

# Barton Heights Master Plan

Application Number: **02356**

Commencement Date:  
**09/04/2024**

Status: **Locked**

## 1. About the project

### 1.1 Project details

#### 1.1.1 Project title \*

Barton Heights Master Plan

#### 1.1.2 Project industry type \*

Residential Development

#### 1.1.3 Project industry sub-type

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#### 1.1.4 Estimated start date \*

01/05/2026

#### 1.1.4 Estimated end date \*

01/05/2030

# 1.2 Proposed Action details

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

The proposed action will involve the clearing of all vegetation, earthworks, road construction, stormwater infrastructure, service connections and subdivision to create future residential lots, a business technology park and an entertainment and leisure area.

The lands within and surrounding the Project Area are comprised of land included in the Thrumster (Area 13) urban release area and subsequent Thrumster Structure Plan under the Port Macquarie Hastings Council (PMHC).

The Project Area includes all areas surveyed by Eco Logical Australia (ELA) during a preliminary constraints assessment of the remaining developable land within the Sovereign Hills Residential Development, Thrumster. The total area of the Project Area is 37.2 ha.

Avoid and minimise workshops were conducted between Lewis Developments Pty Ltd (Lewis Developments) and ELA to refine the Disturbance Footprint and avoid impacts to native vegetation and Koala Feed Trees (KFTs). The areas within the Disturbance Footprint will be directly impacted by the proposed action. The total area of the Disturbance Footprint is 27.73 ha.

Approximately 8.94 ha of native vegetation and 246 Koala Feed Trees (KFTs) within the Project Area will not be directly impacted by the proposed action as a result of the avoid and minimise workshops. Additionally, 246 KFTs will be planted within the retained areas and a nearby Lewis Developments landholding to offset the removal of KFTs within the Disturbance Footprint.

The Project Area, Disturbance Footprint, avoidance area and offset planting areas are provided in Attachments 'Att A\_Figures', Figure 1, Page 2 and 'Att A\_Figures', Figure 30, page 31.

Please note, all referencing throughout this referral and associated attachments is provided in Attachment 'Att I\_Reference list'.

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

Yes

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

No

## 1.2.4 Related referral(s)

EPBC Number	Project Title
2024/10067	Sovereign Hills Precinct 3

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

The proposed action is not part of a larger action due to the reasons identified below. The questions used to assess the relationship between the referred action and the related action are taken from the EPBC Policy Statement – Staged Developments – Split referrals: Section 74A of the EPBC Act (DSEWP 2013).

*Can the referred action stand alone?*

Each project undertaken by Lewis Developments within the Thrumster area has been undertaken separately in acknowledgement of the resourcing and cashflow of the Sovereign Hills project.

The Sovereign Hills Precinct 3 proposal and the Barton Heights Master Plan proposal are not co-dependent on each other. They are stand-alone actions that do not require additional actions before or after the proposal for it to be viable. Both proposals include an assessment of all vegetation removal and construction of ancillary infrastructure required to operate.

*Are the referred action and related actions co-dependent?*

The Sovereign Hills Precinct 3 referral includes an assessment of all vegetation clearing and development of ancillary infrastructure required to facilitate the proposed action, including earthworks, road construction, service connections and water quality basins. The proposed action does not rely on any other action or potential larger action.

Further, the Barton Heights Master Plan referral includes an assessment of all vegetation clearing and development of ancillary infrastructure required to facilitate the proposed action, including earthworks, road construction, service connections and water quality basins required to create future residential lots, a business technology park and an entertainment and leisure area. The Barton Heights Master Plan does not rely on the Sovereign Hills Precinct 3 proposal or any other larger action to operate.

*What is the timeframe between the referred action and the related action?*

Sovereign Hills Precinct 3 (DA 2024/734) is proposed to be determined at a meeting of the Northern Regional Planning Panel in mid-April 2025. Planning for the offset plantings has already commenced and clearing will commence as soon as all approvals are in place.

Barton Heights Master Plan is expected to be determined by November 2025 and works are predicted to commence in May 2026.

There is a clear separation in the timeframes of these projects and neither is dependent on the other to progress.

*What is the geographic relationship between the referred action and the related action?*

Sovereign Hills Precinct 3 is located on lands south of the Oxley Highway, Thrumster NSW. Barton Heights Master Plan is located on lands north of the Oxley Highway. Both proposals are in proximity to each other but are separated by the significant physical barrier of the Oxley Highway.

*Is there an overall plan or vision for the larger action and does that plan encompass the referred action?*

Both the proposed action and related action are located on land identified in urban growth strategies and local environmental studies. In 2006 the Area 13 Thrumster Local Environmental Study (Attachment 'Att B\_Area 13 Thrumster Local Environmental Study') was completed and in 2007 the Area 13 Local Environmental Plan was gazetted. The purpose of these documents is largely strategic and all subsequent developments within the Area 13 Thrumster area have been subject to their own individual approvals processes, including numerous approved developments with different proponents and landholders within the Area 13 Thrumster area.

*Are the actions authorised by a single local government or State/Territory permit, licence or other authorisation?*

Barton Heights Master Plan (DA 2024/900) for clearing north of the Oxley Highway will be determined by Port Macquarie-Hastings Council.

Precinct 3 (DA 2024/734) is to be determined by the Northern Regional Planning Panel as it is for more than 100 residential lots in the coastal zone as per Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

Will the action be financed from a single funding source?

Yes, both the proposed action and Sovereign Hills Precinct 3 will be funded by Lewis Developments Pty Ltd.

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

Matters of National Environmental Significance (MNES) were identified within the Project Area during field survey. MNES will be directly impacted by the proposed action and therefore a referral under the Commonwealth *Environment Protection and Biodiversity Act 1999* (EPBC Act) has been undertaken.

The proposed action will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and a Development Application (DA) will be submitted to Port Macquarie Hastings Council for approval. To support the submission of a DA, a Biodiversity Development Assessment Report (BDAR) has been prepared, which assesses impacts to biodiversity values (Attachment 'Att J\_Barton Heights Master Plan BDAR\_20241120'). Impacts to biodiversity values require assessment consistent with the NSW *Biodiversity Conservation Act 2016* (BC Act) and must be undertaken in accordance with the Biodiversity Assessment Method (DPIE 2020).

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* also applies to the proposed action and requires the consideration of the Local Council. The Area 13 UIA Koala Plan of Management (KPoM) (Biolink 2008) applies to the land within the Project Area. As such, the DA is to be consistent with the KPoM, including provisions on KFTs and KFT offsetting.

### **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. \***

Public consultation was undertaken in 2006 at rezoning stage (PMHC 2006) (Attachment 'Att B\_Area 13 Thrumster Local Environmental Study', Section 12.2.1., Page 62).

Consultation with Birpai Local Aboriginal Land Council (LALC) was undertaken in 2005 for the Aboriginal Heritage Assessment undertaken to support the Area 13 Structure Plan (Collins 2005) (Attachment 'Att G\_Area 13 Thrumster Aboriginal Heritage Assessment\_redacted').

Public consultation will be completed in accordance with the EP&A Act and the PMHC Community Participation Plan 2019 (PMHC 2019) following submission of the DA.

## 1.3.1 Identity: Referring party

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

Yes

Referring party organisation details

**ABN/ACN** 87096512088

**Organisation name** ECO LOGICAL AUSTRALIA PTY LTD

**Organisation address** Aquarius Towers, Suite 38, Level 3, 668 Princes Highway, Sutherland NSW 2232

Referring party details

**Name** Sophie Montgomery

**Job title** Ecologist

**Phone** 0448145791

**Email** sophie.montgomery@ecoaus.com.au

**Address** Suite 403, Level 4, 45 Watt Street, Newcastle NSW 2300

## 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** 609049336

**Organisation name** Lewis Developments Pty Ltd

**Organisation address** Suite 3802, Level 38, Australia Square, 264 George St, Sydney, NSW 2000

Person proposing to take the action details

**Name** Trent Kelly

**Job title** Senior Development Manager

**Phone** 0417775427

**Email** trent.kelly@lewisland.com

**Address** Suite 3802, Level 38, Australia Square, 264 George St, Sydney, NSW 2000



**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? \***

Yes

**1.3.2.16 Describe the nature of the trust arrangement in relation to the proposed action. \***

The Trustee to the Trust is Lewis Developments Pty Limited (ACN 609 049 336). The Trust Deed for Lewis Developments Trust is provided in Attachment 'Att K\_Unit Trust Deed - Lewis Developments Trust'.

