

# Oaklands Estate Residential Development

Application Number: **02624**Commencement Date:  
**04/10/2024**Status: **Locked**

## 1. About the project

### 1.1 Project details

#### 1.1.1 Project title \*

#### 1.1.2 Project industry type \*

#### 1.1.3 Project industry sub-type

#### 1.1.4 Estimated start date \*

#### 1.1.4 Estimated end date \*

## 1.2 Proposed Action details

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

The proposed action is on Nundle Road, east of Nemingha, NSW. The broader project area covers a total of 390.16 ha. The action area for development represents 38.45 ha and comprises a 19 lot residential subdivision, with 18 of the lots proposed for rural residential and one lot (6.20 ha) proposed as a residual lot for conservation. The remainder of the project area, 351.71 ha, is also to be set aside for conservation.

The proposed action includes:

- Clearing of up to 32.25 ha of native vegetation and 0.25 ha of exotic vegetation in the action area
- Retention of 6.20 ha of native vegetation in the action area as an allotment set aside for conservation.
- Subdivision of a further 18 residential allotments and one 351.71 ha residual lot proposed for conservation
- Installation of services and infrastructure including water, power, electricity and gas
- Construction of access roads
- Rehabilitation of the 4th order stream that runs through the action area.

The following terms have been used in this EPBC Act Referral:

- *Project area* – The project area is 390.16 ha and contains the action area and development footprint. The project area is the portion of land that is subject to the proposed action and land proposed for conservation
- *Action area* – The action area is 38.45 ha and is the portion of the project area that is subject to development. The action area also includes land proposed for retention
- *Development footprint* – The development footprint is 32.25 ha and refers to the portion of the action area that would be cleared to facilitate development of the proposed action.

A table has been included to link the terminology used in this report with the EPBC terminology. It can be found in Appendix A, Table 1 Page 2.

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

No

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

The following legislation is relevant to the proposed action:

- Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- NSW *Environmental Planning and Assessment Act 1979* (EP&A Act)
- NSW *Biodiversity Conservation Act 2016* (BC Act)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 4 Koala Habitat Protection 2021.

#### *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

The EPBC Act aims to protect Matters of National Environmental Significance (MNES) including wetlands of international importance, threatened species and communities and listed migratory species. An action that may or is likely to have a significant impact on MNES should be referred to the Commonwealth to determine whether it is a Controlled Action that requires approval from the Commonwealth.

MNES have been identified on the site. This report has been prepared consistent with the requirements of the EPBC Act and assesses potential impacts to MNES in the action area.

#### *Environmental Planning and Assessment Act 1979* (EP&A Act) and ***Biodiversity Conservation Act 2016* (BC Act)**

The NSW EP&A Act is the principal planning legislation that relates to the action area. It provides a framework for the overall environmental planning and assessment of the proposed action.

The action area is zoned as R5 Large Lot Residential under the Tamworth Regional Local Environmental Plan 2010. Consent for subdivision of land was required under Part 4 of the NSW EP&A Act. The proponent was required to submit a Biodiversity Development Assessment Report (BDAR – ELA 2022) to support the submission of a Development Application (DA) under Part 4 of the EP&A Act. The BDAR assessed impacts to threatened species and ecological communities consistent with the Biodiversity Assessment Method and the BC Act, and generated a credit requirement to offset impacts to threatened entities. The DA (DA2022-0276) was submitted to Tamworth Regional Council and was approved with conditions on 25 August 2023. The BDAR assumes total loss of intact vegetation and of Derived Native Grassland (DNG) that would be lost from the Box Gum Woodland ecological community. The conditions of consent require the retirement of 1,156 biodiversity credits (Appendix G).

ELA notes that several of the threatened species records contained within the BDAR approved by Tamworth Regional Council were erroneous and based on incorrect records displayed in the BioNet NSW Atlas of Wildlife search. The following species that were incorrectly included in the BDAR have been omitted for this referral:

- *Calyptorhynchus lathami lathami* (South-eastern Glossy Black Cockatoo)
- *Climacteris picumnus victoriae* (Brown Treecreeper)
- *Grantiella picta* (Painted Honeyeater).

