



Referral of proposed action

What is a referral?

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the Minister's delegate. (Further references to 'the Minister' in this form include references to the Minister's delegate.) To obtain approval from the Environment Minister, a proposed action should be referred. The purpose of a referral is to obtain a decision on whether your proposed action will need formal assessment and approval under the EPBC Act.

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided sufficient information is provided in the referral.

Who can make a referral?

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

When do I need to make a referral?

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
 - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
 - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from the Department's website:

- the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. Additional sectoral guidelines are also available.

- the Policy Statement titled Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies.
- the Policy Statement titled Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources.
- the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location).

Can I refer part of a larger action?

In certain circumstances, **the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act)**. If you wish to make a referral for a staged or component referral, read 'Fact Sheet 6 Staged Developments/Split Referrals' and contact the Referrals Gateway (1800 803 772).

Do I need a permit?

Some activities may also require a permit under other sections of the EPBC Act or another law of the Commonwealth. Information is available on the Department's web site.

Is your action in the Great Barrier Reef Marine Park?

If your action is in the Great Barrier Reef Marine Park it may require permission under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB, GBRMP Act). This referral will be forwarded to the Great Barrier Reef Marine Park Authority (the Authority) for the Authority to commence its permit processes as required under the Great Barrier Reef Marine Park Regulations 1983. If a permission is not required under the GBRMP Act, no approval under the EPBC Act is required (see section 43, EPBC Act). The Authority can provide advice on relevant permission requirements applying to activities in the Marine Park.

The Authority is responsible for assessing applications for permissions under the GBRMP Act, GBRMP Regulations and Zoning Plan. Where assessment and approval is also required under the EPBC Act, a single integrated assessment for the purposes of both Acts will apply in most cases. Further information on environmental approval requirements applying to actions in the Great Barrier Reef Marine Park is available from <http://www.gbrmpa.gov.au/> or by contacting GBRMPA's Environmental Assessment and Management Section on (07) 4750 0700.

The Authority may require a permit application assessment fee to be paid in relation to the assessment of applications for permissions required under the GBRMP Act, even if the permission is made as a referral under the EPBC Act. Further information on this is available from the Authority:

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379

Townsville QLD 4810

AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

www.gbrmpa.gov.au

What information do I need to provide?

Completing all parts of this form will ensure that you submit the required information and will also assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal enter N/A.

You can complete your referral by entering your information into this Word file.

Instructions

Instructions are provided in blue text throughout the form.

Attachments/supporting information

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the project and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

Please ensure any attachments are below three megabytes (3mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referrals Gateway (email address below) for advice. Attachments larger than three megabytes (3mb) may delay processing of your referral.

Note: the Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence.

How do I pay for my referral?

From 1 October 2014 the Australian Government commenced cost recovery arrangements for environmental assessments and some strategic assessments under the EPBC Act. If an action is referred on or after 1 October 2014, then cost recovery will apply to both the referral and any assessment activities undertaken. Further information regarding cost recovery can be found on the [Department's website](#).

Payment of the referral fee can be made using one of the following methods:

- **EFT Payments can be made to:**

BSB: 092-009
Bank Account No. 115859
Amount: \$7352
Account Name: Department of the Environment.
Bank: Reserve Bank of Australia
Bank Address: 20-22 London Circuit Canberra ACT 2601
Description: The reference number provided (see note below)

- **Cheque** - Payable to "Department of the Environment". Include the reference number provided (see note below), and if posted, address:

The Referrals Gateway
Environment Assessment Branch
Department of the Environment
GPO Box 787
Canberra ACT 2601

- **Credit Card**

Please contact the Collector of Public Money (CPM) directly (call (02) 6274 2930 or 6274 20260 and provide the reference number (see note below).

Note: in order to receive a reference number, submit your referral and the Referrals Gateway will email you the reference number.

How do I submit a referral?

Referrals may be submitted by mail or email.

Mail to:

Referrals Gateway
Environment Assessment Branch
Department of Environment
GPO Box 787
CANBERRA ACT 2601

- If submitting via mail, electronic copies of documentation (on CD/DVD or by email) are required.

Email to: epbc.referrals@environment.gov.au

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.
- **Follow up with a mailed hardcopy including copies of any attachments or supporting reports.**

What happens next?

Following receipt of a valid referral (containing all required information) you will be advised of the next steps in the process, and the referral and attachments will be published on the Department's web site for public comment.

The Department will write to you within 20 business days to advise you of the outcome of your referral and whether or not formal assessment and approval under the EPBC Act is required. There are a number of possible decisions regarding your referral:

The proposed action is NOT LIKELY to have a significant impact and does NOT NEED approval

No further consideration is required under the environmental assessment provisions of the EPBC Act and the action can proceed (subject to any other Commonwealth, state or local government requirements).

The proposed action is NOT LIKELY to have a significant impact IF undertaken in a particular manner

The action can proceed if undertaken in a particular manner (subject to any other Commonwealth, state or local government requirements). The particular manner in which you must carry out the action will be identified as part of the final decision. You must report your compliance with the particular manner to the Department.

The proposed action is LIKELY to have a significant impact and does NEED approval

If the action is likely to have a significant impact a decision will be made that it is a *controlled action*. The particular matters upon which the action may have a significant impact (such as World Heritage values or threatened species) are known as the *controlling provisions*.

The controlled action is subject to a public assessment process before a final decision can be made about whether to approve it. The assessment approach will usually be decided at the same time as the controlled action decision. (Further information about the levels of assessment and basis for deciding the approach are available on the Department's web site.)

The proposed action would have UNACCEPTABLE impacts and CANNOT proceed

The Minister may decide, on the basis of the information in the referral, that a referred action would have clearly unacceptable impacts on a protected matter and cannot proceed.

Compliance audits

If a decision is made to approve a project, the Department may audit it at any time to ensure that it is completed in accordance with the approval decision or the information provided in the referral. If the project changes, such that the likelihood of significant impacts could vary, you should write to the Department to advise of the changes. If your project is in the Great Barrier Reef Marine Park and a decision is made to approve it, the Authority may also audit it. (See "*Is your action in the Great Barrier Reef Marine Park*," p.2, for more details).

For more information

- call the Department of the Environment Community Information Unit on 1800 803 772 or
- visit the web site <http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999>

All the information you need to make a referral, including documents referenced in this form, can be accessed from the above web site.

Referral of proposed action

Project title:

1 Summary of proposed action

NOTE: You must also attach a map/plan(s) and associated geographic information system (GIS) vector (shapefile) dataset showing the location and approximate boundaries of the area in which the project is to occur. Maps in A4 size are preferred. You must also attach a map(s)/plan(s) showing the location and boundaries of the project area in respect to any features identified in 3.1 & 3.2, as well as the extent of any freehold, leasehold or other tenure identified in 3.3(i).

1.1 Short description

Use 2 or 3 sentences to uniquely identify the proposed action and its location.

It is proposed that a residential subdivision be undertaken upon land off Garfield Road East and Regent Street, Riverstone. The subdivision is in accordance with its residential zoning and seeks to create 105 residential lots, one large residue lot and an associated road network with access via connection with Garfield Road East.

