

Residential subdivision, Mirador.

Application Number: **02985**

Commencement Date:
07/07/2025

Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

Residential subdivision, Mirador.

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 *

01/10/2025

1.1.4 Estimated end date *

01/10/2026

1.2 Proposed Action details

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

The project area is 6.59 ha, including a disturbance footprint of 6.41 ha, and avoidance area (from direct impacts) of 0.18 ha.

The development proposal is for residential subdivision of the subject property in accordance with a current consent issued by Bega Valley Shire Council (issued 18 December 2007) under Part 4 of the NSW EP&A Act. The development would include:

- Clearing of 4.7 ha of native vegetation to enable bulk earthworks, including cutting and filling (where required) with the maximum extent of direct impact shown as the 'development footprint' on Figure 3 of the attached 'Biodiversity assessment report 10 July 2025'.
- Civil construction works (entirely within the development footprint), including the construction of 42 residential lots, roads, and installation of stormwater drainage, sewer infrastructure and utility services to the point that subdivided lots can be created, sold, and ready for individual dwellings.
- Indirect impacts on adjacent areas related to ongoing residential use of the land, primarily light spill from vehicles along Mirador Drive. The affected area is land shown in the disturbance footprint that is additional to the development footprint. Figure 3 of the attached 'Biodiversity assessment report 10 July 2025'.

Mirador Drive has previously been constructed to service the development and provide access to existing partly formed roads within the property.

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? *

Commonwealth Environment Protection & Biodiversity Conservation Act 1999 – assessment of impacts on threatened species.

Former NSW Threatened Species Conservation Act 1995 – assessment of impacts on threatened species - previously applied to obtain existing NSW consent (dated 2007)

Former NSW State Environmental Planning Policy No.44 (Koala Habitat Protection) - assessment previously applied to obtain existing NSW consent (dated 2007)

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. *

None has been undertaken at this time (was not required for the existing consent).

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 61523229092
Organisation name The Trustee for Hayes Environmental Trust
Organisation address 2579 NSW

Referring party details

Name Rebecca Hogan
Job title Director & Principal Ecologist
Phone 0412600173
Email rhogan@hayesenv.com.au
Address PO Box 2257 Bowral NSW 2576

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 61653861600
Organisation name MERIMBULA LF PTY LTD
Organisation address 2281 NSW

Person proposing to take the action details

Name Aaron Paull
Job title Director
Phone 0499508999
Email aaron@888projects.com.au
Address PO Box 18 Newcastle NSW 2300

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 of the 229 Mirador residential subdivision project is an experienced developer with a proven history of delivering industrial and commercial development projects within New South Wales. While formal environmental policies or corporate environmental management frameworks have not previously been established, all past projects have been delivered in accordance with applicable Commonwealth, State, and local environmental legislation and planning requirements.

There have been no proceedings brought against the proponent under any Commonwealth, State, or Territory law for the protection of the environment or the conservation and sustainable use of natural resources. Throughout previous developments, the proponent has demonstrated a responsible approach to environmental management by engaging qualified consultants where necessary, adhering to environmental conditions of consent, and applying mitigation measures tailored to each site's specific environmental context.

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

For this proposed residential subdivision at Mirador, the proponent recognises the importance of more structured and proactive environmental governance. Accordingly, steps are being taken to formalise an internal environmental policy framework that will guide current and future developments. This will include:

- Establishing internal procedures for environmental risk identification and management;
- Engaging early with relevant regulatory agencies and environmental professionals;
- Developing project-specific Environmental Management Plans (EMPs) where appropriate;
- Embedding compliance tracking and reporting mechanisms across project phases.

This commitment reflects the proponent's intent to ensure that environmental sustainability and compliance are embedded within the operational approach as the company continues to grow and transition into more complex residential and mixed-use developments.

1.3.3 Identity: Proposed designated proponent

1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? *

Yes

Proposed designated proponent organisation details

ABN/ACN	61653861600
Organisation name	MERIMBULA LF PTY LTD
Organisation address	2281 NSW

Proposed designated proponent details

Name	Aaron Paull
Job title	Director
Phone	0499508999
Email	aaron@888projects.com.au
Address	PO Box 18 Newcastle NSW 2300

1.3.4 Identity: Summary of allocation

✔ Confirmed Referring party's identity

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

ABN/ACN	61523229092
Organisation name	The Trustee for Hayes Environmental Trust
Organisation address	2579 NSW
Representative's name	Rebecca Hogan
Representative's job title	Director & Principal Ecologist
Phone	0412600173
Email	rhogan@hayesenv.com.au
Address	PO Box 2257 Bowral NSW 2576