A previous development application (DA0193/2010) was approved by Tamworth Regional Council in November 2010. For 17 rural lots ranging in size from 4.3 ha to 77 ha. The DA lapsed and is void.

To reduce impacts to threatened ecological values present within the action area, the proponent has reduced the minimum lot size from 2 ha to 1.5 ha (Mitchell Hanlon Consulting 2019) to concentrate the development footprint across a smaller area, and minimise impacts to *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland*.

To facilitate the change in the minimum lot size, Hanlons Consulting, on behalf of the proponent, submitted a Planning Proposal under Part 3 of the EP&A Act to Tamworth Regional Council in 2019. The residential allotments, which form part of this proposed action, range in size from 1.5 ha to 3.2 ha, noting that the

entire lot would not be developed. The usable lot area ranges from 0.16 ha to 1.5 ha depending on the size of the lot and the ecological values present. The planning proposal was approved and the R5 Large Lot Residential zoned land now has a minimum lot size of 1.5 ha.

#### **Biodiversity and Conservation 2021 SEPP – Chapter 4 Koala Habitat Protection**

Chapter 4 of the SEPP applies to the Tamworth Local Government Area (LGA). An assessment of the proposed action against the requirements of Chapter 4 was completed in the BDAR (ELA 2022). The SEPP requires that any development in an LGA that does not have an approved Koala Plan of Management assess potential impacts to the Koala. As described in the BDAR targeted survey was completed for the Koala. No Koala's or signs of Koala were identified in the action area during survey. The assessment against the SEPP criteria determined that impacts to the Koala were unlikely to occur.

#### **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. \***

The following consultation has been completed:

- Community consultation session for planning proposal – 18 November 2016.
- Public exhibition period and agency consultation of planning proposal – June 2018.
- Adjoining residents notified of DA via mail on 07 March 2023.

The DA was exhibited on NSW Planning Portal from 17 July 2023 to 12 August 2023.

## 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

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

## Referring party details

<b>Name</b>	Alex Gorey
<b>Job title</b>	Senior Ecologist
<b>Phone</b>	02 9259 3800
<b>Email</b>	alexg@ecoaus.com.au
<b>Address</b>	

## 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** 125322152**Organisation name** Nunworth Pty Ltd**Organisation address** 38 MURRAY FARM ROAD BEECROFT NSW 2119

## Person proposing to take the action details

**Name** Tim Mclean**Job title** COnsultant**Phone** 67624411**Email** tmclean@hanlonsconsulting.com.au**Address** 121 Bridge Street Tamworth

**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 proponent has not had any known proceedings under a Commonwealth, State or Territory law.

**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**

Not applicable. The company does not have a policy

**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

<b>ABN/ACN</b>	125322152
<b>Organisation name</b>	Nunworth Pty Ltd
<b>Organisation address</b>	38 MURRAY FARM ROAD BEECROFT NSW 2119

## Proposed designated proponent details

<b>Name</b>	Tim Mclean
<b>Job title</b>	COnsultant
<b>Phone</b>	67624411
<b>Email</b>	tmclean@hanlonsconsulting.com.au
<b>Address</b>	121 Bridge Street Tamworth

## 1.3.4 Identity: Summary of allocation

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### ✔ Confirmed Referring party's identity

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

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ABN/ACN	87096512088
Organisation name	ECO LOGICAL AUSTRALIA PTY LTD
Organisation address	Citadel Tower, Level 20, Tower B/799 Pacific Hwy, Chatswood NSW 2067
Representative's name	Alex Gorey
Representative's job title	Senior Ecologist
Phone	02 9259 3800
Email	alexg@ecoaus.com.au
Address	

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

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

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ABN/ACN	125322152
Organisation name	Nunworth Pty Ltd
Organisation address	38 MURRAY FARM ROAD BEECROFT NSW 2119
Representative's name	Tim Mclean
Representative's job title	COnsultant
Phone	67624411
Email	tmclean@hanlonsconsulting.com.au
Address	121 Bridge Street Tamworth

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### ✔ Confirmed Proposed designated proponent's identity

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

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)?