1.2 Latitude and longitude

Latitude and longitude details are used to accurately map the boundary of the proposed action. If these coordinates are inaccurate or insufficient it may delay the processing of your referral.

Bounding location coordinate points for the site:

Latitude			Longitude		
degrees	minutes	seconds	degrees	minutes	seconds
150	52	21.0	-33	40	25.6
150	52	25.8	-33	40	22.9
150	52	35.5	-33	40	35.6
150	52	32.5	-33	40	37.1
150	52	27.7	-33	40	30.8
150	52	24.9	-33	40	32.3
150	52	21.5	-33	40	27.8
150	52	22.3	-33	40	27.4

52 The Interactive Mapping Tool may provide assistance in determining the coordinates for your project area.

If the area is less than 5 hectares, provide the location as a single pair of latitude and longitude references. If the area is greater than 5 hectares, provide bounding location points.

There should be no more than 50 sets of bounding location coordinate points per proposal area.

Bounding location coordinate points should be provided sequentially in either a clockwise or anticlockwise direction.

If the proposed action is linear (eg. a road or pipeline), provide coordinates for each turning point.

Also attach the associated GIS-compliant file that delineates the proposed referral area. If the area is less than 5 hectares, please provide the location as a point layer. If greater than 5 hectares, please provide a polygon layer. If the proposed action is linear (eg. a road or pipeline) please provide a polyline layer (refer to GIS data supply guidelines at [Attachment A](#)).

Do not use AMG coordinates.

1.3 Locality and property description

Provide a brief physical description of the property on which the proposed action will take place and the project location (eg. proximity to major towns, or for off-shore projects, shortest distance to mainland).

The proposal is located upon existing rural properties with residential dwellings and associated outbuildings present. Some remnant vegetation native vegetation and regrowth occurs in areas, though most vegetation is cleared and disturbed by pasture, weed invasion and grazing.



Figure 1 – Site Location

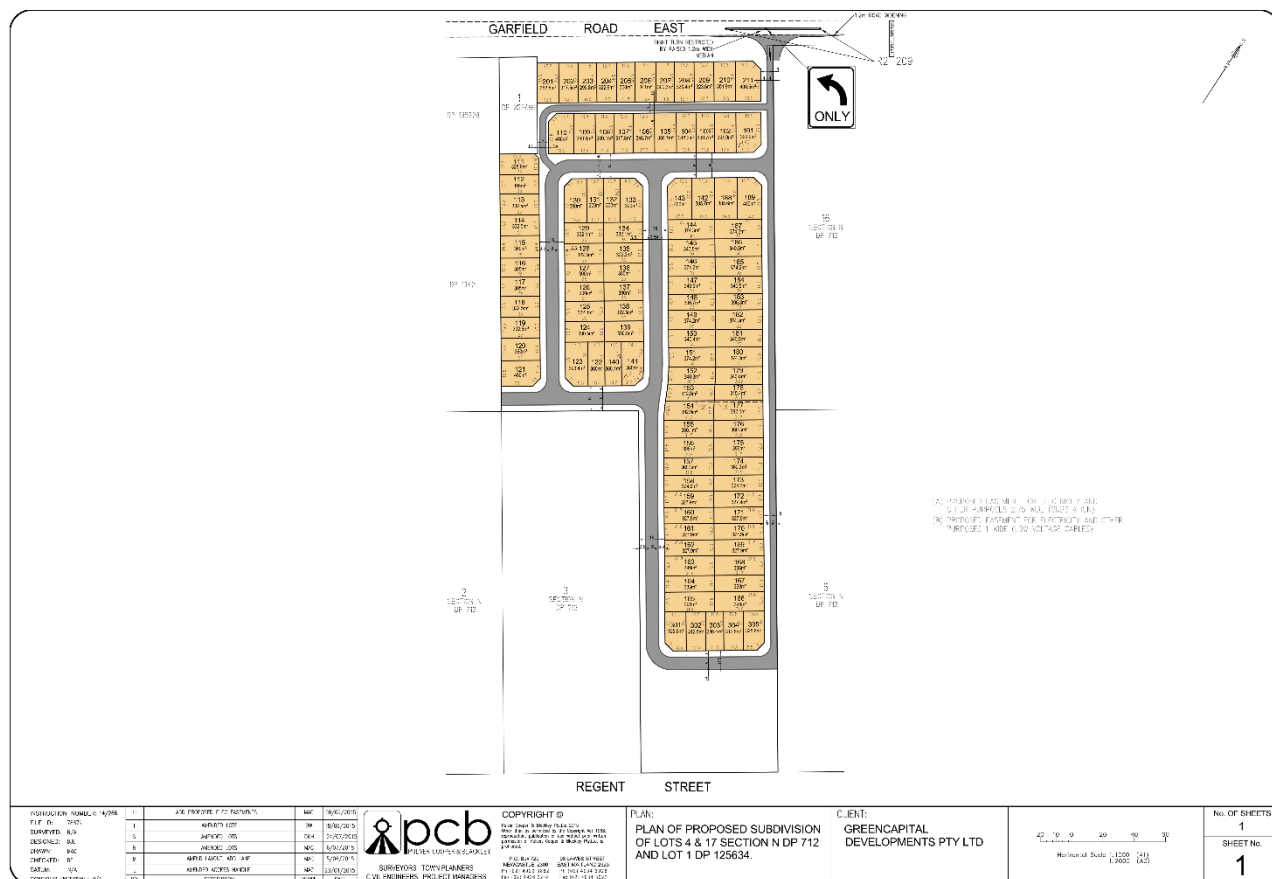


Figure 2 Plan of Proposal

1.4	Size of the development footprint or work area (hectares)	The site is approximately 5.81 hectares
1.5	Street address of the site	174-178 Garfield Road East and 145 Regent Street, Riverstone NSW, 2765.
1.6	Lot description Lot 4, Section N DP 712 Lot 17, Section N DP 712 Lot 1, DP 125634	
1.7	Local Government Area and Council contact (if known) If the project is subject to local government planning approval, provide the name of the relevant council contact officer. Blacktown City Council	
1.8	Time frame Specify the time frame in which the action will be taken including the estimated start date of construction/operation. It is anticipated that construction will start immediately following gaining of all necessary approvals. A Development Application is currently being assessed by Blacktown City Council.	
1.9	Alternatives to proposed action Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?	<div>No</div> <div>X Yes, you must also complete section 2.2</div>

1.10	Alternative time frames etc Does the proposed action include alternative time frames, locations or activities?	X	No
			Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).
1.11	State assessment Is the action subject to a state or territory environmental impact assessment?		No
		X	Yes, you must also complete Section 2.5
1.12	Component of larger action Is the proposed action a component of a larger action?	X	No
			Yes, you must also complete Section 2.7
1.13	Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?		No
		X	Yes, provide details: The site forms part of the Riverstone Precinct of the Sydney Region Growth Centres, which is subject to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The area covered by the SEPP has Biodiversity Certification conferred under Schedule 7 Part 7 of the NSW <i>Threatened Species Conservation Act 1995</i> . Similar proposals are therefore anticipated in the region in accordance with the zoned Growth Centres.
1.14	Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project?	X	No
			Yes, provide details:
1.15	Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?	X	No
			Yes, you must also complete Section 3.1 (h), 3.2 (e)

2 Detailed description of proposed action

NOTE: It is important that the description is complete and includes all components and activities associated with the action. If certain related components are not intended to be included within the scope of the referral, this should be clearly explained in section 2.7.