✔ Confirmed Person proposing to take the action's identity

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

ABN/ACN	61653861600
Organisation name	MERIMBULA LF PTY LTD
Organisation address	2281 NSW
Representative's name	Aaron Paull
Representative's job title	Director
Phone	0499508999
Email	aaron@888projects.com.au
Address	PO Box 18 Newcastle NSW 2300

✔ 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

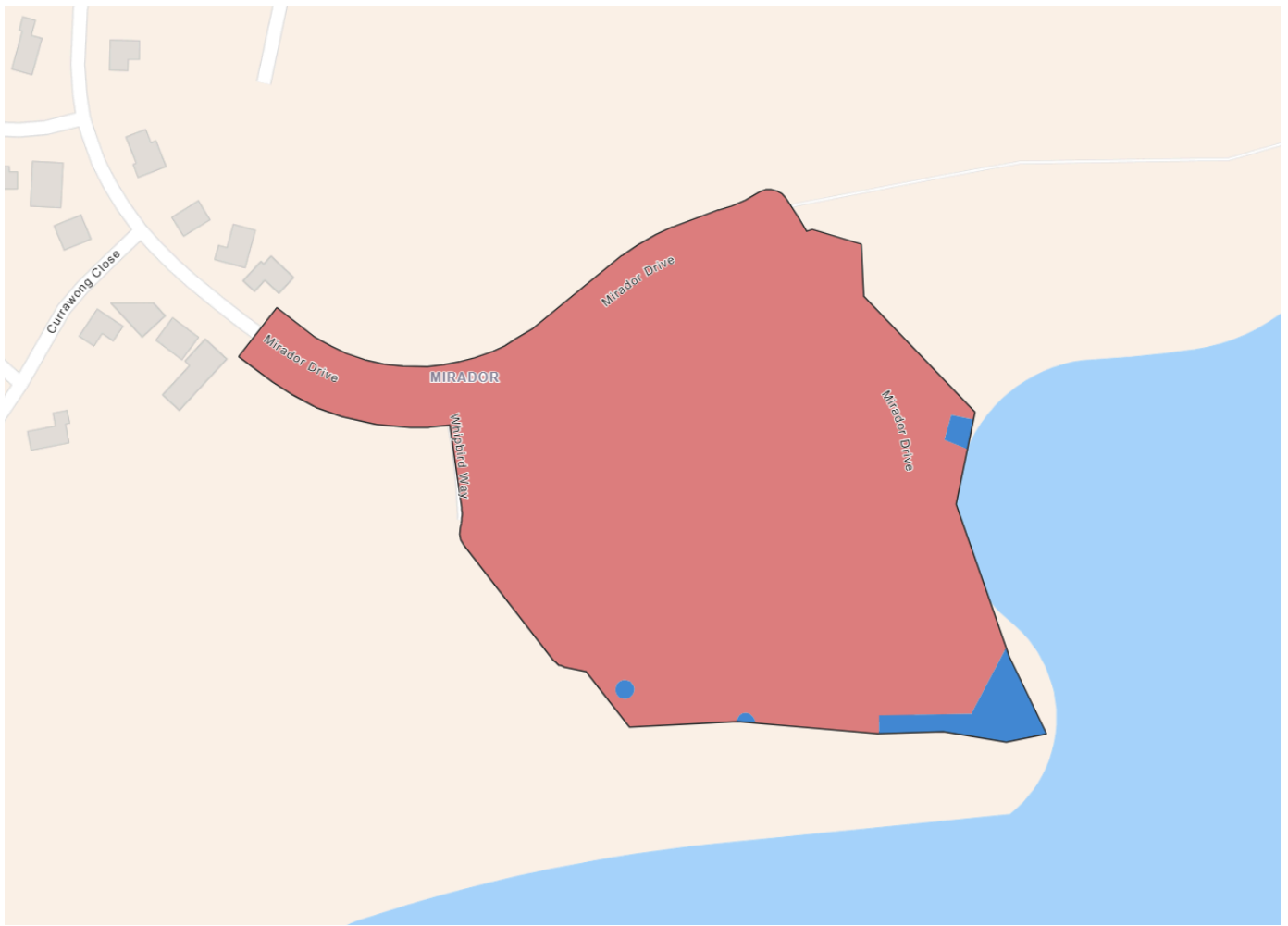
1.4 Payment details: Payment allocation

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: 6.59 Ha Disturbance Footprint: 6.41 Ha Avoidance Area: 0.18 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

229 Mirador Drive, Mirador NSW 2548

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 subject property is freehold land. The adjacent road reserves within the project area are public land.

3. Existing environment

3.1 Physical description

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

The project area occupies a gently sloping spur which juts out into Back Lagoon on the northern side of the town of Merimbula, approximately 2.5km from the town centre.