Yes

### 1.4.2 Select reason for exemption

Small Business

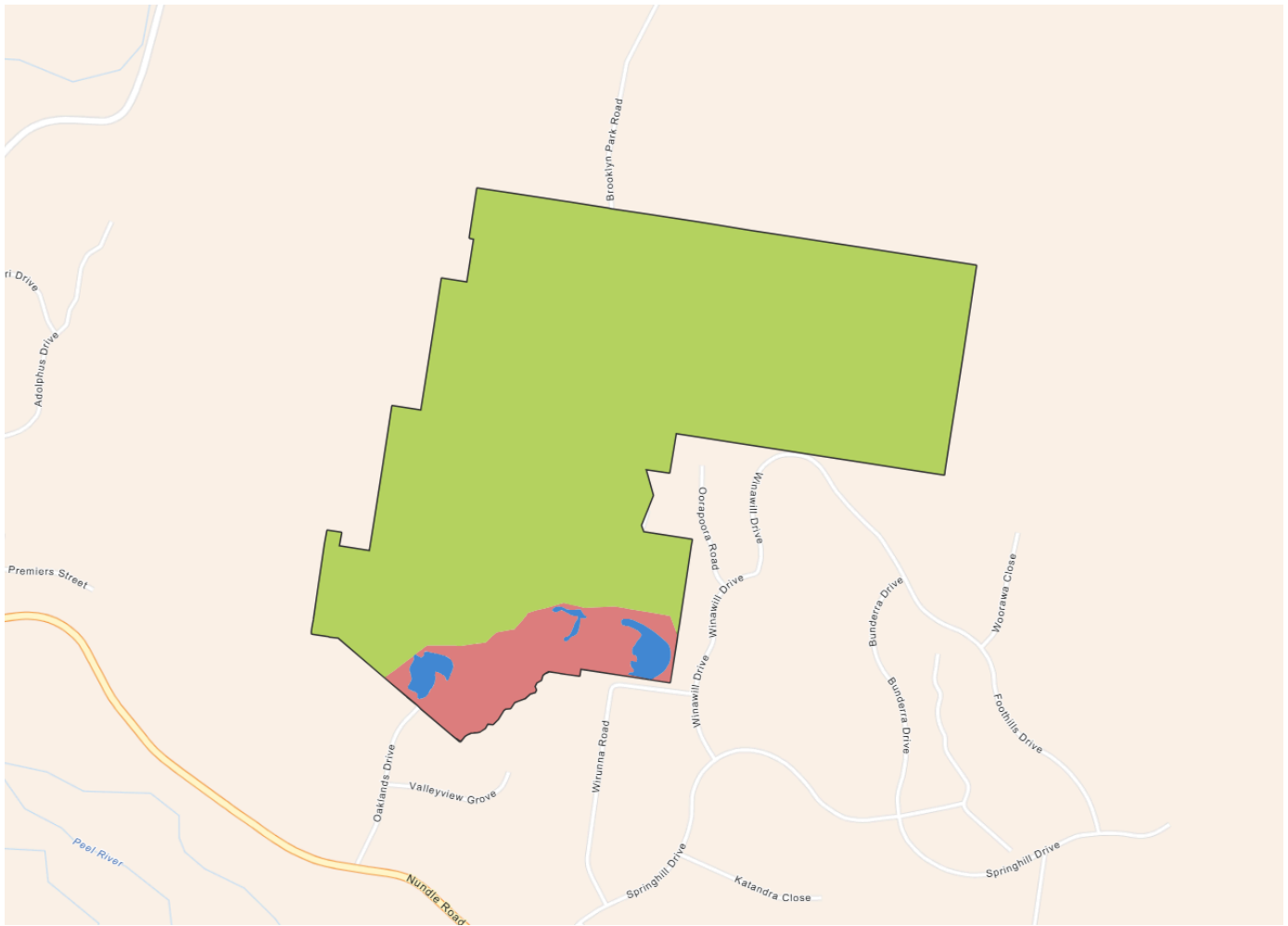
## 1.4 Payment details: Payment allocation

### 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:** 390.89 Ha **Disturbance Footprint:** 32.47 Ha **Avoidance Area:** 6.35 Ha **Retention Area:** 352.08 Ha

## 2.2 Footprint details

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

Lot 18 DP1199163. Oaklands Drive, Nemingha NSW 2340.

