

# Pine Park Irrigation Development

Application Number: **02942**

Commencement Date:  
**28/05/2025**

Status: **Locked**

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## 1. About the project

### 1.1 Project details

#### 1.1.1 Project title \*

Pine Park Irrigation Development

#### 1.1.2 Project industry type \*

Agriculture and Forestry

#### 1.1.3 Project industry sub-type

Agriculture

#### 1.1.4 Estimated start date \*

01/03/2026

#### 1.1.4 Estimated end date \*

31/05/2026

## 1.2 Proposed Action details

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

The proposed action involves the removal 290.5 ha of native vegetation on Pine Park, a 3,085 ha property located in southwest NSW. The proposed native vegetation removal will be in two stages (Stage 1: 279.5 ha and Stage 2: 11 ha) (Appendix 1a and Appendix 1c Att\_1\_EPBC Native Vegetation Assessment), with Stage 2 contingent on proposed corrections to Council land use zoning.

The native vegetation clearing is associated with a proposed 1,283 ha irrigated horticultural development. The irrigation development also includes the installation of two new pump stations on the Murray River (each approximately 1 km south of the property), the installation of new pipelines to the property, and the construction of two storage dams on the property. The proposed clearing consists of 16 patches within existing areas of cleared agricultural land which are currently used for the cultivation of annual dryland crops and livestock grazing. These patches comprise outliers left from previous clearing and are mostly surrounded by cleared areas with 60 metres or more between patches.

Vegetation clearing will be the first step in the development of the site. This will be completed using heavy earthmoving plant and equipment, including bulldozers. Cleared vegetation will be pushed into piles and burned. The cleared area will then be deep ripped and ploughed using agricultural plant and machinery. This will be followed by the installation of the required infrastructure to supply water to the property, including two new pump stations on the northern bank of the Murray River south of the property, new water supply mains from the pump stations to the property and new storage dams on the property. Internal pump stations, water supply mains and lateral mains will be installed to supply water from the storage dams to the areas of the property to be developed for irrigation. Drip line irrigation will then be installed and connected to the new water supply. The irrigation system will then be operational and able to supply water to new crops such as almonds, citrus, grapes etc. and will be planted shortly after the installation of the irrigation system.

The area of land proposed for development has been identified as having suitable soil types and topographical characteristics for the establishment of irrigated horticulture. Irrigation approvals under the *Water Management Act 2000* have been obtained for the existing cleared land within the project area. As part of the approvals process, soil surveys have been undertaken and two Irrigation Drainage Management Plans (IDMPs) prepared. Additional soil surveys and corresponding IDMPs will be required within the proposed 290.5 ha clearing area.

The proposal also includes the establishment of a 733 ha set-aside (offset) area to mitigate biodiversity impacts from the proposed clearing. As is the case for the proposed clearing the proposed offset area will be in two stages (Stage 1: 705 ha and Stage 2: 28 ha) (Appendix 1b and Appendix 1d Att\_1\_EPBC Native Vegetation Assessment). The offset area consists of four separate areas, three of which are directly connected to a 1,044 ha area of vegetation on the property which is managed for conservation.

The Stage 2 offset area is currently zoned C2 Environmental Conservation. The C2 Zone should align with an existing 801 ha conservation area which is subject to Conservation Agreement under the *Biodiversity Conservation Act 2016*. Currently this is not the case with Zone C2 extending beyond sections of the western and southern boundaries of the conservation area by more than 100 m. The incorrectly mapped C2 Zone includes the entire 28 ha Stage 2 offset area. For this area to be used as an offset area under the *Local Land Services Act 2013*, this mapping error will need to be corrected so that Zone C2 aligns with the extent of the conservation area and the Stage 2 offset area is zoned RU1. The proponent is proposing to have the Wentworth Shire Council amend the land use zoning to achieve this outcome.

Due to the time required to correct the error and the ability to secure the relevant clearing certificates from LLS, it is proposed to undertake the clearing in two stages. Due to the potentially lengthy process to correct the land use zone mapping, the proponent is proposing a single staged approval under the EPBC Act to avoid lodging two separate EPBC referral applications. Approval will therefore be sought under the EPBC Act for both stages, with Stage 2 contingent on the proposed amendments to land use zoning.

Stage 1 includes a 279.5 ha clearing area and a 705 ha offset area and makes use of the maximum available offset area under the current land use zoning. The extent of the proposed clearing and offset areas is indicated in Table 1 and Table 2 and Appendix 1a and Appendix 1b of Att\_1\_EPBC Native Vegetation Assessment. Following approval under the EPBC Act, Stage 1 will be submitted to Local Land Services for approval under the *Local Land Services Act 2013*.

Stage 2 includes an additional 11 ha of clearing and an additional 28 ha of offset and makes use of the additional offset area that will become available following the land use zoning amendments. This additional area consists of land which is currently incorrectly mapped as Zone C2. The extent of the additional clearing and offset areas is indicated in Table 3 and Table 4 and Appendix 1c and Appendix 1d of Att\_1\_EPBC Native Vegetation Assessment. Stage 2 will not proceed until Council has approved the amendment to the land use zoning and approval has been obtained from LLS via an amendment to the Stage 1 approval. If Council refuse the Planning Proposal, Stage 2 will not proceed and the final clearing and offset areas will be limited to Stage 1.

For further details of the Land Use Zone mapping error and the proposed staged approach to the proposal please refer to the attached report (pages 6-8 and Appendix 1d Att\_1\_EPBC Native Vegetation Assessment).

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

No

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

Planning consent has been obtained from Wentworth Shire Council under Part 4 of the NSW *Environmental Planning and Assessment Act 1979* for the installation of a water supply system, including two pump stations and two dams.

A Works and Water Use approval under the NSW *Water Management Act 2000* has been obtained for two pump stations, two dams and for the irrigation of the existing cleared land within the project area. An amendment to the Water Use component of this approval will be required to incorporate the additional 290.5 ha clearing area.

An application to remove approximately 300 ha of native vegetation was submitted to Local Land Services (LLS) under the NSW *Land Management (Native Vegetation) Code 2018* (LM Code). The application also included approximately 647 ha of native vegetation to offset the impacts on native vegetation removal. Following its initial assessment of the application, LLS advised that the proposed native vegetation clearing may have a significant impact on Matters of National Environmental Significance (MNES) under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and may therefore require approval under the EPBC Act. As a result, LLS has requested that evidence be provided that approval under the EPBC Act is either unnecessary or has been granted, prior to proceeding with the application under the LM Code.

### **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. \***

There has been some public consultation throughout the process of seeking to convert the property to irrigated horticulture. However there hasn't been any public consultation regarding the native vegetation clearing proposed under this application.

## 1.3.1 Identity: Referring party

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

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

Yes

Referring party organisation details

**ABN/ACN** 51124624148  
**Organisation name** James Golsworthy Consulting Pty Ltd  
**Organisation address** 3500 VIC

Referring party details

**Name** Troy Muster  
**Job title** Senior Environmental Consultant  
**Phone** 0350228411  
**Email** troy@jgconsult.com.au  
**Address** 140 Pine Avenue, Mildura VIC 3500

## 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** 15673598760  
**Organisation name** FORTITUDE CONSTRUCTIONS PTY LTD  
**Organisation address** 3793 VIC

Person proposing to take the action details

**Name** Grant Ferry  
**Job title** Managing Director  
**Phone** 0427 273 458  
**Email** fortitudeconstructions@outlook.com  
**Address** Suite 178, 738 Burke Road, Camberwell VIC 3124

**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. \***

Fortitude Constructions and its sole Director (Grant Ferry) have a good record of responsible environmental management. They have not been subject to any proceedings under Commonwealth, State and Territory law for the protection of the environment or the conservation and sustainable use of natural resources. See attached CV for Grant Ferry (Att\_6\_Grant Ferry CV).

**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**

Fortitude Constructions do not have an environmental policy and planning framework.