The subject property is zoned R2 Low Density Residential under the Bega Valley Local Environment Plan (LEP) 2013. No changes are proposed to the land zoning. Adjacent lands to the north and northwest are also zoned R2, with existing residential development located 100m to the northwest. Adjacent lands to the south and east are zoned C2 Environmental Conservation.

There is existing road infrastructure to the subject property (Mirador Drive), constructed specifically to service residential subdivision of the subject property.

Historically (prior to 2004), the subject property was partly cleared in preparation for residential subdivision and some dirt roads were created. A new and current consent for subdivision was issued in 2007.

Regrowth within the cleared areas has periodically been removed, with this most recently occurring during 2018 to 2019.

Relatively intact native forest occurs along the southern boundary of the property, and as a triangular patch adjoining the northern boundary. Other parts of the property support regenerating vegetation with less than 6 years growth (approximately 2.0ha), or are compacted bare earth (0.6ha).

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

The subject property is currently vacant land, although some preliminary subdivision works have been carried out under the existing NSW consent. External to the subject property, the adjacent section of Mirador Drive has previously been formed and constructed.

The proposed use of the land is residential subdivision.

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

The land contains native forest that provides habitat or predicted habitat for eleven threatened species listed under the EPBC Act.

The land does not contain unique values or known breeding habitat for any of the relevant species.

The land is located in a coastal area proximate to lagoons and estuaries of value for migratory shorebird species protected under the EPBC Act.

The land is not adjacent to and does not drain to a RAMSAR wetland or to a nationally important wetland.

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 land gradient is steep with slopes typically 15-25%

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.

Refer to Attachment: A_Biodiversity assessment report_10thJuly2025. Chapters 2 and 5.3 address survey methods, Chapters 4 and 5.1 describe the flora and fauna of the project area.

Native vegetation within the project area has been assessed as best aligning with the NSW Plant Community Type (PCT) 3663 *Southeast Foothills Stringybark Shrub Forest*. This PCT is not known to be associated with any threatened ecological community listed under the EPBC Act.

The vegetation is known or assumed to provide habitat for eleven threatened fauna species listed under the EPBC Act:

- Gang Gang Cockatoo *Callocephalon fimbriatum*;
- South-eastern Glossy Black Cockatoo *Calyptorhynchus lathami*;
- Brown Treecreeper (eastern ssp) *Climacteris picumnus victoriae*;
- Spotted-tailed Quoll *Dasyurus maculatus*;
- White-throated Needletail *Hirundapus caudacutus*;
- South-eastern Hooded Robin *Melanodryas cucullata cucullata*;
- Yellow-bellied Glider *Petaurus australis*;
- Grey-headed Flying-fox *Pteropus poliocephalus*;
- Pilotbird *Pycnoptilus floccosus*;
- Swift Parrot *Lathamus discolor*.

No threatened plant species are known or likely to be present

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

The project area occupies a dry spurline that juts into the tidal estuary named Back Lagoon. The land has been partly cleared under current NSW consents in preparation for residential subdivision. Relatively intact native vegetation occurs along the southern boundary of the subject property, and as a triangular patch adjoining the northern boundary. Other parts of the property support young regrowth (<6yrs) or are bare earth.

Native vegetation has been identified as PCT 3663 *Southeast Foothills Stringybark Shrub Forest*, occurring as two broad vegetation condition states (zones):

1. Forest (relatively intact areas of remnant forest);
2. Regenerating (cleared areas that are regenerating, with <6yrs growth).

For areas of remnant forest within the project area:

The vegetation canopy is dominated by Coast Grey Box *Eucalyptus bosistoana*, Woollybutt *Eucalyptus longifolia*, White Stringybark *Eucalyptus globoidea*, Yellow Stringybark *Eucalyptus muelleriana*, and Red Ironbark *Eucalyptus tricarpa*. Also occurring are Red Bloodwood *Corymbia gummifera* and Silvertop Ash *Eucalyptus sieberi*.

The mid-canopy includes Black She-oak *Allocasuarina littoralis*, White Sally Wattle *Acacia floribunda*, Sweet Pittosporum *Pittosporum undulatum*, and Hickory *Acacia implexa*.

The shrub layer includes Cherry Ballart *Exocarpos cupressiformis*, Goodenia *Goodenia ovata*, Cassinia *Cassinia longifolia*, Peach Heath *Lissanthe strigosa*, Australian Indigo *Indigofera australis*, Prickly Shaggy-pea *Podolobium ilicifolium*, Beard-heath *Leucopogon lanceolatus*, Rough-fruited Pittosporum *Pittosporum revolutum*, Dogwood *Ozothamnus diosmifolius*, Dwarf Cherry *Exocarpos strictus*, Large Mock-olive *Notelaea longifolia*, Rough Guinea-flower *Hibbertia aspera*, *Platysace lanceolata*, and Blackthorn *Bursaria spinosa*.

