

Monarchs Rise Residential Subdivision

Application Number: **02600**

Commencement Date:
23/09/2024

Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

Monarchs Rise Residential Subdivision

1.1.2 Project industry type *

Residential Development

1.1.3 Project industry sub-type

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1.1.4 Estimated start date *

30/04/2025

1.1.4 Estimated end date *

31/12/2030

1.2 Proposed Action details

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

The proposed development is located on Newline Road in the Port Stevens Council area and comprises Lot 2 DP 37430, Lot 8 DP 111433, Lot 9 DP 111433, Lot 32 DP554875 and Lot 32 DP586245.

The area of the development comprises several zones under the Port Stevens LEP 2010: General Residential (R1 zone), Mixed Use (B4 zone) and Environmental Conservation (E2 zone).

The site contains a mix of cleared pasture areas and areas of remnant and regrowth native vegetation. The site contains several ephemeral drainage lines and dams/ponds.

The proposed Subdivision proposes the following development:

- Precinct 2 proposed residential development – 20.42 ha
- Precinct 3 proposed residential development – 25.96 ha
- Precinct 4 proposed mixed zone development – 5.43 ha

Precinct 1 is the first stage of the development.

- vegetation clearance in precincts 1 – 4 to the east of Newline Road;
- construction of a raised connection road to the north (across lands zoned C2 Environmental Conservation) as part of Precinct 3; and
- a biodiversity conservation area of approximately 71.04 ha, consisting of:
 - conservation of lands zoned C2 Environmental Conservation (outside of the road footprint);
 - conservation of a portion of the lands zoned R1 – General Residential (approximately 17.61 ha);
 - a 3 m buffer between the proposed development lands and the C2 Environmental Conservation and R1 – General Residential conservation areas; and
 - revegetation of lands, primarily within the existing cleared C2 Environmental Conservation land adjacent to Newline Road.
- Provision of urban infrastructure including, but not limited to, roads, stormwater drainage, water and sewer reticulation, electricity supply and telecommunications.

Refer to the attached Supplementary Information report (Attachment 1) for Figures.

Asset protection zones will be accommodated within the development footprint (Attachment 2) A flood risk assessment has also been undertaken (Attachment 3). As part of the approval the proponent has also entered into a voluntary planning agreement with Port Stephens Council, the approval authority, and this includes funding for management of the avoided and retained areas identified for conservation (Attachment 4).

Note that a subdivision of lands to the west of Newline Road into three lots of approximately 40 ha each in size with building envelopes situated in close proximity to Newline Road above the flood line was previously proposed but has since been retracted. As the western subdivision is no longer proposed, it is not mentioned further in this document.

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

Yes

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

Yes

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

Future development over Lot 41 and Lot 42, DP 618892 (the Future Development Application) is envisioned to occur in the future. This will involve subdivision to create residential blocks, earthworks, creation of access roads, clearing of up to 3.04 ha of native vegetation, and retention of at least 4.14 ha of land, comprising at least 3.68 ha of native vegetation. The indicative footprint is shown in Plate 1.1 and Figure 1.1 of EPBC Act Referral – Supplementary Information report (Attachment 1).

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

COMMONWEALTH EPBC ACT

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, heritage places and water resources which are defined as Matters of National Environmental Significance (MNES) under the EPBC Act. These are:

- world heritage properties;
- places listed on the National Heritage Register;
- Ramsar wetlands of international significance;
- threatened flora and fauna species and ecological communities;
- migratory species;
- Commonwealth marine areas;
- the Great Barrier Reef Marine Park;
- nuclear actions (including uranium mining); and
- water resources, in relation to coal seam gas or large coal mining development.

The Project is being referred to the Commonwealth Minister for the Environment given project's potential impacts to threatened fauna species (Koala).

NSW STATE LEGISLATION

Council approval to the Subdivision DA was granted in July 2024. A copy of the Development Application approval DA16-2013-599-1 is provided in EPBC Act Referral – Supplementary Information report; Appendix C (Attachment 1).

Environment Planning and Assessment Act 1979

The NSW Environmental Planning and Assessment Act 1979 (EP&A Act) was enacted to encourage the consideration and management of impacts of proposed development or land-use changes on the environment and the community. The EP&A Act is administered by the NSW Department of Planning and Environment (DPE).

The EP&A Act provides the overarching structure for planning in NSW; however, is supported by other statutory environmental planning instruments (EPIs) including State Environmental Planning Policies (SEPPs). EPIs relevant to the natural environment are outlined further below.

Development Application (DA) 16-2013-599-1 for the subdivision of five lots into 100 lots at the Kings Hill Urban Release Area was submitted to Port Stephens Council on 23 September 2013 (the 'Subdivision DA'). The Subdivision DA was originally submitted by the previous owners of the land, Hunter Land Holdings Pty Ltd. The land the subject of the Subdivision DA was recently purchased by the McCloy Group and therefore as of December 2021, is now responsible for the Subdivision DA.

NSW Biodiversity Legislation

The NSW Threatened Species Conservation Act 1995 (TSC Act) applied at the time that the Subdivision DA was submitted, which has now been repealed and replaced by the NSW Biodiversity Conservation Act 2016 (BC Act).

Given the date the original development application was submitted, it is classified as a "pending or interim planning application" under Part 7 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017, which, by operation of clause 28 of that Regulation, preserves the application of the former planning provisions under the EP&A Act, including former s79B of the EP&A Act which applies the TSC Act. As such, the Subdivision DA has been assessed under the 'assessment of significance' (or 7-part test) process under the TSC Act.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (hereafter referred to as the Biodiversity and Conservation SEPP) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline.

