sandpiper *Calidris acuminata*

The proposed project will involve the removal of 0.64 ha of wetland/Gilgai clusters (this excludes the proposed council road area); however, despite the wetlands being degraded and unlikely to support habitat this species may utilise (Attachment B, section 3.2.2, p. 16), the removal of wetland/Gilgai clusters will still constitute a direct impact on potential Sharp-tailed Sandpiper habitat. The loss of this wetland habitat will not constitute a significant impact on Sharp-tailed Sandpiper (Attachment H, section 4, pp. 5-6).

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

Yes

4.1.4.5 Describe why you consider this to be a Significant Impact. *

Sloane's Froglet

Sloane's Froglet has been previously recorded within the Project Area, which is considered an important area for conservation of the species in the Albury region, providing a potential corridor for movement through the landscape.

The proposed works to be completed for Stages 6-15 will cover an area of 74 ha, of which 1.8 ha have been identified as potential breeding habitat for the species. An additional 0.7 ha have been identified as areas of native vegetation that would provide non-breeding habitat to be used for shelter and feeding by the species. A total of 1.8 ha of breeding habitat is currently present within development Stages 6-15 and 6.5 ha were removed as a result of works completed for Stages 1-5 (development footprint of 43 ha).

The project will fragment this habitat, potentially isolating individuals from the surrounding landscape. As a result, the project may adversely affect habitat that is critical to survival of the species, such that the local populations are likely to be placed at risk.

Sloane's Froglet occupies habitat such as periodically inundated areas in grassland, woodland, and disturbed habitats as well as using the surrounding vegetation for non-breeding habitat. Modification, destruction, removal or fragmentation of habitat proposed by the development may reduce the area of occupancy of the species and could result in a decline in numbers, due to the resulting fragmentation and loss of wetland/Gilgai habitat that Sloane's Froglet requires.

To mitigate the loss of habitat resulting from the project, a specific Sloane's Froglet habitat plan (HB) (Attachment D) was developed in conjunction with Sloane's Froglet expert, (David Hunter of DPI) and approved by the Albury City Council, in addition, further mitigation measures were recommended by ELA staff (Attachment E, section 6, p. 16).

Sloane's Froglet – significant impact (SI) assessment

Sloane's Froglet is listed as Endangered under the EPBC Act. SI criteria for Sloane's Froglet are addressed below:

Lead to a long-term decrease in the size of a population

Sloane's Froglet has been previously recorded within the Project Area. The Project Area is considered an important area for the conservation of Sloane's Froglet in the local area, due to its potential to be used as a corridor for movement through the landscape for this species.

The proposed Project will fragment this habitat, potentially isolating individuals from the surrounding landscape, adversely affecting the life cycle of this species such that local populations are likely to be placed at risk.

Reduce the area of occupancy of the species

The proposed action will require removal of 0.8 ha of habitat for Sloane's Froglet. The proposed development will involve clearing clusters of Gilgai wetland which this species uses as habitat. Whilst a Sloane's Froglet HB has been created for the Brooklyn Fields Estate, which includes creating habitat for this species, this does not discount the loss of this habitat for this species. Therefore, the overall area of occupancy of the species will be reduced as a result of the proposed development.

Fragment an existing population into two or more populations

The proposed development involves clearing 1 cluster of gilgai wetland which this species utilises as habitat. This species has been recorded within this area and is therefore known to use this habitat. The creation of additional habitat for this species will be undertaken, however clearing of existing habitat in the centre of the study area will remove the ability of this species to move through the landscape. Therefore, there is the potential that the proposed development will fragment an existing population into two or more populations.

Adversely affect habitat critical to the survival of a species

The proposed development will likely result in the clearing of habitat for this species.

Sloane's Froglet occupies habitat such as periodically inundated areas in grassland, woodland, and disturbed habitats as well as using the surrounding vegetation for non-breeding habitat.

The Project may adversely impact the survival of this species through fragmentation of habitat which would impact the ability for the species to move through the landscape.

