



Statement of Reasons for a Decision on Controlled Action Under the Environment Protection and Biodiversity Conservation Act 1999

I, ROD DANN, as the Acting Branch Head of the Environment Assessments Queensland Branch in the Department of Climate Change, Energy, the Environment, and Water, provide the following statement of reasons for my decision of 5 May 2026, under s 75 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act), that the proposed action by the Games Independent Infrastructure and Coordination Authority (GIICA) to construct and operate the Brisbane Stadium, National Aquatic Centre (NAC) and associated precinct infrastructure at Victoria Park / Barrambin Parkland, Herston, Queensland (EPBC 2026/10472) (the proposed Action) is not a controlled action under the EPBC Act.

Legislation

Relevant provisions of the EPBC Act are set out in Annexure A.

Background

- 1) The proposed Action is to construct and operate the Brisbane Stadium, NAC, precinct, and associated related infrastructure including for parking and transport, and commercial and other utility uses. The project will involve:
 - a) site establishment works,
 - b) selective vegetation clearing,
 - c) public utility upgrades and relocations,
 - d) bulk earthworks,
 - e) construction of Brisbane Stadium, NAC, and associated games-related infrastructure and
 - f) landscaping and vegetation augmentation.
- 2) The proposed Action area is located at Victoria Park/Barrambin Parklands in Herston, Queensland. The referral stated that project design had yet to be finalised and therefore impacts to the entirety of the land parcels, parkland and road corridors within which the proposed Action was planned to occur were assessed, which totals a 99.5 ha area: see Figure 1.

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BRIEF ATT 602 v3.4

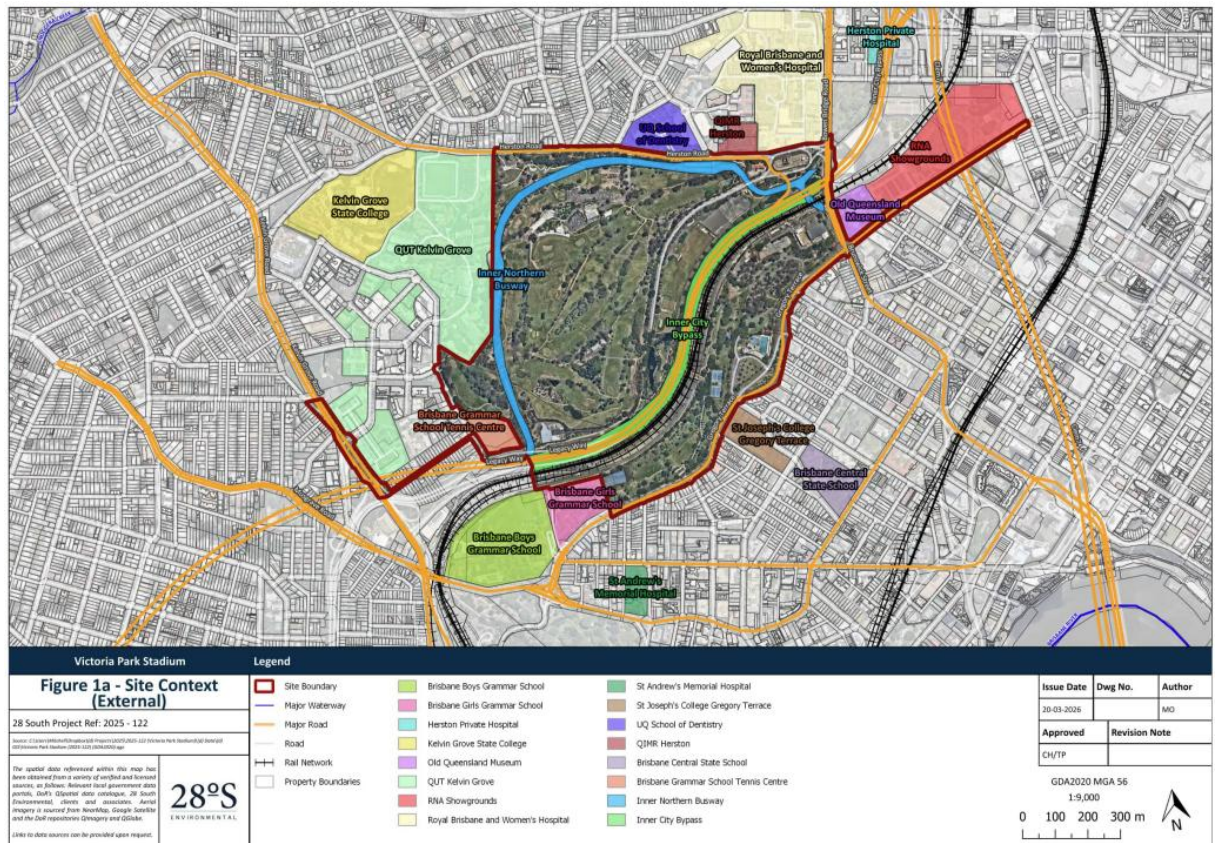


Figure 1: Proposed Action area and surrounding locality

- 3) The proposed Action is located within inner-city Brisbane, 1 km north of the Central Business District (CBD), and surrounding land use consists of a matrix of urban low-high residential housing, inner-city mixed-use infrastructure, healthcare facilities, education facilities, state-controlled roads and transport infrastructure. The proposed Action area is bounded by Gregory Terrace to the southeast, Herston Road to the north, Bowen Bridge Road to the east, the Queensland University of Technology (QUT) campus to the west and the inner Northern Busway (INB) along the west and northern boundaries of the proposed Action area (Figure 1).
- 4) A variety of significant infrastructure also exists adjacent to the proposed Action area, including but not limited to an Energex office and substation, Cross River Rail operational infrastructure, the Royal Brisbane and Women's Hospital, the University of Queensland (UQ) Herston Campus, the QIMR Berghofer Medical Research Institute, and further education facilities.
- 5) Currently, the proposed Action area consists primarily of highly modified parkland, used for a variety of public and private purposes; in the west, this includes the Victoria Park Bistro, Victoria Park function venue, Victoria Park Putt Putt and Victoria Park Driving Range. The proposed Action area is bisected from the north-east to south-west by the Inner City Bypass (ICB) and INB. The eastern extent is comprised of the Gundoo Memorial Grove, and landscaped gardens, a dog-off-leash area and children's playground, paved footpaths and bikeways.
- 6) Prior to the establishment of the Victoria Park Golf Course in 1931, the proposed Action area was utilised for the operation of a municipal waste disposal facility, and prior to this it was used as a camp for military forces during World War II.

Description of the environment

- 7) The project area is located in Brisbane's inner-city, and as such surrounding environmental values are largely sparse and disturbed, consisting predominantly of roadside vegetation and road reserves. A number of vegetated parklands exist within 5 km of the project area, including but not limited to Roma Street Parklands, Banks Street Reserve, Sparks Hill Reserve, Grange Forest Park, Hickey Park, Colorado Avenue Park, Teneriffe Park, Balmoral Park, and Eldon Hill Reservoir. The nearest and largest extent of remnant vegetation are at Banks Street Reserve, approximately 3km from the referred Action area.
- 8) Based on information provided in the referral, vegetation within the proposed Action area has been extensively cleared and highly modified through historic land uses. Brisbane City Council [City Archives](#) indicate through photo imagery the transformation of the site through its long history of land uses. As a result, none of the vegetation meets the criteria to be determined a mappable entity under the Queensland Government's *Vegetation Management Act 1999* according to the Methodology for surveying and mapping regional ecosystems (REs) and vegetation communities in Queensland. Most vegetation on site contains predominantly planted native and non-native specimens associated with landscaped gardens and ornamental tree plantings. Some scattered patches of highly degraded vegetation persist in the western extent of the referred Action area that have an affinity with REs 12.11.13 (Semi-evergreen vine thicket) and 12.11.5 (*Corymbia citriodora subsp. variegata* woodland to open forest).
- 9) There are several artificial or heavily modified lakes within the proposed Action area. York's hollow, an artificially constructed lake that forms part of a local stormwater catchment, receiving stormwater runoff from the ICB via a culvert, is located within the centre-south of the proposed Action area, along the west of the ICB. Two other artificial lakes reside in the centre-east of the proposed Action area.
- 10) The topography of the site descends from north-west to south-east, characterised by a series of undulating low rises. A historic drainage corridor is no longer discernible due to modification, resulting in overland flows that are facilitated through a geometric table drain adjacent to the northern edge of the ICB, and a narrow drainage corridor from the ICB's northern edge to York's hollow. Constructed subterranean drains also exist throughout the site, and the sports fields function as overland drainage corridor during high volume rain events.

Procedural history

- 11) The proposed Action was referred to the department on 7 April 2026 (the Referral). The proposed Action was referred by GIICA on behalf of the State of Queensland. The referral stated that GIICA considered the proposed Action was not a controlled action for the purposes of the EPBC Act.
- 12) On 7 April 2026, in accordance with s 74(3) of the EPBC Act, the referral was published on the department's website, and public comments were invited until 21 April 2026. The department received 835 public comments regarding the referral. I refer to these comments in further detail below.