2.1 Description of proposed action

This should be a detailed description outlining all activities and aspects of the proposed action and should reference figures and/or attachments, as appropriate.

It is proposed to subdivide the site in accordance with its residential zoning and as per the Riverstone Precinct Plan to create:

- 105 residential lots.
- A temporary stormwater basin, which will remain until the drainage infrastructure has been completed by Council within the adjacent SP2 land, after which this land will be reclaimed to become Lots 301-305.
- Associated road network, with access via connection to Garfield Road East.

Figure 2 depicts the plan of proposed subdivision.

2.2 Alternatives to taking the proposed action

This should be a detailed description outlining any feasible alternatives to taking the proposed action (including not taking the action) that were considered but are not proposed (note, this is distinct from any proposed alternatives relating to location, time frames, or activities – see section 2.3).

As part of the strategic planning and environmental investigation process that was undertaken for the Growth Centres area, ecological assessment was carried out to identify all biodiversity values within the area, and thereafter conceptual design planning to ensure that such values were adequately protected within the proposed land use zoning configuration. This included the generation of precinct plans for each area (including Riverstone), which outlined development areas, form and importantly conservation areas.

This process involved consideration of remnant vegetation patches such as that occurring on the subject site, and the overall need and long term feasibility of retention of such patches. Based on this holistic assessment, it was determined that the site is best utilised for development purposes, with conservation of woodland patches occurring elsewhere in more suitable locations and patch areas that are considered to have viable long term sustainability.

2.3 Alternative locations, time frames or activities that form part of the referred action

If you have identified that the proposed action includes alternative time frames, locations or activities (in section 1.10) you must complete this section. Describe any alternatives related to the physical location of the action, time frames within which the action is to be taken and alternative methods or activities for undertaking the action. For each alternative location, time frame or activity identified, you must also complete (where relevant) the details in sections 1.2-1.9, 2.4-2.7, 3.3 and 4. Please note, if the action that you propose to take is determined to be a controlled action, any alternative locations, time frames or activities that are identified here may be subject to environmental assessment and a decision on whether to approve the alternative.

N/A

2.4 Context, planning framework and state/local government requirements

Explain the context in which the action is proposed, including any relevant planning framework at the state and/or local government level (e.g. within scope of a management plan, planning initiative or policy framework). Describe any Commonwealth or state legislation or policies under which approvals are required or will be considered against.

The site forms part of the Riverstone Precinct of the Sydney Region Growth Centres, which is subject to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The area covered by the SEPP has Biodiversity Certification conferred under Schedule 7 Part 7 of the NSW Threatened Species Conservation Act 1995. Compliance with the relevant biodiversity measures (RBMS) in the biodiversity certification order is required to maintain and rely upon the certification in an approvals process.

In essence, the Biodiversity Certification in effect has “turned off” the 7 part test for development in the conferred area, provided that compliance with the RBMS can be demonstrated. The primary effect of granting certification is that it removes the need to undertake threatened species assessments or prepare species impacts statements at the development application stage.

Following the finalisation of the order to confer Biodiversity Certification on the Growth Centres, Precinct Planning was undertaken for the various denominated areas within the Growth Centres. A Precinct Plan was generated for the Riverstone Precinct, and is of direct relevance to this proposal.

As required by RBMS No. 35, an assessment was carried out to test the consistency of the proposed Riverstone Precinct Plan with the BCO and the RBMS. This report was:

NSW Planning (2010). Growth Centres Biodiversity Certification – Assessment of Consistency between the Relevant Biodiversity Measures of the Biodiversity Certification Order and Alex Avenue and Riverstone Precincts. April 2010.

This report found that the Riverstone Precinct Plan was consistent with the Biodiversity Certification of the Growth Centres SEPP.

The proposed development plan presented in Figure 2 above has been generated with specific reference to the Riverstone Precinct Plan. This consistency thus flows on to the consistency of the Precinct Plan with the BCO.

Nothing in the BCO removes, alters or over-rides any requirement to obtain any necessary approvals under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Thus the need to produce this referral.

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

If you have identified that the proposed action will be or has been subject to a state or territory environmental impact statement (in section 1.11) you must complete this section. Describe any environmental assessment of the relevant impacts of the project that has been, is being, or will be carried out under state or territory legislation. Specify the type and nature of the assessment, the relevant legislation and the current status of any assessments or approvals. Where possible, provide contact details for the state/territory assessment contact officer.

Describe or summarise any public consultation undertaken, or to be undertaken, during the assessment. Attach copies of relevant assessment documentation and outcomes of public consultations (if available).

N/A

2.6 Public consultation (including with Indigenous stakeholders)

Your referral must include a description of any public consultation that has been, or is being, undertaken. Where Indigenous stakeholders are likely to be affected by your proposed action, your referral should describe any consultations undertaken with Indigenous stakeholders. Identify the relevant stakeholders and the status of consultations at the time of the referral. Where appropriate include copies of documents recording the outcomes of any consultations.

The strategic planning process undertaken for the Growth Centres was run by NSW Department of Planning, and included extensive community engagement and consultation stages.

2.7 A staged development or component of a larger project

If you have identified that the proposed action is a component of a larger action (in section 1.12) you must complete this section. Provide information about the larger action and details of any interdependency between the stages/components and the larger action. You may also provide justification as to why you believe it is reasonable for the referred action to be considered separately from the larger proposal (eg. the referred action is ‘stand-alone’ and viable in its own right, there are separate responsibilities for component actions or approvals have been split in a similar way at the state or local government levels).

N/A

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The interactive map tool can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest.

Your assessment of likely impacts should refer to the following resources (available from the Department's web site):

- specific values of individual World Heritage properties and National Heritage places and the ecological character of Ramsar wetlands;
- profiles of relevant species/communities (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*; and
- associated sectoral and species policy statements available on the web site, as relevant.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The Minister has prepared four marine bioregional plans (MBP) in accordance with section 176. It is likely that the MBP's will be more commonly relevant where listed threatened species, listed migratory species or a Commonwealth marine area is considered.

Note that even if your proposal will not be taken in a World Heritage area, Ramsar wetland, Commonwealth marine area, the Great Barrier Reef Marine Park or on Commonwealth land, it could still impact upon these areas (for example, through downstream impacts). Consideration of likely impacts should include both direct and indirect impacts.

3.1 (a) World Heritage Properties

Description

The site is not a World Heritage area, and is not in close proximity to any such area.

Nature and extent of likely impact

Address any impacts on the World Heritage values of any World Heritage property.