**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. \***

No known history of environmental issues.

**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**

None exists at this stage.

**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>	609049336
<b>Organisation name</b>	Lewis Developments Pty Ltd
<b>Organisation address</b>	Suite 3802, Level 38, Australia Square, 264 George St, Sydney, NSW 2000

Proposed designated proponent details

<b>Name</b>	Trent Kelly
<b>Job title</b>	Senior Development Manager
<b>Phone</b>	0417775427
<b>Email</b>	trent.kelly@lewisland.com
<b>Address</b>	Suite 3802, Level 38, Australia Square, 264 George St, Sydney, NSW 2000

### 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	Aquarius Towers, Suite 38, Level 3, 668 Princes Highway, Sutherland NSW 2232
Representative's name	Sophie Montgomery
Representative's job title	Ecologist
Phone	0448145791
Email	sophie.montgomery@ecoaus.com.au
Address	Suite 403, Level 4, 45 Watt Street, Newcastle NSW 2300

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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	609049336
Organisation name	Lewis Developments Pty Ltd
Organisation address	Suite 3802, Level 38, Australia Square, 264 George St, Sydney, NSW 2000
Representative's name	Trent Kelly
Representative's job title	Senior Development Manager
Phone	0417775427
Email	trent.kelly@lewisland.com
Address	Suite 3802, Level 38, Australia Square, 264 George St, Sydney, NSW 2000

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## ✔ Confirmed Proposed designated proponent's identity

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

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Same as Person proposing to take the action information.

## 1.4 Payment details: Payment exemption and fee waiver

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

No

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

No

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

No

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

No

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

No

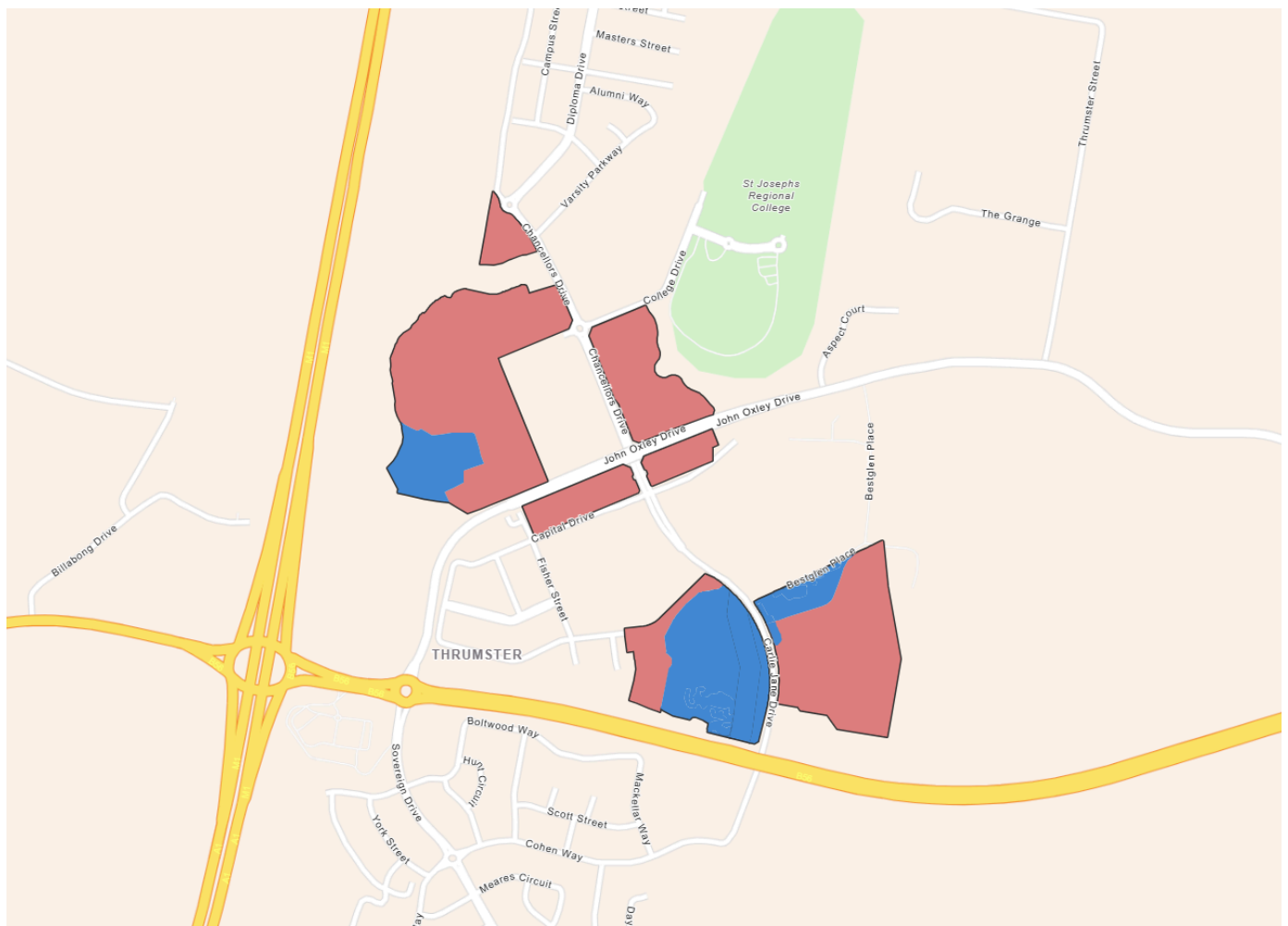
## 1.4 Payment details: Payment allocation

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

Person proposing to take the action

## 2. Location

## 2.1 Project footprint



**Project Area: 37.22 Ha Disturbance Footprint: 27.75 Ha Avoidance Area: 9.58 Ha**

## 2.2 Footprint details

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

Numerous lots between the intersection of Diploma Drive and Chancellors Drive, Thrumster NS

### 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? \*

Freehold land.

## 3. Existing environment

## 3.1 Physical description

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



The Project Area is in the locality of Thrumster, NSW. The Project Area is approximately 7 km south-west of Port Macquarie and sits within the Port Macquarie-Hastings Local Government Area (Attachment 'Att A\_Figures', Figure 3, Page 4). In order to maintain clarity throughout this EPBC Referral, the various sections of the Project Area have been assigned location names. These location names are provided below and shown in Attachment 'Att A\_Figures', Figure 1, Page 2. The total Project Area is 37.2 ha. Within the Project Area, a total of 27.73 ha is included in the Disturbance Footprint. The Disturbance Footprint includes the following areas:

- Bestglen Place: refers to the southeastern portion with a total area of 7.67 ha;
- Capital Drive: refers to the southwestern portion of the Project Area with a total area of 1.7 ha;
- John Oxley Drive 1: refers to the center-left portion of the Project Area with a total area of 1.68 ha;
- John Oxley Drive 2: refers to the center-right portion of the Project Area with a total area of 1.01 ha;
- College Drive: refers to the northeastern portion of the Project Area with a total area of 3.86 ha;
- Sovereign Place: refers to the portion of the Project Area wrapping around the Sovereign Place town center. Total area within Project Area is 10.8 ha;
- Chancellors Drive: refers to the northern portion of the Project Area with a total area of 1 ha.