**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** 15673598760  
**Organisation name** FORTITUDE CONSTRUCTIONS PTY LTD  
**Organisation address** 3793 VIC

Proposed designated proponent details

**Name** Grant Ferry  
**Job title** Managing Director  
**Phone** 0427 273 458  
**Email** fortitudeconstructions@outlook.com  
**Address** Suite 178, 738 Burke Road, Camberwell VIC 3124

### 1.3.4 Identity: Summary of allocation

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## ✔ Confirmed Referring party's identity

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

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ABN/ACN	51124624148
Organisation name	James Golsworthy Consulting Pty Ltd
Organisation address	3500 VIC
Representative's name	Troy Muster
Representative's job title	Senior Environmental Consultant
Phone	0350228411
Email	troy@jgconsult.com.au
Address	140 Pine Avenue, Mildura VIC 3500

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

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

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ABN/ACN	15673598760
Organisation name	FORTITUDE CONSTRUCTIONS PTY LTD
Organisation address	3793 VIC
Representative's name	Grant Ferry
Representative's job title	Managing Director
Phone	0427 273 458
Email	fortitudeconstructions@outlook.com
Address	Suite 178, 738 Burke Road, Camberwell VIC 3124

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## ✔ Confirmed Proposed designated proponent's identity

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

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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

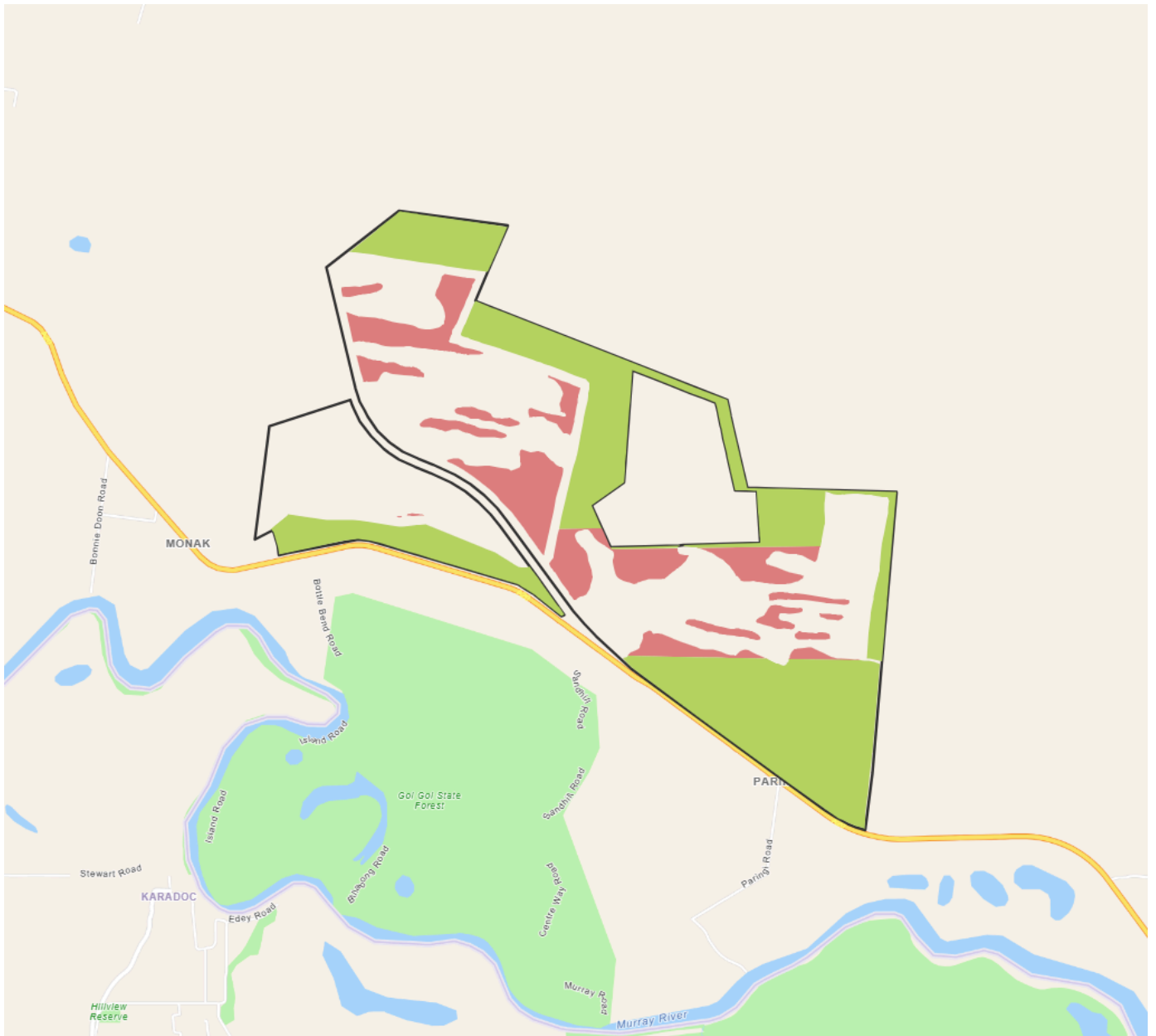
## 1.4 Payment details: Payment allocation

**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: 2033.52 Ha Disturbance Footprint: 290.72 Ha Retention Area: 733.63 Ha**

## 2.2 Footprint details

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

5690 Sturt Highway Monak NSW 2738

### 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 project area is located on one parcel of freehold land (Lot 2 DP 1280607) within the Wentworth Shire local government area. This includes the proposed clearing and offset areas.

## 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 in the far south-west of NSW approximately 14 km south-east of Mildura and 10 km from the Mallee Cliffs National Park to the north-east. The Murray River is located approximately 950 m to the south of the south-eastern corner of the project area (Att\_3\_Location Map).

The project area is located with the Murray Darling Depression Interim Biogeographic Regionalisation for Australia (IBRA) Bioregion and the South Olary Plain sub-region. The Mitchell Landscape for most (73%) of the project area is Mallee Cliffs Linear Dunes which is described in the *Description for NSW (Mitchell) Landscapes, Version 2 (Department of Environment and Climate Change (DECC) 2002)* as *Quaternary dunefields and sandplains, relief to 7m. Deep brownish sands and calcareous earths with dense mallee (Eucalyptus sp.), belah (Casuarina cristata) and rosewood (Alectryon oleifolius) with porcupine grass (Triodia irritans). Narrow swales of calcareous loamy red earths with belah, rosewood, scattered shrubs, variable speargrass (Austrostipa variabilis), copperburr (Sclerolaena sp.) and forbs.* the Mitchell Landscape for the remaining 27% of the project area is Mallee Cliffs Sandplains which is describes in DECC 2022 as *Extensive, slightly undulating sandplain of Quaternary aeolian sands with east-west trending dunes, often with blowouts, partly scalded broad swales and small depressions, relief 6 to 10m. Solonized brown soils, calcareous loamy sand, and texture-contrast soils on the plain, red and brown sands on dunes, non-cracking grey or brown clays in depressions.*

The climate is semi-arid with a mean annual rainfall of 285.2 mmm (BoM - Mildura). No natural waterways or waterbodies are present in the project area. Due to the free draining soils, low rainfall and relatively flat terrain, significant surface run-off is rare and generally limited to extreme rainfall events. The nearest waterway is the Murray River which is located approximately 950 m south of the south-eastern corner of the project area and 2.8 km south of the south-eastern corner of the clearing area.

The 2,032 ha project area contains approximately 1,008.5 ha of cleared land and approximately 1,023.5 ha of native vegetation. The cleared areas contain approximately 992 ha of land which is used for dryland cropping and 16.5 ha which has been cleared for fences, tracks etc. The areas currently cleared for cropping are proposed to be converted to irrigated horticulture along with the 290.5 ha proposed clearing area.

Native vegetation within the clearing area is dominated by mallee vegetation (273 ha) which is present throughout the clearing area. There are smaller areas of Black Oak (*Casuarina pauper*) woodland also present (17.5 ha) mainly in the eastern section of the clearing area. The vegetation within the clearing area consists of 16 separate areas of vegetation which are predominately surrounded by land which is cultivated for dryland cropping. These areas have also been subject to a long history of grazing by domestic livestock, as well as feral pests including rabbits, feral goats and feral pigs.

The proposed offset area consists of five larger areas of native vegetation. This area is also dominated by mallee vegetation (564.7 ha), with Black Oak woodland (128.7 ha), Narrow-leaf Hopbush (*Dodonaea viscosa subsp. angustissima*) shrubland (35.2 ha) and Black Box (*Eucalyptus largiflorens*) woodland (4.5 ha) also present. Although the offset area has also been subject to grazing by domestic livestock and feral pests, they are larger not as directly exposed to cleared agricultural land when compared to the clearing area.

Land uses surrounding the project area include dryland cropping/grazing and irrigated horticulture to the east, south and west, as well as private conservation to the north, public conservation (Bottle Bend Reserve) to the south and recreation/tourism on the Murray River. Within the same parcel of land where the proposed action is, there are two large areas of land totaling 1,044 ha which are managed for conservation (Appendix 1g\_Att\_1\_EPBC Native Vegetation Assessment). These areas were established as offset areas for previous approved native vegetation removal on the property and are directly connected to three of the patches with the proposed offset area. Directly north of the property and adjoining the existing conservation area on the property and the north-western section of the proposed offset area is approximately 7,573 ha of native vegetation managed for private conservation on neighboring properties (Appendix 1g\_Att\_1\_EPBC Native Vegetation Assessment).