The proposal will not impact upon any World Heritage area either directly or indirectly.

3.1 (b) National Heritage Places

Description

The site is not a National Heritage area, and is not in close proximity to any such area.

Nature and extent of likely impact

Address any impacts on the National Heritage values of any National Heritage place.

The proposal will not impact upon any National Heritage area either directly or indirectly.

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

Description

The site does not contain any wetland areas of international importance, and is not in close proximity to any such places.

Nature and extent of likely impact

[Address any impacts on the ecological character of any Ramsar wetlands.](#)

The proposal will not impact upon any National Heritage area either directly or indirectly.

3.1 (d) Listed threatened species and ecological communities

Description

Twenty-nine (29) threatened species and Three (3) ecological communities were identified within the Protected Matters Search to potentially occur on the site.

Name	Status	Type of Presence
Birds		
Regent Honeyeater <i>Anthochaera Phrygia</i>	Endangered	Species or species habitat known to occur within the area
Australasian Bittern <i>Botaurus poiciloptilus</i>	Endangered	Species or species habitat known to occur within the area
Eastern Bristlebird <i>Dasyornis brachypterus</i>	Endangered	Species or species habitat may occur within the area
Swift Parrot <i>Lathamus discolor</i>	Endangered	Species or species habitat likely to occur within the area
Australian Painted Snipe <i>Rostratula australis</i>	Endangered	Species or species habitat likely to occur within the area
Fish		
Macquarie Perch <i>Macquaria australasica</i>	Endangered	Species or species habitat may occur within the area
Australian Grayling <i>Prototroctes maraena</i>	Vulnerable	Species or species habitat may occur within the area
Frogs		
Giant Burrowing Frog <i>Heleioporus australiacus</i>	Vulnerable	Species or species habitat likely to occur within the area
Green and Golden Bell Frog <i>Litoria aurea</i>	Vulnerable	Species or species habitat likely to occur within the area
Mammals		
Large-eared Pied Bat <i>Chalinolobus dwyeri</i>	Vulnerable	Species or species habitat known to occur within the area
Spot-tailed Quoll <i>Dasyurus maculatus maculatus</i> (SE Mainland Population)	Endangered	Species or species habitat likely to occur within the area
Brush-tailed Rock Wallaby <i>Petrogale penicillata</i>	Vulnerable	Species or species habitat may occur within the area
Koala <i>Phascolarctos cinereus</i> (Combined Qld, NSW and ACT populations)	Vulnerable	Species or species habitat known to occur within the area
New Holland Mouse <i>Pseudomys novaehollandiae</i>	Vulnerable	Species or species habitat likely to occur within the area
Grey-headed Flying Fox <i>Pteropus poliocephalus</i>	Vulnerable	Foraging, feeding or related behaviour known to occur in area
Plants		
<i>Acacia pubescens</i> Downy Wattle	Vulnerable	Species or species habitat likely to occur within the area
<i>Allocasuarina glareicola</i>	Endangered	Species or species habitat likely to occur within the area
<i>Genoplesium bauera</i> Yellow Gnat-orchid	Endangered	Species or species habitat may occur within the area
<i>Haloragis exalata subsp. exalata</i> Wingless Raspwort	Vulnerable	Species or species habitat may occur within the area
<i>Melaleuca deanei</i> Deane's Melaleuca	Vulnerable	Species or species habitat likely to occur within the area
<i>Micromyrtus minutiflora</i>	Vulnerable	Species or species habitat likely to occur within the area
<i>Pimelea curviflora var. curviflora</i>	Vulnerable	Species or species habitat may occur within the area

<i>Pimelea spicata</i> Spiked Rice-flower	Endangered	Species or species habitat known to occur within the area
<i>Pterostylis gibbosa</i> Illawarra Greenhood	Endangered	Species or species habitat may occur within the area
<i>Pterostylis saxicola</i> Sydney Plains Greenhood	Endangered	Species or species habitat may occur within the area
<i>Pultenaea parviflora</i>	Vulnerable	Species or species habitat likely to occur within the area
<i>Streblus pendulinus</i> Siah's Backbone	Endangered	Species or species habitat may occur within the area
<i>Thesium austral</i> Austral Toadflax	Vulnerable	Species or species habitat may occur within the area
Reptiles		
Broad-headed Snake <i>Hoplocephalus bungaroides</i>	Vulnerable	Species or species habitat likely to occur within the area
Ecological Communities		
Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest	Critically Endangered	Community likely to occur within area
Shale Sandstone Transition Forest of the Sydney Basin Bioregion	Critically Endangered	Community likely to occur within area
Western Sydney Dry Rainforest and Moist Woodland on Shale	Critically Endangered	Community may to occur within area

An Ecological Assessment Report was conducted by AEP in April 2015 to specifically target the above listed species and communities. The Grey-headed Flying Fox was observed flying over the site in large numbers (100+) during the survey, and the Green and Golden Bell Frog (GGBF) was noted as being observed on the site previously. No other listed species was observed or considered likely to occur.

Vegetation surveys within the site determined that the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest occupies approximately 0.84 hectares. No other listed community was encountered on the site.

Nature and extent of likely impact

Address any impacts on the members of any listened threatened species (except a conservation dependent species) or any threatened ecological community, or their habitat.

Grey-headed Flying Fox

The development of the site as proposed would see a reduction of approximately 1 hectare in seasonal foraging habitat for this highly mobile species. Appropriate landscaping within the development in suitable areas (i.e. drainage reserves, street tree plantings, general inner-allotment landscaping) should ensure that any loss of foraging habitat is temporal only.

Green and Golden Bell Frog

Precinct Planning has been undertaken for the Riverstone Precinct, and all of the areas considered to offer suitable and occupied habitat for the GGBF's have been identified for retention, including lands within the southern drainage reserve within the site. No direct impacts on the identified habitat area for this species will occur, and relevant controls have been identified for drainage system design and operation to ensure indirect impacts are minimised to acceptable levels. Potential exists to improve the retained area for GGBF by targeted landscaping and habitat creation works as part of required drainage infrastructure works.

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest

The proposal seeks to remove the total extent of 0.84 hectares of this community from the site.

3.1 (e) Listed migratory species

Description

Eleven (11) listed migratory species were identified within the Protected Matters Search to potentially occur on the site.

Name	Status	Type of Presence
Migratory Marine Birds		
Fork-tailed Swift <i>Apus pacificus</i>		Species or species habitat likely to occur within the area
Migratory Terrestrial Species		
White-bellied Sea-Eagle <i>Haliaeetus leucogaster</i>		Species or species habitat known to occur within the area
Rainbow Bee-eater <i>Merops ornatus</i>		Species or species habitat may occur within the area
Black-faced Monarch <i>Monarcha melanopsis</i>		Species or species habitat known to occur within the area
Satin Flycatcher <i>Myiagra cyanoleuca</i>		Species or species habitat known to occur within the area
Rufous Fantail <i>Rhipidura rufifrons</i>		Species or species habitat known to occur within the area
Migratory Wetland Species		
Great Egret <i>Ardea alba</i>		Species or species habitat likely to occur within the area
Cattle Egret <i>Ardea ibis</i>		Species or species habitat likely to occur within the area
Latham's Snipe <i>Gallinago hardwickii</i>		Species or species habitat may occur within the area
Painted Snipe <i>Rostratula benghalensis</i>	Endangered	Species or species habitat likely to occur within the area

Nature and extent of likely impact

Address any impacts on the members of any listed migratory species, or their habitat.