Across the Project Area there are numerous land use zones under the *Port Macquarie Hastings Local Environmental Plan (2011)* (Attachment 'Att A\_Figures', Figure 2, page 3). Bestglen Place, Chancellors Drive and Capital Drive are mapped as Zone R1 General Residential. College Drive is comprised of land zoned Zone SP3 Tourist, Zone MU1 Mixed Use and Zone RE1 Public Recreation. John Oxley Drive 1 and 2 is entirely comprised of Zone MU1 Mixed Use. The majority of Sovereign Place is mapped as Zone MU1 Mixed Use with a small western portion mapped as R3 Medium Density Residential and a small strip along the north mapped as C3 Environmental Management. No changes to land zoning are required to facilitate the proposed action. The majority of the land surrounding the Project Area is comprised of Zone R1 General Residential or Zone C3 Environmental Management. The surrounding lands zoned as R1 General Residential primarily contain completed residential subdivisions and St Joseph's Regional College. The surrounding lands zoned as C3 Environmental Management primarily contain intact riparian vegetation that acts as a corridor connecting the lands northeast of the Project Area to the lands to the southwest.

The Project Area is intersected by numerous existing roads, including John Oxley Drive which runs east to west through the Project Area and connects to the Oxley Highway. Carlie Jane Drive runs north to south through the Project Area and feeds into numerous local roads that surround the Project Area (Attachment 'Att A\_Figures', Figure 2, page 3).

Vegetation within the majority of Chancellors Drive, John Oxley Drive and northeast portion of the Sovereign Place areas within the Project Area comprises very frequently slashed exotic dominated grassland. This is also the case in the western portion of the College Drive area. Along the eastern edge of the College Drive area within the Project Area is a highly modified drainage line leading to a dam that flows beneath a culvert under College Drive. The modified drainage line contains dense *Typha orientalis* (Broadleaf Cumbungi) and *Setaria sphacelata* (South African Pigeon Grass) however, does contain some mature *Casuarina glauca* (Swamp Oak) and other regenerating native shrubs, grasses and forbs.

Within the Bestglen Place portion of the Project Area the land is currently and has historically been used for light cattle grazing. The native vegetation consists of scattered paddock trees surrounded by derived native grassland. This is also the case in the Capital Drive portion of the Project Area, however there is no grazing of cattle occurring within this area and the understorey is frequently slashed. The western portion of the Sovereign Place area contains an existing residential dwelling and associated sheds and gardens. The majority of the vegetation has previously been cleared except for a small portion that contains a canopy of mixed *Eucalypts* and an under scrubbed understorey (Attachment 'Att A\_Figures', Figure 5, Page 6).

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

Historic aerial imagery indicates that following partial clearing of the Project Area the land was used for light agriculture and cattle grazing in a rural setting. The existing land use within the Project Area comprises light grazing, residential areas and playing fields.

The majority of the land within the Bestglen Place portion of the Project Area consists of scattered paddock trees and derived native grassland grazed on by approximately 20 cows and numerous feral deer and macropods. There is an existing residential dwelling and associated sheds and gardens within the Sovereign Place portion of the Project Area. The land surrounding the dwelling is partially cleared and frequently slashed.

The remaining land within the Project Area is frequently slashed, relatively level and accessible to the public and therefore is frequently used as playing fields.

The entirety of the lands within the Project Area are located within the Area 13 Thrumster Urban Investigation Area (UIA) for which a Local Environmental Study and Structure Plan were developed in 2006 (Attachment 'Att B\_Area 13 Thrumster Local Environmental Study'). The purpose of the Area 13 UIA being to accommodate for rapid population growth by providing housing and supporting services by taking a staged and strategic approach. The Area 13 Local Environmental Study and Structure Plan underpin the proposed uses for the Project Area and were used to facilitate the zoning of the land.

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

The Project Area does not contain any outstanding natural features. Lake Innes Nature Reserve and Lake Innes are approximately 1.5 km to the southeast of the Project Area (Attachment 'Att A\_Figures', Figure 4, page 5).

### **3.1.4 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.**

Elevation within the Project Area ranges from 10 m above sea level to 40 m above sea level. The highest points are within the Capital Drive and northern portion of the Bestglen Drive areas within the Project Area.

## 3.2 Flora and fauna

### 3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.

This section is answered in greater detail in Attachment 'Att C\_Section 3.2.1.', however a summary is provided below. Numerous habitat assessments were conducted across the Project Area by ELA Ecologists in February, July and October 2023. The results of these surveys is provided in Attachment 'Att A\_Figures', Figure 10, Page 11. The habitat assessment found that there is potential for fauna and flora species listed under the EPBC Act to occur within the Disturbance Footprint due to the presence of suitable habitat in the form of remnant vegetation comprising Hollow-bearing Trees (HBTs), Koala Feed Trees (KFTs) and other foraging resources. A review of EPBC Act listed flora and fauna species records within the assessment area was undertaken (Attachment 'Att A\_Figures', Figures 6 and 7, pages 7 and 8) to support a likelihood of occurrence assessment on EPBC Act listed species and ecological communities and is provided in Attachment 'Att D\_Likelihood of occurrence assessment.'

Based on the habitat values identified during preliminary surveys and the EPBC Act listed species considered to have potential to occur within the Disturbance Footprint, targeted flora and fauna surveys have been undertaken in line with the BAM and relevant species survey guidelines as the Australian Government has endorsed the Biodiversity Offset Scheme (BOS) including the BAM.

Targeted flora survey transects were completed by ELA Ecologists in Spring 2023, Summer 2024, Winter 2024 and Spring 2024 (Attachment 'Att A\_Figures', Figure 11, Page 12). The following targeted fauna surveys were completed:

- Targeted amphibian survey (October 2023-November 2024) - twelve nights of aural visual surveys.
- Targeted microbat survey (October and January 2024) - six ultrasonic detectors deployed for four nights and four harp traps deployed for four nights.
- Targeted avifauna survey (October 2023 – June 2024) - 23 bird surveys (295 minutes total).
- Targeted terrestrial and arboreal mammal survey (October 2023 – June 2024) – baited remote cameras (24 units for 630 trap nights), pitfall trapping (ten traplines for a total of 37 trap nights), spotlighting transects (over nine nights for a total of 740 person minutes) and Koala Spot Assessment Technique (SAT) (five surveys undertaken).

Targeted fauna survey effort is demonstrated in Attachment 'Att A\_Figures', Figures 12 and 13, pages 13 and 14.

EPBC Act listed species have been detected within the Disturbance Footprint during targeted survey and opportunistically while undertaking related biodiversity surveys. The following EPBC Act listed species were detected within the Disturbance Footprint:

- Latham's Snipe (*Gallinago hardwickii*) - Vulnerable, Marine and Migratory.
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable.
- White-throated Needletail (*Hirundapus caudacutus*) - Vulnerable, Marine and Migratory.

*Asperula asthenes* (Trailing Woodruff) and *Melaleuca biconvexa* (Biconvex Paperbark) were recorded opportunistically outside the Disturbance Footprint in the riparian vegetation along Partridge Creek. The locations of all EPBC Act listed threatened species detected within the Project Area are provided in Attachment 'Att A\_Figures', Figure 14, page 15.

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

NSW Mitchell Landscapes (v3.1) indicates that the majority of the Project Area is mapped as containing Wauchope Coastal Foothills which is characterised by red and yellow texture-contrast soils with dendritic drainage on lithic sandstone, siltstone, tuff and some limestone. A smaller, central portion of the Project Area is mapped as containing Manning-Macleay Coastal Alluvial Plains which is characterised by dark organic loams and silty clay on the floodplain and brown loams and yellow-brown texture contrast soil on terraces (Attachment 'Att A\_Figures', Figure 4, page 5). The Project Area contains low, rolling hills with elevation ranging between 10 – 40 m above sea level.

Port Macquarie Hastings LGA Vegetation and Endangered Ecological Community (EEC) mapping (2014) was used to identify potential mapped EPBC Act listed EECs within the assessment area (Attachment 'Att A\_Figures', Figures 8 and 9, pages 9 and 10). The vegetation mapping was produced in 2014 and did not include recently listed EPBC Act EECs. Recently listed EPBC Act EECs were assigned to all associated BC Act listed TECs. Within the Sovereign Place portion of the Project Area and Disturbance Footprint there are mapped areas of 'Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland'. There is also a very small patch of 'Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland' to the east of the College Drive portion of the Project Area. Just outside the southern boundary of the Bestglen Place portion of the Project Area, there is a small patch of 'Subtropical eucalypt floodplain forest and woodland of the New South Wales and South East Queensland bioregions'.