Chapter 3 of the Biodiversity and Conservation SEPP applies under savings provisions under s3.16, because a Koala Plan of Management was adopted and in force under the prior State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP44). The Port Stephens Comprehensive Koala Plan of Management (CKPoM; Port Stephens Council and AKF 2002) was adopted and in force under SEPP44 and, as such, the Port Stephens CKPoM applies.

Port Stephens Local Environmental Plan 2013

The Port Stephens Local Environmental Plan 2013 (LEP) sets out the local planning provisions for the area and applies to the land the subject of the Subdivision DA. For the Kings Hill Urban Release Area, clause 6.3 of the LEP requires that development consent must not be granted for development in an urban release area, unless there is a development control plan in place that provides detail for several matters set out in that clause. Section D14 of the Port Stephens Development Control Plan 2014 applies to the Kings Hill Urban Release Area and therefore to this Subdivision DA.

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. *

Consultation with the community and government agencies for the rezoning of the site as part of the wider Kings Hill Urban Release Area (URA) has taken place over the past twenty years. This was done in accordance with the requirements of gateway determinations issued under the Environmental Planning and Assessment Act 1979, which are available on the NSW Planning Portal.

More recently, the community and government agencies were publicly notified on numerous occasions and thus provided with the opportunity to provide submissions in relation to the Development Application (DA)s for residential subdivision (16-2013-599-2), which are available on the Port Stephens DA Tracker.

This included external referrals to the following agencies:

- NSW Rural Fire Service
- Hunter Development Corporation
- Ausgrid/Transgrid
- Transport for NSW (TfNSW)

Direct consultation between EMM and Port Stephens Council on 23 August 2022, with presentation to Council of the results of additional Koala food tree survey and amended proposed development / conservation boundaries. Following this, there continued to be ongoing consultation with Council, and approval was granted in July 2024 (approval DA16-2013-599-1 is provided in Attachment 1 (Appendix C)).

At the request of Port Stephens Council, a meeting was held with the Koala Coalition and the voice of Wallalong and Woodville in March 2024 to brief them of the proposed project. There have also been ongoing discussions with Port Stephens Koala Hospital to the possibility of providing harvested vegetation from the site to assist them.

In preparing the next DAs to be lodged with Council, the applicant engaged Heritage Now to complete Aboriginal Cultural Heritage Assessments (ACHA)s for the Project Area. These ACHAs conclude that 'No aboriginal objects or areas of archaeological potential were identified during the survey'.

1.3.1 Identity: Referring party

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1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN	141736558
Organisation name	EMM CONSULTING PTY LIMITED
Organisation address	The Forum, level 10/201 Pacific Hwy, St Leonards NSW 2065

Referring party details

Name	Steven Ward
Job title	Associate Ecologist
Phone	0457770411
Email	sward@emmconsulting.com.au
Address	The Forum, level 10/201 Pacific Hwy, St Leonards NSW 2065

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	41613410450
Organisation name	MCCLOY PROJECT MANAGEMENT PTY LTD
Organisation address	PO Box 2214, Dangar NSW 2309

Person proposing to take the action details

Name	James Goode
Job title	Development Director
Phone	49457500
Email	james@mccloygroup.com.au
Address	PO Box 2214, Dangar NSW 2309

1.3.2.14 Are you proposing the action as part of a Joint Venture? *

No

1.3.2.15 Are you proposing the action as part of a Trust? *

No

1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the Person proposing to take the action. *

The company that is proposing to take the action (McCloy Project Management Pty Ltd) does not have a known history of proceedings under Commonwealth, State or Territory Law for the protection of the environment or the conservation and sustainable use of natural resources.

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

McCloy Project Management Pty Ltd does not have an environmental policy, nor a planning framework.

McCloy Project Management Pty Ltd is an entity of the McCloy Group. The McCloy Group is one of the Hunter's largest private property developers with a proud history spanning over 60 years. The McCloy Group is currently staging development of residential home sites in ten residential communities, geographically spread in the Hunter, New England and Northern Rivers regions.

The development of these residential home sites involves obtaining development consents under the Environmental Planning and Assessment Act 1979 and associated Biodiversity Conservation Act 2016. The McCloy Group is therefore involved in engaging accredited ecological professionals to prepare impact and conservation assessments, which currently includes the establishment of one of the largest Biodiversity Stewardship Sites in the Hunter - Regrowth, Kurri Kurri.

The McCloy Group has an established track record of obtaining development consents and adhering to the conditions of those consents in order to deliver these award-winning residential communities. Further information about the McCloy Group can be found here: <https://mccloygroup.com.au/>

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	41613410450
Organisation name	MCCLOY PROJECT MANAGEMENT PTY LTD
Organisation address	PO Box 2214, Dangar NSW 2309
Proposed designated proponent details	
Name	James Goode
Job title	Development Director
Phone	49457500
Email	james@mccloygroup.com.au
Address	PO Box 2214, Dangar NSW 2309

1.3.4 Identity: Summary of allocation

✔ Confirmed Referring party's identity

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

ABN/ACN	141736558
Organisation name	EMM CONSULTING PTY LIMITED
Organisation address	The Forum, level 10/201 Pacific Hwy, St Leonards NSW 2065
Representative's name	Steven Ward
Representative's job title	Associate Ecologist
Phone	0457770411
Email	sward@emmconsulting.com.au
Address	The Forum, level 10/201 Pacific Hwy, St Leonards NSW 2065