Development of the site will remove approximately 0.84 hectares of remnant woodland for migratory terrestrial species and 0.17 hectares of degraded 'wetland' habitat for some migratory wetland species.

3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

Description

The site is not part of, or within close proximity to, any Commonwealth Marine Area.

Nature and extent of likely impact

Address any impacts on any part of the environment in the Commonwealth marine area.

The proposal will not impact upon any Commonwealth marine area either directly or indirectly.

3.1 (g) Commonwealth land

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

Description

If the action will affect Commonwealth land also describe the more general environment. The Policy Statement titled *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* provides further details on the type of information needed. If applicable, identify any potential impacts from actions taken outside the Australian jurisdiction on the environment in a Commonwealth Heritage Place overseas.

The online Protected Matters search tool determined that there are three Commonwealth lands parcels within 10km of the site. None of these are located within close proximity.

Nature and extent of likely impact

Address any impacts on any part of the environment in the Commonwealth land. Your assessment of impacts should refer to the *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* and specifically address impacts on:

- ecosystems and their constituent parts, including people and communities;
- natural and physical resources;
- the qualities and characteristics of locations, places and areas;
- the heritage values of places; and
- the social, economic and cultural aspects of the above things.

The proposal will not impact upon any areas of Commonwealth land either directly or indirectly.

3.1 (h) The Great Barrier Reef Marine Park

Description

The site is not within, or in close proximity of, the Great Barrier Reef Marine Park.

Nature and extent of likely impact

Address any impacts on any part of the environment of the Great Barrier Reef Marine Park.

The proposal will not impact upon the Great Barrier Reef Marine Park either directly or indirectly.

Note: If your action occurs in the Great Barrier Reef Marine Park you may also require permission under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If so, section 37AB of the GBRMP Act provides that your referral under the EPBC Act is deemed to be an application under the GBRMP Act and Regulations for necessary permissions and a single integrated process will generally apply. Further information is available at www.gbrmpa.gov.au

3.1 (i) A water resource, in relation to coal seam gas development and large coal mining development

Description

If the action is a coal seam gas development or large coal mining development that has, or is likely to have, a significant impact on water resources, the draft *Policy Statement Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources* provides further details on the type of information needed.

This proposal does not involve a coal seam gas or large coal mining development.

Nature and extent of likely impact

Address any impacts on water resources. Your assessment of impacts should refer to the draft *Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources*.

N/A

3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park

You must describe the nature and extent of likely impacts (both direct & indirect) on the whole environment if your project:

- is a nuclear action;
- will be taken by the Commonwealth or a Commonwealth agency;
- will be taken in a Commonwealth marine area;
- will be taken on Commonwealth land; or
- will be taken in the Great Barrier Reef marine Park.

Your assessment of impacts should refer to the *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* and specifically address impacts on:

- ecosystems and their constituent parts, including people and communities;
- natural and physical resources;
- the qualities and characteristics of locations, places and areas;
- the heritage values of places; and
- the social, economic and cultural aspects of the above things.

3.2 (a)	Is the proposed action a nuclear action?	X	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment

3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?	X	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment

3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?	X	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))

3.2 (d)	Is the proposed action to be taken on Commonwealth land?	X	No
			Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g))			
3.2 (e)	Is the proposed action to be taken in the Great Barrier Reef Marine Park?	X	No
			Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))			

3.3 Other important features of the environment

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed above). If at Section 2.3 you identified any alternative locations, time frames or activities for your proposed action, you must complete each of the details below (where relevant) for each alternative identified.

3.3 (a) Flora and fauna

Flora

Fieldwork has revealed the presence of three (3) nominal vegetation communities (Figure 3), namely:

- Shale-Gravel Transition Forest;
- Typha Areas; and
- Grassland/gardens/disturbed remnants.

See Figure 3 for extent of these mapped communities.

The Typha Areas and Grassland are highly disturbed and subsequently considered to be exotic communities, with the Shale-Gravel Transition Forest the only remnant vegetation type on the site and is further described in Section 3.3 (e).

No threatened flora listed under either the NSW TSC Act or the EPBC Act were identified or considered likely to occur given the highly disturbed nature of the site.

Fauna

A total of 49 fauna species have been observed on the site during previous works, including two species listed under the EPBC Act as discussed in Section 3.1(d). Fauna species encountered on the site included 31 birds, 6 amphibians, 6 reptiles and 6 mammals, all of which are considered to be commonly associated with and/or are tolerant of modified / open spaces and forest remnants.

3.3 (b) Hydrology, including water flows

The site occurs within the Hawkesbury River catchment. The site drains to the east towards lower lying areas in association with First Ponds Creek, and subsequent flows meander northwards through relatively flat terrain to the Hawkesbury River located approximately 9km north of the site.

3.3 (c) Soil and Vegetation characteristics

The site occurs on stagnant alluvial and residual soils derived from St Marys and Blacktown soil landscapes.

The site is not mapped as containing acid sulphate soils, and there are no known registered contaminated areas on the site.

Vegetation characteristics are elaborated upon in Section 3.3(e).

3.3 (d) Outstanding natural features

There are no outstanding natural features within the site.

3.3 (e) Remnant native vegetation

One remnant vegetation community was identified as occurring on the site, namely the 'Shale Gravel Transition Forest' (Figure 3).

This community occupies approx 0.84ha in the north-western sector of the site. The community is contiguous offsite to the west into an existing large lot residential subdivision (see cadastre over air photo in Figure 3).

The dominant species is *Eucalyptus tereticornis* (Forest Red Gum) with lesser numbers of *Eucalyptus moluccana* (Grey Box), *Angophora floribunda* (Rough-barked Apple), and *Eucalyptus* spp (Ironbarks) also occurring.

The understorey is comprised of regenerating canopy trees, with occasional *Acacia* spp (Wattles) occurring. The shrub layer is quite scattered (most likely due to the ongoing grazing by resident Goats) and comprised of a mix of native and introduced species, including *Bursaria spinosa* (Blackthorn), *Opuntia* spp. (Prickly Pear), *Cestrum parqui* (Green Cestrum), *Acacia* spp. (Wattles), *Olea europaea var africana* (African Olive), and *Ligustrum* spp (Privets).

Groundcover is a mixture of native and introduced grass species. Native grass species include *Microlaeana stipoides var stipoides*, *Aristida ramosa* and *Cymbopogon refractus*, with other native species such as *Desmodium varians*, *Dichondra repens*, *Carex inversa* and *Hardenbergia violacea* also present.

Consideration of the remnant vegetation on site against EPBC guidelines has determined that the vegetation corresponds to the EPBC listed community "Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest".

