

Referral of proposed action

Project title: Henry Lawson Drive, Tower Road and Milperra Road Widening to access Bankstown Business Estate development

1 Summary of proposed action

1.1 Short description

Proposed road widening of Henry Lawson Drive, Tower Road and Milperra Road and construction of an access road through the Bankstown Airport Reserve Area to access the Bankstown Business Estate – an industrial and commercial development on Bankstown Airport land.

1.2 Latitude and longitude

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds
Bankstown Airport reserve central point	33°	55′	43.94″	150°	59′	5.55″
Milpera Road (West, Middle, East points)	33°	55′	45.85″	150°	58′	46.57″
	33°	55′	45.22″	150°	59′	4.04″
	33°	55′	46.51″	150°	59′	21.02″
Henry Lawson Drive Road Reserve (North, Middle, South points)	33°	55′	30.48″	150°	58′	41.21″
	33°	55′	41.08″	150°	58′	49.22″
	33°	55′	46.73″	150°	58′	49.06″
Tower Road Reserve (East, West points)	33°	55′	31.05″	150°	58′	53.78″
	33°	55′	37.09″	150°	58′	46.07″

1.3 Locality and property description

Locality: City of Bankstown, Suburb of Milperra, 22 km from the Sydney CBD.

Property description:

Henry Lawson Drive road reserve – A parcel of Crown Land described as Lot 14 in DP1128950 and a series of lots owned by Bankstown Municipality Council described as Lot 1 in DP17144, Lot 11 in DP1128950, Lot 3 in DP17144, Lot 4 in DP17144, Lot 12 in DP1128950 and Lot 13 in DP1128950 – comprising a total area of 3.0 ha.

Tower Road reserve – Two (2) parcels of Crown Land described as Lot 231 in DP1132273 and Lot 305 in DP1077440 comprising a total area of 25.2 ha.

Bankstown Airport Reserve area - A parcel of Crown Land described as Lot 292 in DP41530 and associated road reserve area described as Lot 7035 in DP1028108 - comprising a total area of 3.58 ha.

The Proponent has an agreement with the Crown to subdivide Bankstown Airport Reserve Area land into 2 lots, the lot required for road widening and access transfer ownership to Bankstown City Council (Then forms part of Milperra Road under care and custody of RMS) and the residual portion to Leda Bankstown for the same term (Expiry June 2097) as is the lease from BAL for the South West Precinct (Leda Business Park). Refer to **ATTACHMENT 1**.

1.4	Size of the development footprint or work area (hectares)	31.78 hectares				
1.5	Street address of the site	Henry Lawson Drive Bankstown Aerodrome NSW 2200 325L Henry Lawson Drive Bankstown Aerodrome NSW 2200 41L Starkie Drive Bankstown Aerodrome NSW 2200 Milperra Road, Milperra NSW 2214				
1.6	Lot description	<p>Lot 305 in DP1077440</p> <p>Lot 231 in DP1132273</p> <p>Lot 14 in DP1128950</p> <p>Lot 1 in DP17144</p> <p>Lot 11 in DP1128950</p> <p>Lot 3 in DP17144</p> <p>Lot 4 in DP17144</p> <p>Lot 12 in DP1128950</p> <p>Lot 13 in DP1128950</p> <p>Lot 7035 in DP1028108</p> <p>Lot 292 in DP41530</p>				
1.7	Local Government Area and Council contact (if known)	Local Government Area: Bankstown				
1.8	Time frame	<p>Estimated start date: May 2016</p> <p>Estimated completion date: November 2017</p>				
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?	<table border="1"> <tr> <td>X</td> <td>No alternative access is viable as Tower Road is secondary access and not capable of servicing the entire development.</td> </tr> <tr> <td></td> <td>Yes, you must also complete section 2.2</td> </tr> </table>	X	No alternative access is viable as Tower Road is secondary access and not capable of servicing the entire development.		Yes, you must also complete section 2.2
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	Yes, you must also complete section 2.2					
1.10	Alternative time frames etc Does the proposed action include alternative time frames, locations or activities?	<table border="1"> <tr> <td>X</td> <td>No</td> </tr> <tr> <td></td> <td>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).</td> </tr> </table>	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).
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1.11	State assessment Is the action subject to a state or territory environmental impact assessment?	<table border="1"> <tr> <td></td> <td>No</td> </tr> <tr> <td>X</td> <td>Yes, you must also complete Section 2.5</td> </tr> </table>		No	X	Yes, you must also complete Section 2.5
	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?	<table border="1"> <tr> <td></td> <td>No</td> </tr> <tr> <td>X</td> <td>Yes, you must also complete Section 2.7</td> </tr> </table>		No	X	Yes, you must also complete Section 2.7
	No					
X	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)?	<table border="1"> <tr> <td></td> <td>No</td> </tr> <tr> <td>X</td> <td>Yes, provide details:</td> </tr> </table>		No	X	Yes, provide details:
	No					
X	Yes, provide details:					