The Project Area is 37.2 ha and contains approximately 32.93 ha of native vegetation and 4.27 ha of exotic vegetation/cleared land. The Disturbance Footprint is 27.73 ha and contains 23.99 ha of native vegetation and 3.73 ha of exotic vegetation/cleared land. The 23.99 ha of native vegetation in the Disturbance Footprint comprises 13.01 ha of PCT 3249 exotic dominated derived native grassland which is very frequently slashed by the landholders to maintain Asset Protection Zone (APZ) requirements. A small area of exotic vegetation near the existing residential dwelling contains exotic garden ornamentals in the canopy, mid and understorey. There is 3.73 ha of cleared land containing a residential dwelling and previously cleared grassland and tracks. Vegetation mapping and Vegetation Integrity (VI) plot surveys within the Project Area identified two Plant Community Types (PCTs). These PCTs include:

- PCT 3249: Northern Bloodwood-Ironbark Moist Grassy Forest
- PCT 4048: Northern Swamp Oak-Paperbark Forest

Further, the PCTs were assigned to condition zones based on their broad condition type. Within the Disturbance Footprint the following condition zones were identified:

- PCT 3249: Moderate (3.56 ha)
- PCT 3249: Derived Native Grassland (DNG) (5.56 ha)
- PCT 3249: Exotic DNG (13.01 ha)
- PCT 4048: Low (0.09 ha)
- PCT 4048: Regenerating (1.24 ha)
- PCT 4048: Creek (0.54 ha)

Mapped PCTs and condition zones within the Project Area are provided in Attachment 'Att A\_Figures', Figure 5, page 6. PCT 3249 has no associated BC Act or EPBC Act Threatened Ecological Communities (TECs) listed in BioNet Vegetation Classification (DCCEEW 2024c) and does not conform to any TECs as per Final Determination descriptions.

PCT 4048 has associations with the EPBC Act listed Endangered 'Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland ecological community' as per BioNet Vegetation Classification (DCCEEW 2024c). The mapped patches of PCT 4048 within the Disturbance Footprint were assessed against the EPBC Act listed Endangered 'Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland' EEC (Attachment 'Att E\_Assessment of PCT 4048 against Coastal Swap Oak Forest TEC'). PCT 4048 Regenerating does not meet all of the key diagnostic

characteristics of the EEC due to the lack of canopy in the vegetation zone. PCT 4048 Low does not meet the minimum patch size as it is less than 0.5 ha in total patch area. PCT 4048 Creek meets all of the key diagnostic characteristics but does not meet the minimum condition threshold as the understorey contains greater than 80% non-native flora species. As a result, all areas of PCT 4048 within the Disturbance Footprint do not comprise the EPBC Act listed 'Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland ecological community'.

PCT 3249 does not have any associated BC Act or EPBC Act TECs as per the BioNet Vegetation Classification (DCCEEW 2024c), however, consideration of the EPBC Act listed Endangered 'Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions' TEC (DCCEEW 2022b) was undertaken. PCT 3249 within the Disturbance Footprint conforms to the species assemblage, distribution and elevation characteristics listed in the Conservation Advice. This community occurs on alluvial landforms and soils. A small patch of PCT 3249 in the Sovereign Place portion of the Project Area occurs on flood prone land mapped under the PMHC Local Environmental Plan 2011. Within the Project Area only 0.18 ha of PCT 3249 occurs on a mapped floodplain and none occurs within the Disturbance Footprint. This small area does not meet the minimum patch size requirement of 0.5 ha as outlined in the Conservation Advice (DCCEEW 2022).

## 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.

An Aboriginal Heritage Assessment (AHA) was completed in 2005 to support the Area 13 Thrumster Local Environmental Study (Attachment 'Att B\_Area 13 Thrumster Local Environmental Study') and Structure Plan. The AHA is provided as Attachment 'Att G\_Area 13 Thrumster Aboriginal Heritage Assessment\_redacted'.

The AHA identified one Aboriginal site just outside the Project Area. Site Ah-D3 is located just outside the Project Area to the north of the Oxley Highway. The item is a scatter of six artefacts on a footslope (Attachment 'Att G\_Area 13 Thrumster Aboriginal Heritage Assessment\_redacted', Section 8.2, page 23). No protection measures were put in place for this site and current condition is unknown. The site will not be impacted by the proposed action.

## 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. \*

There are two unnamed first order streams in the Bestglen Place portion of the Project Area which only flow during heavy rainfall events. These feed into a second and eventually third order stream which flows into Lake Innes. There is also an unnamed first order stream in the Sovereign Place portion of the Project Area which feeds into Partridge Creek and Partridge Creek wetlands, which meets with the Hastings River (Attachment 'Att A\_Figures', Figure 4, page 5).

A Sovereign Hills Water Quality Strategy Plan was prepared by Stantec in June 2023 and is provided in Attachment 'Att H\_Sovereign Hills Water Quality Plan Update 2023'. The plan was prepared to update the original Water Quality Strategy Plan prepared by Cardno in 2007 and details the water quality measures used to manage water quality for the Sovereign Hills Town Centre Master Plan (containing the Sovereign Place and College Drive portion of the Project Area).

## 4. Impacts and mitigation

## 4.1 Impact details

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

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



### 4.1.1 World Heritage

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

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

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

—

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

No

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

\*

There are no world heritage areas within the Project Area or within the vicinity of the Project Area.

### 4.1.2 National Heritage

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

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

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

—

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

No

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

\*

There are no national heritage areas within the Project Area or within the vicinity of the Project Area.

### 4.1.3 Ramsar Wetland

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

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

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

—

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

No

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

There are no Ramsar Wetlands within the Project Area or within the vicinity of the Project 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>Acronychia littoralis</i>	Scented Acronychia
No	No	<i>Anthochaera phrygia</i>	Regent Honeyeater
No	No	<i>Argynnis hyperbius inconstans</i>	Australian Fritillary
No	No	<i>Arthraxon hispidus</i>	Hairy-joint Grass
No	Yes	<i>Asperula asthenes</i>	Trailing Woodruff
No	No	<i>Botaurus poiciloptilus</i>	Australasian Bittern
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris canutus</i>	Red Knot, Knot
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
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>Charadrius leschenaultii</i>	Greater Sand Plover, Large Sand Plover
No	No	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (south-eastern)
No	No	<i>Coeranoscincus reticulatus</i>	Three-toed Snake-tooth Skink
No	No	<i>Cryptostylis hunteriana</i>	Leafless Tongue-orchid
No	No	<i>Cynanchum elegans</i>	White-flowered Wax Plant
No	No	<i>Dasyurus maculatus maculatus</i> (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	<i>Erythrorhynchus radiatus</i>	Red Goshawk
No	No	<i>Euphrasia arguta</i>	
No	No	<i>Falco hypoleucos</i>	Grey Falcon
Yes	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
Yes	No	<i>Hirundapus caudacutus</i>	White-throated Needletail
Yes	No	<i>Lathamus discolor</i>	Swift Parrot
No	No	<i>Leichhardtia longiloba</i>	Clear Milkvine
No	No	<i>Litoria aurea</i>	Green and Golden Bell Frog
No	No	<i>Macadamia integrifolia</i>	Macadamia Nut, Queensland Nut Tree, Smooth-shelled Macadamia, Bush Nut, Nut Oak
No	Yes	<i>Melaleuca biconvexa</i>	Biconvex Paperbark
No	No	<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	<i>Mixophyes balbus</i>	Stuttering Frog, Southern Barred Frog (in Victoria)
No	No	<i>Mixophyes iteratus</i>	Giant Barred Frog, Southern Barred Frog
No	No	<i>Neophema chrysostoma</i>	Blue-winged Parrot
No	No	<i>Notamacropus parma</i>	Parma Wallaby
No	No	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
No	No	<i>Petauroides volans</i>	Greater Glider (southern and central)
No	No	<i>Petaurus australis australis</i>	Yellow-bellied Glider (south-eastern)
No	No	<i>Phaius australis</i>	Lesser Swamp-orchid
Yes	Yes	<i>Phascolarctos cinereus</i> (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	<i>Potorous tridactylus tridactylus</i>	Long-nosed Potoroo (northern)
No	No	<i>Pseudomys novaehollandiae</i>	New Holland Mouse, Pookila
Yes	No	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox
No	No	<i>Rhodamnia rubescens</i>	Scrub Turpentine, Brown Malletwood
No	No	<i>Rhodomyrtus psidioides</i>	Native Guava
No	No	<i>Rostratula australis</i>	Australian Painted Snipe