Small areas of *Typha orientalis* (Typha)-dominated drainage channels can arguably be considered a highly disturbed remnant vegetation type. Some fringing species including *Juncus* spp, *Carex* spp. and *Persicaria* spp. were also noted. Otherwise the overland flow path is pasture grassland with an occasional remnant tree.

3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

N/A

3.3 (g) Current state of the environment

[Include information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.](#)

The site is considered to be of low quality, primarily as a result of previous disturbance that has resulted in the removal of the majority of native vegetation and high levels of weed infestation. The Shale-Gravel Transition Forest is considered to provide the most intact area of vegetation on the site, however it is still only considered to be of low - moderate quality given the levels of disturbance and impacts of edge effects including weed invasion. Ongoing grazing by goats is continuing this degradation.

3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values

There are no Commonwealth Heritage Places or other places recognised as having heritage values within the site.

Weir Phillips Heritage (2015) were engaged to carry out a due diligence heritage assessment of the site to assess any possible impact of the proposed development on European heritage.

No part of the site is subject to a statutory heritage listing or a draft heritage listing. A site visit identified one building on the site a late Victorian/early Federation brick cottage, known as 178 Garfield Road East, worthy of further investigation to determine potential heritage significance. The heritage assessment found that the cottage does not have a sufficient level of significance to warrant listing as local heritage item. Its removal from the site to facilitate the proposed subdivision will thus have a minimal and acceptable impact on the heritage of Blacktown.

The proposed subdivision is in line with the objectives for denser development within this part of Riverstone set out by the SEPP Policy (Sydney Region Growth Centres) 2006. The heritage items that exist in the vicinity of the proposed site are largely associated with the rural past of this area. Their setting will significantly change as small lot subdivision progresses in line with objectives of the SEPP. The proposed subdivision does not impact upon the curtilage of any of the heritage items or draft heritage items identified in this assessment as being the vicinity of the site.

3.3 (i) Indigenous heritage values

An Aboriginal Heritage Due Diligence Assessment has been prepared by Archaeological Risk Assessment Services (2015) to determine any Aboriginal heritage constraints and opportunities for the proposed development.

No known Aboriginal sites or potential Aboriginal sites were identified within the area proposed for development as a result of this due diligence assessment. There are no existing Aboriginal heritage sites located within 300m of the proposed development site, or culturally significant Aboriginal landscape features located near the proposed development site. The level of surface disturbance across the assessment area is considered to be high and there is little land left that is considered to be in its natural state and likely to contain evidence of Aboriginal occupation.

The assessment report concludes that the assessment area is considered to have low Aboriginal heritage potential, based on background archaeological/historical research, field assessment and land-use history and no further archaeological work is required as a result of this assessment.

3.3 (j) Other important or unique values of the environment

[Describe any other key features of the environment affected by, or in proximity to the proposed action \(for example, any national parks, conservation reserves, wetlands of national significance etc\).](#)

Rouse Hill Regional Park exists approximately 2.5kms east of the site, but will not be impacted upon by the proposal. No other key environmental feature exists within close proximity of the site.

3.3 (k) Tenure of the action area (eg freehold, leasehold)

The site exists as freehold land in several parcels. The entirety of the site is controlled by the proponent Greencapital Developments Pty Ltd.

3.3 (l) Existing land/marine uses of area

The area that includes the site currently exists as rural properties with residential dwellings and outbuildings surrounded by agricultural lands of open pasture, crops and dams. Higher density residential development exists to the west within the urban areas of Riverstone.

3.3 (m) Any proposed land/marine uses of area

The site and its surrounds comprise the Riverstone Precinct of the Sydney Region Growth Centres, and has been slated for development under the Blacktown City Council Growth Centre Precincts Development Control Plan 2013.



Figure 3 Vegetation Map

4 Environmental outcomes

Provide descriptions of the proposed environmental outcomes that will be achieved for matters of national environmental significance as a result of the proposed action. Include details of the baseline data upon which the outcomes are based, and the confidence about the likely achievement of the proposed outcomes. Where outcomes cannot be identified or committed to, provide explanatory details including any commitments to identify outcomes through an assessment process.

If a proposed action is determined to be a controlled action, the Department may request further details to enable application of the draft *Outcomes-based Conditions Policy 2015* and *Outcomes-based Conditions Guidance 2015* (<http://www.environment.gov.au/epbc/consultation/policy-guidance-outcomes-based-conditions>), including about environmental outcomes to be achieved, details of baseline data, milestones, performance criteria, and monitoring and adaptive management to ensure the achievement of outcomes. If this information is available at the time of referral it should be included.

General commitments to achieving environmental outcomes, particularly relating to beneficial impacts of the proposed action, CANNOT be taken into account in making the initial decision about whether the proposal is likely to have a significant impact on a matter protected under the EPBC Act. (But those commitments may be relevant at the later assessment and approval stages, including the appropriate level of assessment, and conditions of approval, if your proposal proceeds to these stages).

Green and Golden Bell Frog

In conjunction with OEH, Precinct Planning has been undertaken for the Riverstone Precinct, and all of the areas considered to offer suitable and occupied habitat for GGBF's have been identified for retention, including lands within the southern drainage reserve within the site. No direct impacts on the identified habitat area for this species will occur.

Grey-headed Flying Fox

The development of the site as proposed would see a reduction in seasonal foraging habitat in the wider locality for this highly mobile species. A reduction of approximately 1ha of seasonal foraging habitat in a home range that covers up to 50km from the roost camp is highly unlikely to be significant. Landscaping in the development will assist in providing alternative foraging resources over time.

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest

The development as proposed will remove less than a hectare (0.84 hectares approx.) of vegetation identified as constituting the Critically Endangered community.

5 Measures to avoid or reduce impacts

Note: If you have identified alternatives in relation to location, time frames or activities for the proposed action at Section 2.3 you will need to complete this section in relation to each of the alternatives identified.

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

For any measures intended to avoid or mitigate significant impacts on matters protected under the EPBC Act, specify:

- what the measure is,
- how the measure is expected to be effective, and
- the time frame or workplan for the measure.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

Provide information about the level of commitment by the person proposing to take the action to achieve the proposed environmental outcomes and implement the proposed mitigation measures. For example, if the measures are preliminary suggestions only that have not been fully researched, or are dependent on a third party's agreement (e.g. council or landowner), you should state that, that is the case.

Note, the Australian Government Environment Minister may decide that a proposed action is not likely to have significant impacts on a protected matter, as long as the action is taken in a particular manner (section 77A of the EPBC Act). The particular manner of taking the action may avoid or reduce certain impacts, in such a way that those impacts will not be 'significant'. More detail is provided on the Department's web site.

For the Minister to make such a decision (under section 77A), the proposed measures to avoid or reduce impacts must:

- clearly form part of the referred action (eg be identified in the referral and fall within the responsibility of the person proposing to take the action),
- be must be clear, unambiguous, and provide certainty in relation to reducing or avoiding impacts on the matters protected, and
- must be realistic and practical in terms of reporting, auditing and enforcement.