		Exposure Draft Major Development Plan – Development of a new business Park, Bankstown Airport, NSW (EPBC 2015/7457)
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

2.1 Description of proposed action

Leda Bankstown Pty Ltd (the proponent) are proposing to develop Bankstown Airport land for industrial and commercial purposes (EPBC 2015/7457). A requirement for the approval of the proposal is that roadway access is provided from Milperra Road through the Reserve Area and into the Airport land. The development will require that Henry Lawson Drive, Tower Road and Milperra Road be widened so as to allow improved and safe access into the new development precinct (the proposed action).

See **ATTACHMENT 2 – Overall Development Plan** and **ATTACHMENT 3 – Road widening and access road plans**.

2.2 Alternatives to taking the proposed action

Not applicable. No alternative access is viable as Tower Road is secondary access and not capable of servicing the entire development.

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

Not applicable.

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 proposed action will be considered against the following state/local government legislation/policies:

- NSW *Threatened Species Conservation Act, 1995*

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

The following Environmental impact assessments of the proposed action have been completed to date:

- Exposure Draft Major Development Plan – Development of a new business Park, Bankstown Airport, NSW (EPBC 2015/7457);
- Ecological Assessments in Relation to Proposed Development at Bankstown Airport (ACS, June 2015) (**ATTACHMENT 4**);
- Ecological Assessments in Relation to Proposed Major Development Plan at Bankstown Airport (ACS, November 2015) (**ATTACHMENT 5**);
- Addendum to Previous Ecological Assessments in Relation to Proposed Development at Bankstown Airport (ACS, February 2015) (**ATTACHMENT 6**);
- Green and Golden Bell Frog Surveys, Bankstown Airport, November 2015 to March 2016. (Biosphere Environmental Consultants Pty Ltd 2016) (**ATTACHMENT 7**);
- Bird Survey and Assessment of Federally Listed Species at Airport Reserve and Henry Lawson Drive, Bankstown Airport Precinct (S. Debus 2016) (**ATTACHMENT 8**); and
- Analysis to Determine the Identity of Vegetation Patches Occurring Within Bankstown Airport Reserve Area (JWA 2016) (**ATTACHMENT 9**).

2.6 Public consultation (including with Indigenous stakeholders)

Public consultation of the Major Development Plan has occurred as required under Section 92 of the *Airports Act 1996*.

Consultation with the Gundangara Local Aboriginal Land Council also occurred on the Major Development Plan.

2.7 A staged development or component of a larger project

The proposed action is part of the overall development of a new business park at Bankstown Airport (EPBC 2015/7457).

The proposed action is for additional works related to the above development i.e. the road widening of Henry Lawson Drive, Tower Road and Milperra Road and construction of an access road through the Bankstown Airport Reserve Area to access the Bankstown Business Estate.

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

3.1 (a) World Heritage Properties

Description

No World Heritage Areas adjoin or are located in close proximity to the site.

Nature and extent of likely impact

Not applicable

3.1 (b) National Heritage Places

Description

No National Heritage Areas adjoin or are located in close proximity to the site.

Nature and extent of likely impact

Not applicable

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

Description

No Wetlands of International Importance adjoin or are located in close proximity to the site.