### 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 action area is freehold and is owned in its entirety by Nunworth Pty Ltd. There are no other tenures or owners of the land

## 3. Existing environment

## 3.1 Physical description

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

The action area is zoned as R5 Large Lot Residential, RU1 Primary Production and E3 Environmental Management, as described in the Tamworth Regional Local Environmental Plan 2010. The adjacent land is zoned a mix of R5 Large Lot Residential, RU1 Primary Production and C3 Environmental Management. The proposed action does not require or involve any land zoning changes.

The action area is comprised almost entirely of native vegetation and is located on gently sloping land and flats. The action area contains some disused farm dams and exotic pasture. The action area is 38.77 ha, of which 38.38 ha is mapped as White Box Yellow Box Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands, which is listed as a Critically Endangered Threatened Ecological Community (TEC) under the EPBC Act. The remaining 0.39 ha is comprised of exotic vegetation and farm dams.

The Box Gum Woodland across the action area was mapped into two conditions: Intact and Derived Native Grassland. Where the community was mapped as intact, all structural layers were present and exotic cover was low. Where the community was mapped as Derived Native Grassland, the canopy and midstorey were absent and the groundcover was dominated by native species. The vegetation was broadly in good condition.

There were two small patches of exotic cover that did not conform to a native vegetation community and were in poor condition.

The action area has been historically grazed by cattle with some areas still being actively grazed. Some impacts from cattle grazing were evident around farm dams and in patches of intact Box Gum Woodland. There did not appear to be any substantial impacts to areas mapped as Derived Native Grassland.

The action area is accessible via Oaklands Drive, which runs off Nundle Road, approximately 3.7 km east of Nemingha. The end of Oaklands Drive then turns into a rural farm track. Oaklands Drive and the rural farm track would be used to access the action area during the construction phase of the development.

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

The action area is not currently used for any purpose, although has historically been subject to some grazing, and predominantly exists as remnant native vegetation.

The action area is proposed to be used as a rural subdivision, allowing dwellings to be constructed on each new lot. The surrounding landscape is used for a mix of low density rural residential dwellings and agricultural land, including cropping and cattle grazing.

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

There are no outstanding natural features in the action 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 project area is gently sloping between 100 m Above Sea Level (ASL) to 300 m ASL. The southern extent of the project area which comprises the action area is at the lowest elevation. The subject land then increases in elevation further to the north, with steep gullies characterising the landscape.



## 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.

The action area is comprised of native vegetation, exotic vegetation, and dams. Most of the flora in the action area is native with some small areas that contain exotic species. Numerous surveys for threatened entities have been conducted across the project area:

- Niche 2015. Oaklands Rural Subdivision Biodiversity Constraints Analysis. Prepared for Mitchell Hanlon Consulting
- Eco Logical Australia 2016. Oaklands Subdivision – Flora and Fauna Assessment. Prepared for Mitchel Hanlon Consulting
- Eco Logical Australia 2021. *Oaklands Estate Residential Subdivision, Nundle Biodiversity Development Assessment Report*. Prepared for Hanlons Consulting Pty Ltd.

The results of the field surveys indicate that the action area supports a range of woodland birds and limited mammalian, reptilian and amphibian activity in the action area. No threatened flora species were identified in the action area during survey. No threatened fauna species were identified in the action area during the 2021 survey, however ELA recorded one threatened species in the project area:

- *Lathamus discolor* (Swift Parrot) – critically endangered under the EPBC Act.

The Swift Parrot was not identified in the action area during survey, however given this species is highly mobile, it is likely to utilise the foraging resources within the action area. There is also one record for *Pteropus poliocephalus* (Grey-headed Flying-fox) to the northwest of the action area. Given there is a known camp in Tamworth (approximately 14 km away), it has been assumed that this species may use the action area for foraging. There is no breeding habitat present for either the Swift Parrot or the Grey-headed Flying-fox.