The groundcover is a mix of grasses and forbs including Barbed Wire Grass *Cymbopogon refractus*, Tussock Grass *Poa sieberiana*, Wallaby Grass *Rytidosporum longifolium*, Mat-rush *Lomandra confertifolia* ssp *rubiginosa*, Mat-rush *Lomandra filiformis* ssp *filiformis*, Kangaroo Grass *Themeda triandra*, Slender Tick-trefoil *Grona varians*, Purple Wire-grass *Aristida ramosa*, Weeping Meadow Grass *Microlaena stipoides*, *Dichonda* sp Inglewood, and Mat-rush *Lomandra longifolia*.

For regenerating areas within the project area:

The vegetation is variable in species composition, structure, and density. Species present are a subset of the species present in surrounding forested areas, with a higher occurrence of colonising and disturbance tolerant species such as wattles.

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.

No such areas apply to the project area.

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

Three (3) previously recorded Aboriginal Heritage investigations have taken place on the subject property. (Aiken 1986; Williams 1998; Dibden 2004). No Aboriginal sites were recorded during these surveys.

A letter of comment from the Bega Traditional Aboriginal Elders Council Inc dated 6th October further recommends that no further archaeological investigations on the subject property are necessary.

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 no identified streams within the project area or streams that would be directly affected by the project. Several small pools have previously been constructed within the subject property, presumably to manage site drainage and off-site water quality during construction activities.

The land drains to the tidal Back Lagoon. The land is not adjacent to and does not drain to a RAMSAR wetland or a nationally important wetland.

4. Impacts and mitigation

4.1 Impact details

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

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

*

There are no world heritage areas in the vicinity of the project, or likely to be affected indirectly by the project.

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.

*

There are no national heritage areas in the vicinity of the project, or likely to be affected indirectly by the project.

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.

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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 in the vicinity of the project, or likely to be affected indirectly by the project.

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>Anthochaera phrygia</i>	Regent Honeyeater
No	No	<i>Aphelocephala leucopsis</i>	Southern Whiteface
No	Yes	<i>Ardenna grisea</i>	Sooty Shearwater
No	No	<i>Balaenoptera musculus</i>	Blue Whale
No	No	<i>Botaurus poiciloptilus</i>	Australasian Bittern
No	No	<i>Caladenia tessellata</i>	Thick-lipped Spider-orchid, Daddy Long-legs
No	Yes	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	Yes	<i>Calidris canutus</i>	Red Knot, Knot
No	Yes	<i>Calidris ferruginea</i>	Curlew Sandpiper
Yes	Yes	<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo
No	No	<i>Calochilus pulchellus</i>	Pretty Beard Orchid, Pretty Beard-orchid
Yes	Yes	<i>Calyptorhynchus lathami lathami</i>	South-eastern Glossy Black-Cockatoo
No	No	<i>Carcharias taurus</i> (east coast population)	Grey Nurse Shark (east coast population)
No	No	<i>Carcharodon carcharias</i>	White Shark, Great White Shark
No	No	<i>Caretta caretta</i>	Loggerhead Turtle
No	No	<i>Chelonia mydas</i>	Green Turtle
Yes	Yes	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (south-eastern)
No	No	<i>Correa baeuerlenii</i>	Chef's Cap
No	No	<i>Cryptostylis hunteriana</i>	Leafless Tongue-orchid
No	No	<i>Dasyornis brachypterus</i>	Eastern Bristlebird

Direct impact	Indirect impact	Species	Common name
Yes	Yes	<i>Dasyurus maculatus maculatus</i> (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	<i>Dermochelys coriacea</i>	Leatherback Turtle, Leathery Turtle, Luth
No	Yes	<i>Diomedea antipodensis</i>	Antipodean Albatross
No	Yes	<i>Diomedea antipodensis gibsoni</i>	Gibson's Albatross
No	Yes	<i>Diomedea epomophora</i>	Southern Royal Albatross
No	Yes	<i>Diomedea exulans</i>	Wandering Albatross
No	Yes	<i>Diomedea sanfordi</i>	Northern Royal Albatross
No	Yes	<i>Epinephelus daemeli</i>	Black Rockcod, Black Cod, Saddled Rockcod
No	No	<i>Eretmochelys imbricata</i>	Hawksbill Turtle
No	No	<i>Eubalaena australis</i>	Southern Right Whale
No	No	<i>Falco hypoleucos</i>	Grey Falcon
No	No	<i>Fregetta grallaria grallaria</i>	White-bellied Storm-Petrel (Tasman Sea), White-bellied Storm-Petrel (Australasian)
No	Yes	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Grantiella picta</i>	Painted Honeyeater
No	No	<i>Heleioporus australiacus flavopunctatus</i>	Southern Owl Frog, Southern Giant Burrowing Frog
Yes	Yes	<i>Hirundapus caudacutus</i>	White-throated Needletail
No	No	<i>Isodon obesulus obesulus</i>	Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south-eastern)
Yes	Yes	<i>Lathamus discolor</i>	Swift Parrot
No	Yes	<i>Limosa lapponica baueri</i>	Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit
No	No	<i>Litoria aurea</i>	Green and Golden Bell Frog
No	No	<i>Litoria raniformis</i>	Southern Bell Frog, Growling Grass Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog
No	No	<i>Litoria watsoni</i>	Southern Heath Frog, Watson's Tree Frog