Nature and extent of likely impact

Not Applicable

3.1 (d) Listed threatened species and ecological communities

Description

There are 61 MNES Listed Threatened Species and 8 MNES Listed Threatened Ecological Communities within a 5 km buffer of the subject site (**ATTACHMENT 10**). Based on the results of desktop analysis and site assessments, targeted surveys for the following species/communities were completed on/adjacent to the subject site:

- Green and Golden Bell Frog (*Litoria aurea*) – listed as Vulnerable;
- Swift Parrot (*Lathamus discolor*) – listed as Endangered;
- Regent Honeyeater (*Anthochaera phrygia*) – listed as Critically Endangered; and
- Cooks River/Castlereagh Ironbark Forest – listed as Critically Endangered.

Nature and extent of likely impact

According to the MNES Significant Impact Guidelines (Commonwealth of Australia, 2013), an action will have a significant impact on Critically Endangered and Endangered species if there is a real chance or possibility that it will:

- *lead to a long-term decrease in the size of a population;*
- *reduce the area of occupancy of the species;*
- *fragment an existing population into two or more populations;*
- *adversely affect habitat critical to the survival of a species;*
- *disrupt the breeding cycle of a population;*
- *modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline;*
- *result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat;*
- *introduce disease that may cause the species to decline; or*
- *interfere with the recovery of the species.*

Similarly, an action will have a significant impact on Vulnerable species if there is a real chance or possibility that it will (Commonwealth of Australia, 2013):

- *lead to a long-term decrease in the size of an important population of a species;*
- *reduce the area of occupancy of an important population;*
- *fragment an existing important population into two or more populations;*
- *adversely affect habitat critical to the survival of a species;*
- *disrupt the breeding cycle of an important population;*
- *modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline;*
- *result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat;*
- *introduce disease that may cause the species to decline; or*
- *interfere substantially with the recovery of the species.*

With reference to the above criteria, the impacts of the proposed action were considered on the following listed fauna species:

- Green and Golden Bell Frog (*Litoria aurea*)

A number of targeted surveys within suitable habitat adjacent to the subject site failed to record this species (**ATTACHMENTS 6 & 7**).

In 2015, ACS recorded 3 amphibian species in the immediate vicinity of the three artificial ponds at Bankstown Airport (**ATTACHMENT 6**). No Green and Golden Bel Frogs were recorded.

The most recent study in 2015-2016 completed by Biosphere Environmental Consultants (**ATTACHMENT 7**) observed the presence of Plague Minnows (*Gambusia holbrooki*) within a number of ponds, the presence of which is recognised as a Key Threatening Process for Green and Golden Bell Frogs. The study confirmed the previous findings and also concluded that habitats within the site are unlikely to be recolonised due to neighbouring historic populations becoming locally extinct.

As a result of these studies, it is considered that there will be no significant impacts on Green and Golden Bell Frogs as a result of the proposed action.

- Swift Parrot (*Lathamus discolor*)

A number of bird surveys have been completed over the subject site and surrounds (**ATTACHMENTS 4, 5, 6 & 8**) and have not recorded the presence of the Swift parrot.

In 2011, ACS recorded 10 bird species within the Bankstown Airport Reserve area (**ATTACHMENT 4**). In 2014, ACS recorded 13 bird species in the vicinity of Milperra Road, Henry Lawson Drive & Tower Road (**ATTACHMENT 5**). In 2015, ACS recorded 8 bird species in the immediate vicinity of the three artificial ponds at Bankstown Airport (**ATTACHMENT 6**). No Swift parrots were recorded in the above surveys.

The most recent targeted Bird Study Report confirmed the presence of 32 avian species, none of which are listed under Commonwealth or State legislation (**ATTACHMENT 8**). Although not directly observed, this study confirmed that low-quality habitat for the Swift Parrot is present but is dominated by the presence of the aggressive Noisy Miner (*Manorina melanocephala*) that actively excludes other birds.

As a result of the above assessments, it is considered that there will be no significant impacts on the Swift Parrot as a result of the proposed action.

- Regent Honeyeater (*Anthochaera phrygia*)

Bird surveys completed over the subject site and surrounds discussed above (**ATTACHMENT 4, 5, 6 & 8**) have not recorded the presence of the Regent honeyeater.

Despite not being directly observed, the most recent targeted Bird Study Report (**ATTACHMENT 8**) confirmed that low-quality habitat for the Regent Honeyeater is present but is dominated by the presence of the aggressive Noisy Miner (*Manorina melanocephala*) that actively excludes other birds.