- 13) On 16 April 2026 the department wrote to GIICA requesting clarification on a number of items in the referral.
- 14) The department received a reply from GIICA on 20 April 2026 which clarified the type and extent of impacts to Matters of National Environmental Significance (MNES).
- 15) On 5 May 2026, I decided that the proposed Action is not a controlled action under s 75 of the EPBC Act, due to unlikely significant impacts on MNES.
- 16) In making my decision under s 75, I took account of the precautionary principle and public comments.

Evidence or other material on which my findings were based

- 17) In making the decision under s 75 of the EPBC Act, I considered the information provided to me by the department in a decision brief, which included the following attachments:
 - a) The Referral and the following attachments to the Referral:
 - i. Referral Attachment – MNES Report and
 - ii. Referral Attachment – Consultation and engagement plan;
 - b) Correspondence with GIICA in relation to impacts on MNES;
 - c) The department's (Protected Matters Search Tool PMST) report dated 17 April 2026;
 - d) Public Comments;
 - e) Ministerial Comments; and
 - f) Protected Species and Communities Report dated 24 April 2026
- 18) The decision brief also included links to the following EPBC Act instruments, policy statements and other material:
 - a) The department's Species Profile and Threats (SPRAT) database;
 - b) The National Recovery Plan for the Grey Headed Flying Fox *Pteropus poliocephalus* (2021);
 - c) The National Recovery Plan for the Koala *Phascolarctos cinereus* (combined populations of Queensland, New South Wales and the Australian Capital Territory) (2022);
 - d) The National Recovery Plan for Macadamia Species (2023);
 - e) Conservation Advice for *Phascolarctos cinereus* (Koala) combined populations of Queensland, New South Wales and the Australian Capital Territory (2022);
 - f) Conservation Advice for *Macadamia integrifolia* (Macadamia Nut) (2008);
 - g) Conservation Advice for *Syzygium moorei* (Rose Apple) (2008);

- h) Conservation Advice for *Hirundapus caudacutus* (White-throated Needletail) (2019);
- i) Draft referral guideline for 14 birds listed as migratory species under the EPBC Act (2015); and
- j) EPBC Act Policy Statement – Significant Impact Guidelines 1.1 – Matters of National Environmental Significance.

Public comments

- 19) A total of 835 public comments were received on the Referral and were included as an attachment to the referral decision brief. The department also provided me a summary of the comments in the decision brief. Of the comments received, the department informed me that 816 stated that the proposed Action should be a controlled action, eight stated the proposed Action should not be a controlled action, and 11 did not specify either decision option.
- 20) In accordance with s 75(1A), I considered the public comments in making my decision.
- 21) Public comments were received on Grey-headed Flying-fox, Macadamia Nut, Rose Apple, Small-leaved Tamarind and White-throated Needletail, which I have summarised in my consideration below.
- 22) I noted that comments also raised concerns for the following, in summary:
 - a) Impacts to wetlands of national importance (ss 16 and 17B):
 - i. Many public comments were received relating to potential downstream impacts on the Moreton Bay Ramsar Wetland due to runoff and during flooding events, especially during construction works. These comments have been discussed in my reasons below at Table 1.
 - b) Other environmental issues:
 - i. Many public comments raised concerns regarding impacts to York's hollow, one of the artificial dams at the proposed Action area. This lake is believed to be historically connected to an underground aquifer-fed spring which sustains the culturally significant Barambin springs. Comments raised concerns that large-scale construction would reduce groundwater recharge and risk permanent loss of this system. The department considered, and I accepted, that the underground aquifer is unlikely to support any groundwater dependent threatened ecological communities and therefore is not an MNES. I therefore did not consider this further in making my decision.
 - ii. Many comments raised concerns regarding the loss of general environmental values currently provided by Victoria Park/Barrambin; including the loss of mature and hollow-bearing trees for fauna use, and the potential for an increased urban heat island effect to occur.

- iii. Some comments raised issues for fauna species that are not listed under the EPBC Act. Therefore, I did not consider these further in making my decision.

c) Cultural heritage:

- i. Many public comments raised concerns regarding Indigenous cultural heritage at the proposed Action area. I have addressed these comments in my reasons below at Table 1.
- ii. Many commenters were concerned by the lack of acknowledgement and detail regarding Indigenous cultural values at the site.
- iii. Concerns regarding the lack of information regarding the identity of the Traditional Custodians and First Nations representatives were raised. Commenters stated that this is in breach of Schedule 2 of the EPBC Regulations and does not meet the requirements of the department's 2023 Interim Engagement with First Nations People and Communities guidance.
- iv. Some commenters believed that Indigenous engagement had not occurred, and some commenters believed that engagement that had occurred was inadequate.
- v. Due to the importance of Barrambin spring to Indigenous cultural heritage, impacts to Barrambin Springs were also raised. I have discussed this matter in my reasons above at 22(b)(i).

d) Referral material:

- i. Many commenters believe there to be inadequate description of the proposed Action, including size and location of works, extent of vegetation and tree loss, no clear earthworks data or construction impact information.
- ii. Many comments additionally note the lack of habitat quantification for MNES, and the lack of detailed avoidance and mitigation measures for potentially impacted MNES.
- iii. Many comments raise that an environmental report for the site was proposed by the same consultant in 2023 for the Brisbane City Council, which describes the site as environmentally significant. Many comments state this to be a contradiction to the descriptions of the proposed Action area provided in the referral information.
- iv. Many public comments raised that reasonable alternatives for the proposed Action's location were not adequately assessed; with the alternative sites raised as potential alternatives.

e) Impact on local community:

- i. Concerns were raised regarding the potential for an increased urban heat island effect as a result of the proposed Action.

- ii. Concerns regarding community health with regards to construction and operational impacts such as noise, light, and dust, and worsening congestion were raised. Some comments also raised that such impacts may negatively affect the functioning and amenity of the Herston Health precinct, and Royal Brisbane Women's Hospital.
 - iii. Some public comments also raised potential negative impact to mental and physical health of local community members, as the proposed Action area is considered to be the last area of CBD green space.
- f) Scale of impact:
 - i. Many public comments were concerned that the total habitat and tree estimates proposed to be lost were unclear.
 - ii. The referral documentation refers the entirety of the Victoria Park/Barrambin site of 99.5 ha. Comments indicated this directly contradicted repeated public assurances by the Queensland Premier and the 100 Day Review, which indicated that less than 10% of the park would be occupied and 68% would be retained as green space.
 - iii. Many public comments identify that indirect impacts from light, noise and dust are likely to be greater than reported in the referral documentation.
- g) Public consultation:
 - i. Many public comments state that the consultation submitted with the referral documentation did not disclose the true scale of impacts, and commenters were unaware that impacts to the entire 99.5 ha area were considered.
 - ii. Many public comments also state that the four years of community consultation associated with the Brisbane City Council, during development of plans to prioritise the site for ecological restoration and protection of cultural heritage, should be taken into consideration.
 - iii. Many public commenters feel that the public opinions reported on in the referral documentation are misrepresentative of actual community member opinions.
- h) Long term legacy:
 - i. Some public comments supported the proposed Action due to the provision of a major new sporting and entertainment venue for Brisbane and view the proposed Action as providing increased green space and improved amenity.
 - ii. Some public comments raised comments regarding the cost of the proposed Action and preferred such money to be spent on housing or other infrastructure.
 - iii. Some public comments supported the proposed Action due to the associated economic and tourism benefits.

- iv. Some public comments also supported the proposed Action as a way to provide enhanced connectivity and infrastructure in the inner city.

Commonwealth Ministerial comments

- 23) By letter dated 7 April 2026, the department invited the following Commonwealth Ministers to comment on the proposed Action.
- a) Minister Richard Marles, Minister for Defence;
 - b) Minister Katy Gallagher, Minister for Finance;
 - c) Minister Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government; and
 - d) Minister Don Farrell, Minister for Trade and Tourism.
- 24) A response was received on 20 April 2026, from the delegate for the Minister for Trade and Tourism, in which it was stated that the proposed Action is in alignment with THRIVE 2030's priority objective to deliver and enhance visitor infrastructure, and therefore Austrade supported the proposed Action provided it is implemented and managed in accordance with the principles of THRIVE 2030. I considered this response when making my decision.
- 25) No other comments from Commonwealth Ministers were received in response to the invitation to comment on the proposed Action.

State/Territory Ministerial Comments

- 26) By letter dated 7 April 2026, the department invited Minister Andrew Powell, Minister for Environment and Tourism, and Minister for Science and Innovation to comment on the referral.
- 27) The delegate for the Minister for Environment and Tourism, and Minister for Science and Innovation, responded on 21 April 2026 and noted that the proposed Action would not be assessed using the EIS process in Chapter 3 of the Environmental Protection Act 1994 (Qld), nor Part 4 of the State Development and Public Works Organisation Act 1971 (Qld). I considered this response when making my decision.

Findings on material questions of fact

Is the proposed action part of a larger action?