✔ Confirmed Person proposing to take the action's identity

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

ABN/ACN	41613410450
Organisation name	MCCLOY PROJECT MANAGEMENT PTY LTD
Organisation address	PO Box 2214, Dangar NSW 2309
Representative's name	James Goode
Representative's job title	Development Director
Phone	49457500
Email	james@mccloygroup.com.au
Address	PO Box 2214, Dangar NSW 2309

✔ Confirmed Proposed designated proponent's identity

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

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

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

No

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

No

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

No

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

No

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

No

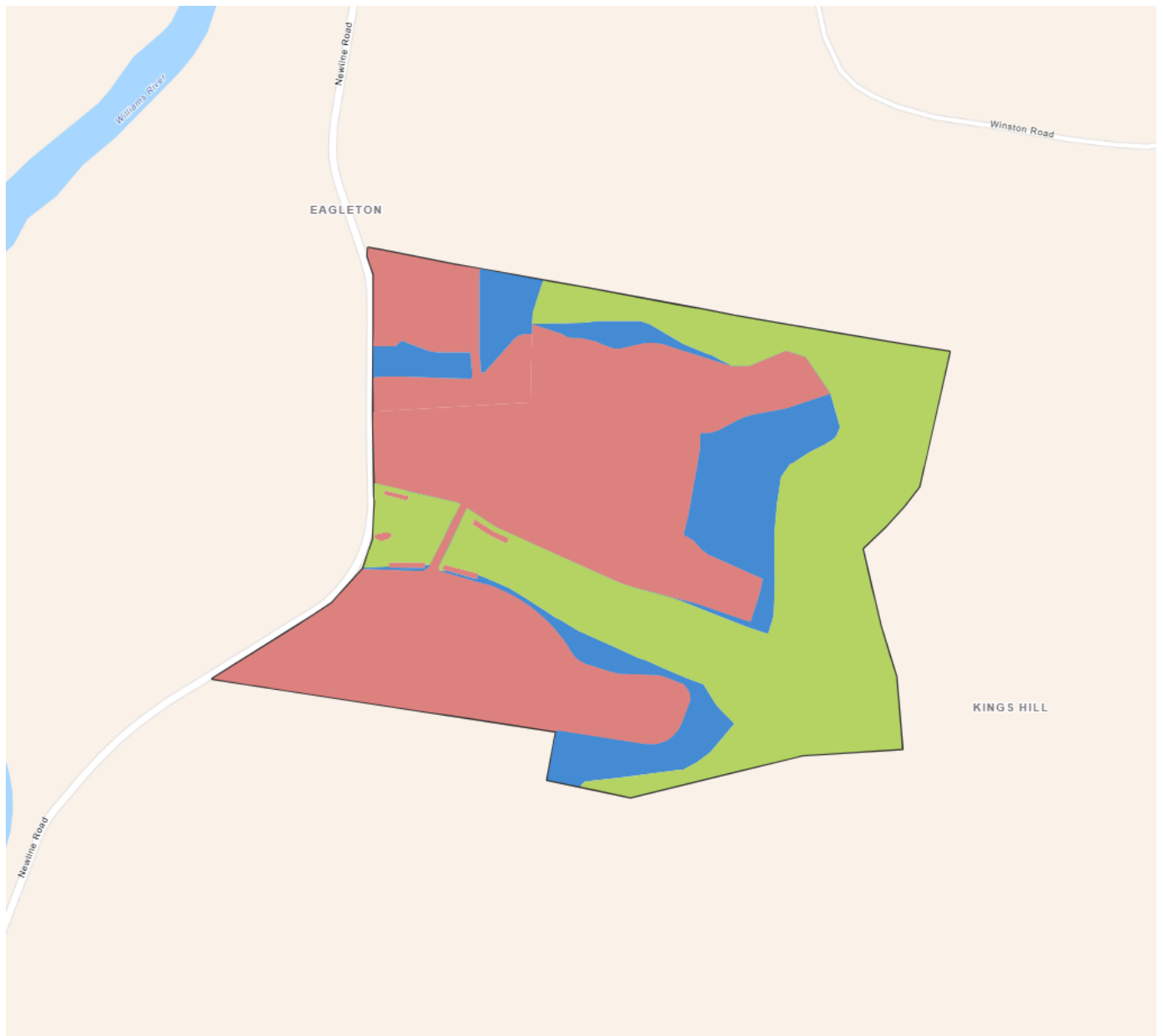
1.4 Payment details: Payment allocation

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

Person proposing to take the action

2. Location

2.1 Project footprint



Project Area: 148.13 Ha **Disturbance Footprint:** 73.76 Ha **Avoidance Area:** 22.95 Ha **Retention Area:** 52.70 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

587 Newline Road, Raymond Terrace, NSW

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

New South Wales

2.2.3 Is there a secondary jurisdiction for this proposed action? *

No

2.2.5 What is the tenure of the action area relevant to the project area? *

The area of the development comprises several zones under the Port Stevens LEP 2010: General Residential (R1 zone), Mixed Use (B4 zone) and Environmental Conservation (E2 zone)

The land in the project area is freehold within the Kings Hill Urban Release Area owned by McCloy Group.

3. Existing environment

3.1 Physical description

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

The site is located approximately 3.5 km to the north of Raymond Terrace, NSW.

The project area comprises cleared grazing land along the east side of the Newline Road frontage. The remainder is vegetated, rising up to the east towards Kings Hill. Post and wire fencing currently defines the property boundaries. The native vegetation has been identified as having significant Lantana weed present in multiple areas.

A number of farm dams are located on the properties. A number of watercourses are also located through the site running east-west towards the Williams River.