The clearing area (Stage 1 and Stage 2) and the Stage 1 offset area is zoned RU1 - Primary production under the *Wentworth Local Environment Plan 2011*. The intended use of the land (irrigated horticulture) is an activity that is permissible without development consent within RU1.

The Stage 2 offset area is currently zoned C2 Environmental Conservation due to a mapping error in the land use zoning. The C2 Zone should align with an existing 801 ha Southern Mallee Reserve which is subject to Conservation Agreement under the *Biodiversity Conservation Act 2016*. Currently this is not the case with Zone C2 extending beyond sections of the western and southern boundaries of the conservation area by more than 100 m. The incorrectly mapped C2 Zone includes the entire 28 ha Stage 2 offset area. For this area to be used as an offset area under the LLS Act, this mapping error will need to be corrected so that Zone C2 aligns with the extent of the conservation area and the Stage 2 offset area is zoned RU1. The proponent is proposing to have the Wentworth Shire Council amend the Land Use Zoning to achieve this outcome. Due to the potentially lengthy process to correct the land use zoning, the proponent is proposing a single EPBC approval for both stages with Stage 2 contingent on the correction to the Land Use Zoning outlined above. For further details of the land use zone mapping error and the proposed staged approach to the proposal please refer to the attached report (pages 6-8 and Appendix 1d Att\_1\_EPBC Native Vegetation Assessment)

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

The project area is currently used for dryland cropping and grazing. Dryland cropping is confined to approximately 992 ha of land which has previously been cleared of native vegetation, while the entire project area is currently used for grazing by domestic livestock. Major land uses surrounding the project area include dryland cropping/grazing, irrigated horticulture, private conservation, public conservation (Bottle Bend Reserve) and recreation/tourism (Murray River). The parcel of land on which the project area is located contains one dwelling. There are scattered dwellings on agricultural land to the south and west of the project area.

The proposed land use within the existing dryland cropping area (approximately 992 ha) and clearing area (290.5 ha) is irrigated horticulture. 733 ha of native vegetation within the project area is proposed to be managed for conservation purposes to offset the impacts of the proposed clearing.

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

The most important and significant natural feature within the vicinity of the project area is the Murray River which is located approximately 950 m south of the southeast corner of the project area (Att\_3\_Location Map). The river sustains towns, farms, industry and tourism in the local area and along its course in NSW, Victoria and South Australia. It supports a wide and unique array of native plant and animal species, including threatened species and ecological communities listed under state and federal legislation.

Away from the riparian corridor and floodplain of the Murray River, the landform quickly gives way to semi-arid aeolian sandplains and dunes that are typical of the south western corner of NSW. Significant areas surrounding the project area have been cleared for dryland cropping and irrigated horticulture, however the surrounding landscape to the north and east is predominately native vegetation which is used for rangeland grazing and conservation. This includes approximately 8,617 ha of contiguous private conservation areas on the property and on neighboring/nearby properties to the north of the project area which are connected to Mallee Cliffs National Park, located approximately 10.5 km north-east of the project area (Appendix 1g Att\_1\_EPBC Native Vegetation Assessment).

**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 project area is located on a gently undulating sand dune/sandplain landform. Elevation within the project area ranges from 40 m AHD in the south to 80 m AHD in the north, both within the proposed offset area. Within the disturbance footprint elevations are less variable, ranging from 76 m AHD in the north to 48 m AHD in the south. The proposal does not involve any actions within a marine area.

## 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.**

A site assessment, focusing on the disturbance footprint, was undertaken by Green Tape Solutions in 2023 (Att\_2\_EPBC Report). This assessment included two field surveys, one in late autumn to assess vegetation communities and floristic values (22-26 May 2023) and one in early winter which targeted threatened fauna species (5-9 June 2023).

Site fauna surveys recorded 15 mammals including six bats and five introduced species, 32 birds and three amphibians. Common mammals found included Western grey kangaroo (*Macropus fuliginosus*), feral pig (*Sus domesticus*), and House mouse (*Mus musculus*). A variety of parrots, birds of prey, urban birds and owls were observed during bird surveys. The Eastern banjo frog (*Limnodynastes dumerilii*), Common spadefoot frog (*Neobatrachus sudellae*) and the Barking marsh frog (*Limnodynastes fletcheri*) were observed during pitfall trap surveys (Pages 39-41 Table 10 Att\_2\_EPBC Report). No EPBC listed threatened fauna species were recorded.

The vegetation assessment was undertaken at twelve sites across the clearance area confirmed that mallee vegetation communities were the dominant vegetation type. A total of 42 flora species were recorded (Table 7 Att\_2\_EPBC Report), this included 39 native species and three introduced species. No EPBC listed threatened flora species were recorded.

The site assessment identified the following the following EPBC listed threatened species as likely or with a potential to occur within the clearing area based on a desktop assessment and the habitat attributes observed during the field based flora and fauna assessment (Pages 54-55 Table 13 Att\_2\_EPBC Report):

- Eastern Major Mitchell Cockatoo *Lophochroa leadbeateri leadbeateri* (Endangered)
- South-eastern Hooded Robin *Melanodryas cucullata cucullata* (Endangered)
- Malleefowl *Leipoa ocellata* (Vulnerable)
- Eastern Regent Parrot *Polytelis anthopeplus monarchoides* (Vulnerable)
- Corben's Long-eared Bat *Nyctophilus corbeni* (Vulnerable)
- Southern Whiteface *Aphelocephala leucopsis* (Vulnerable)
- Grey Falcon *Falco hypoleucos* (Vulnerable)
- Blue-winged Parrot *Neophema chrysostoma* (Vulnerable)
- Menindee Nightshade *Solanum karsense* (Vulnerable)
- Yellow Swainson-pea *Swainsonia pyrophila* (Vulnerable)

The site assessment confirmed the presence of the following EPBC listed Threatened Ecological Community (Pages 54-55 Table 13 Att\_2\_EPBC Report):

- Mallee Bird Community of the Murray Darling Depression Bioregion (Endangered)

The site assessment confirmed that the disturbance footprint provided potential habitat for one migratory species (Appendix 3 Att\_2\_EPBC Report):

- Fork-tailed Swift *Apus pacificus*

The location and extent of Plant Community Types (PCTs) identified by Green Tape Solutions during their assessment was based on the NSW Vegetation Type Mapping (PCT Mapping) rather than on an on-ground assessment (Page 33 Figure 7 Att\_2\_EPBC Report). The assessment also included a high level review of the offset area, however this review did not include field assessments of flora and fauna habitat values, including an assessment of the type and quality of vegetation present.

James Golsworthy Consulting (JGC) undertook an assessment of the PCT mapping within the proposed clearing and offset area to confirm the type and extent of PCTs present (Att\_1\_EPBC Native Vegetation Assessment). A focus of this assessment was the presence of PCTs containing mallee vegetation to confirm the extent of habitat for the EPBC listed threatened ecological community, Mallee Bird Community of the Murray Darling Depression Bioregion (Mallee Bird Community). The review included an on-ground assessment and a review of aerial imagery.

The JGC assessment revealed that the 290.5 ha disturbance footprint contained the following PCTs with mallee PCTs (PCT 170 and PCT 171) making up 94% (273 ha) of the area:

- PCT 171 Spinifex linear dune mallee mainly of the Murray Darling Depression Bioregion
- PCT 170 Chenopod sandplain mallee woodland/shrubland of the arid and semi-arid (warm) zones
- PCT 58 Black Oak - Western Rosewood open woodland on deep sandy loams mainly in the Murray Darling Depression Bioregion -

The JGC assessment revealed the the 733\_ha offset area contained the following PCTs with mallee PCTs (PCT 170 and PCT 171) making up 77% (564.7 ha) of the area:

- PCT 171 Spinifex linear dune mallee mainly of the Murray Darling Depression Bioregion
- PCT 170 Chenopod sandplain mallee woodland/shrubland of the arid and semi-arid (warm) zones
- PCT 58 Black Oak - Western Rosewood open woodland on deep sandy loams mainly in the Murray Darling Depression Bioregion -
- PCT 143 Narrow-leaved Hopbush - Scrub Turpentine - Senna shrubland on semiarid and arid sandplains and dunes
- PCT 15 Black Box open woodland wetland with chenopod understorey mainly on the outer floodplains in south western NSW (mainly Riverina Bioregion and Murray Darling Depression Bioregion)

Further assessment of vegetation condition within the proposed clearing and offset areas was undertaken by JGC (Att\_1\_EPBC Native Vegetation Assessment) to provide additional information on habitat values for Mallee Bird Community and other listed threatened species identified by the MNES assessment. This included an assessment of vegetation quality and habitat within 24 representative plots (twelve in the clearing area and twelve in the offset area).