- 28) Before deciding whether the proposed Action is a controlled action, I considered whether the proposed Action is a component of a larger action that the person proposes to take under s 74A, and if so, whether I should decide not to accept the referral of the proposed Action pursuant to the discretion provided under sub-s 74A(1) of the EPBC Act.
- 29) GIICA stated that the proposed Action is not part of a staged development or dependent on other actions or proposals in the region. The department considered, and I agreed, that the proposed Action is a stand-alone asset which is not part of a larger action that has not been referred, nor has it been referred in separate lesser referrals for commercial or other operational

reasons, nor will it be conducted in progressive stages. Therefore, the proposed Action is referred in completeness.

- 30) The department considered, and I agreed, that the referred action does not comprise part of a larger action, to be taken by the same person.

Is the proposed Action a controlled action?

- 31) As a delegate of the Minister, the question before me under s 75 of the EPBC Act was to decide whether the referred action is a controlled action and which provisions of Part 3 (if any) are controlling provisions for the proposed Action.
- 32) In accordance with s 75(2) of the EPBC Act, in making my decision, I considered all adverse impacts the proposed Action will have, or is likely to have, on each matter protected by a provision of Part 3 of the EPBC Act. In making my decision, I did not consider any beneficial impacts that the proposed Action will have, or is likely to have, on each matter protected by a provision of Part 3 of the EPBC Act.
- 33) Having considered all of the information before me, and for the reasons explained below, I accept, and agree with, the department's recommendations that the proposed Action is not a controlled action because there are not likely to be significant impacts on a Part 3 protected matter.

Part 3 provisions that are not controlling provisions

Listed threatened species and ecological communities (ss 18 & 18A)

- 34) The department advised me that the PMST report, dated 17 April 2026, identified 87 listed threatened species and 5 listed threatened ecological communities whose known distributional ranges overlap with either the proposed Action area or with a 5 km buffer of the proposed Action area.
- 35) In making my decision, I considered the potential impacts to the following listed threatened species which were determined likely to be present within the proposed Action area:
- a) Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
 - b) Koala (*Phascolarctos cinereus*) (combined populations of Queensland, New South Wales and the Australian Capital Territory) – Endangered
 - c) Macadamia Nut (*Macadamia integrifolia*) – Vulnerable
 - d) Rose Apple (*Syzygium moorei*) – Vulnerable
 - e) Small-leaved Tamarind (*Diploglottis campbellii*) – Endangered
 - f) White-throated Needletail (*Hirundapus caudacutus*) - Vulnerable
- 36) I noted that the department's PMST identifies the potential presence of additional threatened species or communities within 5 km of the proposed Action area. However, based on information available to the department, such as the Species Profile and Threats database, relevant recovery

plans and information from the referral documentation including assessments of likelihood of occurrence at the site, the department considered, and I agreed, that significant impacts to these additional species or communities are unlikely.

- 37) In making my decision, I considered the nature and location of the proposed Action area, known records of the species and extent and condition of habitat known to be present in the proposed Action area. I considered that there are aspects of how, where or when the action is to be undertaken which mean the action is not likely to have a significant impact on the above listed threatened species or ecological communities.

Grey-headed Flying-Fox (*Pteropus poliocephalus*) – Vulnerable Protected matter ecology

Species ecology

- 38) The department provided me with a summary of information on the characteristics, status and habitat requirements for the Grey-headed Flying-fox (GHFF) which included information sourced from the department's SPRAT database and the National Recovery Plan for the Grey Headed Flying-Fox *Pteropus poliocephalus* (2021) (GHFF Recovery Plan). I noted the following regarding the GHFF's ecology:
- a) The GHFF is endemic to Australia, with a distribution ranging from Ingham in Queensland to Adelaide in South Australia. They are usually found on the coastal lowlands and slopes of eastern Australia below altitudes of 200m. The GHFF is a canopy-feeding frugivore and nectarivore, which utilises a variety of vegetation communities including rainforest, open forests, closed and open woodlands, and swamps.
 - b) The GHFF is highly mobile and can commute long distances in search of foraging sites, usually up to 15 km away, but often up to 50km in one night. A recorded pattern of dispersal from large summer breeding camps near Brisbane to small groups in SEQ is thought to be driven by availability of food in winter.
 - c) The GHFF Recovery Plan defines habitat critical to the survival of the species as:
 - i. areas with field-verified important winter and spring flowering vegetation communities containing *E. tereticornis*, *E. albens*, *E. crebra*, *E. fibrosa*, *E. melliodora*, *E. paniculata*, *E. pilularis*, *E. robusta*, *E. seeana*, *E. sideroxylon*, *E. siderophloia*, *Banksia integrifolia*, *Castanospermum australe*, *C. citriodora citriodora*, *C. eximia*, *C. maculata*, *G. robusta*, *Melaleuca quinquenervia* or *Syncarpia glomulifera*, and;
 - ii. vegetation communities which may not contain the above trees species, but which:
 - A. contain native species known to be productive foraging habitat during the final weeks of gestation, and during the weeks of birth, lactation and conception (August to May) , or

- B. contain native species used for foraging and occur within 20 km of a nationally important camp¹, or
- C. contain native or exotic species used for roosting at the site of a nationally important GHFF camp.
- d) According to the GHFF Recovery Plan, key threats to the species include habitat loss (loss of winter foraging habitat and roosting areas), camp disturbance, mortality in commercial food crops, heat stress, entanglement in netting and barbed wire fencing and climate change.

Environment within and surrounding the proposed Action area

39) With respect to the environment within and surrounding the project area, I noted:

- a) The department's PMST report dated 17 April 2026 indicates that the GHFF, or its habitat, is known to occur within 5 km of the proposed Action area. The Atlas of Living Australia (ALA) identified 181 records of GHFF sightings within 5 km of the proposed Action area since 2010 (not including records with no date).
- b) The referral documentation states that opportunistic habitat searches for species presence, and habitat features such as foraging tree species, were undertaken throughout the entire proposed Action area, encompassing eight days from 25-29 January 2021, 10-11 December 2025, and 14 January 2026.
- c) The referral documentation acknowledges that surveys were conducted solely during summer and therefore would not have captured the use of important winter or spring flowering tree species present within the proposed Action area. The species was not detected during 2021 site surveys; however, the referral material notes that the species may have been missed during surveys and there was a high likelihood the species was present on the proposed Action area.
- d) The referral documentation states that the species was detected during site surveys in 2025/2026, with 4 individuals observed foraging.
- e) The referral documentation states that the closest known Flying fox camp is the Herston Camp, located 600m North of the site on Enoggera Creek. Inspection of this camp on January 8, 2026, confirmed that the roost is active. The department noted that the referral material incorrectly labels this camp as a 'nationally important camp'. The department reviewed the available population data for this camp (2012-2022) and noted that it has not had more than

¹ Nationally important camps are those that have contained $\geq 10,000$ Grey-headed Flying-foxes in more than one year in the last 10 years or have been occupied by more than 2,500 Grey-headed Flying-foxes permanently or seasonally every year for the last 10 years (DoE 2015).

10,000 individuals in one year or had >2500 individuals each year for the past 10 years (criteria set out in the recovery plan). Based on this, the department considered, and I agreed, that the Herston camp is not a 'nationally important camp'.

- f) The referral documentation states that no camps or roosts were found within the proposed Action area; however, 70 known camps occur within 25 km of the proposed Action area. According to the CSIRO's National Flying-fox Monitoring Program data, 46 Nationally Important Flying-fox Camps exist within 20km of the proposed Action area.
 - g) The proposed Action area supports eucalypt-dominated and riparian vegetation communities that are consistent with foraging habitat types identified in the GHFF Recovery Plan, including forest and woodland communities capable of supporting flowering Myrtaceae (e.g. species of *Eucalyptus*, *Corymbia*, *Melaleuca* and *Angophora*).
 - h) The referral documentation states that the proposed Action area contains numerous species of GHFF foraging resources, which were ground truthed as: *Blakella citriodora*, *Blakella citriodora* subsp. *Variegata*, *Blakella henryi*, *Blakella tessellaris*, *Castanospermum australe*, *Corymbia maculata*, *Eucalyptus acmenoides*, *Eucalyptus cloeziana*, *Eucalyptus fibrosa*, *Eucalyptus grandis*, *Eucalyptus major*, *Eucalyptus melanophloia*, *Eucalyptus moluccana*, *Eucalyptus propinqua*, *Eucalyptus resinifera*, *Eucalyptus saligna*, *Eucalyptus siderophloia*, *Eucalyptus tereticornis*, *Ficus benghalensis*, *Ficus benjamina*, *Ficus macrophylla*, *Ficus macrophylla* forma *macrophylla*, *Ficus macrocarpa*, *Ficus macrocarpa* var *hillii*, *Ficus obliqua*, *Ficus rubiginosa*, *Ficus virens*, *Grevillea robusta*, *Lophostemon confertus*, *Melaleuca quinquenervia*.
 - i) The referral documentation states that to quantify the presence of these species, the tree protection zone for every suitable tree was combined, resulting in a total area of 14.6 ha of potential GHFF foraging habitat likely to be impacted.
- 40) The department reviewed the identified species against the GHFF Recovery Plan. The department considered, and I agreed, that all species identified within the referred Area as GHFF foraging resources meet the definition of habitat critical to the survival of the GHFF as they are:
- a) field verified important winter and spring flowering vegetation communities, or
 - b) native species known to be productive foraging habitat during the final weeks of gestation, and during the weeks of birth, lactation and conception (August to May), or
 - c) native species used for foraging and occur within 20 km of a nationally important camp.
- 41) I noted that many of the public comments received on the referral included discussion of potential impacts to GHFF breeding and foraging habitat, a lack of detail on which trees will be cleared or retained and surveys not being undertaken during the Winter and Spring season.
- 42) Based on the above points, the department considered, and I agreed that the proposed Action area contains 14.6 ha of GHFF foraging habitat considered to be habitat critical to the survival of the species.