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

The site and surrounding areas are currently predominately rural land use, with some dwellings and associated rural structures with access obtained from Newline Road.

The proposed use is for subdivision to create a new residential community to the east of Newline Road.

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

No areas of outstanding biodiversity value (AOBV) are present within the site.

Whilst there are culverts within the locality, no caves, cracks or crevices were identified within the subdivision site. A small area of boulders is located within the retention area.

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 local topography is indicated in Figure 1-4 of the Flood Risk Assessment. The proposed development varies in elevation from 10 m AHD adjacent to Newline Road to 30-40m AHD in the western parts of the project.

The proposed lot layouts are generally located on the spurs of higher ground adjacent to the creek lines which emanate from the ridgelines to the north, west and south of the Project, from elevations up to 140 m AHD.

The creek lines flow across existing culverts across Newline road to Williams River Figure 2-1 of the Flood Risk Assessment (Attachment 3).

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 number of threatened species and migratory species have been recorded on the Atlas of NSW Wildlife database and EPBC Act Protected Matters Search Tool, within a 10 km radius of the site.

The site has been the subject of several ecological investigations, dating between 2003 to 2023. The information provided below relates to additional studies undertaken on the revised development, the subject of this Action. Targeted surveys conducted within the site and adjacent land include:

- Targeted flora surveys
- Arboreal and terrestrial trapping
- Hair tube surveys
- Diurnal bird surveys
- Spotlighting
- Owl call-playback
- Pitfall trapping
- Bat echolocation surveys
- Spot Assessment Technique (SAT) faecal pellet surveys for Koala
- Stag watching
- Cage trapping (for Spotted-tailed Quoll)
- Detection dog surveys
- Camera trapping

Threatened communities and species (listed under the EPBC Act) recorded within the subject land include:

- Subtropical eucalypt floodplain forest and
- woodland of the New South Wales North Coast and South East Queensland bioregion Endangered Ecological Community
- Koala (*Phascolarctos cinereus*)
- Grey-headed Flying-fox (*Pteropus poliocephalus*)
- Trailing Woodruff (*Asperula asthenes*)
- Scrub Turpentine (*Rhodamnia rubescens*)

One migratory species, Satin Flycatcher (*Myiagra cyanoleuca*), was recorded within the subject land during surveys.

Each species / community is considered for its likelihood of occurrence within the study area and the potential for impact as a result of the proposal.

Refer to Supplementary Information report for further information including the PMST report, survey methodology and results, likelihood of occurrence assessments and significant impact assessments (Attachment 1).

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

The site is located within the NSW North Coast Interim Biogeographic Regionalisation for Australia (IBRA) Region and Karuah Manning IBRA Subregion. Six vegetation types have been recorded within the site:

- Alluvial Tall Moist Forest
- Coastal Plains Smooth Barked Apple Woodland
- Derived Grassland
- Freshwater Wetland Complex
- Hunter Valley Moist Forest
- Seaham Spotted Gum-Ironbark Forest

One listed Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listed Threatened Ecological Communities (TECs) was mapped within the site, the Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions. There are two patches of the TEC, with the northern patch running along the north boundary of the subdivision site, with only a small portion (0.06ha) likely to be impacted.

3.3 Heritage

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

There are no Commonwealth Heritage places.

There are no listed items of heritage significance or heritage conservation areas identified under the NSW Heritage Act 1977 and Local Environmental Plans (LEPs) identified as being located on the site or within the wider Urban Renewal Area URA. In addition, the development is not considered to have any effect on the European heritage values of the site.

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

A number of assessments, consultations and survey investigations of the Aboriginal significance of the site have been undertaken over the past ten (10) years, initially to inform the rezoning process for Kings Hill, and more recently to establish a mechanism for the on-going management and conservation of the areas and sites found to be of high Aboriginal significance.

The results of the previous archaeology investigations undertaken (Myall Coast, 2003) over the total study area included the following:

1. Finds include rock shelters, caves and rock outcrops located along the entire ridgeline;
2. Kings Hill and the next hill to the north indicated ceremonial grounds, in particular bora grounds and male ritual areas;
3. The several high points along the ridgeline were identified as the high places that were used for signal places through fires and smoke;
4. Although the ridgeline is steep along the sides and edges, there is an easy walkway along the ridgetop. Records indicate that Europeans used the ridgeline as a bridal trail and also a roadway during floods. This tends to strongly indicate that the ridgetop was a transport corridor from the Williams River to Karuah, Port Stephens, and Barrington Tops;
5. No artefactual evidence was found in the study area. The drainage lines, trails, and exposed areas were carefully examined. There was also nothing revealed during the geotechnical analysis.

Kings Hill and the associated ridgeline is considered to be of Aboriginal Heritage significance, along with the wetlands. The rest of the study area however is not considered to be significant.

The development proposed is located outside of the areas identified as having Aboriginal heritage significance. The latest ACHAs prepared for Precinct 1-5 are attached (Attachment 7-11).

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. *

Parts of the subject land are identified as Flood Prone Lands by Port Stephens Council. Flooding in the locality of the Windeyer lands is generated by the flooding from the Williams and Hunter Rivers. A Flood Risk Assessment was prepared to inform the assessment of the Development Application, which has now been approved by Council (Attachment 3).

Existing flooding

The current flood potential was assessed through use of the TUFLOW model. The local catchments draining through the Project area were delineated using LiDAR data, as indicated in Figure 2-1 of the Flood Risk Assessment. The model covers the entire local catchment contributing to flow through the Project area, extending downstream of Newline Road to simulate the interaction with the Williams River floodplain. The model also allows for the interaction of existing culverts and assesses whether upgrade is required.