A total of 55 native flora species and four introduced species were recorded within the clearing area (Table 6 Att\_1\_EPBC Native Vegetation Assessment), with no EPBC listed flora recorded. The assessment indicated moderate to good vegetation quality and good species diversity across most of the clearing area (Table 7 Att1\_EPBC Native Vegetation Assessment). Although overall condition was good, both mallee PCTs (PCT 170 and PCT 171), which make up 94% of the clearing area, recorded a low function condition score (approximately 30 for both PCTs). This was primarily due to the low values for large trees, hollows and fallen logs. Additional habitat data collected within the assessment plots also indicated a lack of hollows within PCT 171 and low numbers of small to medium hollows within PCT 170 and PCT 58 (Table 9 Att\_1\_EPBC Native Vegetation Assessment).

A total of 73 native flora species and six introduced species were recorded within the offset area (Table 10 Att\_1\_EPBC Native Vegetation Assessment), with no EPBC listed flora recorded. The assessment indicated moderate to good vegetation quality and good species diversity across most of the clearing area (Table 11 Att\_1\_EPBC Native Vegetation Assessment). As was the case for the clearing area, PCT 171 (which makes up 40% of the offset area) recorded a low function condition score (27). This was primarily due to the low values for large trees, hollow bearing trees and fallen logs. However, function condition scores for PCTs 170 and 58 (making up a combined 55% of the offset area) were significantly higher than the clearing area, indicating higher numbers of large trees, hollow bearing trees and fallen logs in the offset area. This was supported by additional habitat data collected within the offset area which indicated a significant number of small to medium hollows within PCT 170 and PCT 58, and a lack of hollows within PCT 171 (Table 13\_Att\_1\_EPBC Native Vegetation Assessment).

The JGC assessment indicated that the 733 ha offset area contains 295.8 ha of PCT 171 which is in similar condition to the 227.8 ha of PCT 171 within the clearing area. The assessment indicated that PCT 171 in both areas contains a diverse range of species and good vegetation cover across a range of growth form groups, however there are a low number of large trees, hollow bearing trees and fallen logs present. By contrast the assessment indicated that the offset area contains larger areas of PCT 170 and PCT 58 that are in better condition than the same PCTs within the clearing area. The larger areas of these PCTs in the

offset area also result in a higher number of hollow bearing trees within the offset area. Habitat values for species that rely on hollow bearing trees for nesting /roosting are therefore likely to be significantly higher in the offset area. The habitat value of the clearing area is also reduced by the smaller and more isolated nature of much of its vegetation which increases its proximity to cleared agricultural land and its vulnerability to grazing by livestock and edge effects from cropping activities.

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

A site assessment, focusing on the disturbance footprint, was undertaken by Green Tape Solutions in 2023 (Att\_2\_EPBC Report). This assessment included an assessment of vegetation communities and vegetation values in late autumn (22-26 May 2023) across twelve sites. A total of 42 flora species were recorded (Table 7 Att\_2\_EPBC Report), this included 39 native species and three introduced species. No EPBC listed threatened flora species were recorded.

The site assessment confirmed that mallee vegetation communities were dominant (PCT 170 and PCT 171) within the disturbance footprint. The assessment also revealed that vegetation within the disturbance footprint has *undergone significant disturbance from edge effects, agricultural and pastoral practices and feral pests including goats pigs and rabbits. Grazing by cattle and sheep has impacted the native grasses, herbs and forbs, with mainly unpalatable species remaining in most patches. All communities assessed demonstrated some disturbance of the shrub and ground layers* (Page 31 Att\_2\_EPBC Report. Most of the mallee vegetation within the disturbance footprint *shows evidence of past clearing and regrowth, with some larger trees remaining* (Page 31 Att\_2\_EPBC Report).

James Golsworthy Consulting (JGC) undertook an assessment of the PCT mapping within the proposed clearing and offset area to confirm the type and extent of PCTs present (Att\_1\_EPBC Native Vegetation Assessment).

The JGC assessment revealed that the 290.5 ha disturbance footprint contained the following PCTs:

- PCT 171 Spinifex linear dune mallee mainly of the Murray Darling Depression Bioregion - 227.8 ha (78%)
- PCT 170 Chenopod sandplain mallee woodland/shrubland of the arid and semi-arid (warm) zones - 45.3 ha (16%)
- PCT 58 Black Oak - Western Rosewood open woodland on deep sandy loams mainly in the Murray Darling Depression Bioregion - 17.4 ha (6%)

The JGC assessment revealed the the 733 ha offset area contained the following PCTs:

- PCT 171 Spinifex linear dune mallee mainly of the Murray Darling Depression Bioregion - 295.8 ha (40%)
- PCT 170 Chenopod sandplain mallee woodland/shrubland of the arid and semi-arid (warm) zones - 268.9 ha (37%)
- PCT 58 Black Oak - Western Rosewood open woodland on deep sandy loams mainly in the Murray Darling Depression Bioregion - 128.6 ha (17%)
- PCT 143 Narrow-leaved Hopbush - Scrub Turpentine - Senna shrubland on semiarid and arid sandplains and dunes - 35.2 ha (5%)
- PCT 15 Black Box open woodland wetland with chenopod understorey mainly on the outer floodplains in south western NSW (mainly Riverina Bioregion and Murray Darling Depression Bioregion - 4.5 ha (1%)

The JGC assessment also included an assessment of vegetation quality and habitat within the clearing and offset areas using 24 randomly selected plots (12 in the clearing area and 12 in the offset area). A total of 55 native flora species and four introduced species were recorded within the clearing area (Table 6 Att\_1\_EPBC Native Vegetation Assessment). A total of 73 native species and six introduced species were recorded within the offset area (Table 10 Att\_1\_EPBC Native Vegetation Assessment). No EPBC listed flora were recorded in either the clearing area or offset area.

Vegetation integrity scores for the clearing area are indicated in Table 7 of the vegetation assessment report (Att\_1\_EPBC Native Vegetation Assessment). These scores ranged from 58.3 (PCT 171) to 44.3 (PCT 171). Vegetation integrity scores for the offset area are indicated in Table 11 of the vegetation assessment report (Att\_1\_EPBC Native Vegetation Assessment). Excluding PCT 15, which makes up 1% of the offset area, these scores ranged from 74.7 (PCT 58) to 51.1 (PCT 170).

An assessment of additional habitat data (tree hollows) within the clearing area is indicated in Table 9 of the vegetation assessment report (Att\_1\_EPBC Native Vegetation Assessment). This assessment indicated a lack of hollows within PCT 171 which makes up 78% of the clearing area. Trees within PCT 171 were numerous and generally small, with most trees within the 5-9 cm Diameter at Breast Height (DBH) range and no trees recorded in the 20-29 cm DBH range or higher. The data also indicates a low number of small to medium hollows within PCT 170 and only small hollows within PCT 58. No hollows > 30 cm were observed within any of the BAM assessment plots in the clearing area. These observations are consistent with those made in the MNES assessment report (Att\_4\_EPBC Report) which indicated that small hollows and crevices were present within the clearing area, however there was a lack of large hollows.

An assessment of additional habitat data within the offset area is indicated in Table 13 of the vegetation assessment report (Att\_1\_EPBC Native Vegetation Assessment). This assessment indicated numerous small hollows (<10cm diameter) and medium hollows (10-30 cm diameter) in PCT 170 and PCT 58, while there was a lack hollows within PCT 171 due to the small size of the trees within this PCT. As was the case with the clearing area trees were numerous with most trees in the 5-9 cm DHB range and no trees recorded in the 20-29 cm DBH range or higher. There was also a lack of large hollows (>30cm diameter) across the offset area, with the only observations within PCT 15 which makes up only 1% of the offset area.

The habitat data collected during the vegetation assessment (Att\_1\_EPBC Native Vegetation Assessment) indicates that the number of hollows within the offset area are significantly higher than the clearing area. This is due to the higher number of hollows per ha observed within PCTs 170 and 58 and the larger areas of these PCTs within the offset area (PCT 170: 45.3 ha in clearing area and 268.9 ha in offset area; PCT 58: 17.4 ha in clearing area and 128.6 ha in offset area).

Soils within the project area included coarse textured sands and sandy loams at higher elevations and finer textured sandy clay loams and clay loams at lower elevations. The areas of mallee PCTs (PCT 170 and PCT 171) contained coarser texture sandy loams and sands on dunes. These soils are prone to wind erosion.

