



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?

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.

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:

Residential subdivision of Lot 400 Strathyre Road, Prestons, NSW (Lot 400 DP 1098281)

1 Summary of proposed action

1.1 Short description

Maxma Developments Pty Ltd are proposing the residential subdivision of Lot 400 Strathyre Drive into approximately 47 lots and associated roads and services. Opportunities to avoid and minimise impacts have been considered and residual impacts shall be offset in accordance with the NSW BioBanking scheme through the preparation of a BioBanking Statement.

1.2 Latitude and longitude

location point	Latitude	Longitude
Centre	-33.95153	150.8707

1.3 Locality and property description

The study area is within the Liverpool local government area (LGA) approximately 33 kilometres south west of the Sydney Central Business District and 6 kilometres south west of Liverpool city centre. The study area is currently zoned R2 – Low Density Residential and comprised of predominantly modified remnant bushland.

1.4 Size of the development footprint or work area (hectares)

1.5 Street address of the site The study area covers approximately 1.88 hectares of modified bushland, native grassland and exotic grassland.

1.6 Lot description Lot 400 Strathyre Drive, Prestons, NSW 2170. Lot 400 DP 1098281

1.7 Local Government Area and Council contact (if known)

Liverpool City Council are the consent authority and will assess the Development Application (DA) in accordance with Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). The DA is yet to be submitted therefore not contact person is available at this time.

1.8 Time frame

It is anticipated that construction will commence mid 2016 pending development consent.

1.9 Alternatives to proposed action

1.9 Alternatives to proposed action

1.10 Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?

Alternative time frames etc
Does the proposed action include alternative time frames, locations or activities?

1.10 Alternative time frames etc

	No
X	Yes, you must also complete section 2.2
X	No

1.11	<p>Does the proposed action include alternative time frames, locations or activities?</p> <p>State assessment Is the action subject to a state or territory environmental impact assessment?</p>		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	<p>State assessment Is the action subject to a state or territory environmental impact assessment?</p>		No
1.12	<p>Is the action subject to a state or territory environmental impact assessment?</p> <p>Component of larger action Is the proposed action a component of a larger action?</p>	X	Yes, you must also complete Section 2.5
1.12	<p>Component of larger action Is the proposed action a component of a larger action?</p>	X	No
1.13	<p>Is the proposed action a component of a larger action?</p> <p>Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?</p>		Yes, you must also complete Section 2.7
1.13	<p>Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?</p>	X	No
1.14	<p>Is the proposed action related to other actions or proposals in the region (if known)?</p> <p>Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project?</p>		Yes, provide details:
1.14	<p>Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project?</p>	X	No
1.15	<p>Has the person proposing to take the action received any Australian Government grant funding to undertake this project?</p> <p>Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?</p>		Yes, provide details:
1.15	<p>Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?</p>	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

Maxma are proposing the residential subdivision of Lot 400 Strathyre Drive, Prestons into approximately 47 lots. The Project will include the construction of infrastructure and services associated with residential subdivisions, including: roads, footpaths, street lights and mains water and sewerage connections.

In order to facilitate construction and future residential development, it is anticipated that the entire study area will be cleared. The study area contains approximately 1.88 hectares of modified bushland and native and exotic grasslands. Two existing stormwater channels to the north and south of the study area will be used to discharge surface water from the development.

The study area is connected to a similarly sized patch of modified bushland to the north of the study area. Connectivity is relatively poor, with a total patch size of approximately 16 hectares, the majority of which is comprised of small, disjunct patches of modified vegetation.

2.2 Alternatives to taking the proposed action

The only viable alternative to the proposed action is not undertaking the action. Avoidance and minimisation measures would ultimately retain a less viable patch of vegetation the existing patch. The study area is zoned R2 and is immediately surrounded by residential developments on three sides. In the broader context, the study area is located amongst the residential developments of Prestons, Casula, Liverpool and Sydney's South West Growth Centre. The study area is therefore subject to significant development pressure and current tenure is not conducive of management for conservation.

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

The proposed subdivision is being assessed under Part 4 of the EP&A Act. A Development Application shall be lodged with Liverpool City Council.

The proposed residential subdivision is also subject to an application to the NSW Office of Environment and Heritage (OEH) under Part 7A of the NSW *Threatened Species Conservation act 1995* (TSC Act). This includes an application for a BioBanking statement to offset biodiversity losses under the NSW BioBanking scheme. A Biodiversity Assessment Report (Biosis 2015) has been prepared and is attached to this Referral (Attachment 1).

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

As outlined in Section 2.4 above, the proposed residential subdivision is subject to an application under Part 7A of the TSC Act for a BioBanking statement. Under the TSC Act, development for which a BioBanking statement is issued is taken to pass the "improve or maintain test" and therefore cannot be deemed to have a significant impact on threatened species, populations or ecological community, or their habitat, under this Act.