Direct impact	Indirect impact	Species	Common name
No	Yes	<i>Macronectes giganteus</i>	Southern Giant-Petrel, Southern Giant Petrel
No	Yes	<i>Macronectes halli</i>	Northern Giant Petrel
No	No	<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	<i>Natator depressus</i>	Flatback Turtle
No	No	<i>Neophema chrysogaster</i>	Orange-bellied Parrot
No	No	<i>Neophema chrysostoma</i>	Blue-winged Parrot
No	Yes	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
No	No	<i>Pachyptila turtur subantarctica</i>	Fairy Prion (southern)
No	No	<i>Persicaria elatior</i>	Knotweed, Tall Knotweed
No	No	<i>Petauroides volans</i>	Greater Glider (southern and central)
Yes	Yes	<i>Petaurus australis australis</i>	Yellow-bellied Glider (south-eastern)
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>Pomaderris cotoneaster</i>	Cotoneaster Pomaderris
No	No	<i>Potorous tridactylus trisulcatus</i>	Long-nosed Potoroo (southern mainland)
No	Yes	<i>Prototroctes maraena</i>	Australian Grayling
No	No	<i>Pseudomys fumeus</i>	Smoky Mouse, Konoom
No	No	<i>Pseudomys novaehollandiae</i>	New Holland Mouse, Pookila
No	Yes	<i>Pterodroma leucoptera leucoptera</i>	Gould's Petrel, Australian Gould's Petrel
Yes	Yes	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox
Yes	Yes	<i>Pycnoptilus floccosus</i>	Pilotbird
No	Yes	<i>Rhincodon typus</i>	Whale Shark
No	Yes	<i>Rostratula australis</i>	Australian Painted Snipe
No	No	<i>Seriola brama</i>	Blue Warehouse
No	No	<i>Stagonopleura guttata</i>	Diamond Firetail

Direct impact	Indirect impact	Species	Common name
No	Yes	<i>Sternula albifrons</i>	Little Tern
No	Yes	<i>Sternula nereis nereis</i>	Australian Fairy Tern
No	Yes	<i>Thalassarche bulleri</i>	Buller's Albatross, Pacific Albatross
No	Yes	<i>Thalassarche bulleri platei</i>	Northern Buller's Albatross, Pacific Albatross
No	Yes	<i>Thalassarche carteri</i>	Indian Yellow-nosed Albatross
No	Yes	<i>Thalassarche cauta</i>	Shy Albatross
No	Yes	<i>Thalassarche eremita</i>	Chatham Albatross
No	No	<i>Thalassarche impavida</i>	Campbell Albatross, Campbell Black-browed Albatross
No	No	<i>Thalassarche melanophris</i>	Black-browed Albatross
No	Yes	<i>Thalassarche salvini</i>	Salvin's Albatross
No	Yes	<i>Thalassarche steadi</i>	White-capped Albatross
No	No	<i>Thesium australe</i>	Austral Toadflax, Toadflax
No	No	<i>Thinornis cucullatus cucullatus</i>	Eastern Hooded Plover, Eastern Hooded Plover
No	Yes	<i>Tringa nebularia</i>	Common Greenshank, Greenshank

Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Brogo Vine Forest of the South East Corner Bioregion
No	No	Lowland Grassy Woodland in the South East Corner Bioregion
No	No	River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria
No	No	Subtropical and Temperate Coastal Saltmarsh

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. *

Refer to the attached Biodiversity Assessment Report (Hayes Environmental, July 2025). Chapters 6, 7 and 8 relate to assessment of impacts.

Based on application of the NSW Biodiversity Assessment Method, the development would result in loss of habitat (or loss of potential habitat) for eleven threatened fauna species listed under the EPBC Act:

- Gang Gang Cockatoo *Callocephalon fimbriatum*;
- South-eastern Glossy Black Cockatoo *Calyptorhynchus lathami*;
- Brown Treecreeper (eastern ssp) *Climacteris picumnus victoriae*;
- Spotted-tailed Quoll *Dasyurus maculatus*;
- White-throated Needletail *Hirundapus caudacutus*;
- South-eastern Hooded Robin *Melanodryas cucullata cucullata*;
- Yellow-bellied Glider *Petaurus australis*;
- Grey-headed Flying-fox *Pteropus poliocephalus*;
- Pilotbird *Pycnoptilus floccosus*;
- Swift Parrot *Lathamus discolor*.