Potential impacts

- 43) I accepted the information provided by the department regarding the potential impacts of the proposed Action on the GHFF which were determined to include:
- a) direct impacts to the GHFF through the clearance of 14.6 ha of potential foraging habitat which is habitat critical to the survival of the GHFF; and
 - b) other potential impacts that may result from the proposed Action including (but not limited to):
 - i. disturbance from noise, vibration and light spill which may temporarily discourage GHFF from using the proposed Action area; and
 - ii. increased habitat degradation from edge effects.
- 44) I agreed with the department that while the avoidance and mitigation measures proposed are likely to reduce the risk of impacts, it is unlikely that significant impacts would occur even without these measures in place.
- 45) In making a decision, I considered the definition of ‘significant impact’ in the Significant Impact Guidelines 1.1 - Matters of National Environmental Significance (Significant Impact Guidelines), being *“an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment, which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts”*.
- 46) I noted that the referral documentation stated that the proposed Action is not expected to significantly impact the GHFF, and that the department agreed. I agreed with the department’s conclusion which was based on their assessment of the proposed impacts on habitat critical to the survival of GHFF against the Significant Impact Guidelines and relevant statutory documents, as follows:
- a) The proposed Action is located within an urban setting, surrounded by high density development on all sides. The overall size of the impact is contained to the 99.5 ha proposed Action area, and associated indirect impacts to adjacent areas (such as, light, noise, etc.) are unlikely to impact broader areas to the proposed Action area, given these impacts would already exist due to surrounding land uses. Thus, the impacts of the proposed Action will occur over a minor geographic extent for the GHFF confined to the 14.6 ha of low-quality foraging habitat within the proposed Action area.
 - b) The GHFF Recovery Plan states that the majority of myrtaceous plants in the diet of GHFFs flower within a defined season but are not annually reliable. The referral states that field surveys identified that 13 out of the 19 species of foraging resources (determined to be habitat critical to the survival of the species) identified on the site are Eucalyptus or Corymbia species, which Eby and Law (2008) (referenced in the GHFF Recovery Plan) identify as species renowned for irregular pattern of flower production.

- c) An analysis of foraging resources within the immediate vicinity of the proposed Action area, based on Queensland RE and regrowth mapping, categorised suitable forage habitat as those remnant or regrowth REs that contained suitable forage trees as a dominant, co-dominant or subdominant element of the ecologically dominant layer. This analysis found that the 14.6 ha of foraging resources within the proposed Action area accounts for only 0.026% of the available foraging resources within 25km of the proposed Action area.
 - d) The proposed Action area provides a foraging resource for GHFF, including but not limited to individuals from nearby camps. However, Westcott et al (2015) found that GHFF travel a mean nightly distance of 10.9km in order to access foraging resources; however, GHFF can travel as far as 40km in a single night for that same purpose. Although individuals from nearby camps, or any other camp for that matter, may utilise the foraging resource within the proposed Action area, GHFF is unlikely to be dependent on this resource and as such the loss of this foraging resources as a result of the proposed Action is unlikely to impact on the viability of nearby camps or important populations.
 - e) Given the sparse density of forage habitat and the presence of irregularly flowering foraging species, the proposed Action area provides a low value forage resource for the GHFF. This view is further supported by the noted availability of extensive and contiguous remnant foraging habitat within the broader region.
- 47) The department considered, and I agreed that, in the context of the surrounding environment, the 14.6 ha of foraging resource impacted by the proposed Action is of low value to the species and as such the proposed Action is unlikely to result in a significant impact.

Avoidance, mitigation, and management measures

- 48) I considered the avoidance, mitigation and management measures presented by GICA, which I discuss below.
- 49) The referral documentation states that infrastructure will be designed to avoid higher value vegetation within the site. Furthermore, revegetation activities will form a significant component of establishing long term ecological and environmental values of the proposed Action area.
- 50) There is no specific detail on the location and size of habitat retention or revegetation specific to the GHFF, given the preliminary stage of planning for the project; however, the referral documentation states that efforts will be made to avoid environmental values within the proposed Action area.
- 51) Proposed avoidance and mitigation measures for protection of flora and fauna values against construction phase impacts include:
- a) development and implementation of a Construction Environmental Management Plan (CEMP) to outline relevant environmental requirements for undertaking works. Sub-plans to the CEMP would include:

- i. a Vegetation and Fauna Management Plan which would specify pre-clearing fauna assessments, and the use of a suitably qualified fauna spotter-catcher during clearing processes and
 - ii. an Erosion and Sediment Control Plan (ESCP), to prevent loss of dispersible materials to surrounding receiving areas during construction and operation,
- b) utilising arborist (minimum Australian Qualification Framework Level 5) advice and supervision during works to ensure that neighbouring trees identified for retention are suitably protected from damage,
- c) checking of any potential animal breeding places by a fauna spotter/ catcher prior to clearing to assess animal breeding. Should evidence of animal breeding be identified either:
 - i. cease clearing of the animal breeding place until the breeding has ceased and the animal (and offspring) vacate the breeding place on their own volition; or
 - ii. undertake activities in accordance with an approved Species Management Program for tampering with an animal breeding place should development include clearing of animal breeding place, and
- d) utilising fauna friendly lighting to minimise light spill and disturbance for adjacent fauna habitats.

52) The department considered, and I agreed, that while the mitigation measures proposed are likely to reduce the risk of impacts, it is unlikely that significant impacts would occur even without these measures.

Conclusion

53) Based on their assessment against the Significant Impact Guidelines, the department concluded, and I agreed, that the proposed Action is unlikely to have a significant impact on the GHFF.

54) I noted that the department's conclusion was based on an assessment of the referral information and the potential impacts on the GHFF, where they considered, and I agreed, that the loss of up to 14.6 ha of GHFF habitat critical to the survival of the species is unlikely to alter the availability of foraging resources or decrease the availability of habitat to the extent that the species is likely to decline.

55) In making this decision, I considered the nature of the proposed Action, the referral documentation, additional information provided by the referring party, the GHFF Recovery Plan and the Significant Impact Guidelines. On the basis of the above information, I agreed with the department's recommendation that the proposed Action is unlikely to have a significant impact on the GHFF.

Koala (*Phascolarctos cinereus*) (combined populations of Queensland, New South Wales and the Australian Capital Territory) – Endangered

Species ecology

56) The department provided me with a summary of information on the characteristics, status and habitat requirements for the Koala, which included information sourced from the department's SPRAT database, the National Recovery Plan for the Koala *Phascolarctos cinereus* (combined populations of Queensland, New South Wales and the Australian Capital Territory) (2022) (Koala Recovery Plan) and the Conservation Advice for *Phascolarctos cinereus* (Koala) combined populations of Queensland, New South Wales and the Australian Capital Territory (2022) (Koala Conservation Advice). I noted that the Koala Recovery Plan states that the Koala inhabits Eucalypt woodland and forests in eastern Australia from northeastern Queensland to the south-east corner of South Australia. I noted the following regarding the Koala's ecology:

- a) The Koala is a specialist folivore that browses predominantly on the leaves of *Eucalyptus*, *Corymbia*, and *Lophostemon* species. Non-food tree species are also essential resources to Koalas as they use these as shelter trees to thermoregulate, especially during hot days, and to avoid predators. Research has demonstrated Koalas hold locality-based preferences for certain food or shelter trees based on factors such as nutritional quality of the tree, tree size, canopy cover or bark type; these are referred to as locally important Koala trees (LIKT).
- b) LIKTs differ between bioregions but are defined as species which are known to form a substantial portion of the Koala's diet in that bioregion. Ancillary habitat trees (AHT) are those which although not recognised as important food may still be essential for Koala survival due to the shelter or other resources they provide. A list of LIKT can be found in 'A review of Koala habitat assessment criteria and methods' (Youngtob *et al.*, 2021).
- c) Koalas shift between locations for resources and can move daily between food and shelter trees. Safe dispersal habitat between patches is important, and can include roadside and railway vegetation, and stratified shelter trees as found in parklands and paddocks. Koalas are also known to occur in highly modified (e.g. urbanised) or regenerating native vegetation communities.
- d) Known threats to the Koala include wide-scale climate change drivers such as increased frequency and intensity of drought, high temperatures, bushfires and loss of climatically suitable habitat.
- e) Additional threats include disease, habitat loss from land clearance and mining, and mortality due to encounters with vehicles and dogs. Urban expansion continues to threaten Koalas, particularly in coastal regions, with over 10000 km² of forest and woodland within the Koala's range being cleared between 2000 and 2017.