## 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.

Not applicable to this site.

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

A search of the parcel of land containing the project area (Lot 2 DP 12880607) using the NSW Aboriginal Heritage Information System (AHIMS) indicated that there are no Aboriginal sites located within the project area or on the parcel of land (Att\_4\_AHIMS Search).

**The search results contained in the AHIMS search are drawn from publicly available data and do not contain any culturally sensitive information.**

## 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. \*

Due to the soil type, low rainfall, and relatively flat terrain, significant surface water flows are rare and limited to extreme rainfall events. No waterways or waterbodies are present within the project area. The irrigation water for the horticultural development will be sourced from the Murray River via two new pump stations, one located south of the southeast corner of the project area and one located south of the southwest corner of the project area.

The proponent has commissioned two previous groundwater impact assessments which cover the eastern and western portions of the currently approved irrigation areas which are located within the 992 ha that has been previously cleared for dryland cropping. The assessments considered the potential impacts to the groundwater segments that are located beneath the area that was proposed for development. Irrigation developments carry the risk of potentially increasing the recharge rates of groundwater beneath land that is subject to irrigation. There is also the risk of mobilising soil salts and transporting them into the Murray River. The resulting increase in salinity has the potential to adversely impact Matters of National Environmental Significance such as listed threatened freshwater species and Ramsar listed wetlands.

The assessments modelled the in-river salinity impact in the Murray River by calculating EC impacts at Morgan in SA over a 30 year period. The results of the assessments indicated that there is a potential for EC impacts at Morgan to be above the threshold of 0.1 EC, which defines a significant impact under the Basin Salinity Management (BSM) Procedures (Murray Darling Basin Authority 2023). However, the assessments identified ongoing monitoring and management measures to ensure that impacts remain below the 0.1 EC threshold. These measures satisfied the relevant approval authority (Water NSW), who incorporated them into the conditions of the Water Use Approval under the *Water Management Act 2000*.

A revised groundwater impact assessment will be undertaken to incorporate the entirety of the treatment area as part of the irrigation approval requirements under the *Water Management Act 2000*.

## 4. Impacts and mitigation

## 4.1 Impact details

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

<b>EPBC Act section</b>	<b>Controlling provision</b>	<b>Impacted</b>	<b>Reviewed</b>
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	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.

—

#### **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.**

\*

The closest World Heritage listed area in the Willandra Lakes located approximately 70 kilometres to the northeast of the clearing site. The proposed works will not have any impact on this site, or any other World Heritage listed areas.

### **4.1.2 National Heritage**

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

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

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

—

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

No

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

\*

The closest National Heritage places to the activity area are:

- Willandra Lakes Region - 70 km northeast
- City of Broken Hill - 265 km northwest.

The proposed works will not have any impact on these, or any other National Heritage Places

### **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
Yes		Banrock Station Wetland Complex
Yes		Riverland
Yes		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 will be no direct or indirect impacts on the identified Ramsar listed wetlands which are connected to the Murray River. The wetlands listed are located across the state border in South Australia. None of the three wetlands are close to the project area and there will be no impacts on them as a result of the proposal.

The straight line separation distance between the listed wetlands and the activity area is:

- Banrock Station Wetland Complex: 181 km west
- Riverland: 122 km west
- The Coorong, Lakes Alexandrina and Albert Wetland: 298 km south-west.

**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

<b>Direct impact</b>	<b>Indirect impact</b>	<b>Species</b>	<b>Common name</b>
No	No	<i>Amytornis striatus howei</i>	Murray Mallee Striated Grasswren, Striated Grasswren (sandplain)
Yes	No	<i>Aphelocephala leucopsis</i>	Southern Whiteface
No	No	<i>Bidyanus bidyanus</i>	Silver Perch, Bidyan
No	No	<i>Botaurus poiciloptilus</i>	Australasian Bittern
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Euastacus armatus</i>	Murray Crayfish
Yes	No	<i>Falco hypoleucos</i>	Grey Falcon
No	No	<i>Galaxias rostratus</i>	Flathead Galaxias, Beaked Minnow, Flat-headed Galaxias, Flat-headed Jollytail, Flat-headed Minnow
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Grantiella picta</i>	Painted Honeyeater
No	No	<i>Hemiaspis damelii</i>	Grey Snake
No	No	<i>Lathamus discolor</i>	Swift Parrot
Yes	No	<i>Leiopoa ocellata</i>	Malleefowl
No	No	<i>Lepidium monoplacoides</i>	Winged Pepper-cress
No	No	<i>Litoria raniformis</i>	Southern Bell Frog, Growling Grass Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog
Yes	No	<i>Lophochroa leadbeateri</i> <i>leadbeateri</i>	Major Mitchell's Cockatoo (eastern), Eastern Major Mitchell's Cockatoo, Pink Cockatoo (eastern)
No	No	<i>Macquaria australasica</i>	Macquarie Perch

<b>Direct impact</b>	<b>Indirect impact</b>	<b>Species</b>	<b>Common name</b>
No	No	Manorina melanotis	Black-eared Miner
Yes	No	Melanodryas cucullata cucullata	South-eastern Hooded Robin, Hooded Robin (south-eastern)
Yes	No	Neophema chrysostoma	Blue-winged Parrot
Yes	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)
Yes	No	Polytelis anthopeplus monarchoides	Regent Parrot (eastern)
No	No	Rostratula australis	Australian Painted Snipe
Yes	No	Solanum karsense	Menindee Nightshade
No	No	Stagonopleura guttata	Diamond Firetail
No	No	Swainsona murrayana	Slender Darling-pea, Slender Swainson, Murray Swainson-pea
Yes	No	Swainsona pyrophila	Yellow Swainson-pea

### **Ecological communities**

<b>Direct impact</b>	<b>Indirect impact</b>	<b>Ecological community</b>
No	No	Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions
Yes	No	Mallee Bird Community of the Murray Darling Depression Bioregion
No	No	Plains mallee box woodlands of the Murray Darling Depression, Riverina and Naracoorte Coastal Plain Bioregions

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

Yes

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

The site assessment undertaken by Green Tape Solutions included a likelihood of occurrence assessment (Appendix 3 Att\_2\_EPBC Report) for threatened species identified in the search of the EPBC Protected Matters Search Tool (Appendix 1 Att\_2\_EPBC Report). Species assessed as likely to occur or with a potential to occur within the disturbance footprint were considered to be potentially impacted and requiring further assessment against the relevant criteria in the *MNES Significant impact guidelines 1.1* (DoE 2013).

Below is a summary of the species that were considered to likely to occur or with a potential to occur.

1. **Menindee Nightshade *Solanum karsense* (Vulnerable)**: marginally suitable habitat occurs on site; however grazing impact are likely to reduce the occurrence of the species. The species was not recorded during the site surveys, and there are no recent records of this species within 20 km of the site - Potential to occur.
2. **Yellow Swainson-pea *Swainsona pyrophila* (Vulnerable)**: suitable habitat occurs on site; however grazing impact is likely to reduce the occurrence of the species. There are no recent occurrence records within 20 km of the site and no known above ground populations are currently known (species only survives as seed in soil) The species was not recorded during the site surveys; however, the surveys were undertaken outside of the species' flowering period and therefore detection of this species would be limited - Potential to occur.
3. **Southern Whiteface *Aphelocephala leucopsis* (Vulnerable)**: Suitable habitat occurs on site. This species has been recorded on the property in 2015 in an area of contiguous habitat, and there are many additional records within 20 km of the study area. The species was not recorded during the site surveys - Likely to occur.
4. **Grey Falcon *Falco hypoleucos* (Vulnerable)**: suitable habitat occurs on site, and there are occurrence records as recent as 2017 within 20 km of the site. The species was not recorded during the site surveys - Likely to occur.
5. **Malleefowl *Leipoa ocellata* (Vulnerable)**: The site supports suitable habitat and there is an occurrence record from 2003 within 4 km to the north of the site within contiguous habitat. The species was not recorded during the site surveys - Likely to occur.
6. **Major Mitchell's Cockatoo (eastern) *Lophochroa leadbeateri leadbeateri* (Endangered)**: Suitable foraging habitat occurs on site, particularly within PCT 58, though tree hollows are few and not of a suitable size for this species. There are only very small areas of these communities within the development area. Nesting habitat is likely to occur along the river. The species was not seen during the site surveys; however, there are numerous records within 20 km of the site - Likely to occur.
7. **South-eastern Hooded Robin *Melanodryas cucullata cucullata* (Endangered)**: There is suitable habitat on site for this species. There are many records of this species within 20 km of the site - Potential to occur.
8. **Blue-winged Parrot *Neophema chrysostoma* (Vulnerable)**: The site contains potentially suitable occasional foraging habitat, and there are several local records along the Murray River and in Kings Billabong Park - Potential to occur.
9. **Regent Parrot (eastern) *Polytelis anthopeplus monarchoides* (Vulnerable)**: the site supports suitable habitat for this species, however larger trees with hollows do not occur on site. The species was not recorded during the site surveys; however, there are many records within 20 km of the site, predominately along the Murray River - Likely to occur.
10. **Corben's Long-eared Bat *Nyctophilus corbeni* (Vulnerable)**: Suitable habitat occurs on the site (PCT 58 and PCT 28). This habitat is degraded and there are significant impacts from feral cats and foxes on the site. The species was not recorded during the site survey and recording devices. Anabat recordings were undertaken in suboptimal weather conditions during site surveys, which is likely to reduce the chances of successful detection. Further survey effort is required to determine the presence of this species. There is one recent occurrence record within 7 km to the east of the site - Potential to occur.