The action area also supports some exotic fauna species including *Vulpes vulpes* (European Red Fox).

As discussed in Section 3.1.1 of this referral, the project area contains the critically endangered TEC *W–ite Box - Ye–low Box - Blakely’s Red Gum Grassy Woodland and Derived Native Grassland* in two conditions; intact and derived native grassland.

For a full description of the field survey effort, method and results please see Appendix D.

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

The NSW soil profiles do not cover the action area. The vegetation within the action area is comprised of native vegetation with two small patches of exotic vegetation. The native vegetation was present in a remnant woodland structure and derived native grassland. The action area was subject to historical agricultural practices, which has led to the removal of native canopy and the formation of a derived native grassland in some parts of the action area. The native vegetation present provides potential foraging and roosting habitat for a range of woodland birds and mammals. The native vegetation across the action area is comprised of Box Gum Woodland, in two conditions: intact and Derived Native Grassland. All patches of the community met the EPBC Act definition of White Box-Yellow Bo'-Blakely's Red Gum Grassy Woodland and Derived Native Grassland TEC, which is listed as critically endangered under the EPBC Act.

Within the project area, in addition to the Box Gum Woodland in intact and Derived Native Grassland (DNG) there was DNG in low condition. There were also large patches of PCT 591 White Box shrubby open forest on hills mainly in the Nandewar Bioregion (Intact) . ELA notes that this PCT has not been field validated and is based on the State Vegetation Type Mapping (DPE 2022). According to the Vegetation Information System (VIS) PCT 591 can form part of *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland*. It has been assumed that the patches of PCT 591 in the project area would meet the EPBC Act definition of the community. Where the community was mapped as intact, all structural layers were present and exotic cover was low. Where the community was mapped as Derived Native Grassland, the canopy and midstorey were absent and the groundcover was dominated by native species. The vegetation was broadly in good condition. There were two small patches of exotic cover that did not conform to a native vegetation community and were in poor condition.

## 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 that apply to the project area.

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

There are no known indigenous heritage values in the action area.

## 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. \*

The action area contains a 4th order stream, two 3rd order streams and three 1st order streams as per the 1:25,000 hydroline mapping. These are shown in Figure 1 and 2 of the Biodiversity Development Assessment Report (ELA v3 2022). The 4th order stream runs through the centre of the action area and exits along the southern boundary. The 3rd and 1st order streams run through the action area and meet with the 4th order stream at various points. The action area is located at the lower slopes and flats of the project area. It is likely that water flows from the project area into the action area, from upper to lower slopes and flats of the project area. It is likely that water flows from the project area into the action area, from upper to lower slopes.

There are no Ramsar wetlands in the vicinity of the action area.

## 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	No	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. There are no world heritage properties in the action 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. There are no national heritage properties in the action 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
Yes		Banrock Station Wetland Complex
Yes		Riverland
Yes		The Coorong, and Lakes Alexandrina and Albert Wetland

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

No

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

No. There are no RAMSAR wetlands within or adjacent to the action area.

**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	<i>Acacia pubifolia</i>	Velvet Wattle
No	No	<i>Anomalopus mackayi</i>	Five-clawed Worm-skink, Long-legged Worm-skink
No	No	<i>Anthochaera phrygia</i>	Regent Honeyeater
No	No	<i>Aphelocephala leucopsis</i>	Southern Whiteface
No	No	<i>Aprasia parapulchella</i>	Pink-tailed Worm-lizard, Pink-tailed Legless Lizard
Yes		<i>Arthraxon hispidus</i>	Hairy-joint Grass
No	No	<i>Botaurus poiciloptilus</i>	Australasian Bittern
No	No	<i>Cadellia pentastylis</i>	Ooline
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Callistemon pungens</i>	
No	No	<i>Calyptorhynchus lathami lathami</i>	South-eastern Glossy Black-Cockatoo
No	No	<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat, Large Pied Bat
No	No	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (south-eastern)
No	No	<i>Dasyurus maculatus maculatus</i> (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	<i>Dichanthium setosum</i>	bluegrass
No	No	<i>Eucalyptus nicholii</i>	Narrow-leaved Peppermint, Narrow-leaved Black Peppermint
No	No	<i>Euphrasia arguta</i>	
No	No	<i>Falco hypoleucos</i>	Grey Falcon
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe

Direct impact	Indirect impact	Species	Common name
No	No	<i>Grantiella picta</i>	Painted Honeyeater
No	No	<i>Hemiaspis damelii</i>	Grey Snake
No	No	<i>Hirundapus caudacutus</i>	White-throated Needle-tail
Yes	No	<i>Lathamus discolor</i>	Swift Parrot
No	No	<i>Lepidium aschersonii</i>	Spiny Pepper-creep
No	No	<i>Lepidium monophloeoides</i>	Winged Pepper-creep
No	No	<i>Litoria booroolongensis</i>	Booroolong Frog
No	No	<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	<i>Myuchelys bellii</i>	Western Sawshelled Turtle
No	No	<i>Neophema chrysostoma</i>	Blue-winged Parrot
No	No	<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat, South-eastern Long-eared Bat
No	No	<i>Petaurus australis australis</i>	Yellow-bellied Glider (south-eastern)
No	No	<i>Petrogale penicillata</i>	Brush-tailed Rock-wallaby
No	No	<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>Polytelis swainsonii</i>	Superb Parrot
No	No	<i>Prasophyllum</i> sp. Wybong (C.Phelps ORG 5269)	a leek-orchid
Yes		<i>Pseudomys novaehollandiae</i>	New Holland Mouse, Pookila
Yes	No	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox
No	No	<i>Rostratula australis</i>	Australian Painted Snipe
No	No	<i>Stagonopleura guttata</i>	Diamond Firetail
No	No	<i>Swainsona murrayana</i>	Slender Darling-pea, Slender Swainson, Murray Swainson-pea
No	No	<i>Thesium australe</i>	Austral Toadflax, Toadflax



Direct impact	Indirect impact	Species	Common name
No	No	Uvidicolus sphyrurus	Border Thick-tailed Gecko, Granite Belt Thick-tailed Gecko
No	No	Vincetoxicum forsteri	

### Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland
No	No	New England Peppermint (Eucalyptus nova-anglica) Grassy Woodlands
No	No	Weeping Myall Woodlands
Yes	Yes	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

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

Yes

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

Yes. The proposed action would result in the clearing of native vegetation, leading to the direct impacts indicated in Table 7 (page 24).

The proposed action would directly impact 32.25 ha of the following TEC through vegetation removal:

- White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland – critically endangered

The proposed action would directly impact 2.86 ha of potential foraging habitat (treed woodland) for the following threatened species through vegetation removal:

- *Lathamus discolor* (Swift Parrot) – critically endangered
- *Pteropus poliocephalus* (Grey-headed Flying-fox) – vulnerable.

#### 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. \*

##### ***White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland***

Impact – do you consider this impact to be significant?

##### Impact summary

There is 38.45 ha of Box Gum Woodland in the action area. The proposed action would remove 32.25 ha of Box Gum Woodland through vegetation removal to facilitate the proposed action. It is proposed to retain 6.2 ha of this community within the action area and an additional 351.71 ha is to be conserved throughout the project area (Appendix A Table 6, page 18). The area to be affected by the proposed action forms 8.26% of the occurrence in the project area and 83.8 % of the occurrence in the action area. The application of the significant impact criteria determined that the proposed action is unlikely to constitute a significant impact to this MNES (Appendix A, Table 6 page 18). The BDAR (ELA 2021) (Appendix F) has assumed as the worst-case, the total loss of 38.45 ha of Box Gum Woodland from the action area and has generated a biodiversity offset credit requirement for the removal of 38.45 ha of Box Gum Woodland over the action area. However, as mentioned above, it is proposed to retain 6.2 ha of the Box Gum Woodland community within the action area. This is proposed to be retained through a planning instrument such as a Section 88B which would be on Title in perpetuity over each Lot.

##### ***Lathamus discolor (Swift Parrot).***

Do you consider this impact to be significant?