The application, including the Biodiversity Assessment Report (Biosis 2015) has been submitted to OEH for assessment and concurrence. A copy of the Biodiversity Assessment Report is provided as Attachment 1.

2.6 Public consultation (including with Indigenous stakeholders)

The Development Application will be exhibited in accordance with the requirements of Liverpool City Council.

The details of the consultation with Gandangara Local Aboriginal Land Council Aboriginal are outlined within Appendix A of the Aboriginal Archaeological Assessment (Comber Consultants 2014).

2.7 A staged development or component of a larger project
Not Applicable.

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

3.1 (a) World Heritage Properties

Description

No World Heritage Properties were returned in the Protected Matters Search Tool report.

Nature and extent of likely impact

No impacts to World Heritage Properties are anticipated as a result of the proposed residential subdivision.

3.1 (b) National Heritage Places

Description

No National Heritage Places were returned in the Protected Matters Search Tool report.

Nature and extent of likely impact

No impacts to National Heritage Places are anticipated as a result of the proposed residential subdivision.

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

Description

No Wetlands of International Importance were returned in the Protected Matters Search Tool report.

Nature and extent of likely impact

No impacts to Wetlands of International Importance are anticipated as a result of the proposed residential subdivision.

3.1 (d) Listed threatened species and ecological communities

Description

A total of 20 threatened species and five threatened ecological communities are predicted to occur within five kilometres of the study area (Attachment 2).

The field investigation determined that the study area contains 1.24 hectares of vegetation consistent with *Cumberland Plain Shale Woodland and Shale-Gravel Transition Forest* (Cumberland Plain Woodland), a critically endangered ecological community (CEEC) under the EPBC Act. The patch is consistent with Category A condition remnants in accordance with Table 3 of the Commonwealth Listing Advice for this community. Specifically; the patch size is greater than 0.5 hectares (1.24 hectares) and greater than 50 per cent of the perennial understorey is made up of native species. An additional 0.30 hectares of derived native grassland was also recorded, however this is **not** consistent with the EPBC Act listed community since the patch size is less than 5 hectares.

Spiked Rice-flower *Pimelea spicata* (endangered) was considered to have potential habitat within the study area based on previous records and its known affiliation with Cumberland Plain Woodland.

Potential foraging resources were identified for a number of highly mobile threatened species such as Grey-headed Flying-fox *Pteropus poliocephalus* (vulnerable), Regent Honeyeater *Anthochaera phrygia* (critically endangered), Swift Parrot *Lathamus discolor* (endangered) and Large-eared Pied Bat *Chalinolobus dwyeri* (vulnerable).

Nature and extent of likely impact

The proposed subdivision will require the permanent removal of 1.24 hectares of Cumberland Plain Woodland CEEC.

The likelihood of occurrence of Spiked Rice-flower was considered low based on ongoing disturbances within the study area and the species not being recorded during appropriately timed targeted surveys.

The removal of potential foraging resources for highly mobile fauna species are considered likely to have a negligible impact in the context of alternative sources within the region.

3.1 (e) Listed migratory species

Description

Twelve listed migratory species are predicted to occur within five kilometres of the study area (Attachment 2).

The study area does not provide important habitat for an ecologically significant proportion of any of these species.

Nature and extent of likely impact

No impacts to any listed migratory species are predicted to result from the proposed residential subdivision.

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

No Commonwealth Marine Areas were returned in the Protected Matters Search Tool report.

Nature and extent of likely impact

No impacts to any Commonwealth Marine Areas are predicted to result from the proposed residential subdivision.

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

The proposed residential subdivision will not be undertaken within or adjacent to Commonwealth land.

Nature and extent of likely impact

No impacts to Commonwealth land are predicted to result from the proposed residential subdivision.

3.1 (h) The Great Barrier Reef Marine Park**Description**

The proposed residential subdivision will not impact on the Greater Barrier Reef Marine Park.

Nature and extent of likely impact

No impacts to the Greater Barrier Reef Marine Park are predicted to result from the proposed residential subdivision.

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

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

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

The flora and fauna values of the study area have been assessed and described in accordance with the requirements of the BioBanking Assessment Methodology (2014). The Biodiversity Assessment Report is provided as Attachment 1.

The vegetation across the entire study area is characteristic of modified bush remnants that are scattered throughout Western Sydney. The canopy is relatively intact and comprised of key diagnostic species for Cumberland Plain Woodland. The community is lacking midstorey due to an ongoing mowing regime, however recruitment of native shrubs was noted in the understorey. The understorey is characterised by native grasses and groundcovers that exhibit relatively high resilience. Given opportunity, it is likely that this patch could naturally regenerate back to a valuable example of Cumberland Plain Woodland, however land tenure, zoning and residential development pressure are not conducive of management for conservation. The vegetation of the southern extent of the study area is more typical of River-flat Eucalypt Forest, listed as a threatened ecological community under the TSC Act, but not listed under the EPBC Act.