The proposed activity constitutes 2 key threatening processes relevant to this species:

- alteration to the natural flow regimes of freshwater habitats, and
- clearing of native vegetation.

Due to the presence of known habitat in the study area, the proposed Project may increase the impact of these key threatening processes on this species.

A number of mitigation measures have been developed to reduce the likelihood of the project leading to key threatening processes for this species (Attachment D, section 5, p. 8; Attachment E, section 6, p. 16). These include but not limited too:

Creation of habitat areas to provide permanent water for Sloane's Froglet breeding cycle during critical breeding periods.

Consideration of swale creation either side of Kerr Road to provide linkage east to west of site.

Provide frog proof fencing either side of the Kerr Road swale to prevent north south passage. Improve the swale by creating culverts under Kerr Road, under the fence exiting to safe habitat along the swale to provide safe north south passage.

Implement a hygiene management plan for works with a particular focus on disease protocols for Chytridiomycosis.

Correct dispersal of water on site.

Minimise potential to introduce fish and creating drainage in a form that provides islands of suitable moist non-breeding habitat to connect to areas of breeding habitat (including along the Kerr Road Swales).

Improve the habitat already developed and alter the plan of those not developed to date to include areas where flooding inundation is able to be retained adjacent to the permanent water body (e.g. the vegetated areas surrounding the water body being able to be flooded).

Disrupt the breeding cycle of a population

Sloane's Froglet has been previously recorded within the study area, which is considered an important area for the conservation of Sloane's Froglet in the local area. In particular, it has the potential to be used as a corridor for movement through the landscape for this species.

The proposed Project will fragment this habitat and has the potential to isolate individuals from the surrounding landscape.

Due to this, the proposed Project may adversely affect the life cycle of this species such that local populations are likely to be placed at risk.

Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

The proposed action will require removal of 0.8 ha of habitat for Sloane's Froglet. Habitat within the Project Area is isolated from other habitat within the local area as it is surrounded by degraded exotic grasslands. The removal of a relatively small area of suitable habitat for the species is unlikely to result in the species decline.

Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat

A range of invasive weed species are known to occur within the Project Area and the surrounding landscape, and construction activities can facilitate the spread of invasive weed species. However, controls outlined in Attachment D (section 5, p. 8) will minimise the risk of introduction of new species and spread of existing weed species.

No pest fauna species have been recorded within the Project Area during ecology surveys. However, it is likely that pest species are present within the region. Feral pigs (*Sus scrofa*) are known to cause damage to Sloane's Froglet habitat and potentially cause adult frog mortality (TSSC, 2019). It is unlikely that the proposed action will result in an increase in feral pig presence or activity within the Project Area. The proposed action is unlikely to increase this risk of harm from pest species.

Introduce disease that may cause the species to decline

Sloane's Froglet is known to be affected by Chytridiomycosis, an infectious disease caused by the amphibian chytrid fungus *Batrachochytrium dendrobatidis*. High rates of infection in individuals of the species tested from Thurgoona and Corowa have been recorded (TSSC, 2019). Attachment E, section 6, p. 16 recommends a hygiene management plan which will manage the introduction and spread of Chytridiomycosis in the local population.

The proposed action is considered unlikely to introduce disease that may cause the species to decline.

Interfere with the recovery of the species

There is no adopted or made Recovery Plan for Sloane's Froglet. However, the Conservation Advice lists habitat loss and degradation as the principal threat to the species, along with disease and invasive species. Impacts associated with the proposed action are limited to removal of a small area of habitat. This will be offset by the construction of alternative habitat for the species throughout the development, as outlined in the Sloane's Froglet HB (Attachment D). In addition, other mitigation measures to supplement and enhance that plan have been included by ELA (Attachment E). Implementation of Sloane's Froglet HB during construction activities will limit habitat degradation and reduce the risk of introduction and spread of disease (Chytridiomycosis) and invasive species.