Direct impact	Indirect impact	Species	Common name
No	No	<i>Saltuarius moritzi</i>	New England Leaf-tailed Gecko, Moritz's Leaf-tailed Gecko
No	No	<i>Stagonopleura guttata</i>	Diamond Firetail
No	No	<i>Sternula nereis nereis</i>	Australian Fairy Tern
No	No	<i>Syzygium paniculatum</i>	Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry
No	No	<i>Thesium australe</i>	Austral Toadflax, Toadflax
No	No	<i>Tringa nebularia</i>	Common Greenshank, Greenshank
No	No	<i>Vincetoxicum woollsii</i>	

### Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Coastal Swamp Oak ( <i>Casuarina glauca</i> ) Forest of New South Wales and South East Queensland ecological community
No	No	Lowland Rainforest of Subtropical Australia
No	No	Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions

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

Yes

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

An assessment of impacts to each EPBC Act listed threatened species has been undertaken and is provided in Attachment 'Att F\_Section 4.1.4.4.'. A summary of direct impacts to threatened species is provided below.

The following species were either known or considered to have the potential to utilise habitat within the Disturbance Footprint for foraging resources:

Grey-headed Flying Fox (*Pteropus poliocephalus*) (Vulnerable)

This species was observed foraging on Eucalypt blossom within the Project Area on three occasions. The proposed action would remove 3.8 ha of foraging habitat through vegetation clearing (Attachment 'Att A\_Figures', Figure 15, page 16). No breeding habitat in the form of camps would be affected by the proposed action.

The significant impact criteria was applied with respect to Grey-headed Flying Fox and concludes that the proposed action is unlikely to result in a significant impact to this species.

Latham's Snipe (*Gallinago hardwickii*) (Vulnerable, Marine and Migratory)

This species was flushed from the dense groundcover within PCT 4048 just outside the Project Area on three occasions. Six birds were observed on one occasion, four on another and three on another. The proposed action would remove 1.86 ha of potential foraging habitat through vegetation clearing (Attachment 'Att A\_Figures', Figure 17, page 18). No breeding habitat would be affected by the proposed action.

The significant impact criteria was applied with respect to Latham's Snipe and concludes that the proposed action is unlikely to result in a significant impact to this species.

Koala (*Phascolarctos cinereus*) (Endangered)

This species has not been detected within the Disturbance Footprint during field survey. Within the Disturbance Footprint 3.1 ha of native vegetation is mapped as 'Core' Koala Habitat under the Port Macquarie Hastings Council Area 13 Koala Plan of Management (Biolink 2008). Within the Disturbance Footprint 0.47 ha of native vegetation is not mapped as 'Core' Koala habitat, however the PCT contains canopy species that provide foraging resources for Koala. In total, the proposed action would remove 3.56 ha of potential Koala foraging habitat including 68 koala feed trees (Attachment 'Att A\_Figures', Figure 19, page 20).

The significant impact criteria was applied with respect to Koala and concludes that the proposed action is unlikely to result in a significant impact to this species.

Swift Parrot (*Lathamus discolor*) (Critically Endangered and Marine)

This species has not been detected within the Disturbance Footprint during field survey. Within the Bestglenn Place portion of the Disturbance Footprint there is 5.62 ha of Swift Parrot BAM Important Area mapping (DCCEE 2024). The BAM Important Area mapping has mapped large areas of habitat that are devoid of a canopy (Attachment 'Att A\_Figures', Figure 21, page 22). Within the Disturbance Footprint PCT 3249 very frequently contains *Eucalyptus pilularis* (Blackbutt) in the canopy and is therefore considered to be potential Swift Parrot foraging habitat. The proposed action would require the removal of 3.56 ha of potential Swift Parrot foraging habitat. No breeding habitat will be affected.

The significant impact criteria was applied with respect to Swift Parrot and concludes that the proposed action is unlikely to result in a significant impact to this species.

White-throated Needletail (*Hirundapus caudacutus*) (Vulnerable, Marine and Migratory)

This species was observed on two occasions foraging high above the canopy within the Project Area. The proposed action would remove 23.99 ha of indirect foraging habitat and 3.56 ha of potential roosting habitat through vegetation clearing (Attachment 'Att A\_Figures', Figure 23, page 24). No breeding habitat would be affected by the proposed action.

The significant impact criteria was applied with respect to White-throated Needletail and concludes that the proposed action is unlikely to result in a significant impact to this species.

*Asperula asthenes* (Trailing Woodruff) (Vulnerable)

This species was opportunistically detected just outside the Project Area along Partridge Creek (Attachment 'Att A\_Figures', Figure 14, page 15). Targeted survey for this species were undertaken within the Disturbance Footprint and no *Asperula asthenes* were identified. The proposed action does not involve the clearing of any identified individuals of *Asperula asthenes*. There is potential for indirect impacts to the recorded stems of this species outside the Project Area during the construction and operational phase of the proposed action.

The significant impact criteria was applied with respect to *Asperula asthenes* and concludes that the proposed action is unlikely to result in a significant impact to this species.

*Melaleuca biconvexa* (Biconvex Paperbark) (Vulnerable)

This species was opportunistically detected just outside the Project Area along Partridge Creek (Attachment 'Att A\_Figures', Figure 14, page 15). Targeted survey for this species were undertaken within the Disturbance Footprint and no *Melaleuca biconvexa* were identified. The proposed action does not involve the clearing of any identified individuals of *Melaleuca biconvexa*. There is potential for indirect impacts to the recorded stems of this species outside the Project Area during the construction and operational phase of the proposed action.

The significant impact criteria was applied with respect to *Melaleuca biconvexa* and concludes that the proposed action is unlikely to result in a significant impact to this species.

**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. \***

Below is a summary of why the proposed action is not considered to be a significant impact on any EPBC Act listed threatened species. A more detailed assessment is provided in Attachment 'Att F\_Section 4.1.4.4.'

The proposed action will not have a significant impact to the Grey-headed Flying Fox given:

- No camps would be affected.
- The proposed action would remove 3.8 ha of foraging habitat.
- Approximately 60,063 ha of potential foraging habitat is available within the locality (within 20 km), a majority of which is present in National Park and Nature Reserves which are conserved and managed in-perpetuity.
- The proposed action would not isolate or fragment areas of breeding habitat, or areas of breeding habitat from foraging habitat.
- The breeding cycle for this species is unlikely to be disrupted.
- Additionally, 3.95 ha of foraging habitat will be retained in the avoidance areas (Attachment 'Att A\_Figures', Figure 15, page 16).

The proposed action will not have a significant impact to Latham's Snipe given:

- No breeding habitat would be affected.
- The proposed action would remove 1.86 ha of potential foraging habitat.
- Large areas of potential foraging habitat are present in the locality (within 20 km), including within Lake Innes Nature Reserve, Kooloobung Creek Nature Reserve and Limeburners Creek National Park which are conserved and managed in perpetuity.
- The proposed action would not isolate or fragment areas of breeding habitat, or areas of breeding habitat from foraging habitat.
- The breeding cycle for this species is unlikely to be disrupted.
- Additionally, 0.88 ha of potential foraging and roosting habitat within the Project Area will be retained within the avoidance area (Attachment 'Att A\_Figures', Figure 17, page 18).