The model incorporating the 5% AEP and 1% AEP flood levels for the Williams River are 3.5 m AHD and 5.0 m AHD, respectively at Kings Hill, as derived in the Williams River Flood Study (BMT WBM, 2009). The design peak Williams River levels provide for some inundation upstream of Newline Road and are also considered in terms of potential impact on the proposed development.

The assessment included reference to the Australian Rainfall and Runoff 2019 guidelines which included updated intensity-frequency-duration (IFD) rainfall estimates and application of a suite of revised temporal patterns for establishing critical design flood conditions.

The assessment indicated that the 60-minute duration was identified as being critical for the 1% AEP event, for the 0.5%, AEP event the critical storm event was identified as 45-minute duration and for the 5% AEP the critical storm event as identified as the 60 minute duration.

The modelling for existing conditions is indicated in Figure 2-2 of the Flood Risk Assessment, and indicates the proposed development footprint largely lies outside of the flood inundation extents along the main northern and southern creek alignments. Flood depths vary along the watercourses relative to the channel and floodplain topography. Regions of higher flood depth are evident on the upstream side of Newline Road, consistent with the backwater influence of the elevated road embankment and limited capacity of the existing culverts in conveying the local catchment flows. Overtopping of Newline Road is evident at a few of the existing culvert crossings.

Part of the development footprint on the northern side of the northern creek alignment encroaches into the existing flood inundation area for the local catchment flooding.

Local catchment flooding is the dominant 1% AEP flooding mechanism on the northern creek alignment upstream of Newline Road, providing a greater inundation extent compared to the corresponding 1% Williams River extent.

The local catchment flows spread more broadly across the floodplain on the downstream side of Newline Road, representative of the relatively flat topography associated with the lower Williams River floodplain. This area includes several constructed drainage channels to drain the local floodplain depressions.

Overland flows within the development footprint are relatively minor in nature, with typically shallow depths of flow and limited inundation extents. This provides the opportunity to effectively manage these flows in the future development design.

Hazard Assessment

The flood hazards have been determined in accordance with Guideline 7-3 of the Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (AIDR, 2017). The flood hazard classification is indicated in Figure 2-4 of the Flood Risk Assessment.

The higher hazard classes up to H5 are generally contained within the mainstream flood extents along the northern and southern creek corridors. There is some H5 hazard area within the proposed development footprint on the northern side of the northern creek alignment. This is driven by higher flood depths associated with the backwater influence of Newline Road.

The overland flow paths within the development footprint typically represent lower hazard classes H1 to H3. It was concluded that these minor overland flow paths are expected to provide minimal constraint to the future development.

Post development flood depth and hazard

The simulated post-development peak flood depths and inundation extents for the 1% AEP event are indicated in Figure 3-1 of the Flood Risk Assessment, with the post-development 1% AEP flood hazard classification indicated in Figure 3-2 of the Flood Risk Assessment.

The assessment indicated:

- The post-development flood conditions are broadly consistent with the existing conditions
- Filling of development lots and internal roads on the northern side of the northern creek channel is required to achieve design 1% AEP flood immunity
- The elevated road embankments and associated cross drainage structures at the northern and southern creek crossings can maintain 1% AEP flood access throughout the development footprint
- Overland flows along local drainage paths through the development footprint are relatively minor in nature and are expected to be effectively managed through appropriate stormwater drainage provisions.

Stormwater management for Stage 1

The principal elements of stormwater management are indicated in Figure 4-1 of the Flood Risk Assessment and include:

- roof areas outlet to rainwater tanks for re-use.
- Capture of stormwater from lot and road reserve areas by a conventional pit and pipe drainage
- Conveyance of captured stormwater within the drainage pipe network to gross pollutant traps (GPTs) for primary treatment prior to discharge into secondary/tertiary treatment measures
- Discharge from the developed catchment outlets will be conveyed overland within the existing watercourses, or piped where required to the existing watercourses, to the existing culverts under Newline Road, with peak discharges generally consistent with the undeveloped catchments

The drainage swales and bioretention basins proposed as secondary/tertiary water quality treatment measures are located as end-of-line systems at the downstream side of the development, prior to discharge to the main creek alignments. The proposed locations are located outside of the mainstream 1% AEP design flood inundation extents.

The flood risk assessment indicated no adverse increase to existing flood levels associated with the change in surface runoff generation and distribution resulting from the development.

The extent and magnitude of overland flows through the Site, as simulated in the flood assessment, are expected to be managed through detailed road and drainage design. This can be confirmed with the final development layout and design surface levels at future design and planning stages.

4. Impacts and mitigation

4.1 Impact details

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

EPBC Act section	Controlling provision	Impacted	Reviewed
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	Yes	Yes
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

4.1.1 World Heritage

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

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

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

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

No

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

*

No World Heritage areas are present within the project area.

4.1.2 National Heritage

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

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

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

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

No

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

*

No national heritage areas are present within the project area.

4.1.3 Ramsar Wetland

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

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

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

Direct impact	Indirect impact	Ramsar wetland
No	No	Hunter Estuary Wetlands

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.

*

The Hunter Estuary Wetlands are located approximately 10km to the south of the proposed residential development. The site drain to the Williams River, when then flows to the south to join the Hunter River, which flows into the Hunter Estuary Wetlands.

All development is proposed to be located approximately 1km away from the Williams River, and to include both sewerage services and stormwater controls. Therefore no significant changes are expected in water quality and quantity received by the Williams River, Hunter River, and the Hunter Estuary Wetlands.