The Project is unlikely to interfere substantially with recovery of the species.

Conclusion

Based on this impact assessment alone, this project will have a SI on this species.

Based on the SI assessment criteria, this project will not have a SI on **Southern Whiteface *Aphelocephala leucopsis*** (Attachment H, section 1, p. 1); **Blue-winged Parrot *Neophema chrystostoma*** (Attachment H, section 2, pp. 2-3); **Latham's Snipe *Gallinago hardwickii*** (Attachment H, section 4, pp. 5-6); **Sharp-tailed Sandpiper *Calidris acuminata*** (Attachment H, section 4, pp. 5-6).

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

Yes

4.1.4.8 Please elaborate why you think your proposed action is a controlled action. *

Sloane's Froglet

The wetland/Gilgai areas within the site of the proposed action provide habitat for Sloane's Froglet and will be lost during construction. A total of 0.8 ha will be lost which includes the intended council road construction. Not including the council road this will be a total of 0.64 ha. The cluster of Gilgai's in total is 3.4 ha (Attachment B, section 3.2.2, p. 16). The previous works, stages 1 to 5, have removed 6.5 ha of Sloane's Froglet Habitat. A habitat plan has been completed in relation to the development that will assist in establishing habitat in place of that lost during construction (Attachment D). Establishment of these habitats has already taken place as part of the development plan for stages 1 to 5 and independent research from Sloane's Froglet expert, David Hunter DPI has been conducted.

A Sloane's Froglet Habitat Plan has been created for the development, which includes creating 3.3 ha (33,000 m²) of habitat across the entire development (Attachment D, section 5, p. 8), including areas set aside for onsite stormwater retention basins where Sloane's Froglet habitat will coincide, and areas created solely as habitat for Sloane's Froglet. This habitat plan was developed to mitigate any effects of development on potential habitat for this species. Sloane's Froglet is also known to use roadside drains, table drains, irrigation channels and inundated grasslands to move through the landscape (TSSC 2019), and therefore construction of roads within Brooklyn Fields Estate will allow for drains which can be utilised by this species. With implementation of the Sloane's Froglet Habitat Plan, the creation of new habitat will sufficiently mitigate the extent of the impact to Sloane's Froglet.

The proposal set out in the habitat plan will provide habitat for Sloane's Froglet on site as well as the stormwater requirements of the development. The best possible outcome resulting from this will be to try and provide all aspects of Sloane's Froglet habitat requirements, constructing suitable waterbodies that create refuge and breeding opportunities that could potentially help improve the reproductive output and recruitment of the species as well as encouraging their conservation into the future as the site develops (Attachment D, section 6, p. 8).

Information from the applicant

The applicant worked closely with the Office of Environment and Heritage (including Sloane's Froglet expert Dr David Hunter) to develop a mitigation strategy that would effectively offset the loss of breeding habitat for the entire development area (Stages 1-15) by the time the development reached completion of Stage 5. This was largely on the basis that the majority of the impacts to Sloane's Froglet would be expected in the northern end of the development (Stages 6-15) and OEH wanted to ensure that breeding habitats were established and functional prior to the loss of the Gilgai areas (Attachment D).

Development of the initial stages 1-5 of Brooklyn Fields (which are approved under existing development consent) provided a mitigation strategy to deliver the development of overall offset habitat covering 3% of the development site. The result of this is that total habitat losses from the site have been offset in new wetlands which provide suitable breeding habitat.

Eco Logical have undertaken a constraints assessment within Brooklyn Fields Estate to review the findings of an initial ecological assessment previously undertaken by AECOM. In summary, the constraints assessment broadly concluded the conditions of the site to be:

"*Habitat within the site was broadly categorised as large paddock trees with a few small patches of remnant woodland overlaying a highly disturbed ground layer comprising of a mix of exotic pasture grasses and a network of wetlands/Gilgai's within the centre of the study area*."