Environment within and surrounding the Action area

57) With respect to the environment within and surrounding the project area, I noted:

- a) The department's PMST dated 17 April 2026 indicates that the Koala, or its habitat, is known to occur within 5km of the proposed Action area. The ALA identified 103 records of Koala sightings within 5km of the proposed Action area since 2010 (not including 42 records with no date).

- b) Opportunistic searches for habitat features such as food and shelter tree species were undertaken throughout the survey period, encompassing eight days from 25-29 January 2021, 10-11 December 2025, and 14 January 2026. Foraging resources were quantified by undertaking tree surveys of every tree over 100 mm diameter at breast height (DBH) (4536 trees), and vegetation community assessments in alignment with the methodology for surveying and mapping regional ecosystems and vegetation communities in Queensland (version 5.1 in 2021, version 7.0 in 2025/2026). These surveys were undertaken for 32 person hours and 16 person hours over 2021 and 2025/2026, respectively. Food trees were confirmed present, distributed in a mosaic pattern throughout the proposed Action area, which GIICA describes as potential habitat for the Koala.
 - c) Spotlighting was undertaken by two people for three hours per night over four nights during both the 2021 and 2025/2026 survey periods, with a focus on tree cover and wetlands. Philips and Callaghan's (2011) Koala Spot Assessment Technique (KSAT) was employed, wherein 29 trees closest to a central 'feature' tree (including koala food trees, or trees with signs of Koala presence) are searched for scats within a 1m radius from each tree base, for a maximum of 2 person minutes. The referral states that 7 KSATS were undertaken.
 - d) No Koalas or signs of Koalas were identified within the proposed Action area.
 - e) The closest consolidated patch of remnant vegetation to the proposed Action area is located at Banks Street Reserve, approximately 2 km north-west from the site, and definitive Koala records are recorded in this location. Several records of the Koala also exist within Roma Street Parklands approximately 300 m south of the proposed Action area. Some unverified Koala records also exist in surrounding street and roadside vegetation.
 - f) The referral documentation states that access by the Koala to the proposed Action area is not possible due to the presence of significant dispersal barriers for the species. The proposed Action area is bounded to the south by Gregory terrace, a major 4-laned road; to the east, Bowen Bridge road, a six-lane transport corridor; to the north Herston Road and dense urban dwellings; and to the west, QUT Campus, and Victoria Park Road (Figure 1).
 - g) GIICA sought comment from Queensland Koala researcher and ecologist, Dr William Ellis, who stated that "the absence of Koalas from Victoria Park is probably a result of historical removal of koala food resources but is highly likely to be a consequence of intensive urban development that exists around the site. Together, these impacts have reduced opportunities for Koalas to travel to the site, made such travel incredibly dangerous and resulted in the absence of any contemporary records of koalas using the site".
- 58) I noted that no quantification of the extent of Koala food trees, nor Koala habitat as defined by the Koala Conservation Advice, was included in the referral documentation. However, as the species is unable to access the proposed Action area, I did not consider this information necessary to inform an assessment of potential significant impacts to the species.

Potential impacts

59) I accepted the information provided by the department regarding the potential impacts of the proposed Action on the Koala. The potential impacts are discussed below:

- a) The Koala Conservation Advice defines habitat critical to the survival of a species as “habitat [that] is used to meet essential life cycle requirements”. The referral states that no Koalas or signs of Koalas were found in the proposed Action area, no records exist of Koalas in the proposed Action area, and Koalas are unable to access the proposed Action area due to significant infrastructure barriers, including main roads and multi-lane highways, dense urban and residential development, and other highly built-up urban areas.
- b) The potential koala habitat within the proposed Action area is not currently able to be accessed by Koala and therefore is not able to be used to support their essential life cycle requirements. Therefore, I considered that no habitat critical to the survival of the Koala occurs within the proposed Action area.

Avoidance, mitigation, and management measures

60) I considered the avoidance, mitigation and management measures presented by GIICA, which I discuss below.

61) The referral documentation states that infrastructure will be designed to avoid higher value vegetation within the site. Furthermore, revegetation activities will form a significant component of establishing long term ecological and environmental values of the site.

62) There is no specific detail on the location and size of habitat retention or revegetation specific to the Koala, however, the referral documentation states that efforts will be made to avoid environmental values within the proposed Action area.

63) The department considered, and I agreed, that while the avoidance and mitigation measures that have been proposed are likely to reduce the risk of impacts, it is unlikely that significant impacts would occur even without these measures due to the functional isolation of the proposed Action area.

Conclusion

64) The Koala Conservation Advice and the Koala Recovery Plan define habitat critical to the survival of the species. Based on the department’s assessment of the proposed Action area and surrounding environment against these documents and the referral information, the department considered, and I agreed, that no habitat critical to the survival of the Koala will be impacted and no direct impacts to the Koala will occur given the isolation of the proposed Action area from any Koala habitat areas where the species has been recorded.

65) In making the decision, I considered the nature of the proposed Action, the referral documentation, the Koala Recovery Plan, Koala Conservation Advice and the Significant Impact Guidelines. On the basis of the above information, I considered it is unlikely that the proposed Action will have a significant impact on the Koala.

Macadamia Nut (*Macadamia integrifolia*) – Vulnerable, Rose Apple (*Syzygium moorei*) – Vulnerable, Small-leaved Tamarind (*Diploglottis campbellii*) – Endangered

Macadamia Nut - Protected matter ecology

66) The department provided me with a summary of information on the Macadamia Nut, which included information sourced from the SPRAT database for *Macadamia integrifolia* (Macadamia Nut), the approved Conservation Advice for *Macadamia integrifolia* (Macadamia Nut Conservation Advice), and the National Recovery Plan for Macadamia Species (Macadamia Species Recovery Plan). I noted the following regarding Macadamia Nut ecology:

- a) The Macadamia Species Recovery Plan describes Macadamia Nut as a long-lived perennial mid-storey to sub canopy evergreen subtropical rainforest tree that grows to 25 m tall, with creamy-white flowers and rounded fruits with a hard, smooth, brown inner shell protecting the edible nut. Its flowering period is August to October with kernel maturation from December to March, with mature nuts falling to the ground thereafter.
- b) Macadamia Nut is naturally distributed along the foothills and coastal ranges of south-east Queensland, from the border of NSW to Mt Bauple, and is widespread and frequent in the northern half of its range. The species is observed in clusters of populations based on the species' association with refugial habitats, and a limited capacity for dispersal.
- c) Macadamia Nut is found within lowland warm complex notophyll vine forest and Araucarian notophyll vine forest, on all topographic positions including ridges, scree slopes, foot slopes, gullies, benches and riverine terraces. Soils are predominantly alluvial or volcanic, well drained, often with significant exposure of rock fragments.
- d) The Macadamia Nut Conservation Advice identifies known threats to the Macadamia including habitat fragmentation and reduced pollination success through urban and agricultural clearing, weed invasion and inappropriate fire regimes. Genetic homogenisation of wild stock by mixing with widespread orchard strains is also listed as a potential threat to the species, by potentially causing genetic homogenisation or disruption of local genetic adaptations.

Rose Apple - Protected matter ecology

67) The department provided me with a summary of information on the Rose Apple, which included information sourced from the SPRAT database for the *Syzygium moorei* (Rose Apple) and the Approved Conservation Advice for *Syzygium moorei* (Rose Apple Conservation Advice). I noted the following regarding Rose Apple ecology:

- a) The Rose Apple is a tree that grows to 4 m in height with a trunk of up to 600m and a dense canopy. It has red-brown to light or pinkish grey bark with soft papery scales, and flowers with masses of fluffy pink to red stamens. Fruits are white and fleshy with a diameter of 60 mm and a single seed.

- b) The Rose Apple occurs in warm, protected, fertile soils in riverine and gully rainforests at low altitudes, and is most commonly found in Subtropical Rainforest on lowland krasnozem, lowland alluvium, or alluvium with excess moisture.
- c) The Rose Apple Conservation Advice identifies known threats to the Rose Apple including fragmentation of habitat for development, hardwood plantations, agriculture and road works; weed infestation; grazing and trampling by domestic stock; and illegal collection for horticulture. Potential threats also include limited opportunities for natural regeneration due to the isolation and sensitivity to erosion, fire and coastal storms of mature specimens; reduced number of pollinators; limited germination due to seed eating organisms; reduced distribution due to reduced numbers of larger fruit pigeons; and grazing from feral animals.