Direct losses would be 2.7ha of native forest, and 2.0ha of regenerating vegetation (with <6yrs growth). There would be no loss of known or likely breeding sites for the threatened species, and no loss of critical or rare resources.

The development also has potential to indirectly impact retained habitat for threatened species within the property and on surrounding lands. Indirect impacts likely to occur are generally minor increases to existing impacts typical of residential subdivision, *ie* noise, light spill, temporary construction dust, risk of inadvertent damage during construction, risk of downstream water quality impacts, and risk of increased roaming pets.

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. *

Of the eleven threatened species identified as relevant to habitats within the subject land (based on the NSW Biodiversity Assessment Method), none appear to be resident within the subject land or currently using the resources present, and none appear to use the land for breeding.

A population of the Yellow-bellied Glider is known to be resident in the locality and uses the subject land on occasions. One tree-hollow within the subject land was found to contain evidence of former use as a den site for this species. One additional tree-hollow was deemed to be suitable for denning, but showed no signs of use. The development design was modified to enable retention of both of these trees with connectivity to adjacent habitat.

The extent of habitat loss would be extremely small in relation to the extent of potential habitat on protected lands in the surrounding area and within the broader region, and would not be significant for any of the species.

The development would not cause isolation of an area of habitat for any of the species, nor interfere with movement patterns.

Indirect impacts would result in loss of habitat quality for some of the species, although this is not likely to be a material change for those species currently present given existing residential development in the area.

The development may result in an increase in domestic predators. This is not likely to be a material change given existing residential development in the area and existing fox and feral cat populations.

The species for which there remains some uncertainty is the Swift Parrot *Lathamus discolor*. Forested areas within the subject property have been mapped as an Important Habitat Area by NSW DCCEEW for the purpose of the Biodiversity Assessment Method. The habitat within the property, however, is not known to be used by the species (based on lack of records and results of tree hollow inspections) and is not dominated by documented preferred feed tree species. The Swift Parrot breeds only in Tasmania.

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.

*

The proposed action is of a small scale in the context of surrounding lands and the broader region. The proposed action is not likely to significantly affect threatened species.

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

The development proposal is for residential subdivision of the subject property in accordance with a current consent issued by Bega Valley Shire Council. The development design has previously responded to biodiversity values identified within the property with retention of two areas of forest in the east and southeast of the property, and preparation of a Vegetation Management Plan to control and mitigate the impacts of construction.

The design has been further modified to respond to biodiversity values identified during recent Hayes Environmental field surveys in 2025, to retain and protect two trees identified as containing suitable den hollows for the threatened Yellow-bellied Glider.

Measures proposed to avoid, minimise, mitigate and compensate for impacts of the development include:

On-site detention and Water Sensitive Urban Design (WSUD) principles/treatment measures to ensure no increase to pre-developed flows leaving the site and to improve quality of these flows by removing sediment and nutrient pollution.

Implementation of a *Vegetation Management Plan* (NGH, August 2024) to control and mitigate the impacts of construction - refer to attachment B_Mirador_Subdivision_VMP.

Installation of hollowhog/nest boxes in the adjacent public reserve to equal the total number of hollow-bearing trees removed from the site;

Installation of temporary fencing and tree guards during construction works to protect the two glider den trees from inadvertent damage;

Consent controls on external lighting around the perimeters of the development to minimise adverse impacts on adjacent habitats;

Consent control on new dwellings to prohibit installation of wood-fired heaters;

Consent control to require containment of domestic cats.

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

In the event that offsets are deemed necessary under the EPBC Act, it would be proposed that these are achieved through the NSW Biodiversity Offset Scheme. The offset calculation for the Swift Parrot is 108 species credits.

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	Yes	<i>Actitis hypoleucos</i>	Common Sandpiper
No	Yes	<i>Apus pacificus</i>	Fork-tailed Swift
No	No	<i>Ardenna carneipes</i>	Flesh-footed Shearwater, Fleshy-footed Shearwater
No	No	<i>Ardenna grisea</i>	Sooty Shearwater
No	No	<i>Balaenoptera edeni</i>	Bryde's Whale
No	No	<i>Balaenoptera musculus</i>	Blue Whale
No	Yes	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	Yes	<i>Calidris canutus</i>	Red Knot, Knot
No	Yes	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	Yes	<i>Calidris melanotos</i>	Pectoral Sandpiper
No	No	<i>Caperea marginata</i>	Pygmy Right Whale
No	No	<i>Carcharhinus longimanus</i>	Oceanic Whitetip Shark
No	No	<i>Carcharias taurus</i>	Grey Nurse Shark
No	No	<i>Carcharodon carcharias</i>	White Shark, Great White Shark
No	No	<i>Caretta caretta</i>	Loggerhead Turtle
No	No	<i>Chelonia mydas</i>	Green Turtle
No	No	<i>Cuculus optatus</i>	Oriental Cuckoo, Horsfield's Cuckoo
No	No	<i>Dermochelys coriacea</i>	Leatherback Turtle, Leathery Turtle, Luth
No	No	<i>Diomedea antipodensis</i>	Antipodean Albatross
No	No	<i>Diomedea epomophora</i>	Southern Royal Albatross
No	No	<i>Diomedea exulans</i>	Wandering Albatross
No	No	<i>Diomedea sanfordi</i>	Northern Royal Albatross