More general commitments (eg preparation of management plans or monitoring) and measures aimed at providing environmental offsets, compensation or off-site benefits CANNOT be taken into account in making the initial decision about whether the proposal is likely to have a significant impact on a matter protected under the EPBC Act. (But those commitments may be relevant at the later assessment and approval stages, including the appropriate level of assessment, if your proposal proceeds to these stages).

Green and Golden Bell Frog

Relevant controls have been identified for drainage system design and operation to ensure indirect impacts to the GGBF are minimised to acceptable levels. Potential exists to improve the retained area for GGBF by targeted landscaping and habitat creation works as part of required drainage infrastructure works. This should be the focus of the GGBF Management Plan which is required to be prepared by Blacktown Council via the DCP as part of the development of the wider Riverstone Precinct area (see Section 2 of DCP Schedule 2 – Riverstone).

Grey-headed Flying Fox

Appropriate landscaping within the development in suitable areas (i.e. drainage reserves, street tree plantings, general inner-allotment landscaping) should ensure that any loss of foraging habitat is temporal only.

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest

The Growth Centres strategic planning exercise has resulted in permanent conservation of 63% of this community type in the wider area, with a focus on larger, connected patches that have longer term resilience than small disturbed remnants such as that found on this site.

6 Conclusion on the likelihood of significant impacts

Identify whether or not you believe the action is a controlled action (ie. whether you think that significant impacts on the matters protected under Part 3 of the EPBC Act are likely) and the reasons why.

6.1 Do you THINK your proposed action is a controlled action?

☒

No, complete section 6.2

☐

Yes, complete section 6.3

6.2 Proposed action IS NOT a controlled action.

Specify the key reasons why you think the proposed action is NOT LIKELY to have significant impacts on a matter protected under the EPBC Act.

Two species and one ecological community listed as threatened under the EPBC Act have potential to be impacted upon as a result of the proposal and therefore warranted further consideration within this referral; namely the Green and Golden Bell Frog and Grey-headed Flying Fox (listed as Vulnerable under the EPBC Act), and the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest vegetation community (listed as Critically Endangered under the EPBC Act).

Green and Golden Bell Frog

The Green and Golden Bell Frog was not detected during recent surveys, however previous records exist for the species on the site and potential habitat exists. However, those areas considered suitable for the known population of GGBF's in the area were identified during the planning stage for the Riverstone Precinct Growth Centre and have been retained, including lands within the southern drainage reserve on the site. Furthermore, potential exists to improve the retained area for GGBF by targeted landscaping and habitat creation works as part of required drainage infrastructure works.

The area of Typha habitat within the north-east corner of the site, whilst offering structurally suitable potential habitat, is separated from the identified southern habitat area by several hundred metres of grassland habitat. No records of the species have been found in this isolated portion of the site. As such, it is not considered that the loss of this area would significantly affect the local population of GGBF's.

Considering the potential habitat for the local population of GGBFs will be retained, and potential exists to improve the habitat on site during landscaping works, it is not considered likely that the proposal will result in a significant impact upon this species.

Grey-headed Flying Fox

No known roost camps exist for the GHFF within the site or its surrounds, with only a small amount (~1ha) of seasonal foraging habitat to be removed for this wide ranging, highly mobile species. Considering that appropriate landscaping within the development in suitable areas (drainage reserves, street trees etc.) would allow for the small loss of foraging habitat to be temporal only, it is considered highly unlikely that the proposal will result in a significant impact upon this species.

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest

This vegetation community occupies approximately 0.84 hectares of the site and will require removal under the proposal.

It is noted that the DoE *Matters of National Environmental Significance – Significant Impact Guidelines 1.1* (2013) states that, for a significant impact to be 'likely' upon a Critically Endangered community, there has to be a real chance or possibility that the action will 'reduce the extent of an ecological community'. However, although the proposal will reduce the extent of the community by 0.84 hectares, the guidelines also state that a significant impact has to consider 'the sensitivity, value, and quality of the environment which is impacted'

along with the 'geographic extent of the impacts'. The community occurring within the site is small, highly fragmented and isolated from other areas of Cumberland Plain Woodland in the area. Furthermore, it is of a low to moderate quality as a result of edge effects and past and ongoing grazing, with infiltration by problematic weed species including *Olea europaea subsp. cuspidata* (African Olive), *Opuntia spp.* (Prickly Pear), and *Ligustrum spp* (Privets). Weed infiltration, grazing and ongoing edge effects would continue if current regimes on the site were to persist, with the community likely to degrade in condition further over the long-term.

The Growth Centres strategic planning exercise has taken the extent and condition of the community in the wider area into consideration, and has dedicated 63% of this community to conservation. Conservation efforts were focussed upon larger, connected patches of Cumberland Plain Woodland that have longer term resilience than small disturbed remnants such as that found on the site.

Considering the size and degraded nature of the community on the site, and that the conservation of 63% of larger, connected and higher quality Cumberland Plain Woodland has been facilitated as part of the Growth Centre strategic planning exercise, it is considered unlikely that the proposal will reduce the extent of this community such that it results in a significant impact.

6.3 Proposed action IS a controlled action

Type 'x' in the box for the matter(s) protected under the EPBC Act that you think are likely to be significantly impacted. (The 'sections' identified below are the relevant sections of the EPBC Act.)

Matters likely to be impacted

<input type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)
<input type="checkbox"/>	Listed threatened species and communities (sections 18 and 18A)
<input type="checkbox"/>	Listed migratory species (sections 20 and 20A)
<input type="checkbox"/>	Protection of the environment from nuclear actions (sections 21 and 22A)
<input type="checkbox"/>	Commonwealth marine environment (sections 23 and 24A)
<input type="checkbox"/>	Great Barrier Reef Marine Park (sections 24B and 24C)
<input type="checkbox"/>	A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
<input type="checkbox"/>	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
<input type="checkbox"/>	Protection of the environment from Commonwealth actions (section 28)
<input type="checkbox"/>	Commonwealth Heritage places overseas (sections 27B and 27C)

Specify the key reasons why you think the proposed action is likely to have a significant adverse impact on the matters identified above.

7 Environmental record of the responsible party

NOTE: If a decision is made that a proposal needs approval under the EPBC Act, the Environment Minister will also decide the assessment approach. The EPBC Regulations provide for the environmental history of the party proposing to take the action to be taken into account when deciding the assessment approach.

	Yes	No
7.1 Does the party taking the action have a satisfactory record of responsible environmental management? Provide details	X	
7.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources? If yes, provide details		X
7.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework? N/A If yes, provide details of environmental policy and planning framework All works / actions will be undertaken in accordance with relevant approvals and legislation.		
7.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act? Provide name of proposal and EPBC reference number (if known)		X

8 Information sources and attachments

(For the information provided above)

8.1 References

- List the references used in preparing the referral.
- Highlight documents that are available to the public, including web references if relevant.