The assessment found that the White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland is present within the study area. However, an Assessment of Significance under the EPBC Act has subsequently concluded that the proposed development is unlikely to significantly impact upon this TEC.

The assessment also included an Assessment of Significance for seven threatened species listed under the EPBC Act and which were considered likely to occur within the study area. It was concluded that the proposed action is unlikely to have a significant impact on the *Anthochaera phrygia* (Regent Honeyeater), *Callocephalon fimbriatum* (Gang-gang Cockatoo*), Hirundapus caudacutus* (White-throated Needletail), *Lathamus discolor* (Swift Parrot), *Phascolarctos cinereus* (Koala), *Polytelis swainsonii* (Superb Parrot), or *Pteropus poliocephalus* (Grey-headed Flying Fox).

Assessment was also undertaken in relation to the site against the listing criteria for Seasonal Herbaceous (Freshwater) Wetlands of the Temperate Lowland Plains. The site assessment found that the wetlands were consistent with the key diagnostic characteristics and contained more than 50% of the relevant ground layer vegetation. However, the wetlands were assessed to be below the minimum wetland size under the EPBC listing criteria (Attachment F, section 5, p. 13). This assessment was compared with the advice received from the Commonwealth Department of Environment to AECOM, which concluded that the site is of low to poor quality and that the seasonal wetlands present within the site are not of sufficient condition to warrant protection. An Assessment of Significance under the EPBC Act concluded that the proposed development is unlikely to have a significant impact on this TEC. The primary Gilgai wetlands are located in the centre of the remaining development area. Based on advice from the Commonwealth Department of Environment to AECOM, during planning for earlier stages of development, it was concluded that this site did not qualify as seasonal herbaceous wetlands based on area alone. It is therefore confirmed that the study area does not meet the listing criteria for Seasonal Herbaceous (Freshwater) Wetlands of the Temperate Lowland Plains as the combined areas of wetlands and Gilgai do not meet the minimum size criteria.

An assessment was also carried out regarding potential impact on the listed Sloanes Froglet, which is located within the subject land. The assessment concluded that the proposal may impact on the Sloanes Froglet and that further assessment of the impacts be carried out. Upon completion of the constraints assessment, further Tests of Significance were prepared for the overall site, with the purpose being to determine whether or not the proposed development is likely to have a significant impact on threatened species. In particular, the Tests of Significance prepared by Eco Logical has focused on the impact upon the Sloanes Froglet, which is now listed as Endangered under the BC Act, and the specific additional species which are not contained with the Biodiversity Certification Order granted to the Albury Local Environmental Plan 2010.

As a result of further assessment, the proposal seeks to incorporate proposed mitigation measures to avoid a significant impact, which includes:

- Additional habitat will be created under the Sloane's Froglet Habitat Plan prepared by SJE Consulting and endorsed by NSW DPE;
- Creation of a new swale connection traversing the site, providing safe linkage between east and west (i.e. between the creeks) and which incorporates protection elements;
- Provide frog proof fencing along either side of the Kerr Road swale to prevent north-south passage on to the roads
- Provision of wetland planting and vegetation within the swales to enable habitat creation;
- Improve the swale by creating culverts under Kerr Road, under the fence exiting to safe habitat along the swale to provide safe north-south passage and so maintain connectivity along this line (although broad connectivity is to also be maintained around the development).
- Improve the habitat already developed and alter the plan of those not developed to date to include areas where flooding inundation is able to be retained adjacent to the permanent water body (e.g. vegetated areas surrounding the water body being able to be flooded, representing the preferred calling habitat of male frogs).
- Monitoring of habitats being developed, and an adaptive management approach being adopted.
- Implement a Hygiene Management Plan for works with a particular focus on disease protocols for Chytridiomycosis. Correct dispersal of water on site.
- Minimise potential to introduce fish and creating drainage in a form that provides islands of suitable moist non-breeding habitat to connect to areas of breeding habitat (including along the Kerr Road

Swales).