Direct impact	Indirect impact	Species	Common name
No	No	<i>Eretmochelys imbricata</i>	Hawksbill Turtle
No	No	<i>Eubalaena australis</i>	Southern Right Whale
No	Yes	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	Yes	<i>Gallinago megala</i>	Swinhoe's Snipe
No	Yes	<i>Gallinago stenura</i>	Pin-tailed Snipe
Yes	Yes	<i>Hirundapus caudacutus</i>	White-throated Needletail
No	No	<i>Lagenorhynchus obscurus</i>	Dusky Dolphin
No	No	<i>Lamna nasus</i>	Porbeagle, Mackerel Shark
No	Yes	<i>Limosa lapponica</i>	Bar-tailed Godwit
No	No	<i>Macronectes giganteus</i>	Southern Giant-Petrel, Southern Giant Petrel
No	No	<i>Macronectes halli</i>	Northern Giant Petrel
No	No	<i>Megaptera novaeangliae</i>	Humpback Whale
No	No	<i>Natator depressus</i>	Flatback Turtle
No	Yes	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
No	Yes	<i>Numenius minutus</i>	Little Curlew, Little Whimbrel
No	Yes	<i>Orcinus orca</i>	Killer Whale, Orca
No	Yes	<i>Pandion haliaetus</i>	Osprey
No	Yes	<i>Rhincodon typus</i>	Whale Shark
No	Yes	<i>Sternula albifrons</i>	Little Tern
No	No	<i>Thalassarche bulleri</i>	Buller's Albatross, Pacific Albatross
No	No	<i>Thalassarche carteri</i>	Indian Yellow-nosed Albatross
No	No	<i>Thalassarche cauta</i>	Shy Albatross
No	No	<i>Thalassarche eremita</i>	Chatham Albatross
No	No	<i>Thalassarche impavida</i>	Campbell Albatross, Campbell Black-browed Albatross
No	No	<i>Thalassarche melanophris</i>	Black-browed Albatross

Direct impact	Indirect impact	Species	Common name
No	No	Thalassarche salvini	Salvin's Albatross
No	No	Thalassarche steadi	White-capped Albatross
No	Yes	Tringa nebularia	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. *

The development has potential to impose indirect impacts on the water quality of Back Lagoon, downstream of the subject land. The potential for impact would be higher, though temporary, during construction, and then ongoing to a lesser degree following residential development.

Back Lagoon is assumed to provide important habitat for migratory shorebird species and for species that use lagoon habitats (such as the Common Sandpiper *Actitis hypoleucos*, Fork-tailed Swift *Apus pacificus*, Sharp-tailed Sandpiper *Calidris acuminata*, Red Knot *Calidris canutus*, Curlew Sandpiper *Calidris ferruginea*, Pectoral Sandpiper *Calidris melanotos*, Latham's Snipe *Gallinago magala*, Pin-tailed Snip *Gallinago stenura*, Bar-tailed Godwit *Limosa lapponica*, Eastern Curlew *Numenius madagascariensis*, Little Curlew *Numenius minutus*, Osprey *Pandion haliaetus*, Little Tern *Sternula albifrons* and Common Greenshank *Tringa nebularia*) and for some aquatic species that use estuaries for feeding or as part of their lifecycle (such as the Orca *Orcinus orca*, and Whale Shark *Rhincodon typus*).

The development would impact on terrestrial habitats of potential value for two of the bird species included in the generated list above. Of these, the White-throated Needletail *Hirundapus caudacutus* is separately assessed as a threatened species. The Oriental Cuckoo has not been recorded in the project area, it usually occurs in areas north of Newcastle, and prefers moist forest types which do not occur in the project area. There is only one record for the region, dated 2013 - this record appears to be a vagrant or a mis-identification. This species is not likely to be affected by the project.

The project would not impact on oceanic species such as whales, large sharks, or sea turtles, or pelagic birds such as albatross, petrels and shearwaters.

A MNES significant impact assessment has been set out in Chapter 8.1.2 (page 65) of the the attached 'Biodiversity assessment report 10 July 2025'.