The proposed action would remove 2.86 ha of foraging habitat for the Swift Parrot through vegetation clearance. No breeding habitat would be affected, however there is potential for roosting habitat in the form of hollow bearing trees to be affected. The application of the significant impact criteria determined that the proposed action is unlikely to constitute a significant impact.

##### ***Pteropus poliocephalus (Grey-headed Flying-fox)***

Impact – do you consider this impact to be significant?

##### Impact summary

The proposed action would remove 2.86 ha of potential foraging habitat through vegetation clearing. No breeding habitat in the form of camps would be affected. The significant impact criteria was applied with respect to the Grey-headed Flying-fox and concluded that the proposed action is unlikely to result in a significant impact to this species (Appendix A, Table 8 page 28).

#### 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.

\*

**White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland**

Impact – do you consider this impact to be significant?

Impact summary

There is 38.45 ha of Box Gum Woodland in the action area. The proposed action would remove 32.25 ha of Box Gum Woodland through vegetation removal to facilitate the proposed action. It is proposed to retain 6.2 ha of this community within the action area and an additional 351.71 ha is to be conserved throughout the project area (Appendix A Table 6, page 18). The area to be affected by the proposed action forms 8.26% of the occurrence in the project area and 83.8 % of the occurrence in the action area. The application of the significant impact criteria determined that the proposed action is unlikely to constitute a significant impact to this MNES (Appendix A, Table 6 page 18). The BDAR (ELA 2021) (Appendix F) has assumed as the worst-case, the total loss of 38.45 ha of Box Gum Woodland from the action area and has generated a biodiversity offset credit requirement for the removal of 38.45 ha of Box Gum Woodland over the action area. However, as mentioned above, it is proposed to retain 6.2 ha of the Box Gum Woodland community within the action area. This is proposed to be retained through a planning instrument such as a Section 88B which would be on Title in perpetuity over each Lot.

***Lathamus discolor* (Swift Parrot).**

Do you consider this impact to be significant?

The proposed action would remove 2.86 ha of foraging habitat for the Swift Parrot through vegetation clearance. No breeding habitat would be affected, however there is potential for roosting habitat in the form of hollow bearing trees to be affected. The application of the significant impact criteria determined that the proposed action is unlikely to constitute a significant impact.

***Pteropus poliocephalus* (Grey-headed Flying-fox)**

Impact – do you consider this impact to be significant?

Impact summary

The proposed action would remove 2.86 ha of potential foraging habitat through vegetation clearing. No breeding habitat in the form of camps would be affected. The significant impact criteria was applied with respect to the Grey-headed Flying-fox and concluded that the proposed action is unlikely to result in a significant impact to this species (Appendix A, Table 8 page 28).

**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 impact assessments provided in Section 4.4 of this referral have concluded that the proposed action is unlikely to constitute a significant impact to any MNES. No residual significant impact is expected. Although there is no anticipated residual significant impact, details on a proposed offset are presented below. The proposed offset strategy includes both onsite retention and offsite conservation measures consistent with the Biodiversity Assessment Method 2020 (BAM) (Appendix F, Appendix G Part A, Appendix G Part B).

The proposed action originally comprised 80 ha of land that was to be rezoned and subdivided into residential allotments (see Appendix C, Figure 12 Page 12). Since the listing of Box Gum Woodland was gazetted, the development footprint was reduced to 39 ha and concentrated in areas where the Box Gum Woodland occurs as a derived native grassland. Impacts to the community were at that stage consisting of 8.74 ha of Box Gum Woodland in intact condition and 29.64 ha of derived native grassland. The changes to the proposed developable footprint reduced impacts to Box Gum Woodland by 41 ha. The 41 ha is comprised of Box Gum Woodland in intact condition and as Derived Native Grassland.

Following consultation with Council in 2023 and 2024, the proponent has agreed to retain a further 6.2 ha of intact Box Gum Woodland that was proposed for removal. The Box Gum Woodland proposed for retention within the action area will be secured with a positive covenant, specifically a Section 88B administered under the *Conveyancing Act 1919*. The Section 88B would be attached to Title in perpetuity on each Lot and detailed control over land use.