As a result of this assessment, it is considered that there will be no significant impacts on the Regent Honeyeater as a result of the proposed action.

For Critically Endangered Ecological Communities, an action will have a significant impact if there is a real chance or possibility that it will (Commonwealth of Australia, 2013):

- *reduce the extent of an ecological community;*
- *fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines;*
- *adversely affect habitat critical to the survival of an ecological community;*
- *modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns;*
- *cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting;*
- *cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to: – assisting invasive species, that are harmful to the listed ecological community, to become established, or – causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community; or*
- *interfere with the recovery of an ecological community.*

- Cooks River/Castlereagh Ironbark Forest

Vegetation surveys of the Bankstown Airport Reserve area by ACS in 2011 and 2015 recorded patches of vegetation potentially representative of Cooks River/Castlereagh Ironbark Forest (**ATTACHMENTS 4 & 5**).

An additional recent vegetation survey of the subject site was completed by one (1) JWA scientist on 11th March 2016 and recorded seven (7) discrete vegetation communities occurring on the site. Based on an assessment of relevant vegetation types against characteristic plant species and key

diagnostic characteristics listed within the Approved Conservation Advice, it was confirmed that Vegetation Community 2 is representative of Cooks River/Castlereagh Ironbark Forest – a Critically Endangered Ecological Community (CEEC), and Vegetation Community 4 comprises a regrowth version of this CEEC (**ATTACHMENT 9**).

The proposed action will require the clearing of 0.04ha (69%) of Community 2 and 0.17ha (22%) of Community 4. The extent of this impact is illustrated in Figure 1 (**ATTACHMENT 11**).

3.1 (e) Listed migratory species

Description

There are 35 MNES Listed Migratory Species within a 5 km buffer of the subject site (**ATTACHMENT 10**). Based on the results of desktop analysis and site assessments, surveys for the following species were completed on/adjacent to the subject site (**ATTACHMENT 4, 5, 6 & 8**):

- Latham's snipe (*Gallinago hardwickii*)
- Oriental cuckoo (*Cuculus optatus*)

Nature and extent of likely impact

According to the MNES Significant Impact Guidelines (Commonwealth of Australia, 2013), an action will have a significant impact on Migratory species if there is a real chance or possibility that it will:

- *substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species;*
- *result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species; or*
- *seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.*

Bird surveys completed over the subject site and surrounds discussed above (**ATTACHMENT 4, 5, 6 & 8**) have not recorded the presence of the Latham's Snipe or Oriental Cuckoo.

The most recent Bird Study Report confirmed the presence of 32 avian species, none of which are listed under Commonwealth or State legislation (**ATTACHMENT 8**). Although not directly observed, this study confirmed that low-quality habitat for both the Latham's Snipe and Oriental Cuckoo exists only during local seasonal rain during spring to autumn.

As a result of the above assessments, it is considered that there will be no significant impacts on either the Latham's Snipe or Oriental Cuckoo as a result of the proposed action.

3.1 (f) Commonwealth marine area

Description

The proposed action will not affect any Commonwealth marine area.

Nature and extent of likely impact

Not applicable.

3.1 (g) Commonwealth land

Description

The proposed action will not occur on Commonwealth land.

Nature and extent of likely impact

Not applicable.

3.1 (h) The Great Barrier Reef Marine Park

Description

The proposed action will not affect any Great Barrier Reef Marine Park area.

Nature and extent of likely impact

Not applicable.

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

Description

Not applicable.

Nature and extent of likely impact

Not applicable.

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

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

3.3 (a) Flora and fauna

Field based surveys across the site identified seven (7) different vegetation communities and a total of one hundred and eight (108) species of flora that comprised sixty-one (61) native flora species and forty-even (47) exotic plant species (ATTACHMENT 9). Generally, the site comprised of a mosaic of regenerating woodland/shrubland vegetation (covering approximately half of the site) with the remaining areas comprised of exotic grassland.

Amphibian assemblages across the site were the subject of a detailed assessment and detected the presence of four (4) common frog species (ATTACHMENT 7).