To mitigate against the loss of Sloane’s Habitat (Gilgai wetlands) on the subject site, the proposal includes the creation of a new swale network traversing the development site, generally alongside the proposed Link Road alignment. The proposed swale will provide a safe and separated movement network for Sloane's to pass between either side of the site and ensure that the movement network of the Sloane's is not completely eliminated by the proposal.

The swale will be 3 m wide with a shallow extent of water to be retained in the base of the swale, consistent with the design of drainage basins within the estate. It will also be protected on either side by frog proof fencing to ensure protection of the corridor and so that Sloane’s move through the swale and avoid being directed outwards and into the surrounding development areas.

Where the swale drain intersects with road crossings, shallow culverts are proposed beneath the road, allowing movement of Sloane’s without direct impact by vehicles or pedestrians.

Based on the above mitigation measures and the continued implementation of the agreed and endorsed Management Plans (through co-operation with NSW DCCEEW officers, it is considered that the proposal will not have a significant impact on the Sloane’s Froglet.

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. *

Sloane's Froglet

Risk management and mitigation measures for Sloane's Froglet can be found in Appendix D, section 5, p. 8, and are listed below:

- A total of approximately 3.3 ha (33,000 m²) of land will be designed to provide Sloane's Froglet habitat
- The development of the major connector road Kerr Rd will be built with swales either side of the road in order to provide a linkage from east to west across the site
- The completed water balances will permit for the resultant water regime post development to allow Sloane's Froglet to complete their life cycle, with habitat inundated in autumn and holding water until the end of spring
- Suitable felled trees will be retained on-site and inserted into the retention basin and or reserve areas as refuge habitat for Sloane's Froglet where possible
- Onsite retention basins will be designed to provide both open water habitat and recommended shallow water environments at a depth of 20cm with suitable fringing vegetation required for breeding purposes and the provision of vegetated water habitat as per recommendations within 'Sloane's Froglet Stormwater Management Guidelines –Working Draft OEH 2015'
- Retention basins and proposed Sloane's Froglet habitat, totaling 33,000m2 will be located to directly link to the existing Environmental lands surrounding the site (Attachment G, p. 1).
    - Frog Habitat A = 0.335 ha (3,350m2)
    - Frog Habitat B = 0.355 ha (3,550m2)
    - Frog Habitat C = 0.425 ha (4,250m2)
    - Frog Habitat D = 1.385 ha (13,850m2)
    - Frog Habitat E = 0.800 ha (8,000m2)
- Detailed design of each retention basin/ Froglet Habitat, including cross sections will be provided upon final design and follow the Habitat details in Appendix B.
    - Five areas of Sloane's Froglet habitat are planned for construction across the project area, consisting of basins that direct stormwater and sediment flow while planting out native vegetation to create habitat around the constructed water bodies, as well as deeper Froglet refuges within the waterbodies themselves.
- A 'Sloane's Froglet Habitat Management Plan' and 'Sedimentation and Revegetation Plan' will be developed and implemented in consultation with Office of Environment and Heritage (OEH) and Council
- Suitable revegetation and or Supplementary planting of the retention basins with suitable local native species to enhance values of the site will be completed to improve breeding, foraging and refuge habitats for the species. A revegetation schedule will be completed for all basins as part of the Habitat Management Plan and the detailed Landscaping design
- Monitoring of the basins post development will be conducted to confirm the site is being re-colonised by the species. Further vegetation enhancement will be completed to improve habitat for the species where required.

Further to the measures already set out in the habitat plan, ELA prepared an Addendum to Sloane's Froglet Habitat Plan to better address connectivity between sections of the site of the proposed action. Key measures from this Addendum are listed below:

- Improve the swale either side of Kerr Road by providing protective suitable habitat along the swale to enable safe linkage between east and west of site.
- Provide frog proof fencing along either side of the Kerr Road swale to prevent north south passage.
- Improve the swale by creating culverts under Kerr Road, under the fence exiting to safe habitat along the swale to provide safe north south passage.
- Implement a hygiene management plan for works with a particular focus on disease protocols for Chytridiomycosis.