The useable area within each of the impacted by tree reservation requirements is presented in Appendix A Table 9 Page 30 and presented in Appendix C Figure 11 Page 11. This is presented to demonstrate the ability to locate dwellings and associated features within each Lot, whilst demonstrating the ability to retain vegetation within the action area, particularly for Lot 10, 11, 12 and 13.

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

In addition to the retention of 6.2 ha of Box Gum Woodland in the action area, approximately 351.71 ha would be conserved in the project area currently under the control of the Proponent. The proposed conservation area is comprised of:

- 98.60 ha of Box Gum Woodland in intact condition (meets EPBC Act criteria)
- 67.8 ha of Box Gum Woodland in derived native grassland condition (meets EPBC Act criteria)
- 185.31 ha of PCT 591 White Box shrubby open forest on hills mainly in the Nandewar Bioregion (Intact) in good condition (compliance with EPBC Act condition threshold criteria to be confirmed).

The mechanism to secure the conservation area is currently under investigation.

#### **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
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Calidris melanotos</i>	Pectoral Sandpiper
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Hirundapus caudacutus</i>	White-throated Needletail
No	No	<i>Motacilla flava</i>	Yellow Wagtail

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

No

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

\*

No – no migratory species have been identified in the action area during survey, and none are considered likely to occur.

#### 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.**

\*

No. The action is not a nuclear action.

**4.1.7 Commonwealth Marine Area**

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

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

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

—

**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.**

\*

No. The action is not in a Commonwealth Marine Area.

**4.1.8 Great Barrier Reef**

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

No

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

\*

No. The action does not involve impacts to 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.**

\*

No. The proposed action does not involve gas or large coal mining developments.

**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. \***

No. There is no Commonwealth Land in or adjacent to the action area.

**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. \***

No. There are no Commonwealth Heritage places overseas in the action area.

**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. \*

No. There are no feasible alternatives to the action. The proponent has already reduced the proposed development footprint from 80 ha to 39 ha and a further reduction in 2024 to 32.25 ha.

## 5. Lodgement

## 5.1 Attachments

### 1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Small Business Confirmation Letter.pdf confirmation for Hanlons consulting to act on behalf of the proponent and confirmation they are a small business	25/11/2024	Yes	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Appendix A, B, D, E.pdf EPBC Act referral and supporting documentation	01/11/2024	No	High
#2.	Document	Appendix A, B, D, E.pdf EPBC Act referral and supporting documentation v2	12/03/2025	No	High
#3.	Document	Appendix C.pdf Mapping for the referral	01/11/2024	No	High

### 3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Appendix F - BDAR.pdf Biodiversity Development Assessment Report submitted for Council DA	28/07/2022	No	High
#2.	Document	Appendix G Part A.pdf Credit report to accompany BDAR	28/07/2022	No	High
#3.	Document	Appendix G Part B.pdf Credit report to accompany BDAR	28/12/2021	No	High
#4.	Document	Appendix H.pdf herbarium confirmation for Dicanthium sericeum	15/04/2021	No	High

## 5.2 Declarations

## ✔ Completed Referring party's declaration

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

ABN/ACN	87096512088
Organisation name	ECO LOGICAL AUSTRALIA PTY LTD
Organisation address	Citadel Tower, Level 20, Tower B/799 Pacific Hwy, Chatswood NSW 2067
Representative's name	Alex Gorey
Representative's job title	Senior Ecologist
Phone	02 9259 3800
Email	alexg@ecoaus.com.au
Address	

☒ 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, **Alex Gorey of ECO LOGICAL AUSTRALIA PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. \*

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

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

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

ABN/ACN	125322152
Organisation name	Nunworth Pty Ltd
Organisation address	38 MURRAY FARM ROAD BEECROFT NSW 2119
Representative's name	Tim Mclean

Representative's job title	COnsultant
Phone	67624411
Email	tmclean@hanlonsconsulting.com.au
Address	121 Bridge Street Tamworth

- ☒ 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, **Tim Mclean of Nunworth 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. \*

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### ☒ Completed Proposed designated proponent's declaration

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

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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, **Tim Mclean of Nunworth 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. \*