Thirty-two (32) avian species were recorded across the site as part of a detailed bird assessment. The results of which are presented in ATTACHMENT 8.

3.3 (b) Hydrology, including water flows

Site hydrology was assessed by Leda Holdings with their assessment presented as ATTACHMENT 12.

3.3 (c) Soil and Vegetation characteristics

Field based surveys across the site identified seven (7) different vegetation communities and a total of one hundred and eight (108) species of flora that comprised sixty-one (61) native flora species and forty-even (47) exotic plant species (ATTACHMENT 9). Generally, the site comprised of a mosaic of regenerating woodland/shrubland vegetation (covering approximately half of the site) with the remaining areas comprised of exotic grassland.

Soil assessments across the site concluded that the subsoil characteristics are similar and consistent with those in the existing communities. Subsoils are clay with low permeability. Fertility is generally low. The northern subsoils are likely to be sodic, and organic matter levels are high. Soil characteristics of the subject site are described in ATTACHMENT 13.

3.3 (d) Outstanding natural features

Not applicable.

3.3 (e) Remnant native vegetation

Field based surveys across the site identified seven (7) different vegetation communities and a total of one hundred and eight (108) species of flora that comprised sixty-one (61) native flora species and forty-even (47) exotic plant species (ATTACHMENT 9). Generally, the site comprised of a mosaic of regenerating woodland/shrubland vegetation (covering approximately half of the site) with the remaining areas comprised of exotic grassland.

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

Not applicable.

3.3 (g) Current state of the environment

A total of one hundred and eight (108) species of flora were recorded from the site comprised of sixty-one (61) native flora species and forty-seven (47) exotic plant species. An inventory of flora species that were recorded at the subject site is presented in ATTACHMENT 9.

The site was found to be comprised of a mosaic of regenerating woodland/shrubland vegetation (covering approximately half of the site) with the remaining areas comprised of exotic grassland. Dense areas of regenerating shrubland are dominated by Prickly-leaved paperbark (*Melaleuca nodosa*), Snow-in-summer (*M. decora*), Tick bush (*Kunzea ambigua*), Prickly beard heath (*Leucopogon juniperinus*) and Blackthorn (*Bursaria spinosa*). The site generally does not have a well-defined canopy stratum however there are scattered pockets/small stands of mature and sub-mature canopy trees scattered throughout the regenerating native vegetation, the most common of which include Swamp oak (*Casuarina glauca*), Narrow-leaved apple (*Angophora bakeri*), Broadleaved ironbark (*Eucalyptus fibrosa*), Mugga ironbark (*E. sideroxylon*), and Parramatta red gum (*E. parramattensis* subsp. *parramattensis*).

Cleared portions of the site are comprised of a mixture of pasture grasses and common agricultural weeds (to about 1m tall with emergent taller shrubs) including Purpletop (*Verbena littoralis*), Blackberry (*Rubus fruticosus*), Narrow-leaved cotton bush (*Gomphocarpus fruticosus*), Crofton weed (*Ageratina adenophora*), Cobbler's pegs (*Bidens pillosa*) and Small-leaved Privet (*Ligustrum sinense*).

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

Not applicable.

3.3 (i) Indigenous heritage values

Not applicable.

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

Not applicable.

3.3 (k) Tenure of the action area (e.g. freehold, leasehold)

The tenure of the subject site is long term lease from the Crown based on identical terms as Airport lease from Federal Government.

3.3 (l) Existing land/marine uses of area

The subject site is currently a reserve area.

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

There are no additional uses proposed for the subject site.

4 Environmental outcomes

No flora or fauna species listed within schedules of the EPBC Act are considered likely to be impacted by the proposed actions. Therefore, there are no specific mitigation measures required for any listed flora or fauna species.

A vegetation survey of the subject site of confirmed the presence of the Cooks River/Castlereagh Ironbark Forest CEEC based on an assessment of relevant vegetation types against characteristic plant species and key diagnostic characteristics listed within the Approved Conservation Advice. The proposed action will require the clearing of 0.21ha (25%) of this CEEC.