3.3 (b) Hydrology, including water flows

Un-named stormwater drainage channels border the study area to the north and south. To the north, the channel is densely colonised by Broad-leaved Cumbungi *Typha orientalis* and to the south it has been revegetated with native species but was dry at the time of survey.

3.3 (c) Soil and Vegetation characteristics

The study area is located in Western Sydney on the Cumberland Plain. Regional mapping identifies that the study area covers two natural soil landscapes; Blacktown and South Creek. The Blacktown soil landscape is characterised by undulating rises on Wiannamatta Group Ashfield and Bringelly Shale and Minchinbury Sandstone. South Creek is associated with drainage depressions within the Blacktown landscape and typically has deep layered sediments of quaternary alluvium over bedrock or relict soils.

3.3 (d) Outstanding natural features

Nil.

3.3 (e) Remnant native vegetation

The study area contains 1.24 hectares of modified bushland comprised of a remnant canopy over mown native and exotic grasses. Regenerating shrubs are scattered throughout, however the ongoing mowing regime has significantly reduced their abundance. The floristic composition, landscape position and soil associations are consistent with *Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion* (ME020), equivalent to *Cumberland Plain Woodland and Shale Gravel Transition Forest CEEC* (Cumberland Plain Woodland).

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

The study area is on a gentle slope up from 30 metres Above Sea Level (ASL) in the south east to 32 metres in the north west.

3.3 (g) Current state of the environment

The vegetation of the study area has been subject to various historical and ongoing disturbances such as mowing, illegal dumping, edge effects and recruitment of exotic species. Despite this, the 1.24 hectares of Cumberland Plain Woodland recorded within the study area is eligible for listing under the EPBC Act in Condition Category A.

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

Nil.

3.3 (i) Indigenous heritage values

Two previously recorded Aboriginal sites, AHIMS 45-5-4319 and 45-5-4320, were recorded as Isolated Finds. These sites were relocated during the assessment but the artefacts had moved. As a result of the two registered sites and the predictive modelling (detailed in section 7.4 of the Comber Consultants (2014) report), the following recommendations were made:

- An Aboriginal Heritage Impact Permit (AHIP) will be required for the proposed redevelopment as there are two registered Aboriginal sites (AHIMS 45-5-4319, 45-5-4320) located on the property. Archaeological testing, salvage and Aboriginal community consultation must be undertaken prior to applying for an AHIP. See section 7 of this report for full details.
- Aboriginal community consultation in accordance with OEH's Aboriginal cultural heritage consultation requirements for proponents 2010 must be undertaken prior to applying for the permit.
- Once the consultation has been completed archaeological testing must be undertaken in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales in consultation with the registered Aboriginal stakeholders. This should be undertaken prior to applying for the AHIP and the results submitted with the AHIP application.

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

Nil.

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

The land is privately owned freehold.

3.3 (l) Existing land/marine uses of area

Nil.

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

Nil.

4 Environmental outcomes

The assessment of biodiversity values has been completed in accordance with the NSW BioBanking Scheme. Under that methodology, a project for which a BioBanking statement is issued is seen to pass the "improve or maintain test" and as such will not have a significant impact on biodiversity. The small size and surrounding land use of the study area have severely reduced the available avoidance and minimisation measures that can be implemented. The residual impacts on matters of NES include:

- Permanent removal of 1.24 hectares of Cumberland Plain woodland and Shale Gravel Transition Forest in condition category A.
- Permanent removal of 1.24 hectares of potential foraging habitat for Grey-headed Flying fox.
- Permanent removal of 1.74 hectares of marginal potential habitat for Spiked-rice Flower.

The environmental outcomes associated with this project will be the in perpetuity conservation of an appropriate patch of this community in an alternative location, in accordance with the NSW BioBanking scheme.

5 Measures to avoid or reduce impacts

This section outlines potential impacts (without controls), measures implemented to avoid and minimise impacts and then residual impacts based on the implementation of the controls. Residual impacts will be offset in accordance with the NSW BioBanking Scheme. Potential direct and indirect impacts arising from the development are outlined below.

- Potential direct impacts:
 - Removal of 1.86 hectares of native vegetation across the both the study area.
 - Removal of 1.24 hectares of known habitat for Cumberland Plain Land Snail.
 - Removal of vegetation leading to loss, fragmentation and degradation of foraging habitat for threatened biota.
 - Reduction in the already limited connectivity values provided by the study area.
 - Direct mortalities and injuries to native fauna during vegetation clearing procedure.
- Potential indirect impacts:
 - Decreased viability of retained vegetation, particularly the patch to the north of the study area, in what is already a highly modified landscape.
 - Sedimentation and pollution of the un-named waterways to the north and south of the study area.
 - Spread of invasive exotic weeds species, leading to loss of habitat and suppression of native seedling establishment resulting in changes to vegetation communities over time.
 - Temporary increased noise levels from construction equipment, leading to disturbance of fauna, especially during breeding seasons.