4.1.4 Threatened Species and Ecological Communities

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

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

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

Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	Angophora inopina	Charmhaven Apple
Yes	Yes	Anthochaera phrygia	Regent Honeyeater
No	No	Arthraxon hispidus	Hairy-joint Grass
Yes	Yes	Asperula asthenes	Trailing Woodruff
No	No	Botaurus poiciloptilus	Australasian Bittern
No	No	Caladenia tessellata	Thick-lipped Spider-orchid, Daddy Long-legs
Yes	Yes	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Callocephalon fimbriatum	Gang-gang Cockatoo
Yes	Yes	Calyptorhynchus lathami lathami	South-eastern Glossy Black-Cockatoo
No	No	Chalinolobus dwyeri	Large-eared Pied Bat, Large Pied Bat
No	No	Charadrius leschenaultii	Greater Sand Plover, Large Sand Plover
Yes	Yes	Climacteris picumnus victoriae	Brown Treecreeper (south-eastern)
No	No	Commersonia prostrata	Dwarf Kerrawang
No	No	Cryptostylis hunteriana	Leafless Tongue-orchid
No	No	Cynanchum elegans	White-flowered Wax Plant
Yes	Yes	Dasyurus maculatus maculatus (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	Dichanthium setosum	bluegrass
No	No	Erythrorchis radiatus	Red Goshawk
No	No	Eucalyptus camfieldii	Camfield's Stringybark
No	No	Eucalyptus glaucina	Slaty Red Gum

Direct impact	Indirect impact	Species	Common name
No	No	<i>Euphrasia arguta</i>	
No	No	<i>Falco hypoleucos</i>	Grey Falcon
Yes	Yes	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Grantiella picta</i>	Painted Honeyeater
No	No	<i>Grevillea parviflora</i> subsp. <i>parviflora</i>	Small-flower Grevillea
Yes	Yes	<i>Hirundapus caudacutus</i>	White-throated Needletail
Yes	Yes	<i>Lathamus discolor</i>	Swift Parrot
No	No	<i>Limosa lapponica baueri</i>	Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit
No	No	<i>Litoria aurea</i>	Green and Golden Bell Frog
No	No	<i>Melaleuca biconvexa</i>	Biconvex Paperbark
No	No	<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	<i>Mixophyes balbus</i>	Stuttering Frog, Southern Barred Frog (in Victoria)
No	No	<i>Neophema chrysostoma</i>	Blue-winged Parrot
No	No	<i>Notamacropus parma</i>	Parma Wallaby
No	No	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
No	No	<i>Persicaria elatior</i>	Knotweed, Tall Knotweed
No	No	<i>Petauroides volans</i>	Greater Glider (southern and central)
No	No	<i>Petaurus australis australis</i>	Yellow-bellied Glider (south-eastern)
Yes	Yes	<i>Phascolarctos cinereus</i> (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	<i>Potorous tridactylus tridactylus</i>	Long-nosed Potoroo (northern)
No	No	<i>Prasophyllum</i> sp. Wybong (C.Phelps ORG 5269)	a leek-orchid
No	No	<i>Pseudomys novaehollandiae</i>	New Holland Mouse, Pookila
Yes	Yes	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox

Direct impact	Indirect impact	Species	Common name
No	No	<i>Pycnophilus floccosus</i>	Pilotbird
No	No	<i>Rhizanthella slateri</i>	Eastern Underground Orchid
Yes	Yes	<i>Rhodamnia rubescens</i>	Scrub Turpentine, Brown Malletwood
No	No	<i>Rhodomyrtus psidioides</i>	Native Guava
No	No	<i>Rostratula australis</i>	Australian Painted Snipe
No	No	<i>Saltuarius moritzi</i>	New England Leaf-tailed Gecko, Moritz's Leaf-tailed Gecko
No	No	<i>Stagonopleura guttata</i>	Diamond Firetail
No	No	<i>Syzygium paniculatum</i>	Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry
No	No	<i>Tetradlea juncea</i>	Black-eyed Susan
No	No	<i>Thesium australe</i>	Austral Toadflax, Toadflax
No	No	<i>Tringa nebularia</i>	Common Greenshank, Greenshank
No	No	<i>Uperoleia mahonyi</i>	Mahony's Toadlet

Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Central Hunter Valley eucalypt forest and woodland
No	No	Coastal Swamp Oak (<i>Casuarina glauca</i>) Forest of New South Wales and South East Queensland ecological community
No	No	Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland
No	No	Lowland Rainforest of Subtropical Australia
No	No	River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria
Yes	Yes	Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions

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

Yes

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

Direct impacts of the proposed development under the Subdivision DA consist of:

- clearing a total of 41.59 ha of native vegetation (containing derived native grasslands and woody vegetation) over both the Subdivision DA and Future Subdivision DA
- clearing a total of 118 HBTs the Subdivision DA, including 100 small hollows (<5 cm), 97 medium hollows (5-20 cm), 24 large hollows (20-40 cm) and 25 very large hollows (>40 cm), and small number of additional hollows within the Future Subdivision DA.

Potential indirect impacts may include:

- road mortality
- dog attack
- connectivity impacts
- increase/spread of weeds and pathogens
- light and noise disturbance.

This includes direct and indirect impacts to habitat for the following species:

- South-eastern Glossy Black-Cockatoo
- Trailing Woodruff
- Swift Parrot
- Grey-headed Flying-fox
- Koala
- Brown Treecreeper
- Spotted-tail Quoll
- Regent Honeyeater
- White-throated Needletail
- Scrub Turpentine

One EPBC Act listed threatened community will be impacted by the project, the Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions. Approximately 0.06 ha of the TEC will be directly impacted, with 2.71 ha of the TEC to be retained, the majority within the conservation area.