It is proposed to implement suitable recovery and management actions to improve/expand these patches on the subject site. Potential offset sites for impacts on this vegetation community as a result of the proposed development have been identified on site through vegetation survey (ATTACHMENT 9) and soil analysis (ATTACHMENT 13). Impacts of the proposed action on areas of Cooks River/Castlereagh Ironbark Forest occurring on the subject site are depicted in ATTACHMENT 11.

A Biodiversity Offset Strategy (BOS) has been prepared and will result in the revegetation of an additional 0.85ha of Cooks River/Castlereagh Ironbark Forest to offset the loss of 0.21ha. The BOS will also ensure the rehabilitation of the 0.62ha of retained CEEC to mitigate current degrading processes. The works associated with the BOS would form part of the development of the Bankstown Business Estate road access and would be instigated early in the delivery process, with the view of establishing the offset area prior to the planned road widening needed to facilitate access into the development. A positive covenant and or 88B instrument will be established that will address the ongoing care and management of the offset areas for the term of the lease over the land.

The BOS is provided as ATTACHMENT 14.

5 Measures to avoid or reduce impacts

As discussed above, no flora or fauna species listed within schedules of the EPBC Act are considered likely to be impacted by the proposed actions. Therefore, there are no specific mitigation measures required for any listed flora or fauna species.

It is proposed to implement suitable recovery and management actions to improve/expand patches of Cooks River/Castlereagh Ironbark Forest occurring on the subject site. Potential offset sites for impacts on this vegetation community as a result of the proposed development have been identified on site through vegetation survey (ATTACHMENT 9) and soil analysis (ATTACHMENT 13). Impacts of the proposed action on areas of Cooks River/Castlereagh Ironbark Forest occurring on the subject site are depicted in ATTACHMENT 11.

A Biodiversity Offset Strategy (BOS) (ATTACHMENT 14) has been prepared and will result in the revegetation of an additional 0.85ha of Cooks River/Castlereagh Ironbark Forest to offset the loss of 0.21ha. The BOS will also ensure the rehabilitation of the 0.62ha of retained CEEC to mitigate current degrading processes.

A preliminary Sediment & Erosion Control Plan has also been developed for the site and is contained in ATTACHMENT 15.

6 Conclusion on the likelihood of significant impacts

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

X

No, complete section 6.2

Yes, complete section 6.3

6.2 Proposed action IS NOT a controlled action.

An action is controlled if it is likely to have a significant impact on a Matter of National Environmental Significance as per the Significant Impact Guidelines (Commonwealth of Australia 2013). No Matters of National Environmental Significance, with the exception of a small area of the Cooks River/Castlereagh Ironbark Forest CEEC, occur on the subject site.

The Matters of National Environmental Significance - Significant Impact Guidelines 1.1 (DoE) prepared under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) state in relation to Critically Endangered and Endangered Ecological Communities:

An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will:

- *reduce the extent of an ecological community*
- *fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines*
- *adversely affect habitat critical to the survival of an ecological community*
- *modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns*
- *cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting*
- *cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:*
 - *assisting invasive species, that are harmful to the listed ecological community, to become established, or*
 - *causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or*
- *interfere with the recovery of an ecological community.*

The proposed development will result in a minor reduction (0.21ha) of the extent of the ecological community (1st dot point above). In accordance with the guidelines therefore (which have been prepared as a self-assessment guide to determine whether or not to refer an action), the proposed action should be referred to DoE for a decision as to whether assessment under the EPBC Act is required.

After receiving a referral, the minister will decide whether the action is likely to have a significant impact on a matter of national environmental significance:

- if the minister decides that the action is likely to have a significant impact on a matter of national environmental significance, then the action requires approval under the EPBC Act (it is a controlled action), and
- if the minister decides that the action is not likely to have a significant impact on a matter of national environmental significance, then the action does not require approval under the EPBC Act (it is a not controlled action).

The minister may also decide that an action is not likely to have a significant impact on a matter of national environmental significance, and does not require approval under the EPBC Act, because it will be taken in a 'particular manner' i.e. if the action is undertaken in a manner that will ensure that the action will not have (and is not likely to have) an adverse impact on the protected matter.

The particular manner provisions of the EPBC Act allow the decision-maker, under strict circumstances, to take into account such practices, design features and mitigation measures which avoid or reduce significant impacts on matters protected by the Act. As a result a not controlled action particular manner decision can be taken, and assessment and approval under the EPBC Act is not necessary to ensure that the objects of the Act are met.