Small-leaved Tamarind - Protected matter ecology

- 68) The department provided me with a summary of information on the Small-leaved Tamarind, including information sourced from the SPRAT database for *Diploglottis campbellii* (Small-leaved Tamarind), which I used to note the following regarding the species' ecology:
- a) The Small-leaved Tamarind is a medium-sized rainforest tree growing 18-30 m in height. Flowers are creamy brown, and fruits are hairless, yellow-brown capsules 2-5 cm in diameter. Flowering times vary depending on latitude and annual seasonal variations, but the species tend to flower from November to March in NSW and may flower from as early as October in Telbudgera Valley, Qld. Fruiting occurs from January/February to March/April, although not all trees produce fruit each year.
 - b) The Small-leaved Tamarind is endemic to eastern Australia and is restricted to warm subtropical rainforest. It occurs in forest types varying from luxuriant lowland subtropical rainforest to drier subtropical rainforest with a *Lophostemon confertus* open overstorey. The preferred habitat is well-watered but well-drained sites on basalt-derived soils or alluvium at low altitude.
 - c) The species distribution occurs between the Richmond River in far-north NSW to Mudgeeraba Creek on the Gold Coast Hinterland, Qld. The species may occur as far inland as the Border Ranges National Park, and there may be an outlying population near Beenleigh.
 - d) The SPRAT profile lists the known threats to the species, including habitat destruction by clearing and fragmentation of rainforest, as well as by grazing by livestock, slashing of surrounding vegetation and waste dumping; loss of genetic diversity due to the small and isolated nature of populations as well as the limited number of individuals that are reproductively active; and habitat degradation by road maintenance and infestation of weeds including *Cinnamomum camphora*, *Lantana camara*, *Phytolacca octandra*, *Asparagus plumosus* and *Tradescantia zebrina*.

Environment within and surrounding the proposed Action area

- 69) With respect to the environment within and surrounding the project area, I noted:

- a) Vegetation surveys included tree surveys of every tree of a DBH over 100 (4536 trees), and vegetation community assessments in alignment with the methodology for surveying and mapping regional ecosystems and vegetation communities in Queensland (version 5.1 in 2021, version 7.0 in 2025/2026) which were undertaken for 32 person hours and 16 person hours over 2021 and 2025/2026 survey periods, respectively.
- b) The proposed Action area does not currently contain any vegetation that matches Queensland Regional Ecosystem (RE) classifications, and vegetation on site contains predominantly planted native and non-native specimens associated with landscaped gardens and ornamental tree plantings. Some scattered patches of persisting but highly degraded vegetation occur in the western extent of the site which have an affinity with REs 12.11.13 (Semi-evergreen vine thicket) and 12.11.5 (*Corymbia citriodora* subsp. *variegata* woodland to open forest).
- c) Pre-clear RE mapping indicates the area is likely to have supported mixed Eucalypt open forest, including RE 12.11.3 (Eucalyptus open forest on metamorphics), RE 12.11.5 (*C. citriodora* open forest, *E. siderophloia*/*E. crebra* on metamorphics), RE 11.3.5 (*Melaleuca quinquenervia* open forest on coastal alluvium), and RE 12.3.11 (*E. tereticornis* +/- *E. siderophloia* open forest on alluvial plains). These communities would not have provided suitable habitat for any of the flora species discussed above.

Macadamia Nut within and surrounding the proposed Action area

70) With respect to the Macadamia Nut and its habitat within and surrounding the project area, I noted:

- a) The department's PMST dated 17 April 2026 indicates that the Macadamia Nut, or its habitat, is likely to occur within 5km of the proposed Action area. However, the proposed Action area itself is mapped only as an area where the species may occur. The ALA identified 6 records of Macadamia Nut occurrences within 5km of the proposed Action area since 2010.
- b) Four Macadamia Nut individuals were identified in the centre-south of the proposed Action area, associated with planted vegetation around an existing Grounds Maintenance Shed.
- c) The Macadamia Species Recovery Plan states that the Macadamia Nut grows in remnant rainforest, including complex mixed notophyll forest, and prefers partially open areas such as rainforest edges. The department considered, and I agreed, that the proposed Action area is unlikely to have ever supported rainforest vegetation communities, and therefore the presence of Macadamia Nut individuals at the site is unlikely to be natural.
- d) The Macadamia Species Recovery Plan states that "wild trees contain a genetic diversity that does not exist within cultivated trees". Therefore, the department considered, and I agreed, that the planted specimens in the proposed Action area would likely not contribute to the genetic diversity of the species, and their removal would not impact the species' distribution and genetic diversity more broadly.

Rose Apple within and surrounding the proposed Action area

71) With respect to the Rose Apple and its habitat within and surrounding the proposed Action area, I noted:

- a) The department's PMST dated 17 April 2026 does not indicate that the Rose Apple, or its habitat, occurs within 5km of the proposed Action area. The proposed Action area is outside the distributional range, which is south around the Gold Coast hinterland. The ALA identified one record of Rose Apple occurrence within 5km of the proposed Action area in 2025, along Berwick St in urban Fortitude Valley.
- b) Two Rose Apple individuals were identified in the north-west of the proposed Action area, associated with vegetation along the Inner Northern Busway (INB) located along the west and northern boundaries of the proposed Action area.
- c) The Rose Apple Conservation Advice states that the Rose Apple grows in subtropical rainforests, and occurs in warm, protected, fertile soils in riverine and gully rainforests at low altitudes. As above, the department considered, and I agreed, that the proposed Action area is unlikely to have ever supported subtropical rainforest vegetation communities, and therefore the presence of Rose Apple individuals is unlikely to be natural. As such, their existence within the proposed Action site would not likely contribute to the genetic diversity of the species, and their removal would not impact the species distribution and genetic diversity more broadly.

Small-leaved Tamarind within and surrounding the proposed Action area

72) With respect to the Small-leaved Tamarind and its habitat within and surrounding the project area, I noted:

- a) The department's PMST dated 17 April 2026 does not indicate that the Small-leaved Tamarind, or its habitat, occurs within 5km of the proposed Action area. The proposed Action area is outside the distributional range, which extends from Ballina to Logan along the coastline. The ALA identified two records of Small-leaved Tamarind occurrences within 5km of the proposed Action area since 2017.
- b) Twenty-two Small-leaved Tamarind individuals were identified in the proposed Action area; 18 in the north-west corner associated with the BMX track, and four to the east in the centre-east of the proposed Action area.
- c) The Small-leaved Tamarind SPRAT profile states that the Small-leaved Tamarind occurs in moist subtropical rainforest. As above, the department considered, and I agreed, that the proposed Action area is unlikely to have ever supported rainforest vegetation communities, and therefore presence of Small-leaved Tamarind individuals within the proposed Action area is unlikely to be natural. As such, their existence within the proposed Action area would not likely contribute to the genetic diversity of the species, and their removal would not impact the species' distribution and genetic diversity more broadly.

Potential impacts

- 73) I accepted the information provided by the department regarding the potential impacts of the proposed Action on the Macadamia Nut, Rose Apple, and Small-leaved Tamarind. I also considered public comments which raised concerns regarding impacts to the Macadamia Nut, Rose Apple and Small-leaved Tamarind individuals at the proposed Action area, stating that these specimens should not be dismissed regardless of if they are planted and do not naturally occur at the proposed Action area.
- 74) I accepted that there is no habitat currently on site for the Macadamia Nut, Rose Apple, and Small-leaved Tamarind, nor is it likely that the proposed Action area would ever have supported the subtropical rainforest habitat in which these species occur. Therefore, clearing of any vegetation on site will not impact habitat critical for the survival for the Macadamia Nut, Rose Apple, and Small-leaved Tamarind, nor will it reduce the natural and sustainable distributional range of each species.
- 75) Additionally, the department considered, and I agreed, that the individuals of Macadamia Nut, Rose Apple, and Small-leaved Tamarind that occur within the proposed Action area are planted and therefore do not likely contribute to the genetic diversity of the species. Therefore, the potential removal of these individuals is unlikely to contribute to a long-term decline of the Macadamia Nut, Rose Apple, or Small-leaved Tamarind.

Avoidance, mitigation, and management measures

- 76) I considered the avoidance, mitigation and management measures presented by GICA, which I discuss below:
- a) The referral documentation states that infrastructure will be designed to avoid higher value vegetation within the site. Furthermore, revegetation activities will form a significant component of establishing long term ecological and environmental values of the site.
 - b) There is no specific detail on the location and size of habitat retention or revegetation specific to the Macadamia Nut, Rose Apple, or Small-leaved Tamarind; However, proposed mitigation measures for protecting flora and fauna values at the site have been proposed. These are discussed above at paragraph [51]].
 - c) The department considered, and I agreed, that while the avoidance and mitigation measures proposed are likely to reduce the risk of impacts, it is unlikely that significant impacts would occur even without these measures in place.

Conclusion

- 77) In my decision, I considered the Macadamia Nut Conservation advice, Macadamia Recovery Plan, Rose Apple Conservation Advice, and the Significant Impact Guidelines, which each define habitat critical to the survival of the Macadamia Nut, Rose Apple, and Small-leaved Tamarind. Based on the department's assessment of the proposed Action area and surrounding environment against these documents and the referral information, I consider that the lack of historic habitat and occurrence of the species suggests that removal of the planted specimens of the Macadamia Nut, Rose Apple, and Small-leaved Tamarind would not result in a significant

impact to the species as it would not reduce the natural distributional range or genetic diversity for the species.

78) I therefore concluded that the proposed Action was unlikely to have a significant impact on the Macadamia Nut, Rose Apple or Small-leaved Tamarind.