An assessment was also undertaken of the threatened ecological communities identified in the search of the EPBC Protected Matters Search Tool (Section 5.1.2 Att\_2\_EPBC Report). This assessment confirmed the presence of the following EPBC listed threatened ecological community:

- **Mallee Bird Community of the Murray Darling Depression Bioregion (Endangered)**

The presence of this threatened ecological community was confirmed using the Key Diagnostic Characteristics in Section 2.1 of the *Approved Conservation Advice for the Mallee Bird Community of the Murray Darling Depression Bioregion* (DAWE 2021) (Section 5.1.2.1 Att\_2\_EPBC Report). As this threatened ecological community was confirmed to occur it was included in a further assessment against the relevant criteria in the *MNES Significant impact guidelines 1.1* (Department of the Environment 2013).

**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. \***

The site assessment undertaken by Green Edge Solutions included an assessment against the relevant significant impact criteria described in the *MNES Significant impact guidelines 1.1* (DoE 2013) for the 10 species and one ecological community assessed as potentially impacted by the proposed vegetation clearance in the disturbance area (Section 7 Att\_2\_EPBC Report). The assessment concluded that a significant impact is likely for six EPBC listed species and one EPBC listed ecological community.

Below is a summary of the significant impact assessment.

- 1. Menindee Nightshade *Solanum karsense* (Vulnerable):** The proposed development is unlikely to significantly reduce or fragment an important population of Menindee Nightshade. It is unlikely to disrupt the reproductive cycle of an important population or adversely affect critical habitat to the extent that the species is likely to decline, fragment it, or disrupt critical habitat or its reproductive cycle. It is also unlikely to negatively affect habitat quality, introduce harmful diseases, or invasive species. The proposal is unlikely to cause a significant impact to the Menindee Nightshade.
- 2. Yellow Swainson-pea *Swainsona pyrophila* (Vulnerable):** Further research and site assessment is required to determine the presence of the species in or near the site. Given the impact to the site from grazing and agricultural activities is unlikely the species would occur on the site. There is insufficient ecological data to assess the potential effects of the proposed development on the Yellow Swainson-pea, including its effect on population size, area of occupancy, fragmentation, breeding cycle, and recovery potential. While there is insufficient ecological data available to determine if the development would adversely impact the species, it is possible that the proposed development may adversely affect habitat critical to the survival of the Yellow Swainson-pea. The development is unlikely to introduce invasive species or disease but is likely to modify, destroy, remove, or decrease the availability or quality of habitat. Further data is needed to evaluate the extent of modification/destruction is sufficient to cause the species' decline. There is insufficient data available for this species to determine if the proposed development is likely to result in a significant impact under the assessment guidelines.
- 3. Southern Whiteface *Aphelocephala leucopsis* (Vulnerable):** The proposed development is not expected to lead to a long-term decrease in population size and area of occupancy, affect the breeding cycle or result in fragmentation of an important population. It is also not expected to introduce disease or invasive species that are harmful into habitat for the Southern Whiteface. The proposed development is likely to adversely affect habitat critical to the survival of Southern Whiteface and its ability to recover. The proposal is likely to significantly impact the Southern Whiteface.
- 4. Grey Falcon *Falco hypoleucos* (Vulnerable):** The proposed development is unlikely to result in a long-term decrease in the size or cause fragmentation of an important population, affect critical habitat or the breeding cycle of the species. While the development may temporarily expose Grey Falcons to higher predation rates when roosting this is not expected to impact these birds significantly. The proposed development is also unlikely to introduce diseases or interfere with the species' recovery. The proposal does not constitute a significant impact on the Grey Falcon.
- 5. Malleefowl *Leipoa ocellata* (Vulnerable):** The proposed development is unlikely to cause a long term decrease in the size of Malleefowl population and not expected to have any significant or long-term effects on the area of occupancy of the species. It is not expected to have any long-term fragmentation effects and will not fragment the existing population into two or more populations. It is unlikely that the development will adversely affect critical habitat for Malleefowl, disrupt its breeding cycle, or affect habitat to the extent that the species is likely to decline. The proposed development is unlikely to result in invasive species that are harmful to Malleefowl becoming established in surrounding habitat or introduce a disease that may cause the species to decline. Whilst it is likely the development will interfere with the recovery of the species at a local extent, it is not expected to be significant. The proposal is unlikely to have a significant impact on Malleefowl.

6. **Major Mitchell's Cockatoo (eastern) *Lophochroa leadbeateri leadbeateri* (Endangered):** Vegetation at the development site is suitable for foraging and dispersal by Eastern Major Mitchell's Cockatoos. The development proposes to permanently remove approximately 300 Ha of habitat critical to the survival of the subspecies and is likely to result in a reduction in the species' area of occupancy. The proposal is likely to have a significant impact on the Eastern Major Mitchell's Cockatoo.
7. **South-eastern Hooded Robin *Melanodryas cucullata cucullata* (Endangered):** The proposed development is unlikely to contribute to a decrease in the population size of Southeastern Hooded Robins, fragment or interfere with the breeding cycle of a population or reduce their area of occupancy. It is also unlikely to cause invasive species to become established, introduce diseases, or significantly interfere with the recovery of these birds. Further assessment and survey is required to determine the presence of the South-eastern Hooded Robin on the site. However, the development will remove habitat likely critical to their survival, regardless of the presence or absence of the species on site. The proposal is likely to have a significant impact on the South-eastern Hooded Robin.
8. **Blue-winged Parrot *Neophema chrysostoma* (Vulnerable):** The proposed development is unlikely to cause a long-term decrease in the size of the Blue-winged Parrot population, reduce their area of occupancy, or fragment an important population. It is also unlikely to introduce a harmful disease or significantly interfere with the recovery of these birds. However, it is likely to adversely affect habitat critical to the survival of Blue-winged Parrots. The proposal is likely to result in a significant impact to the Blue-winged Parrot.
9. **Regent Parrot (eastern) *Polytelis anthopeplus monarchoides* (Vulnerable):** The clearing of vegetation proposed for the development may contribute to a long-term decrease in the mid-Murray River breeding population. It is unlikely that the proposed development will reduce the area of occupancy for an important sub population of Eastern Regent Parrots or fragment the existing population or the mid-Murray subpopulation into two or more populations. The proposed development will adversely affect critical habitat, may disrupt the breeding cycle of an important sub-population and modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline. The development is unlikely to introduce a disease or result in the establishment of invasive species that are harmful to Eastern Regent Parrots, however it is likely to interfere with the subspecies' recovery. The proposal is likely to have a significant impact on the Regent Parrot (eastern).
10. **Corben's Long-eared Bat *Nyctophilus corbeni* (Vulnerable):** The proposed clearing for the development is unlikely to lead to a long-term decline, have significant effects on the area of occupancy, or fragment an important population. It is unlikely to Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline, result in harmful invasive species becoming established or introduce harmful diseases. It is also unlikely to interfere substantially with the ongoing survival or recovery of the species. Whilst it is possible that exposure to agrichemicals poses a threat to the species the level of threat is likely to be low at a population level. Indications are that Corben's long-eared bats roost near warmer forest edges between May and November. This may be useful in planning for the application of agrichemicals. The proposal is unlikely to significantly impact the Corben's Long-eared Bat
11. **Mallee Bird Community of the Murray Darling Depression Bioregion (Endangered):** The proposal will clear approximately 273 ha of mallee dominated habitat meeting the key diagnostic criteria for this TEC. The proposal is considered to potentially have a significant impact on the MBC TEC due to the clearing of vegetation associated with the community.