It is proposed to implement suitable recovery and management actions to improve/expand patches of Cooks River/Castlereagh Ironbark Forest on the subject site. Potential offset sites for impacts on this vegetation community as a result of the proposed development have been identified on site through vegetation survey (ATTACHMENT 9) and soil analysis (ATTACHMENT 13). A Biodiversity Offset Strategy (BOS) (ATTACHMENT 14) has been prepared and will result in the revegetation of an additional 0.85ha of Cooks River/Castlereagh Ironbark Forest to offset the loss of 0.21ha. The BOS will also ensure the rehabilitation of the 0.62ha of retained CEEC to mitigate current degrading processes.

It is therefore considered that there is scope for the proposed works to be approved under Section 77A of the EPBC Act as a Not-controlled Action if taken in a 'Particular Manner'.

6.3 Proposed action IS a controlled action

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)

7 Environmental record of the responsible party

	Yes	No
<p>7.1 Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>Provide details</p> <p>The party has complied with all relevant statutory requirements and procedures.</p>	✓	
<p>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?</p> <p>If yes, provide details</p>		✓
<p>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?</p> <p>If yes, provide details of environmental policy and planning framework</p> <p>Refer to ATTACHMENT 16.</p>	✓	
<p>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?</p> <p>Provide name of proposal and EPBC reference number (if known)</p>		✓

8 Information sources and attachments

(For the information provided above)

8.1 References

- Ecological Assessments in Relation to Proposed Development at Bankstown Airport (ACS, June 2015) (**ATTACHMENT 4**)
- Ecological Assessments in Relation to Proposed Major Development Plan at Bankstown Airport (ACS, November 2015) (**ATTACHMENT 5**)
- Addendum to Previous Ecological Assessments in Relation to Proposed Development at Bankstown Airport (ACS, February 2015) (**ATTACHMENT 6**)
- Green and Golden Bell Frog Surveys, Bankstown Airport, November 2015 to March 2016. (Biosphere Environmental Consultants Pty Ltd 2016) (**ATTACHMENT 7**)
- Bird Survey and Assessment of Federally Listed Species at Airport Reserve and Henry Lawson Drive, Bankstown Airport Precinct (S. Debus 2016) (**ATTACHMENT 8**)
- Analysis to Determine the Identity of Vegetation Patches Occuring Within Bankstown Airport Reserve Area (JWA 2016) (**ATTACHMENT 9**).
- Commonwealth of Australia (2013). *Matters of National Environmental Significance Significant Impact Guidelines 1.1*. Australian Government, Department of the Environment.

8.2 Reliability and date of information

Refer **ATTACHMENT 10** – EPBC Act Protected Matters Report (Report created: 03/03/16 11:27:50)

8.3 Attachments

- **ATTACHMENT 1** – Relevant survey plans
- **ATTACHMENT 2** – Overlay Development Plan
- **ATTACHMENT 3** – Milperra Road widening and access road plans
- **ATTACHMENT 4** - Ecological Assessments in Relation to Proposed Development at Bankstown Airport (ACS, June 2015)
- **ATTACHMENT 5** - Ecological Assessments in Relation to Proposed Major Development Plan at Bankstown Airport (ACS, November 2015)
- **ATTACHMENT 6** - Addendum to Previous Ecological Assessments in Relation to Proposed Development at Bankstown Airport (ACS, February 2015)
- **ATTACHMENT 7** - Green and Golden Bell Frog Surveys, Bankstown Airport, November 2015 to March 2016. (Biosphere Environmental Consultants Pty Ltd 2016)
- **ATTACHMENT 8** - Bird Survey and Assessment of Federally Listed Species at Airport Reserve and Henry Lawson Drive, Bankstown Airport Precinct (S. Debus 2016)

- **ATTACHMENT 9** - Analysis to Determine the Identity of Vegetation Patches Occurring Within Bankstown Airport Reserve Area (JWA 2016)
- **ATTACHMENT 10** - EPBC Act Protected Matters Report (Report created: 03/03/16 11:27:50)
- **ATTACHMENT 11** – Impacts on Cooks River/Castlereagh Ironbark Forest CEEC
- **ATTACHMENT 12** – Site hydrology
- **ATTACHMENT 13** – Soil Assessment
- **ATTACHMENT 14** – Biodiversity Offset Strategy
- **ATTACHMENT 15** – Preliminary Sediment & Erosion Control Plan
- **ATTACHMENT 16** – Leda Bankstown Pty Ltd Environmental Policy.