Further information regarding these impacts, mitigation measures and significant impact assessments can be found in the Supplementary Information Report (Attachment 1). Note that other impact assessments have been prepared previously for Council, eg. Threatened Species Impact Assessment EMM 2023 (Attachment 5). Additional information is available for Koala in the Koala Assessment (Attachment 6).

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

*

No

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

For those EPBC Act listed threatened species and one threatened community that were considered to have potential to occur within the study area, or were recorded within the study area, assessments of significance were prepared, in accordance with the MNES Significant Impact Guidelines 1.1 (DoE 2013), as presented in Supplementary Information Report (Attachment 1).

The proposed action's impact upon these MNES (identified in Section 4.4 of Supplementary Information Report) is not considered to be significant.

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

No

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

*

Based on the significant impact assessments conducted for each of the MNES, it is not considered the Proposed action will have a significant impact on any MNES (Attachment 1). Therefore, it is not considered the Proposed action is a controlled action.

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

The Subdivision DA footprint was designed to avoid impacts on biodiversity where possible, with approximately 17.61 ha of development zoned land within the Subdivision DA area with higher densities of Koala food trees being retained and conserved.

In addition, several design considerations were made to mitigate impacts on biodiversity values. These include street lighting placement, access road placement/design, Koala exclusion fencing, education for residents, retention of logs and habitat from development footprint for the Biodiversity Conservation area, doing the following within the Biodiversity Conservation area: planting of Koala feed trees, placement of nest boxes, annual weeding, and ecological burns. Further detail of these avoidance and mitigation measures can be found in Supplementary Information Report (Attachment 1). You may also find the Koala Impact assessment relevant (Attachment 6).

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

Revegetation of 5.04 ha of land is proposed to create new Koala habitat. This will include a higher proportion of Koala food trees (50% of trees planted) than is currently present within the existing vegetation and will also increase the total number of Koala food trees present within the site.

Based on the proposed revegetation of 5.04 ha, it is anticipated that 2,680 trees or shrubs will be planted, with 50% to be Koala food trees (ie 1,260 Koala food trees). The Koala food tree species identified for planting are:

- Swamp Mahogany (*Eucalyptus robusta*) – in the lower portions of the revegetation area;
- Forest Red Gum; and
- Grey Gum - in the higher elevations of the revegetation area.

Further details are provided in section 4.2.1 of the Supplementary Information Report (Attachment 1). A Vegetation Management Plan (VMP) has been prepared, and agreement has been reached with Port Stephens Council for the Subdivision DA retained lands to be dedicated to Council and funded by the proponent (Attachment 4).

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
No	No	<i>Apus pacificus</i>	Fork-tailed Swift
Yes	Yes	<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>Charadrius leschenaultii</i>	Greater Sand Plover, Large Sand Plover
No	No	<i>Cuculus optatus</i>	Oriental Cuckoo, Horsfield's Cuckoo
Yes	Yes	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
Yes	Yes	<i>Hirundapus caudacutus</i>	White-throated Needletail
No	No	<i>Limosa lapponica</i>	Bar-tailed Godwit
No	No	<i>Motacilla flava</i>	Yellow Wagtail
Yes	Yes	<i>Myiagra cyanoleuca</i>	Satin Flycatcher
No	No	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
Yes	Yes	<i>Rhipidura rufifrons</i>	Rufous Fantail
No	No	<i>Tringa nebularia</i>	Common Greenshank, Greenshank

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. *

As detailed previously, direct impacts of the proposed development under the Subdivision DA consist of:

- clearing a total of 38.69 ha of native vegetation (of which 3.79 ha of native vegetation would be cleared for precinct 1)
- clearing a total of 118 HBTs, including 100 small hollows (<5 cm), 97 medium hollows (5-20 cm), 24 large hollows (20-40 cm) and 25 very large hollows (>40 cm).

Potential indirect impacts may include:

- road mortality
- dog attack
- connectivity impacts
- increase/spread of weeds and pathogens
- light and noise disturbance.

This includes direct and indirect impacts to habitat for the following migratory species:

- Sharp-tailed Sandpiper
- Latham's Snipe
- Satin Flycatcher
- Rufous Fantail.

Further information regarding these impacts, mitigation measures and significant impact assessments can be found in Supplementary Information Report (Attachment 1).

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. *

For those EPBC Act listed migratory species that were considered to have potential to occur within the study area, or were recorded within the study area, assessments of significance were prepared, in accordance with the MNES Significant Impact Guidelines 1.1 (DoE 2013), as presented in Supplementary Information Report (Attachment 1).

The proposed action's impact upon these MNES (identified in Section 4.4 of Supplementary Information Report) is not considered to be significant.

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.

*

Based on the significant impact assessments conducted for each of the MNES, it is not considered the Proposed action will have a significant impact on any MNES. Therefore, it is not considered the Proposed action is 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. *

The Subdivision DA footprint was designed to avoid impacts on biodiversity where possible. In addition, several design considerations were made to mitigate impacts on biodiversity values. These include street lighting placement, access road placement/design, education for residents, retention of logs and habitat from development footprint for the Biodiversity Conservation area, and conducting the following within the Biodiversity Conservation area: planting of Koala feed trees, placement of nest boxes, annual weeding, and ecological burns. Further detail of these avoidance and mitigation measures can be found in Supplementary Information Report (Attachment 1).