The proposed action will not have a significant impact to the Koala given:

- It is unlikely breeding habitat would be affected.
- The proposed action would remove 3.56 ha of potential foraging habitat.
- Large areas of potential foraging habitat are present in the locality (within 10 km), including within Lake Innes Nature Reserve, Kooloobung Creek Nature Reserve and Limeburners Creek National Park which are conserved and managed in perpetuity.
- The proposed action would not isolate or fragment areas of breeding habitat, or isolate areas of breeding habitat from foraging habitat.
- The breeding cycle for this species is unlikely to be disrupted.
- Additionally, 3.95 ha of potential Koala foraging habitat will be retained in the avoidance and offset planting areas within the Project Area, including 246 retained KFTs. There will also be 272 KFT offset plantings planted in the locations shown in Attachment 'Att A\_Figures', Figure 30, page 31.

The proposed action will not have a significant impact to the Swift Parrot given:

- No breeding habitat would be affected.
- The proposed action would remove 3.56 ha of potential foraging habitat.
- Of the resources within the locality, (estimated at 4,096 ha) the area of potential foraging habitat in the Disturbance Footprint represents 0.087 %. Of the habitat within the locality the majority is present within Lake Innes Nature Reserve and State Conservation Area, which are subject to an in-perpetuity management and conservation agreement (Attachment 'Att A\_Figures', Figure 22, page 23).
- The proposed action would not isolate or fragment areas of breeding habitat, or areas of breeding habitat from foraging habitat.



- The breeding cycle for this species is unlikely to be disrupted.
- Additionally, 3.95 ha of potential Swift Parrot foraging habitat, including 0.84 ha mapped on the BAM Important Area mapping will be retained in the avoidance areas within the Project Area (Attachment 'Att A\_Figures', Figure 21, page 22).

The proposed action will not have a significant impact to the White-throated Needletail given:

- No breeding habitat would be affected.
- The proposed action would remove 23.99 ha of indirect foraging habitat and 3.56 ha of potential roosting habitat.
- There is more than 60,851 ha of potential foraging habitat available within the locality (within 20 km). Of the habitat within the locality a majority is present within Lake Innes Nature Reserve and Limeburners Creek National Park, which are subject to an in-perpetuity management and conservation agreement.
- The proposed action would not isolate or fragment areas of breeding habitat, or areas of breeding habitat from foraging habitat.
- The breeding cycle for this species is unlikely to be disrupted.
- Additionally, 8.94 ha of potential indirect foraging habitat will be retained in the avoidance areas within the Project Area (Attachment 'Att A\_Figures', Figure 23, page 24).

The proposed action will not have a significant impact to *Asperula asthenes* given:

- There will be no direct impacts to known records of the species, however the proposed action has potential to cause indirect impacts on *Asperula asthenes* detected just outside the Disturbance Footprint (Attachment 'Att A\_Figures', Figure 25, page 26).
- Large areas of potentially suitable habitat are located to the northeast (towards Port Macquarie airport) and to the southeast (the lands within and surrounding Lake Innes Nature Reserve) (Attachment 'Att A\_Figures', Figure 26, page 27).
- The reproductive cycle and connectivity of the species will not be disrupted.
- Mitigation measures are also proposed to reduce the risk of these indirect impacts. Mitigation measures proposed include clear delineation of 'no go zones' during construction works and water quality tools such as bio-retention basins and gross-pollutant traps. There is also a current Vegetation Management Plan (VMP) in place along the riparian vegetation surrounding Partridge Creek that includes management actions on weed control.

The proposed action will not have a significant impact to *Melaleuca biconvexa* given:

- There will be no direct impacts to known records of the species, however the proposed action has potential to cause indirect impacts on *Melaleuca biconvexa* detected just outside the Disturbance Footprint (Attachment 'Att A\_Figures', Figure 27, page 28);
- The reproductive cycle and connectivity of the species will not be disrupted;
- Mitigation measures are also proposed to reduce the risk of these indirect impacts. Mitigation measures proposed include installation of water quality tools such as bio-retention basins and gross-pollutant traps. There is also an active VMP in place along the riparian vegetation surrounding Partridge Creek that includes management actions targeting weed control.

#### 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.

\*

This is not considered a controlled action as proposed direct impacts to threatened species are not considered a significant impact as described in Section 4.1.4. and Attachment 'Att F\_Section 4.1.4.4.'

**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. \***

Following preliminary feasibility studies, the Disturbance Footprint has been subject to a number of revisions in collaboration between ELA, Lewis Developments and Hopkins Consultants, to avoid and minimise impacts on biodiversity through project location and design.

The avoid and minimise principles have been applied in context to the Area 13 Structure Plan and subsequent Thrumster Development Control Plan (DCP). The Structure Plan identified 'Environmental Protection' areas which were zoned as C2 - Environmental Conservation and C3 – Environmental Management. The conservation-based land zonings were applied to streams and riparian buffers as well as significant connectivity corridors to ensure that future developments avoid impacts to the most significant biodiversity areas in Area 13 (Thrumster). All impacts under the proposed action are outside of the C2 and C3 lands, with the exception of minor impacts to the Partridge Creek C3 land for the construction of bio-retention basins and a perimeter access road.

An initial biodiversity assessment was completed in February and July 2023 that involved survey of the Project Area. Preliminary PCT mapping, VI plots and identification of Koala Feed Trees (KFT) were completed during these surveys to develop an understanding of the biodiversity values present. Based on this mapping significant areas of more intact forest were identified as occurring, particularly in the following key areas:

- Mapped PCT 3249 in Moderate condition in the Bestglen Place and Capital Drive portions of the Project Area. This area also contained 296 KFTs;
- Mapped PCT 4048 and PCT 3249 Moderate inside the western edge of the Sovereign Place portion of the Project Area. This area also contained 16 KFTs and numerous large trees (DBH > 80 cm).

Based on the preliminary vegetation mapping and advice provided to Lewis Developments and Hopkins Consultants, the Disturbance Footprint was refined to avoid the small western portion of the Project Area which are both shown as Stage 1 of the avoid and minimise process in Attachment 'Att A\_Figures', Figure 29, page 30. Stage 1 avoid and minimise avoided impacts to the following biodiversity values:

- 0.88 ha of PCT 4048
- 13 KFTs

Three workshops were undertaken in September 2023 between ELA, Lewis Developments and Hopkins Consultants to design a Disturbance Footprint that would retain as many KFTs and mapped Swift Parrot important habitat as possible while still working towards a viable residential development in the southeastern portion of the Project Area (Bestglen Place and Capital Drive areas). After completion of these workshops a Disturbance Footprint was prepared as part of Stage 2 in the avoid and minimise process. Stage 2 avoid and minimise avoided impacts to the following biodiversity values:

- 230 KFTs
- 3.45 ha of PCT 3249 in Moderate condition which represents potential foraging habitat for Koala, Grey-headed Flying Fox, White-throated Needletail and Swift Parrot (including 0.84 ha of mapped Swift Parrot important habitat).

Following the completion of PCT mapping, VI plots, habitat assessments and targeted threatened species surveys the mapped area of PCT 3249 in Moderate condition in Sovereign Place portion of the Project Area (Stage 3 avoid and minimise) was removed from the Disturbance Footprint to further reduce impacts to biodiversity. Avoidance of this area avoids impacts to the following biodiversity values:

- 0.5 ha of PCT 3249 in Moderate condition which represents potential foraging habitat for Koala, Grey-headed Flying Fox, White-throated Needletail and Swift Parrot.
- Three KFTs
- Three large trees with DBH over 100 cm.

The avoid and minimise process is shown in Attachment 'Att A\_Figures', Figure 29, page 30.

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

The impact assessments provided in Attachment 'Att F\_Section 4.1.4.4.' 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 the purchase and retirement of credits consistent with the Biodiversity Assessment Method (BAM). The BDAR has been prepared by ELA and outlines the credit requirement for impacts to biodiversity values across the Disturbance Footprint (Attachment 'Att J\_Barton Heights Master Plan BDAR\_20241120').