#### 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. \***

A controlled action is any action that is likely to have a significant impact on a protected matter listed under Part 3 of the EPBC Act. This list of protected matters includes:

- listed threatened species and ecological communities

The actions that the proponent intends to carry out will result in the permanent loss of 290.5 ha of native vegetation which is likely to have a significant impact on one EPBC listed threatened ecological community and six EPBC listed threatened species.

#### **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. \***

Avoid

- Clearing is constrained to vegetation within existing cleared agricultural land and does not impact on larger areas of remnant vegetation within the property.

Minimise and mitigate the impact:

- Reduction of clearing area through selective clearing balancing soil productivity and ecological requirements for the proposed action.
- Protect retained vegetation through management of weeds and feral animals and fire.
- Limiting clearing impact area to 16% of the total intact vegetation on the property.
- No fencing is proposed for the new development. This provides free movement for native fauna across the site. Any fencing on the boundaries is to be fauna-friendly to continue to allow the movement of fauna across the site and property boundary.
- Undertake clearing during the non-breeding season for most native fauna, including Mallee Bird Community species (February-June), to reduce fatalities of juvenile animals and orphaning of fauna during vegetation clearing.
- Apply speed restrictions will apply on-site for safety and to reduce risk of fauna collision.

Offset the residual impact:

- Under NSW legislation offsets have been proposed in the northern and southern portions of site to compensate for the removal of native vegetation. A total of 733 ha is proposed as offset area for impact to MNES within the property. This offset shall provide for the loss of threatened species habitat and clearing of the TEC.
- An offset area management plan will be prepared to ensure the offset meets the requirement under the EPBC Act and provide net gain in ecological benefits. Management actions will include restoration of ecological values, control of feral animals (rabbits, foxes, cats, goats and pigs), weed control, and suitable fire management.

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

As part of the application to LLS under the *Land Management (Native Vegetation) Code 2018*, the proponent is proposing to permanently set aside a 733 ha area of land (Appendix 1a and Appendix 1c Att\_1\_EPBC Native Vegetation Assessment) as an offset site that will be managed for conservation purposes on a permanent basis. This offset area is located immediately north and south of the disturbance footprint within the same parcel of land (Appendix 1b and Appendix 1d Att\_1\_EPBC Native Vegetation Assessment).

A site assessment (Att\_1\_EPBC Native Vegetation Assessment) confirmed that the proposed offset area contained the following five PCTs:

- PCT 170 Chenopod sandplain mallee woodland/shrubland of the arid and semi-arid (warm) zones (268.9 ha)
- PCT 171 Spinifex linear dune mallee mainly of the Murray Darling Depression Bioregion (295.8 ha)
- PCT 58 Black Oak - Western Rosewood open woodland on deep sandy loams mainly in the Murray Darling Depression Bioregion (128.69 ha)
- PCT 143 Narrow-leaved Hopbush - Scrub Turpentine - Senna shrubland on semi-arid and arid sandplains and dunes (35.2 ha)
- PCT 15 Black Box open woodland wetland with chenopod understorey mainly on the outer floodplains in south western NSW (mainly Riverina Bioregion and Murray Darling Depression Bioregion) (4.5 ha)

The extent of the offset area and PCTs within the offset area is indicated in Appendix 1b and Appendix 1d Att\_1\_EPBC Native Vegetation Assessment. The assessment confirmed that mallee PCTs (PCT 170 and PCT 171) were dominant, making up 77% of the offset area, with PCT 58 making up 17% and the remaining 6% consisting of PCT 143 and PCT 15. A total of 73 native flora species and six exotic weed species were recorded within the offset area (Table 10, Att\_1\_EPBC Native Vegetation Assessment).

Vegetation integrity scores for the offset area are indicated in Table 11 of the offset assessment report (Att\_1\_EPBC Native Vegetation Assessment). Excluding PCT 15, which makes up 1% of the offset area, these scores ranged from 74.7 (PCT 58) to 51.1 (PCT 170). An assessment of tree hollows is indicated in Table 13 of the offset assessment report (Att\_1\_EPBC Native Vegetation Assessment). This assessment indicated numerous small hollows (<10cm diameter) and medium hollows (10-30 cm diameter) in PCT 170 and PCT 58, while there was a lack of hollows within PCT 171 due to the small size of the trees within this PCT (most likely due to fire). There was also a lack of large hollows (>30cm diameter) across the offset site, with the only observations within PCT 15 which makes up only 1% of the offset area.

The site assessment indicated that the 733 ha offset area contains 295.8 ha of PCT 171 which is in similar condition to the 227.8 ha of PCT 171 within the clearing area. The assessment indicated that PCT 171 in both areas contains a diverse range of species and good vegetation cover across a range of growth form groups, however there are a low number of large trees, hollow bearing trees and fallen logs present. By contrast the assessment indicated that the offset area contains larger areas of PCT 170 and PCT 58 that are in better condition than the same PCTs within the clearing area. The larger areas of these PCTs in the offset area also result in a higher number of hollow bearing trees within the offset area. Habitat values for species that rely on hollow bearing trees for nesting /roosting are therefore likely to be significantly higher in the offset area. The habitat value of the clearing area is also reduced by the smaller and more isolated nature of much of its vegetation which increases its proximity to cleared agricultural land and its vulnerability to grazing by livestock and edge effects from cropping activities.

The site assessment confirmed that the offset area provides habitat for all species that have been identified as significantly impacted in the clearing area (Table 14, Att\_1\_EPBC Native Vegetation Assessment).

The northern boundary of the proposed offset area also adjoins approximately 7,573 ha of contiguous land managed for private conservation, on the property and on adjoining properties, which is directly linked to Mallee Cliffs National Park to the northeast (Appendix 1g Att\_1\_Native Vegetation Assessment).

Please refer to the EPBC Native Vegetation Assessment report for further information on the vegetation within the offset area (Att\_1\_EPBC Native Vegetation Assessment).

#### **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	<i>Actitis hypoleucos</i>	Common Sandpiper
Yes	No	<i>Apus pacificus</i>	Fork-tailed Swift
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Calidris melanotos</i>	Pectoral Sandpiper
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Motacilla flava</i>	Yellow Wagtail

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

Yes

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

The site assessment undertaken by Green Tape Solutions included a likelihood of occurrence assessment (Appendix 3 Att\_2\_EPBC Report) for migratory species identified in the search of the EPBC Protected Matters Search Tool (Appendix 1 Att\_2\_EPBC Report).

Below is a summary of the assessment for the single species that was considered to potentially utilise habitat within the disturbance area.

- **Fork-tailed Swift *Apus pacificus***: this species is almost exclusively aerial and is likely to occupy the airspace above the site. There are several recent local occurrence records within 20 km of the site.- Potential to occur.

Fork-tailed Swift is almost exclusively aerial over its Australian range and feed exclusively on flying insects. The disturbance area is part of this species' range so there may be an impact as the clearing of the vegetation may reduce the local abundance of food resources for this species. However, the species range includes the entire Australian continent so any impact from the proponent's actions will be very minor (Species Profile and Threats Database, *Apus pacificus* - ForkTailed Swift, accessed 11/06/25)

**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. \***

As outlined above in Section 4.1.5.2 impacts on migratory species is limited to direct impacts on potential feeding habitat of Fork-tailed Swift (*Apus pacificus*). The attached Draft Referral Guideline identifies modelled distribution across the entire Australian continent as well as Tasmania and offshore islands (p.10 Att\_5\_Migratory Birds Draft Referral Guideline) . Across its habitat range in Australia the species is exclusively aerial. Any habitat use within the project area is therefore likely to be limited to occasional aerial foraging. The proposed action may impact the number of flying insects available as a food resource within the project area, however the the project area may still be utilised by Fork-tailed Swift for foraging following the proposed action. Any impacts on Fork-tailed Swift are not likely to be significant due to the likely occasional use of the habitat for aerial foraging and the very small proportion of the total habitat impacted.

With reference to the decision making process outlined in Figure 1 of the attached Draft Referral Guideline (p.6 Att\_5\_Migratory Birds Draft Referral Guideline), any impacts on Fork-tailed Swift are not likely to be significant as the proposed activity is not likely to destroy or isolate an area of important habitat or seriously disrupt the like cycle of an ecologically significant proportion of a population.

**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.**

\*

A controlled action is an action that is likely to have a significant impact on a protected matter listed under Part 3 of the EPBC Act. This list of protected matters includes:

- listed migratory species

As described in Section 4.1.5.6 the proposed action is not likely to significantly impact any identified migratory species. As a consequence any impacts on migratory species are unlikely to be considered a controlled action.

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

#### Avoid

- Clearing is constrained to vegetation within existing cleared agricultural land and does not impact on larger areas of remnant vegetation within the property.