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

Revegetation of 5.04 ha of land is proposed to create new Koala habitat. This will include a higher proportion of Koala food trees (50% of trees planted) than is currently present within the existing vegetation and will also increase the total number of Koala food trees present within the site.

4.1.6 Nuclear

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

No

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

The proposed action does not involve nuclear energy.

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. *

The proposed action does not include any 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. *

The proposed action does not include any of the Great Barrier Reef.

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

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

No

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

*

The proposed action does not involve coal mining development 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.

—

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 does not involve any 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 does not involve any Commonwealth land.

4.1.12 Commonwealth or Commonwealth Agency

4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? *

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

None

Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Threatened Species and Ecological Communities (S18)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth Heritage Places Overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

4.3 Alternatives

4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? *

No

4.3.8 Describe why alternatives for your proposed action were not possible. *

The proposed Action is an amended development due to the potential impact on the Koala from the original project.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High
#2.	Document	Att 2-BushfireAssessmentReport-17Nov2022.pdf Bushfire assessment report	16/11/2022	No	High
#3.	Document	Att 3-FloodRiskAssessment-R.T2430.001.02.pdf Flood Risk Assessment to assist in the Development Application (DA) process for the proposed development at Newline Road, Raymond Terrace	15/08/2023	No	High
#4.	Document	Att 4-VoluntaryPlanningAgreement-5June2024.pdf Volunteary planning agreement - letter of offer for 514 & 587 Newline Road, Raymond Terrace	05/06/2024	No	High

1.2.5 Information about the staged development

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

1.2.6 Commonwealth or state legislation, planning frameworks or policy documents that are relevant to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

1.2.7 Public consultation regarding the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

1.3.2.18 (Person proposing to take the action) If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

	Type	Name	Date	Sensitivity	Confidence
#1.	Link	McCloyGroup https://mccloygroup.com.au/			High

3.1.4 Gradient relevant to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3-FloodRiskAssessment-R.T2430.001.02.pdf Flood Risk Assessment to assist in the Development Application (DA) process for the proposed development at Newline Road, Raymond Terrace	14/08/2023	No	High

3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

3.3.2 Indigenous heritage values that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 10-Heritage Now Report HN1235-A ACHA – Precinct 4.pdf ACHA for Precinct 4	21/01/2025	No	High
#2.	Document	Att 11-Heritage Now Report HN1235-A ACHA – Precinct 5.pdf ACHA for Precinct 5	21/01/2025	No	High
#3.	Document	Att 7-Heritage Now Report HN1235-A ACHA – Precinct 1.pdf ACHA for Precinct 1	21/01/2025	No	High
#4.	Document	Att 8-Heritage Now Report HN1235-A ACHA – Precinct 2.pdf ACHA for Precinct 2	21/01/2025	No	High
#5.	Document	Att 9-Heritage Now Report HN1235-A ACHA – Precinct 3.pdf ACHA for Precinct 3	21/01/2025	No	High

3.4.1 Hydrology characteristics that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document				

Att 3-FloodRiskAssessment-R.T2430.001.02.pdf Flood Risk Assessment to assist in the Development Application (DA) process for the proposed development at Newline Road, Raymond Terrace	14/08/2023	No	High
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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 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High
#2.	Document	Att 5-AdditionalImpactAssessment-EMM-28Sep2023.pdf Additional impact assessments prepared for the project by EMM	28/09/2023	No	High
#3.	Document	Att 6-KoalaImpactAssessment-EMM-21Dec2022.pdf Koala impact assessment prepared by EMM for 587 Newline Road, Raymond Terrace	20/12/2022	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

4.1.4.9 (Threatened Species and Ecological Communities) Why you do not think your proposed action is a controlled action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

4.1.4.10 (Threatened Species and Ecological Communities) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf	11/03/2025	No	High

Supplementary Information to support the Referral					
#2.	Document	Att 6-KoalaImpactAssessment-EMM-21Dec2022.pdf Koala impact assessment prepared by EMM for 587 Newline Road, Raymond Terrace	20/12/2022	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High
#2.	Document	Att 4-VoluntaryPlanningAgreement-5June2024.pdf Volunteary planning agreement - letter of offer for 514 & 587 Newline Road, Raymond Terrace	04/06/2024	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-SupplementaryInformation-EMM-2025.pdf Supplementary Information to support the Referral	11/03/2025	No	High

5.2 Declarations

✔ Completed Referring party's declaration

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

ABN/ACN	141736558
Organisation name	EMM CONSULTING PTY LIMITED
Organisation address	The Forum, level 10/201 Pacific Hwy, St Leonards NSW 2065
Representative's name	Steven Ward
Representative's job title	Associate Ecologist
Phone	0457770411
Email	sward@emmconsulting.com.au
Address	The Forum, level 10/201 Pacific Hwy, St Leonards NSW 2065

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

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

☒ By checking this box, I, **Steven Ward of EMM CONSULTING PTY LIMITED**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. *

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

✔ Completed Person proposing to take the action's declaration

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

ABN/ACN	41613410450
Organisation name	MCCLOY PROJECT MANAGEMENT PTY LTD
Organisation address	PO Box 2214, Dangar NSW 2309
Representative's name	James Goode

Representative's job title	Development Director
Phone	49457500
Email	james@mccloygroup.com.au
Address	PO Box 2214, Dangar NSW 2309

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

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

☒ I, **James Goode of MCCLOY PROJECT MANAGEMENT PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. *

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

☒ Completed Proposed designated proponent's declaration

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

Same as Person proposing to take the action information.

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

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

☒ I, **James Goode of MCCLOY PROJECT MANAGEMENT PTY LTD**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. *

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