Koala Feed Trees (KFTs) proposed to be removed within the Disturbance Footprint will be offset in line with the provisions in the Area 13 KPoM (Biolink 2008) and PMHC Development Control Plan (DCP) Part B: General Provisions (PMHC 2013). Any KFTs within the Area 13 KPoM area require offset planting at a 1:4 ratio. Any KFTs within the remaining land outside the KPoM area, require offset planting at a 1:2 ratio in line with the PMHC DCP. The proposed offset planting areas are located within the Project Area outside of the Disturbance Footprint and an additional Lot south of the Oxley Highway that is part of the Lewis Developments Landholding, with the intention of offset planting to augment connectivity within the landscape. The proposed offset planting areas are provided in Attachment 'Att A\_Figures', Figure 30, page 31.

#### **4.1.5 Migratory Species**

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

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

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

Direct impact	Indirect impact	Species	Common name
No	No	<i>Actitis hypoleucos</i>	Common Sandpiper
Yes	No	<i>Apus pacificus</i>	Fork-tailed Swift
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris canutus</i>	Red Knot, Knot
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Calidris melanotos</i>	Pectoral Sandpiper
No	No	<i>Charadrius leschenaultii</i>	Greater Sand Plover, Large Sand Plover
No	No	<i>Cuculus optatus</i>	Oriental Cuckoo, Horsfield's Cuckoo
Yes	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
Yes	No	<i>Hirundapus caudacutus</i>	White-throated Needletail
Yes	No	<i>Monarcha melanopsis</i>	Black-faced Monarch
No	No	<i>Myiagra cyanoleuca</i>	Satin Flycatcher
No	No	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
Yes	No	<i>Pluvialis fulva</i>	Pacific Golden Plover
Yes	No	<i>Rhipidura rufifrons</i>	Rufous Fantail
No	No	<i>Symposiachrus trivirgatus</i>	Spectacled Monarch
No	No	<i>Tringa nebularia</i>	Common Greenshank, Greenshank

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

Yes

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

After undertaking the habitat assessment and likelihood of occurrence assessment (Attachment 'Att D\_Likelihood of occurrence assessment') described in Section 3.2.1. and Attachment 'Att C\_Section 3.2.1.', the following migratory species were considered to have potential to occur within the Project Area:

- Black-faced Monarch (*Monarcha melanopsis*)
- Fork-tailed Swift (*Apus pacificus*)
- Latham's Snipe (*Gallinago hardwickii*)
- Pacific Golden Plover (*Pluvialis fulva*)
- Rufous Fantail (*Rhipidura rufifrons*)
- White-throated Needletail (*Hirundapus caudacutus*)

Targeted survey for avifauna were undertaken during Spring 2023, Summer 2024 and Winter 2024 across the Project Area. A total of 23 bird surveys equating to 295 minutes of survey have been conducted across the Project Area. The following migratory species have been detected during survey:

- Latham's Snipe (*Gallinago hardwickii*) detected just outside the eastern boundary of the Project Area
- White-throated Needletail (*Hirundapus caudacutus*) detected within the Disturbance Footprint and Project Area

An assessment of direct impacts to Latham's Snipe and White-throated Needletail are discussed in Section 4.1.4.2. and Attachment 'Att F\_Section 4.1.4.4.'.

No other migratory species have been detected within the Disturbance Footprint. However, these species are highly mobile and there is potential that they could occasionally utilise the habitat within the Disturbance Footprint. Therefore, there is potential the above migratory species could potentially be impacted through the removal of the following foraging habitat:

- 3.56 ha of woodland that could potentially be utilised by the Black-faced Monarch when migrating through the landscape;
- 23.99 ha of indirect foraging habitat that could potentially be utilised aerially by the Fork-tailed swift;
- 1.86 ha of potential foraging habitat that could potentially be utilised by the Pacific Golden Plover;
- 3.56 ha of woodland that could potentially be utilised by the Rufous Fantail when migrating through the landscape.

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

\*

No

#### **4.1.5.6 Describe why you do not consider this to be a Significant Impact. \***

The proposed action is unlikely to have a significant impact on the EPBC Act listed migratory species listed in Section 4.1.5.2. above. An assessment of significance based on potential impacts to Latham's Snipe and White-throated Needletail are discussed in Section 4.1.4.6. and Attachment 'Att F\_Section 4.1.4.4.' and found that the proposed action is unlikely to have a significant impact on the two species as the action will not have an impact on any breeding habitat, will not isolate or fragment populations and will not disrupt the species breeding cycle.

Similarly, the additional migratory species listed above in Section 4.1.5.2. are all highly mobile species that have not been detected within the Disturbance Footprint. While there is potential they could infrequently utilise habitats within the Disturbance Footprint while migrating throughout the landscape, the proposed action will not:

- Substantially modify, destroy or isolate an area of important habitat for any of the migratory species with potential or known to occur within the Disturbance Footprint;
- Result in an invasive species that is harmful to migratory species becoming established in the habitat of the migratory species known to occur or with potential to occur within the Disturbance Footprint;
- Seriously disrupt the lifecycle of an ecologically significant proportion of the population of a migratory species.

**4.1.5.7 Do you think your proposed action is a controlled action? \***

No

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

\*

This is not considered a controlled action as proposed direct impacts to migratory species are not considered a significant impact.

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

Avoidance measures have been discussed in Section 4.1.4.10 above.

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

The proposed offsetting strategy has been discussed above in Section 4.1.4.11.

**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.**

\*

There are no nuclear entities within the Project Area or within the vicinity of the Project Area.

**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.**

\*

There are no Commonwealth Marine Areas within the Project Area or within the vicinity of the Project Area.

**4.1.8 Great Barrier Reef**



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

No

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

\*

The Project Area is not within the vicinity of the Great Barrier Reef.

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

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

No

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

\*

The proposed action is not a large coal mining or coal seam gas development.

**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. \***

There are three mapped entities within the buffer area only. These will not be impacted by the proposed action.

**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. \***

There are no Commonwealth Heritage places overseas in the Project 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. \***

Within the remaining developable land within the Sovereign Hills masterplan community there is limited remaining land with R1 and MU1 land zoning, where the proposed action is permissible under the land zoning. There are no other feasible alternatives for the proposed action.

## 5. Lodgement

## 5.1 Attachments

### 1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	09/12/2024	No	High
#2.	Document	Att I_Reference list.pdf Attachment containing references used throughout the referral.	31/03/2025	No	High

### 1.2.7 Public consultation regarding the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B_Area 13 Thrumster Local Environmental Study.pdf Area 13 Thrumster Local Environmental Study for Port Macquarie Hastings Council.	01/05/2006	No	Medium
#2.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 1 Workshop Notes.pdf Document containing Appendix 1 of Area 13 Thrumster Local Environmental Study	01/10/2005	No	Medium
#3.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 2 Development Yields.pdf Document containing Appendix 2 of Area 13 Thrumster Local Environmental Study	01/10/2005	No	Medium
#4.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 3 Ecological Constraints Report.pdf Document contains Appendix 3 of the Area 13 Thrumster Local Environmental Study.	01/10/2005	Yes	Medium
#5.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 3_redacted.pdf Att B Appendix 3 Ecological Constraints Report. Sensitive species locations redacted.	01/10/2005	No	Medium
#6.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 5 Koala Plan of Management.pdf Document contains Appendix 5 of the Area 13 Thrumster Local Environmental Study	01/03/2006	No	Medium

#7.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 6 Water Cycle Management.pdf Document containing Appendix 6 of the Area 13 Thrumster Local Environmental Study	28/09/2005	No	Medium
#8.	Document	Att G_Area 13 Thrumster Aboriginal Heritage Assessment.pdf This document contains 'Structure Plan Area 13 Urban Investigation Area Port Macquarie NSW Aboriginal Heritage Assessment'. This document is relevant to the Aboriginal Heritage component of this referral.	01/09/2005	Yes	Medium
#9.	Document	Att G_Area 13 Thrumster Aboriginal Heritage Assessment_redacted.pdf Aboriginal heritage assessment. Appendix C containing sensitive locations of Aboriginal sites has been redacted. Att G is the same document as Att B_Appendix 4 Aboriginal Heritage Assessment.	01/09/2005	No	Medium