Anderson Environment and Planning (AEP) 2015. *Ecological Compliance Report for Proposed Residential Subdivision of Lots 4 & 17 Section N DP 712 & Lot 1 DP 125634, Riverstone, NSW*. April 2015.

Churchill, S (2008). *Australian Bats*. Second Edition. Allen & Unwin Publishers.

Department of Environment and Climate Change (undated). *Protecting and Restoring Green and Golden Bell Frog Habitat*. DECC, Sydney.

Department of Environment and Climate Change (undated). *Best Practice Guidelines - Green and Golden Bell Frog Habitat*. DECC, Sydney.

Department of Environment, Climate Change and Water (2007). *Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. Dated 11th December 2007.

Department of the Environment, Water, Heritage & The Arts (2010). *Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest – Policy Statement 3.3.1*.

Department of Planning & Environment (2013). *Blacktown City Council Growth Centre Precincts – Development Control Plan*.

DoE (2015). *Protected Matters Search*. Accessed September 2015. Department of Environment, Canberra, ACT.

Eco Logical Australia (2007). *Growth Centres Conservation Plan – Exhibition Draft*. February 2007.

NSW Planning (2010). *Growth Centres Biodiversity Certification – Assessment of Consistency between the Relevant Biodiversity Measures of the Biodiversity Certification Order and Alex Avenue and Riverstone Precincts*. April 2010.

OEH (2015). *Atlas of NSW Wildlife*. Accessed September 2015. NSW Office of Environment & Heritage.

OEH (2015). *Threatened Species, Populations and Ecological Communities website*. (<http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/>)

Strahan, R (2004). *The Mammals of Australia*. New Holland Publishers.

Threatened Species Scientific Committee (undated). *Advice to the Minister for the Environment, Heritage and the Arts from the Threatened Species Scientific Committee (the Committee) on an Amendment to the List of Threatened Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

8.2 Reliability and date of information

For information in section 3 specify:

- source of the information;
- how recent the information is;
- how the reliability of the information was tested; and
- any uncertainties in the information.

The information in this referral has been compiled directly from the information collected and presented for the site by AEP earlier this year (2015) and, to a lesser extent, from information collected by Eco Logical Australia for the Riverstone Precinct as part of the Precinct Planning works in 2007. Information presented in these reports were collected by qualified ecologists within reputable consultancies experienced in the targeted surveys and ecological assessments presented therein.

Identified uncertainties in the information collected on the site are limited to common issues around seasonality and detectability of target species, however targeted surveys were conducted on site during recommended survey periods (particularly for the GGBF in this instance). Despite this, targeted species such as the GGBF can be notoriously difficult to identify and cannot therefore be entirely discounted from occurring on the site. To address these limitations, a precautionary approach has been taken whereby potential habitat for the species is assessed in regards to potential impacts even if the species was not recorded on the site, as is the case with the GGBF.

Indicate the documents you have attached. All attachments must be less than three megabytes (3mb) so they can be published on the Department's website. Attachments larger than three megabytes (3mb) may delay the processing of your referral.

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)	✓	Figure 1 within text
	GIS file delineating the boundary of the referral area (section 1)	✓	Riverstone Site Boundary.zip
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	Figure 3 within text
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)		
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)		
	copies of any flora and fauna investigations and surveys (section 3)	✓	AEP (2015) and Eco Logical (2007) reports attached
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)		
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		

9 Contacts, signatures and declarations

NOTE: Providing false or misleading information is an offence punishable on conviction by imprisonment and fine (s 489, EPBC Act).

Under the EPBC Act a referral can only be made by:

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action¹.

Project title: Proposed Residential Subdivision of Lots 4 & 17 Section N DP 712 and Lot 1 DP 125634, Riverstone NSW.

9.1 Person proposing to take action

This is the individual, government agency or company that will be principally responsible for, or who will carry out, the proposed action.

If the proposed action will be taken under a contract or other arrangement, this is:

- the person for whose benefit the action will be taken; or
- the person who procured the contract or other arrangement and who will have principal control and responsibility for the taking of the proposed action.

If the proposed action requires a permit under the Great Barrier Reef Marine Park Act², this is the person requiring the grant of a GBRMP permission.

The Minister may also request relevant additional information from this person.

If further assessment and approval for the action is required, any approval which may be granted will be issued to the person proposing to take the action. This person will be responsible for complying with any conditions attached to the approval.

If the Minister decides that further assessment and approval is required, the Minister must designate a person as a proponent of the action. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent will generally be the person proposing to take the action³.

1. Name and Title:

Lin Wu Tang - Director

2. Organisation (if applicable):

Greencapital No 1 Pty Ltd

3. EPBC Referral Number (if known):

4: ACN / ABN (if applicable):

17 606 629 556

5. Postal address

24 Angelo Street, Burwood, NSW.

6. Telephone:

0432 062 012

7. Email:

darrenvan8@gmail.com

¹ If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed. However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person which has not otherwise been referred, please contact the Referrals Gateway (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

² If your referred action, or a component of it, is to be taken in the Great Barrier Reef Marine Park the Minister is required to provide a copy of your referral to the Great Barrier Reef Marine Park Authority (GBRMPA) (see section 73A, EPBC Act). For information about how the GBRMPA may use your information, see http://www.gbrmpa.gov.au/privacy/privacy_notice_for_permits.

³ If a person other than the person proposing to take action is to be nominated as the proponent, please contact the Referrals Gateway (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

proponent (if not the same person at item 1 above [and if applicable](#)):
9. ACN/ABN of designated proponent (if not the same person named at item 1 above):

COMPLETE THIS SECTION ONLY IF YOU QUALIFY FOR EXEMPTION FROM THE FEE(S) THAT WOULD OTHERWISE BE PAYABLE

- I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:
- ☐ an individual; OR
 - ☐ a small business entity (within the meaning given by section 328-110 (other than subsection 328-119(4)) of the *Income Tax Assessment Act 1997*); OR
 - ☐ not applicable.

If you are small business entity you must provide the Date/Income Year that you became a small business entity:

Note: You must advise the Department within 10 business days if you cease to be a small business entity. Failure to notify the Secretary of this is an offence punishable on conviction by a fine (regulation 5.23B(3) *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth)).

COMPLETE THIS SECTION ONLY IF YOU WOULD LIKE TO APPLY FOR A WAIVER

- I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the [EPBC Regulations](#). Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made:
- Declaration
- ☐ not applicable.

I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.
I understand that giving false or misleading information is a serious offence.
I agree to be the proponent for this action.
I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature



Date

28th September 15

9.2 Person preparing the referral information (if different from 8.1)

[Individual or organisation who has prepared the information contained in this referral form.](#)

9.2 Person preparing the referral information (if different from 8.1)

Individual or organisation who has prepared the information contained in this referral form.

Name Craig Anderson

Title Director

Organisation Anderson Environment and Planning

ACN / ABN (if applicable) 27 170 660 510

Postal address PO Box 210 Adamstown NSW 2289

Telephone 0418 681 581

Email craig@andersonep.com.au

Declaration I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.
I understand that giving false or misleading information is a serious offence.

Signature



Date 24/09/15