White-throated Needletail (*Hirundapus caudacutus*) – Vulnerable, Migratory Protected matter ecology

79) The department provided me with a summary of information on the characteristics, status and habitat requirements for the White-throated Needletail (WTNT), which included information sourced from the SPRAT database, the Conservation Advice for *Hirundapus caudacutus* (White-throated Needletail) (2019) (WTNT Conservation Advice) and the Draft referral guideline for 14 birds listed as migratory species under the EPBC Act (2015) (Draft Migratory Species Referral Guideline). I noted the following regarding WTNT ecology:

- a) In eastern Australia, the WTNT is widely distributed along the east coast of Queensland and New South Wales, extending inland to the western slopes of the Great Dividing Range and occasionally onto the adjacent inland plains. The WTNT breeds in Siberia and Japan and migrates to Australia in its non-breeding season in October and has a broad flying range between 1-1000 m above the ground.
- b) The WTNT Conservation Advice states that the species forages for insects over a wide variety of habitats ranging from heavily treed forests to open habitats, such as farmlands, heathland or mudflats. The WTNT is known to roost in forests and woodlands, amongst dense foliage in the canopy or in the hollows of trees.
- c) While found across a range of habitats, the Draft Migratory Species Referral Guideline identifies large tracts of native vegetation, particularly forest (including roosting habitat on ridge-tops), as habitat important to the species. The Significant Impact Guidelines identifies areas that are necessary for activities such as foraging and roosting as habitat critical to the survival of the species.
- d) According to the WTNT Conservation Advice, threats to the species in Australia include collision with wind turbines and overhead wires, loss of roosting sites and potential foraging habitat, and possible secondary poisoning by insecticides.

Environment within and surrounding the proposed Action area

80) With respect to the environment within and surrounding the project area, I noted:

- a) Many of the public comments received included discussion on potential impacts to WTNT, including on breeding habitat, as well as a lack of information on hollow-bearing trees. These issues have been taken into consideration in making my decision.
- b) The department's PMST dated 17 April 2026 indicates that the WTNT is known to roost within 5km of the proposed Action area. The ALA identified one record of WTNT at York's

Hollow within the proposed Action area in 2019, and 223 other records within 5km of the proposed Action area since 2010.

- c) Opportunistic habitat searches for habitat features were undertaken throughout the entire survey effort, encompassing eight days from 25-29 January 2021, 10-11 December 2025, and 14 January 2026.
- d) Diurnal bird surveys were undertaken during the morning and late afternoon across four days, totalling a survey effort of 12 person hours. Point counts of birds heard and seen were also undertaken at 13 locations within the proposed Action area.
- e) The WTNT Conservation Advice states that the WTNT “roosts in trees amongst dense foliage in the canopy or hollows”, and the Draft Migratory Species Referral Guideline states that WTNT are “found to roost in tree hollows in tall trees on ridge-tops, on bark or rock faces”. An inventory of all trees within the proposed Action area recorded approximately 60 hollow-bearing trees on the proposed Action site. The referral documentation acknowledges that hollow counts were based on ground-based surveys, and therefore some trees that contain hollows may have been missed.
- f) The referral documentation states that no signs of the WTNT or evidence of its occurrence on site were found; however, the referral documentation acknowledges the aerial space above the proposed Action area to be potential foraging and movement habitat.
- g) The referral documentation describes the topography of the site as highly undulating and steep, with elevations ranging from 20 m to 50 m Australian Height Datum. However, ridge-tops do not occur on site. Due to this, the department considered, and I agreed, that the proposed Action area does not provide roosting habitat.
- h) The Draft Migratory Species Referral Guideline defines important habitat for the WTNT as occurring “across a range of habitats, more often over wooded areas” and notes that “large tracts of native vegetation, particularly forest, may be a key habitat requirement for the species”. The WTNT Conservation Advice also notes that whilst the species occurs most often in wooded areas, the WTNT has also been recorded above partly cleared pasture and plantations.
- i) The department considered, and I agreed, that the proposed Action area may be used for overflying and foraging due to the presence of approximately 14.6 ha of woody vegetation interspersed with significant areas of open parkland. However, the department did not consider the habitat to be important habitat for the species as defined in the Draft Migratory Species Referral Guideline or WTNT Conservation Advice, due to the lack of contiguous woodland habitat, and I agreed. The department also considered, and I agreed, that the highly disturbed and manicured nature of the parkland at the proposed Action area provides limited diversity and abundance of forage resources.
- j) The proposed Action area contains low quality foraging and overfly habitat for the WTNT, consisting of approximately 14.6 hectares of sparsely distributed vegetation within 99.5 ha of open manicured lawn and infrastructure. Additionally, the proposed Action area supports

some hollow bearing trees, though lacks the tall, dense foliage and ridge-tops or rock faces described as providing suitable roosting habitat for the WTNT. The department therefore considered, and I agreed, that the proposed Action area does not support important habitat and is unlikely to support an important population of the species.

Potential impacts

81) I accepted the information provided by the department regarding the potential impacts of the proposed Action on the WTNT. These potential impacts are discussed below:

- a) The proposed Action will result in the loss of up to 90.5 ha of potential marginal overfly habitat which may support a suitable forage resource for the WTNT.
- b) Given the lack of records of the species within the proposed Action area and low value of the habitat present at the site, the department considered, and I agreed, it is unlikely that the loss of this habitat would result in a significant impact to the WTNT as it does not constitute important habitat for the species.

Avoidance and mitigation measures

82) I considered the avoidance, mitigation and management measures presented by GIICA, which I discuss below:

- a) The referral documentation states that infrastructure will be designed to avoid higher value vegetation within the site. Furthermore, revegetation activities will form a significant component of establishing long term ecological and environmental values of the site.
- b) There is no specific detail on the location and size of habitat retention or revegetation specific to the WTNT; however, the referral documentation states that efforts will be made to avoid environmental values within the proposed Action area.
- c) Proposed avoidance and mitigation measures for protection of flora and fauna values against construction phase impacts which are considered relevant to the WTNT are provided at paragraph [51].
- d) The department considered, and I agreed, that while the avoidance and mitigation measures proposed are likely to reduce the risk of impacts, it is unlikely that significant impacts would occur even without these measures in place.

Conclusion

83) The WTNT Conservation Advice and the Draft Migratory Species Referral Guideline define habitat critical to the survival of the species. Based on the department's assessment of the proposed Action area and surrounding environment against these documents and the referral information, I did not consider the habitat present within the proposed Action area to comprise habitat critical to the survival of the WTNT.

84) In making my decision, I considered the nature of the proposed Action, the referral documentation, WTNT Conservation Advice, Draft Migratory Species Referral Guideline and the

Significant Impact Guidelines. On the basis of the above information, I concluded that it is unlikely that the proposed Action will have a significant impact on the WTNT.

Conclusion on Threatened Species and Communities

85) On the basis of the matters discussed above, I concluded that the proposed Action is unlikely to result in significant impacts on listed threatened species or endangered communities (ss 18 and 18A).

Other Part 3 provisions that are not controlling provisions

86) I have explained above why I did not consider ss 18 and 18A to be controlling provisions for the proposed Action.

87) I also considered whether any other Part 3 provision was a controlling provision for the proposed Action. For the reasons set out in Table 1 below, I determined that no other Part 3 provisions were controlling provisions.

Table 1

Provision	Consideration
World Heritage properties (s 12 & s 15A)	I noted that the PMST did not identify any declared World Heritage properties located within or adjacent to the proposed Action area. Further, given the information contained in the referral documentation, the nature and scale of the proposed Action and its potential impacts, and the distance to World Heritage properties. I considered that the proposed Action is unlikely to have a significant impact on the World Heritage values of World Heritage properties. For these reasons I agreed with the department that ss 12 and 15A are not controlling provisions for the proposed Action. I noted that many public comments raised concerns about impacts to Indigenous cultural heritage at the proposed Action area. The referral documentation stated that targeted consultation had occurred with Traditional Custodians and First Nations representatives. The referral documentation also stated that Cultural Heritage Agreements with the Statutory Aboriginal Party, both for the completion of site investigations and for the main construction works, had been completed and were underway, respectively. I agreed with the department that no World Heritage Properties or National Heritage Places existed at the proposed Action area at the time of my decision, and therefore potential cultural heritage at the proposed Action area is deemed not to be a Matter of National Environmental Significance and need not be considered further.