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)		
	GIS file delineating the boundary of the referral area (section 1)		
	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)		
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)		
	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

Project title: Milperra Road Widening to access Bankstown Business Estate development

9.1 Person proposing to take action

1. Name and Title: Wayne Holborow
Design & Development Manager

2. Organisation (if applicable): Leda Bankstown Pty Limited
Organisation name should match entity identified in ABN/ACN search

9 3. EPBC Referral Number (if known):

4: ACN / ABN (if applicable):

5. Postal address Level 11, 5 Hunter St, Sydney NSW 2000

6. Telephone: 02 8226 4400

7. Email: wholborow@ledaholdings.com.au

8. Name of proposed proponent (if not the same person at item 1 above and if applicable): Leda Bankstown Pty Ltd

9. ACN/ABN of proposed proponent (if not the same person named at item 1 above): ABN 24 117 309 743

- 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.

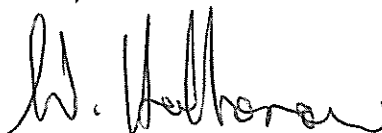
If you are small business entity you must provide the Date/Income Year that you became a small business entity:

- 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:
- ☐ not applicable.

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.
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

6/6/2016

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

Name

James Warren

Title

Mr

Organisation

JWA Pty Ltd atf James Warren Family Trust

ACN / ABN (if applicable)

18 862 767 739

Postal address

PO Box 1465, Ballina NSW 2478

Telephone

(02) 6686 3858

Email

james@jwaec.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 03/06/16

REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

HAVE YOU:

- ☒ Completed all required sections of the referral form?
- ☒ Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- ☒ Provided a map showing the location and approximate boundaries of the project area?
- ☒ Provided a map/plan showing the location of the action in relation to any matters of NES?
- ☒ Provided a digital file (preferably ArcGIS shapefile, refer to guidelines at Attachment A) delineating the boundaries of the referral area?
- ☒ Provided complete contact details and signed the form?
- ☒ Provided copies of any documents referenced in the referral form?
- ☒ Ensured that all attachments are less than three megabytes (3mb)?
- ☒ Sent the referral to the Department (electronic and hard copy preferred)?

Geographic Information System (GIS) data supply guidelines

If the area is less than 5 hectares, provide the location as a point layer. If the area greater than 5 hectares, please provide as a polygon layer. If the proposed action is linear (eg. a road or pipeline) please provide a polyline layer.

GIS data needs to be provided to the Department in the following manner:

- Point, Line or Polygon data types: ESRI file geodatabase feature class (preferred) or as an ESRI shapefile (.shp) zipped and attached with appropriate title
- Raster data types: Raw satellite imagery should be supplied in the vendor specific format.
- Projection as GDA94 coordinate system.

Processed products should be provided as follows:

- For data, uncompressed or lossless compressed formats is required - GeoTIFF or Imagine IMG is the first preference, then JPEG2000 lossless and other simple binary+header formats (ERS, ENVI or BIL).
- For natural/false/pseudo colour RGB imagery:
 - If the imagery is already mosaiced and is ready for display then lossy compression is suitable (JPEG2000 lossy/ECW/MrSID). Prefer 10% compression, up to 20% is acceptable.
 - If the imagery requires any sort of processing prior to display (i.e. mosaicing/colour balancing/etc) then an uncompressed or lossless compressed format is required.

Metadata or 'information about data' will be produced for all spatial data and will be compliant with ANZLIC Metadata Profile. (http://www.anzlic.org.au/policies_guidelines#guidelines).

The Department's preferred method is using ANZMet Lite, however the Department's Service Provider may use any compliant system to generate metadata.

All data will be provide under a Creative Commons license (<http://creativecommons.org/licenses/by/3.0/au/>)