- Correct dispersal of water on site.
- Minimise potential to introduce fish and creating drainage in a form that provides islands of suitable moist non-breeding habitat to connect up to areas of breeding habitat (including along the Kerr Road swales).

Improve the habitat already developed and alter the plan of those not developed to date to include areas where flooding inundation is able to be retained adjacent to the permanent water body (for example, the vegetated areas surrounding the water body being able to be flooded).

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

No environmental offsets are proposed under the EPBC Act. Mitigation measures are proposed and outlined in section 4.1.4.10 above.

4.1.5 Migratory Species

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

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

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

Direct impact	Indirect impact	Species	Common name
No	No	Actitis hypoleucos	Common Sandpiper
No	No	Apus pacificus	Fork-tailed Swift
Yes	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Calidris melanotos	Pectoral Sandpiper
Yes	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Hirundapus caudacutus	White-throated Needletail
No	No	Motacilla flava	Yellow Wagtail
No	No	Myiagra cyanoleuca	Satin Flycatcher
No	No	Rhipidura rufifrons	Rufous Fantail

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. *

Gallinago hardwickii Latham’s Snipe

The proposed project will involve the removal of 0.64 ha of wetland/Gilgai clusters (this excludes the proposed council road area); however, the wetlands are degraded and unlikely to support habitat this species may utilise (Attachment H, section 3.2.2, p. 16).

Calidris acuminata Sharp-tailed Sandpiper

The proposed project will involve the removal of 0.64 ha of wetland/Gilgai clusters (this excludes the proposed council road area); however, the wetlands are degraded and unlikely to support habitat this species may utilise (Attachment H, section 3.2.2, p. 16).

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. *

Significant impact assessment for Latham's Snipe and Sharp-tailed Sandpiper

Lead to a long-term decrease in the size of an important population of a species

Latham's Snipe and Sharp-tailed Sandpiper have not been recorded within the Project Area and both species are non-breeding migrants to Australia. These species' both forage on the edge of water on mudflats and coastal and inland wetlands. Potential habitat for Latham's Snipe and Sharp-tailed Sandpiper within the Project Area is limited to the small area of wetland habitat identified in the centre of the Project Area.

Both species are dispersive during their time in Australia, moving between seasonally drying wetlands. Due to these movement patterns and the degraded nature of habitat within the Project Area, is unlikely that the Project Area supports an important population of either species, and the proposed action is therefore considered unlikely to lead to a long-term decrease in the size of an important population.

Reduce the area of occupancy of an important population

Given the large distribution of both species within Australia, and their migratory ecology, the proposed action is unlikely to reduce the area of occupancy of an important population of either species.

Fragment an existing important population into two or more populations

Latham's Snipe and Sharp-tailed Sandpiper have not been recorded within the Project Area and it is unlikely that an important population of either species is present.

Both species are highly mobile and able to utilise other nearby areas of suitable habitat. Therefore, the proposed action is unlikely to fragment an existing important population into two or more populations.

Adversely affect habitat critical to the survival of a species

Habitat critical to the survival of these species' includes areas that are necessary for activities such as foraging, breeding, roosting or dispersal, areas that are necessary for the long-term survival of the species, to maintain genetic diversity and for the recovery of the species.

The Project Area is not within the breeding range of the species and potential habitat is degraded. Therefore the proposed action is considered unlikely to adversely affect habitat critical to the survival of the species.

Disrupt the breeding cycle of an important population

Latham's Snipe and Sharp-tailed Sandpiper have not been recorded within the Project Area and it is unlikely that an important population is present. Therefore, the proposed action will not disrupt the breeding cycle of an important population of the species.

Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

Potential habitat within the Project Area is currently in a degraded state, with minimal wetland features. The proposed action will result in removal of habitat and may limit connectivity at the local scale, however, this is not considered to impact habitat to the extent that the species is likely to decline.

Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat

A range of invasive weed species are known to occur within the Project Area and the surrounding landscape, including Blackberry (*Rubus fruticosus* ssp. agg.) which is listed as a Weed of National Significance (AECOM, 2015). It is unlikely that the proposed action will result in the introduction of new invasive species or spread of existing weeds and pests to the extent that it will harm any local population of these species'.

Introduce disease that may cause the species to decline

There are no known diseases that affect these species' and is no evidence to suggest that the proposed action would introduce disease that may cause the species to decline.

Interfere substantially with the recovery of the species

There is no recovery plan for Latham's Snipe and Sharp-tailed Sandpiper. The area of habitat that will be impacted is negligible relative to the available habitat in the surrounding landscape. Therefore, the proposed development is not considered likely to substantially interfere with the recovery of either species.

Conclusion

Significant impact unlikely

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. *

To be confirmed, unknown for now

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. *

To be confirmed, unknown for now

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

To be confirmed, unknown for now

4.1.6 Nuclear

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

No

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

The proposed action is not a nuclear action.

4.1.7 Commonwealth Marine Area

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

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

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

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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. *

There are no Commonwealth Marine Areas in or near the Project Area.

4.1.8 Great Barrier Reef

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

No

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

The Great Barrier Reef is over 1,000 km from the Project Area, as such there will be no direct or indirect impacts on this MNES.

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

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

No

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

The proposed action will not have any direct or indirect impacts on water resources in relation to large coal mining development or coal seam gas, as the proposed action is not coal mining or coal seam gas in nature.

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.

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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. *

There is no Commonwealth Land in or near the Project Area, as such there will be no direct or indirect impacts on this MNES.

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.

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

No

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

The proposed action will occur within Australia and therefore will not affect Commonwealth Heritage Places Overseas.

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:

- Threatened Species and Ecological Communities (S18)

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)
- 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. *

As the purpose of purchasing the land was for urban development, there are no alternatives available for the proposed action.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att I Project stages and activites.pdf Outlines the project stages and activities	13/11/2024	No	High
#2.	Document	Att L-800355CONSTRUCTION MP-STAGE 6 REV A 2024-BROOKLYN FIELDS ESTATE_Redacted.pdf Construction Environmental Management Plan for stages 6 to 7	31/10/2024	No	High

1.2.7 Public consultation regarding the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att J-Thurgoona Park North Aboriginal Heritage Impact Permit C0002476.pdf Aboriginal Heritage Impact Permit	23/03/2017	Yes	High
#2.	Document	Att K-60516481-Thurgoona-ACHAR-DFT-2016-12-01.pdf Cultural Heritage/Salvage report	01/12/2016	Yes	High

1.3.2.17 (Person proposing to take the action) Proposer's history of responsible environmental management

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att L-800355CONSTRUCTION MP-STAGE 6 REV A 2024-BROOKLYN FIELDS ESTATE_Redacted.pdf Construction Environmental Management Plan for stages 6 to 7	01/11/2024	No	High

3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment A_2015 AECOM Ecological Assessment_Redacted_checked.pdf Ecological assessment by AECOM	29/06/2015		High
#2.	Document	Attachment B_22MEL1949 Brooklyn Fields Estate CA V2 RCheckR.pdf An ecological constraints assessment conducted by Eco Logical Australia in 2022	20/10/2022	No	High