Provision	Consideration
National Heritage places (s 15B & s 15C)	I noted that the PMST did not identify any National Heritage places located within or adjacent to the proposed Action area. Further, given the information contained in the referral documentation, the nature and scale of the proposed Action and its potential impacts, and the distance to National Heritage places, I considered that the proposed Action is unlikely to have a significant impact on the National Heritage values of National Heritage places. For these reasons I agreed with the department that ss 15B and 15C are not controlling provisions for the proposed Action. I noted that many public comments raised concerns about impacts to Indigenous cultural heritage at the proposed Action area. The referral documentation stated that targeted consultation had occurred with Traditional Custodians and First Nations representatives. The referral documentation also stated that Cultural Heritage Agreements with the Statutory Aboriginal Party, both for the completion of site investigations and for the main construction works, had been completed and were underway, respectively. I agreed with the department that no World Heritage Properties or National Heritage Places existed at the proposed Action area at the time of my decision, and therefore potential cultural heritage at the proposed Action area is deemed not to be a Matter of National Environmental Significance and need not be considered further.
Ramsar wetlands (s 16 & s 17B)	I noted that the PMST did not identify any declared Ramsar listed wetlands of international importance within or adjacent to the proposed Action area. Further, given the information contained in the referral documentation, the nature and scale of the proposed Action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, I considered that the proposed Action is unlikely to have a significant impact on the ecological character of Ramsar listed wetlands of international importance. For these reasons I agreed with the department that ss 16 and 17B are not controlling provisions for the proposed Action. I noted that several public comments were concerned about potential downstream impacts on the Moreton Bay Ramsar Wetland due to runoff and during flooding events, especially during construction works. However, I agreed with the department that given the information contained in the referral documentation, the nature and scale of the proposed Action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed Action is unlikely to have a significant impact on the ecological character of Ramsar listed wetlands of international importance.

Provision	Consideration
Migratory species (s 20 & s 20A)	I noted that the PMST identified the potential presence of 42 migratory species within or adjacent to the proposed Action area. Based on information available to the department, such as the SPRAT database and information from the referral documentation including assessments of likelihood of occurrence at the site, the department considered, and I agreed, that significant impact to these migratory species is unlikely. For these reasons I agreed with the department that ss 20 and 20A are not controlling provisions for the proposed Action.
Nuclear action (s 21 & s 22A)	I considered that the proposed Action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, I agreed with the department that ss 21 and 22A are not controlling provisions for the proposed Action.
Commonwealth marine environment (s 23 & s 24A)	I considered that the proposed Action is not being taken in a Commonwealth marine area. Further, given the information contained in the referral documentation, the nature and scale of the proposed Action and its potential impacts, and the distance to a Commonwealth marine area, I considered that the proposed Action is unlikely to have a significant impact on the environment in a Commonwealth marine area. For these reasons I agreed with the department that ss 23 and 24A are not controlling provisions for the proposed Action.
Great Barrier Reef Marine Park (s 24B & s 24C)	I considered that the proposed Action is not being taken in the Great Barrier Reef Marine Park. Further, given the information contained in the referral documentation, the nature and scale of the proposed Action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, I considered that the proposed Action is unlikely to have a significant impact on the Great Barrier Reef Marine Park. For these reasons I agreed with the department that ss 24B and 24C are not controlling provisions for the proposed Action.
A water resource, in relation to unconventional gas development and large coal mining development (s 24D & s 24E)	I consider that the proposed Action does not involve an unconventional gas development or a large coal mining development. For this reason, I agreed with the department that ss 24D and 24E are not controlling provisions for the proposed Action.

Provision	Consideration
Commonwealth land (s 26 & s 27A)	I considered that the proposed Action is not being taken on Commonwealth land. Further, given the information contained in the referral documentation, the nature and scale of the proposed Action and its potential impacts, and the distance to Commonwealth land, I considered that the proposed Action is unlikely to have a significant impact to the environment on Commonwealth land. For these reasons I agreed with the department that ss 26 and 27A are not controlling provisions for the proposed Action.
Commonwealth Heritage places overseas (s 27B & s 27C)	I considered that the proposed Action is not being taken overseas. For this reason, I agreed with the department that ss 27B and 27C are not controlling provisions for the proposed Action.
Commonwealth action (s 28)	I considered that the person proposing to take the Action is not a Commonwealth agency. For this reason, I agreed with the department that s 28 is not a controlling provision for the proposed Action.

Other relevant matters

Significant impact guidelines

88) I considered the departments Significant Impact Guidelines, which provide overarching guidance on determining whether an action is likely to have a significant impact on a matter protected under Part 3 of the EPBC Act. While these are policy documents and not legal instruments, I considered that the Significant Impact Guidelines were appropriate to have regard to in assessing the likely impacts of the proposed Action.

Precautionary Principle

89) In making my decision, I was required under s 391 of the EPBC Act to consider the precautionary principle, to the extent I can do so consistently with the other provisions of the EPBS Act. I understand that the precautionary principle provides that a *'lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage'*. I took account of the precautionary principle when coming to my decision under s 75 of the EPBC Act that the proposed Action is not a controlled action.

90) I noted that the department took account of the precautionary principle by considering whether there are threats of serious or irreversible damage to MNES protected by the EPBC Act relevant to the proposed Action and considering whether there is lack of scientific certainty regarding these impacts.

91) As I have found that it was unlikely that the proposed Action will have a significant impact on the MNES I considered, I was satisfied that there was not a threat of serious or irreversible damage. Therefore, the precautionary principle did not affect my conclusion that the Action is not a controlled Action.

Bioregional plans

92) In accordance with s 176(5) of the EPBC Act, I was required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. The department informed me, and I accepted, that there is no bioregional plan relevant to my controlled action decision.

Management Plans for Commonwealth Reserves

93) In accordance with s 362(2) of the EPBC Act, I must not perform any functions or exercise any powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. The department informed me, and I agreed, that there are no Commonwealth reserve management plans relevant at the location of the proposed Action.

Conclusion – not a controlled action

94) For the reasons given above, I considered that the proposed Action is not likely to have a significant impact on any matter protected by Part 3 of the EPBC Act. I therefore decided on 5 May 2026 that the proposed Action is not a controlled action

name and position	Rod Dann, Acting Branch Head, Environment Assessments Qld
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signature



date of decision	30 June 2026
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Annexure A – Relevant provisions of the EPBC Act

Section 68 of the EPBC Act relevantly provides:

- (1) A person proposing to take an action that the person thinks may be or is a controlled action must refer the proposal to the Minister for the Minister's decision whether or not the action is a controlled action.
- (2) A person proposing to take an action that the person thinks is not a controlled action may refer the proposal to the Minister for the Minister's decision whether or not the action is a controlled action.

Section 74 of the EPBC Act relevantly provides:

Inviting other Commonwealth Ministers to provide information

- (1) As soon as practicable after receiving a referral of a proposal to take an action, the Environment Minister must:
 - (a) inform any other Minister whom the Environment Minister believes has administrative responsibilities relating to the proposal; and
 - (b) invite each other Minister informed to give the Environment Minister within 10 business days information that relates to the proposed action and is relevant to deciding whether or not the proposed action is a controlled action.

Inviting comments from appropriate State or Territory Minister

- (2) As soon as practicable after receiving, from the person proposing to take an action or from a Commonwealth agency, a referral of a proposal to take an action in a State or self-governing Territory, the Environment Minister must, if he or she thinks the action may have an impact on a matter protected by a provision of Division 1 of Part 3 (about matters of national environmental significance):
 - (a) inform the appropriate Minister of the State or Territory; and
 - (b) invite that Minister to give the Environment Minister within 10 business days:
 - (i) comments on whether the proposed action is a controlled action; and
 - (ii) information relevant to deciding which approach would be appropriate to assess the relevant impacts of the action (including if the action could be assessed under a bilateral agreement).

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Inviting public comment

(3) As soon as practicable after receiving a referral of a proposal to take an action, the Environment Minister must cause to be published on the Internet:

- (a) the referral; and
- (b) an invitation for anyone to give the Minister comments within 10 business days (measured in Canberra) on whether the action is a controlled action.

Section 75 of the EPBC Act relevantly provides:

Is the action a controlled action?

(1) The Minister must decide:

- (a) whether the action that is the subject of a proposal referred to the Minister is a controlled action; and
- (b) which provisions of Part 3 (if any) are controlling provisions for the action.

(1AA) To avoid doubt, the Minister is not permitted to make a decision under subsection (1) in relation to an action that was the subject of a referral that was not accepted under subsection 74A(1).

Minister must consider public comment

(1A) In making a decision under subsection (1) about the action, the Minister must consider the comments (if any) received:

- (a) in response to the invitation under subsection 74(3) for anyone to give the Minister comments on whether the action is a controlled action; and
- (b) within the period specified in the invitation.

Considerations in decision

(2) If, when the Minister makes a decision under subsection (1), it is relevant for the Minister to consider the impacts of an action:

- (a) the Minister must consider all adverse impacts (if any) the action:
 - (i) has or will have; or
 - (ii) is likely to have;on the matter protected by each provision of Part 3; and
- (b) must not consider any beneficial impacts the action:
 - (i) has or will have; or

(ii) is likely to have;

on the matter protected by each provision of Part 3.

Timing of decision and designation

- (5) The Minister must make the decisions under subsection (1) and, if applicable, the designation under subsection (3), within 20 business days after the Minister receives the referral of the proposal to take the action.

Duration of the decision

Section 75 provides that a decision that an action is not a controlled action ceases to be in force on the fifth anniversary of the date of the notice of the decision under section 77 if the action has not commenced before that anniversary.

The Minister may make a determination to extend the date on which the initial decision will cease to be in force to a later date specified by the Minister (up to the tenth anniversary of the date of the original notice).