1.3.2.16 (Person proposing to take the action) Nature of the trust arrangement in relation to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att K_Unit Trust Deed - Lewis Developments Trust.pdf	13/11/2015	No	

3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024	No	High

3.1.2 Existing or proposed uses for the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B_Area 13 Thrumster Local Environmental Study.pdf Area 13 Thrumster Local Environmental Study for Port Macquarie Hastings Council.	30/04/2006	No	Medium
#2.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 1 Workshop Notes.pdf	30/09/2005	No	Medium

Document containing Appendix 1 of Area 13 Thrumster Local Environmental Study				
#3.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 2 Development Yields.pdf Document containing Appendix 2 of Area 13 Thrumster Local Environmental Study	30/09/2005 No	Medium
#4.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 3 Ecological Constraints Report.pdf Document contains Appendix 3 of the Area 13 Thrumster Local Environmental Study.	30/09/2005 Yes	Medium
#5.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 3_redacted.pdf Att B Appendix 3 Ecological Constraints Report. Sensitive species locations redacted.	30/09/2005 No	Medium
#6.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 5 Koala Plan of Management.pdf Document contains Appendix 5 of the Area 13 Thrumster Local Environmental Study	28/02/2006 No	Medium
#7.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 6 Water Cycle Management.pdf Document containing Appendix 6 of the Area 13 Thrumster Local Environmental Study	27/09/2005 No	Medium

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024 No	High	

### 3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024 No	High	



#2.	Document	Att C_Section 3.2.1.pdf This document contains a detailed answer to the question asked in Section 3.2.1. The document contains information regarding all flora and fauna surveys undertaken within the project area to date.	09/12/2024	No	High
#3.	Document	Att D_Likelihood of occurrence assessment.pdf This document contains a likelihood of occurrence assessment for all MNES predicted to occur within the assessment area.	09/12/2024	No	High

### 3.2.2 Vegetation within the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024	No	High
#2.	Document	Att E_Assessment of PCT 4048 against Coastal Swamp Oak Forest TEC.pdf This document contains additional detail on the assessment of PCT 4048 against EPBC Act listed TECs.	09/12/2024	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B_Area 13 Thrumster Local Environmental Study.pdf Area 13 Thrumster Local Environmental Study for Port Macquarie Hastings Council.	30/04/2006	No	Medium
#2.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 1 Workshop Notes.pdf Document containing Appendix 1 of Area 13 Thrumster Local Environmental Study	30/09/2005	No	Medium
#3.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 2 Development Yields.pdf Document containing Appendix 2 of Area 13 Thrumster Local Environmental Study	30/09/2005	No	Medium
#4.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 3	30/09/2005	Yes	Medium

Ecological Constraints Report.pdf Document contains Appendix 3 of the Area 13 Thrumster Local Environmental Study.				
#5.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 3_redacted.pdf Att B Appendix 3 Ecological Constraints Report. Sensitive species locations redacted.	30/09/2005 No	Medium
#6.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 5 Koala Plan of Management.pdf Document contains Appendix 5 of the Area 13 Thrumster Local Environmental Study	28/02/2006 No	Medium
#7.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 6 Water Cycle Management.pdf Document containing Appendix 6 of the Area 13 Thrumster Local Environmental Study	27/09/2005 No	Medium
#8.	Document	Att G_Area 13 Thrumster Aboriginal Heritage Assessment.pdf This document contains 'Structure Plan Area 13 Urban Investigation Area Port Macquarie NSW Aboriginal Heritage Assessment'. This document is relevant to the Aboriginal Heritage component of this referral.	31/08/2005 Yes	Medium
#9.	Document	Att G_Area 13 Thrumster Aboriginal Heritage Assessment_redacted.pdf Aboriginal heritage assessment. Appendix C containing sensitive locations of Aboriginal sites has been redacted. Att G is the same document as Att B_Appendix 4 Aboriginal Heritage Assessment.	31/08/2005 No	Medium

#### 3.4.1 Hydrology characteristics that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024 No	High	
#2.	Document	Att B_Area 13 Thrumster Local Environmental Study.pdf Area 13 Thrumster Local Environmental	30/04/2006 No	Medium	

Study for Port Macquarie Hastings Council.				
#3.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 1 Workshop Notes.pdf Document containing Appendix 1 of Area 13 Thrumster Local Environmental Study	30/09/2005 No	Medium
#4.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 2 Development Yields.pdf Document containing Appendix 2 of Area 13 Thrumster Local Environmental Study	30/09/2005 No	Medium
#5.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 3 Ecological Constraints Report.pdf Document contains Appendix 3 of the Area 13 Thrumster Local Environmental Study.	30/09/2005 Yes	Medium
#6.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 3_redacted.pdf Att B Appendix 3 Ecological Constraints Report. Sensitive species locations redacted.	30/09/2005 No	Medium
#7.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 5 Koala Plan of Management.pdf Document contains Appendix 5 of the Area 13 Thrumster Local Environmental Study	28/02/2006 No	Medium
#8.	Document	Att B_Area 13 Thrumster Local Environmental Study_Appendix 6 Water Cycle Management.pdf Document containing Appendix 6 of the Area 13 Thrumster Local Environmental Study	27/09/2005 No	Medium

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024 No	High	
#2.	Document	Att F_Section 4.1.4.4.pdf This document contains an assessment	09/12/2024 No	High	

of impacts to EPBC Act listed threatened species due to the proposed action.

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024	No	High
#2.	Document	Att F_Section 4.1.4.4.pdf This document contains an assessment of impacts to EPBC Act listed threatened species due to the proposed action.	08/12/2024	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024	No	High
#2.	Document	Att F_Section 4.1.4.4.pdf This document contains an assessment of impacts to EPBC Act listed threatened species due to the proposed action.	08/12/2024	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures.pdf Attachment containing figures relevant to the referral.	08/12/2024	No	High
#2.	Document	Att F_Section 4.1.4.4.pdf This document contains an assessment of impacts to EPBC Act listed threatened species due to the proposed action.	08/12/2024	No	High
#3.	Document	Att J_Barton Heights Master Plan BDAR_20241120.pdf Attachment containing Barton Heights Master Plan Biodiversity Development Assessment Report.	20/11/2024	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att D_Likelihood of occurrence assessment.pdf This document contains a likelihood of occurrence assessment for all MNES predicted to occur within the assessment area.	08/12/2024	No	High
#2.	Document	Att F_Section 4.1.4.4.pdf This document contains an assessment of impacts to EPBC Act listed threatened species due to the proposed action.	08/12/2024	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att F_Section 4.1.4.4.pdf This document contains an assessment of impacts to EPBC Act listed threatened species due to the proposed action.	08/12/2024	No	High

## 5.2 Declarations

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## ✔ Completed Referring party's declaration

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

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ABN/ACN	87096512088
Organisation name	ECO LOGICAL AUSTRALIA PTY LTD
Organisation address	Aquarius Towers, Suite 38, Level 3, 668 Princes Highway, Sutherland NSW 2232
Representative's name	Sophie Montgomery
Representative's job title	Ecologist
Phone	0448145791
Email	sophie.montgomery@ecoaus.com.au
Address	Suite 403, Level 4, 45 Watt Street, Newcastle NSW 2300

☒ 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, **Sophie Montgomery 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. \*

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

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

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ABN/ACN	609049336
Organisation name	Lewis Developments Pty Ltd
Organisation address	Suite 3802, Level 38, Australia Square, 264 George St, Sydney, NSW 2000

Representative's name	Trent Kelly
Representative's job title	Senior Development Manager
Phone	0417775427
Email	trent.kelly@lewisland.com
Address	Suite 3802, Level 38, Australia Square, 264 George St, Sydney, NSW 2000

☒ 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, **Trent Kelly of Lewis Developments Pty Ltd**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. \*

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

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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, **Trent Kelly of Lewis Developments Pty Ltd**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. \*

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