3.3.2 Indigenous heritage values that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document				

Att K-60516481-Thurgoona-ACHAR-DFT-2016-12-01.pdf Cultural Heritage/Salvage report	30/11/2016	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 A_2015 AECOM Ecological Assessment_Redacted_checked.pdf Ecological assessment by AECOM	30/06/2015		High
#2.	Document	Attachment B_22MEL1949 Brooklyn Fields Estate CA V2 RCheckR.pdf An ecological constraints assessment conducted by Eco Logical Australia in 2022	19/10/2022		High
#3.	Document	Attachment C_58765_Report - Knight 2013_Redacted_checked.pdf Distribution of Sloane's Froglet NSW historical and 2010 to 2013 surveys	01/12/2013	No	High
#4.	Document	Attachment D_501703 Sloane's Report V1 21-12-21_Redacted_checked.pdf Sloanes Froglet habitat plan for stages 6 to 15	21/12/2021	No	High
#5.	Document	Attachment E_23MEL5444 Brooklyn Fields Estate Tests of Significance report v1_Redacted_checked.pdf Tests of significance	17/08/2023	No	High
#6.	Document	Attachment H_EPBC Act Assessments of Significance.pdf Significant impact assessments for several threatened species	20/08/2024	Yes	High

4.1.4.5 (Threatened Species and Ecological Communities) Why you consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment D_501703 Sloane's Report V1 21-12-21_Redacted_checked.pdf Sloanes Froglet habitat plan for stages 6 to 15	20/12/2021		High
#2.	Document	Attachment E_23MEL5444 Brooklyn Fields Estate Tests of Significance report v1_Redacted_checked.pdf Tests of significance	16/08/2023		High

4.1.4.8 (Threatened Species and Ecological Communities) Why you think your proposed action is a controlled action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment B_22MEL1949 Brooklyn Fields Estate CA V2 RCheckR.pdf An ecological constraints assessment conducted by Eco Logical Australia in 2022	19/10/2022		High
#2.	Document	Attachment B_22MEL1949 Brooklyn Fields Estate CA V2 RCheckR.pdf An ecological constraints assessment conducted by Eco Logical Australia in 2022	19/10/2022		High
#3.	Document	Attachment D_501703 Sloane's Report V1 21-12-21_Redacted_checked.pdf Sloanes Froglet habitat plan for stages 6 to 15	20/12/2021		High
#4.	Document	Attachment D_501703 Sloane's Report V1 21-12-21_Redacted_checked.pdf Sloanes Froglet habitat plan for stages 6 to 15	20/12/2021		High
#5.	Document	Attachment E_23MEL5444 Brooklyn Fields Estate Tests of Significance report v1_Redacted_checked.pdf Tests of significance	16/08/2023		High
#6.	Document	Attachment F_Seasonal Hebaceous Wetlands-listing-advice.pdf EPBC Act listing advice for Seasonal Herbaceous Wetlands TEC		Yes	High
#7.	Document	Attachment F_Seasonal Hebaceous Wetlands-listing-advice.pdf EPBC Act listing advice for Seasonal Herbaceous Wetlands TEC			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 G_Sloanes Froglet Catchment and Location Plan.pdf Design plans for the construction of froglet habitat		Yes	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 H_EPBC Act Assessments of Significance.pdf	19/08/2024		High

Significant impact assessments for several threatened species

5.2 Declarations

Completed Referring party's declaration

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

ABN/ACN	87096512088
Organisation name	ECO LOGICAL AUSTRALIA PTY LTD
Organisation address	Tower B Citadel Tower, Level 20, 799 Pacific Highway, Chatswood, NSW 2067
Representative's name	Danielle Madden-Hallett
Representative's job title	Principal Ecologist
Phone	0439754488
Email	ellie.maddenhallett@ecoaus.com.au
Address	level 11 2 Riverside Quay, Southbank, Victoria

☑ 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, **Danielle Madden-Hallett of ECO LOGICAL AUSTRALIA 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	99607363315
Organisation name	BOWENVILLE DEVELOPMENTS PTY LTD
Organisation address	11 Keatinge Court, LAVINGTON NSW 2641
Representative's name	Peter Bowen

Representative's job title	Director of Bownville Developments PTY LTD
Phone	0412875369
Email	peterbowen@peterbowenhomes.com.au
Address	11 Keatinge Court, LAVINGTON NSW 2641

☑ 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, **Peter Bowen of BOWENVILLE DEVELOPMENTS 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, **Peter Bowen of BOWENVILLE DEVELOPMENTS 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. *