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 potential indirect impacts would be managed through the development design, including on-site detention and Water Sensitive Urban Design (WSUD) principles/treatment measures to ensure no increase to pre-developed flows leaving the site and to improve quality of these flows by removing sediment and nutrient pollution.

It is not likely that the potential indirect impacts of the development would modify Back Lagoon such that there would be any measurable change to the water quality of the lagoon, or such that there would be an adverse affect on migratory species that use it.

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.

*

It is not likely that the potential indirect impacts of the development would modify Back Lagoon such that there would be any measurable change to the water quality of the lagoon, or such that there would be an adverse affect on migratory species that use it.

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

The development has been designed using on-site detention and Water Sensitive Urban Design (WSUD) principles/treatment measures to ensure no increase to pre-developed flows leaving the site and to improve quality of these flows by removing sediment and nutrient pollution.

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

No offsets are proposed for migratory species.

4.1.6 Nuclear

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

No

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

*

The project does not involve nuclear activities.

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 in the vicinity of the project, or likely to be affected indirectly by the project.

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 is located on the far south coast of NSW. It would not impact on 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 project does not involve and is not related to coal mining development or coal seam gas.

4.1.10 Commonwealth Land

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

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

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

Direct impact	Indirect impact	Commonwealth land area
Yes	Yes	Commonwealth Land - Australian Telecommunications Commission

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

Yes

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

There is a small area of Commonwealth land related to a telecommunications easement within the project area.

'Australian Telecommunications Commission' appears to have been superseded in 1989 - now called ACMA. It is assumed this is referring to the NBN network which the project will connect in to.

The easement within the property is proposed to be released as part of the approved subdivision of the property.

Impacts outside of the property are indirect - primarily related to light spill.

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

No

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

The easement is proposed to be released as part of the approved subdivision of the property.

Impacts outside of the property are indirect - primarily related to light spill. This would not affect telecommunications land or infrastructure.

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

No

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

The easement is proposed to be released as part of the approved subdivision of the property.
Impacts outside of the property are indirect - primarily related to light spill. This would not affect telecommunications land or infrastructure.

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

The easement is proposed to be released as part of the approved subdivision of the property.
No other avoidance or mitigation measures are warranted.

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

No offsets are proposed.

4.1.11 Commonwealth Heritage Places Overseas

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

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

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

—

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

No

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

*

The project is located in Australia and does not impact on Commonwealth Heritage Places overseas.

4.1.12 Commonwealth or Commonwealth Agency

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

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

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

None

Conclusion on the likelihood of unlikely significant impacts

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

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

4.3 Alternatives

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

No

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

The proposed development was originally approved in accordance with local and NSW state legislation including the NSW Environmental Planning and Assessment Act, 1979. The development has been commenced by the previous landholders. The impacts as proposed are required due to the steep terrain and relatively limited area of the development. The servicing arrangement of the site also means that broad scale grading must occur to allow both Stormwater and Sewer connections. The development intent is being maintained and wherever possible elements such as retaining, and steep but stabilised batters have been incorporated to retain vegetation.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	A_Biodiversity assessment report_10July2025.pdf biodiversity assessment report prepared to address the EPBC Act for the proposed subdivision	09/07/2025	No	High

3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	A_Biodiversity assessment report_10July2025.pdf biodiversity assessment report prepared to address the EPBC Act for the proposed subdivision	10/07/2025	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	A_Biodiversity assessment report_10July2025.pdf biodiversity assessment report prepared to address the EPBC Act for the proposed subdivision	09/07/2025		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	B_Mirador_Subdivision_VMP.pdf Vegetation management plan prepared to manage and mitigate impacts associated with the subdivision works.	15/08/2024	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	A_Biodiversity assessment report_10July2025.pdf biodiversity assessment report prepared to address the EPBC Act for the proposed subdivision	09/07/2025	No	High

5.2 Declarations

Completed Referring party's declaration

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

ABN/ACN	61523229092
Organisation name	The Trustee for Hayes Environmental Trust
Organisation address	2579 NSW
Representative's name	Rebecca Hogan
Representative's job title	Director & Principal Ecologist
Phone	0412600173
Email	rhogan@hayesenv.com.au
Address	PO Box 2257 Bowral NSW 2576

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, **Rebecca Hogan of The Trustee for Hayes Environmental Trust**, 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	61653861600
Organisation name	MERIMBULA LF PTY LTD
Organisation address	2281 NSW
Representative's name	Aaron Paull

Representative's job title	Director
Phone	0499508999
Email	aaron@888projects.com.au
Address	PO Box 18 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. *

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

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

Completed Proposed designated proponent's declaration

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

Same as Person proposing to take the action information.

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

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

I, **Aaron Paull of MERIMBULA LF 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. *