#### Minimise and mitigate the impact:

- Reduction of clearing area through selective clearing balancing soil productivity and ecological requirements for the proposed action.
- Protect retained vegetation through management of weeds and feral animals and fire.
- Limiting clearing impact area to 16% of the total intact vegetation on the property.

#### Offset the residual impact:

- Under NSW legislation offsets have been proposed in the northern and southern portions of site to compensate for the removal of native vegetation. A total of 733 ha is proposed as offset area for impact to MNES within the property.
- An offset area management plan will be prepared to ensure the offset meets the requirement under the EPBC Act and provide net gain in ecological benefits. Management actions will include restoration of ecological values, control of feral animals (rabbits, foxes, cats, goats and pigs), weed control, and suitable fire management.

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

As outlined in Section 4.1.5.9 impacts on migratory species are not likely to be considered a controlled action, therefore no offsets will be required for impacts on migratory species. However, as described in Section 4.1.4.11, as part of the application to LLS under the *Land Management (Native Vegetation) Code 2018*, the proponent is proposing to permanently set aside an area of land (733 ha) as an offset site that will be managed for conservation purposes on a permanent basis. The offset area will be secured via a Mandatory Code Compliant Certificate issued by LLS under the *Land Management (Native Vegetation) Code 2018*.

#### **4.1.6 Nuclear**

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

No

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

\*

Not applicable. The proposed activities do not involve any nuclear materials.

#### **4.1.7 Commonwealth Marine Area**

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

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

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

—

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

No

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

\*

Not applicable. The location of the proposed activity area is western NSW; there will not be any impacts on Commonwealth Marine Areas.

**4.1.8 Great Barrier Reef**

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

No

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

\*

Not applicable. The proposed activity area is located in western NSW. Consequently there will be no impacts on the Great Barrier Reef as a result of the proposal.

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

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

No

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

\*

Not applicable. The proposed activity is not related to coal mining or coal seam gas.

**4.1.10 Commonwealth Land**

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

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

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

Direct impact	Indirect impact	Commonwealth land area
No	No	Commonwealth Land - Australian Telecommunications Commission

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

No

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

\*

The proposed action is located on private land and will not impact Commonwealth Land.

**4.1.11 Commonwealth Heritage Places Overseas**

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

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

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

—

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

No

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

\*

The proposed action will not impact 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. \*

The clearing of the native vegetation from the site is necessary to maximise the area available for irrigated horticultural development. The retention of areas of vegetation within the proposed development area will decrease efficiencies and the overall economic viability of the proposed development. The proposed removal of all vegetation within the disturbance footprint is required for the following reasons:

- 1. Layout of the horticultural blocks.** Horticultural crops (citrus trees, nut trees, grapevines etc.) are grown in blocks, each consisting of a number of uniform rows. This allows them to be managed and operated efficiently. All operations from spraying, harvesting, pruning and irrigation depend on the systematic and regular layout of the rows. At each end of the rows a sufficient large cleared headland space is required to allow for the safe and efficient operation maneuvering of farm plant and machinery.
- 2. Irrigation requirements.** The site will be irrigated using a reticulated system that is supplied with irrigation water from a connection to a new irrigation system. In order to provide each tree or vine with the water and nutrients it requires, the irrigation system needs to be arranged in a grid system, with water provided to the root mass at the base of each plant. The most efficient manner of doing this depends on the total clearing of native vegetation from the disturbance footprint. This allows for the construction of a simple squared grid system and avoids the complexities inherent with designs that are forced to avoid remnant patches of vegetation.
- 3. Competition.** Native vegetation, especially eucalypt species, has been shown to compete with various crop varieties. This has the effect of diminishing overall yields and increasing the costs associated with various agricultural inputs.
- 4. Optimal development of proponent's property.** The area identified for clearing abuts the existing areas that have been previously cleared for dryland cropping and adjoining areas that have already been approved for irrigation development. The clearing of the area of land referred to in this application, will permit the full and complete development of the part of the proponent's property that has been assessed as having the optimal features for this type of horticultural development. These include the following features:
  - *Close to transport route.* The area proposed for development is located within easy access of the Sturt Highway, a National Highway, which runs along the southern boundary of the property. This makes it a convenient location for the receipt of farm supplies and for the loading and transportation of farm produce.
  - *Proximity to water supply.* The proposed development is located close to the Murray River, a major waterway and the sole source of irrigation water available to the property. The proposed location of the development and the associated pump station and rising mains minimises costs associated with the installation and ongoing operation of the irrigation reticulation system.
  - *Utilise optimal soil type.* The area proposed for the development was identified as having soil types that are suitable for the production of a variety of irrigated horticultural crops.

## 5. Lodgement

## 5.1 Attachments

### 1.2.1 Overview of the proposed action

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Att_1_EPBC Native Vegetation Assessment.pdf Native vegetation and habitat assessment of the area to be cleared and the area to be set aside for conservation.	15/09/2025	No	High

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

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Att_6_Grant Ferry CV.pdf Curriculum Vitae for Grant Ferry, Sole Director of Fortitude Constructions Pty Ltd	17/09/2025	No	High

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

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Att_1_EPBC Native Vegetation Assessment.pdf Native vegetation and habitat assessment of the area to be cleared and the area to be set aside for conservation.	14/09/2025	No	High
#2.	Document	Att_3_Location Map A3P.pdf Map of project area which indicates the location of the proposed clearing area and offset area	17/09/2025	No	High

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

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Att_1_EPBC Native Vegetation Assessment.pdf Native vegetation and habitat assessment of the area to be cleared and the area to be set aside for conservation.	14/09/2025	No	High
#2.	Document	Att_3_Location Map A3P.pdf Map of project area which indicates the location of the proposed clearing area and offset area	16/09/2025	No	High

### 3.2.1 Flora and fauna within the affected area

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Type	Name	Date	Sensitivity	Confidence
#1.	Document Att_1_EPBC Native Vegetation Assessment.pdf Native vegetation and habitat assessment of the area to be cleared and the area to be set aside for conservation.	14/09/2025	No	High
#2.	Document Att_2_EPBC Report.pdf Biodiversity assessment of the area to be cleared.	23/02/2025	No	High

### 3.2.2 Vegetation within the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att_1_EPBC Native Vegetation Assessment.pdf Native vegetation and habitat assessment of the area to be cleared and the area to be set aside for conservation.	14/09/2025	No	High
#2.	Document Att_2_EPBC Report.pdf Biodiversity assessment of the area to be cleared.	23/02/2025	No	High

### 3.3.2 Indigenous heritage values that apply to the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document ATT_4_AHIMS Search.pdf Aboriginal Heritage Information Management System (AHIMS) search for the property	16/09/2025	No	High

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

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att_2_EPBC Report.pdf Biodiversity assessment of the area to be cleared.	23/02/2025	No	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 Att_2_EPBC Report.pdf Biodiversity assessment of the area to be cleared.	23/02/2025	No	High

4.1.4.11 (Threatened Species and Ecological Communities) Proposed offsets relevant to avoidance or mitigation measures

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Att_1_EPBC Native Vegetation Assessment.pdf Native vegetation and habitat assessment of the area to be cleared and the area to be set aside for conservation.	14/09/2025	No	High

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

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Att_2_EPBC Report.pdf Biodiversity assessment of the area to be cleared.	23/02/2025	No	High

4.1.5.6 (Migratory Species) Why you do not consider the direct and/or indirect impact to be a Significant Impact

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Att_5_Migratory Birds Draft Referral Guideline.pdf Draft referral guideline for 14 listed migratory bird species under the EPBC Act	01/09/2015	No	High

## 5.2 Declarations

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## ✔ Completed Referring party's declaration

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

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ABN/ACN	51124624148
Organisation name	James Golsworthy Consulting Pty Ltd
Organisation address	3500 VIC
Representative's name	Troy Muster
Representative's job title	Senior Environmental Consultant
Phone	0350228411
Email	troy@jgconsult.com.au
Address	140 Pine Avenue, Mildura VIC 3500

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

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

By checking this box, I, **Troy Muster of James Golsworthy Consulting Pty Ltd**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. \*

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

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

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

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ABN/ACN	15673598760
Organisation name	FORTITUDE CONSTRUCTIONS PTY LTD
Organisation address	3793 VIC
Representative's name	Grant Ferry

Representative's job title	Managing Director
Phone	0427 273 458
Email	fortitudeconstructions@outlook.com
Address	Suite 178, 738 Burke Road, Camberwell VIC 3124

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

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

I, **Grant Ferry of FORTITUDE CONSTRUCTIONS 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. \*

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

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

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

---

Same as Person proposing to take the action information.

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

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

I, **Grant Ferry of FORTITUDE CONSTRUCTIONS 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. \*

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

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