Limitations to Avoidance

The study area is located within an existing residential development in the residential suburb of Prestons. The vegetation does contribute to the patchwork of native vegetation that is scattered within the locality; however development pressure and ongoing disturbances are not conducive of management for conservation. There are few options available to the proponent to avoid and minimise direct impacts as any vegetation that is retained would be more fragmented and isolated than it is currently. The vegetation within the study area is considered to have a low viability and make a low contribution to regional biodiversity (Biosis 2015).

For these reasons it has been determined that development of the study area and sourcing of offsets in an area that is not subject to such development pressure is a more sustainable outcome than avoiding impacts to a portion of the study area.

Mitigation Measures

The principal means to minimise impacts of the project on biodiversity values will be to prevent impacts to adjoining biodiversity values. Additional mitigation measures undertaken to avoid and minimise impacts include:

- Siting of infrastructure, including roads and asset protection zones, outside of the E2 zone.
- Implementation of stormwater controls to ensure that discharges to the drainage channels are consistent with existing conditions.
- Retain trees wherever possible and investigate integration of existing trees into the landscape plan.

Additional measures to mitigate any indirect impacts arising from the development include:

- Installation of appropriate exclusion fencing at the boundary of the retained vegetation (outside of the study area). This would include appropriate signage such as 'No Go Zone' or 'Environmental Protection Area'.
- Identify the location of any 'No Go Zones' in site inductions and a Construction Environmental Management Plan.
- All material stockpiles, vehicle parking and machinery storage should be located within the areas proposed for clearing, and not in areas of native vegetation that are to be retained.
- Develop and implement a Construction Environmental Management Plan.
- Wet down areas to reduce dust generation during construction.
- Development of an Ecological Management Plan, for inclusion in a Construction Environmental Management Plan. This Ecological Management Plan should outline measures for staged vegetation clearing to manage fauna species during tree removal, including having a spotter / catcher present. Staged removal involves clearing of understorey vegetation and non-hollow-bearing trees in Stage 1, with removal of hollow-bearing trees in Stage 2. There should be a minimum of 24 to 48 hours between Stage 1 and Stage 2.
- Four noxious weeds were recorded within the study area. Measures to control and prevent the spread of these species shall be implemented in accordance with the Noxious and environmental weed control handbook (6th edition) (NSW DTRIRS 2014).
- Where appropriate native vegetation cleared from the study area should be mulched for re-use on the site, to stabilise bare ground.
- Sediment and erosion control measures should be implemented prior to works commencing within the study area (e.g. silt fences, sediment traps), to protect the drainage channels to the north and to the south. These should conform to relevant guidelines, should be maintained throughout the construction period and should be carefully removed following the completion of works.
- Prescriptions for mitigation of potential impacts of construction activities on retained native vegetation and habitat should be addressed in a site-specific Construction Environmental Management Plan. An Ecological Management Plan should be prepared to guide removal of vegetation.

Residual Impacts and Offsets

An application for a BioBanking statement to offset residual impacts to biodiversity values under the NSW BioBanking scheme has been made under Part 7A of the NSW TSC Act. This application has been prepared in accordance with the NSW BioBanking Assessment Methodology (OEH 2014).

Section 7 of Biosis (2015) (Attachment 1) provides a summary of biodiversity credits required, based on impacts to biodiversity values within the study area, following consideration of measures to avoid, minimise and mitigate impacts. This includes a requirement for 51 *Grey Box - Forest Red Gum*

grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion credits. Of these 51 credits, 45 of these are required for vegetation that is eligible for listing under the EPBC Act. Credits will be provided by retiring the suitable number of credits under the NSW BioBanking scheme.

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?

<input checked="" type="checkbox"/>	No, complete section 5.2
<input type="checkbox"/>	Yes, complete section 5.3

6.2 Proposed action IS NOT a controlled action.

The Proposed action will require the removal of 1.24 hectares of Cumberland Plain Woodland, as described under the EPBC Act. Although this vegetation is consistent with condition category A, the tenure, zoning and ongoing land management practices are not conducive of conservation. The Biodiversity Assessment Report (Biosis 2015; Attachment 1), determined that the contribution of this patch to regional biodiversity is low and the viability of the patch is low. Measures to avoid and minimise impacts have been investigated however the small size of the study area make avoidance impractical. Potential indirect impacts to biodiversity values will be mitigated by implementing various measures outlined in the Biosis (2015) report. Although not a part of the significance assessment, impacts will be offset by an in perpetuity conservation agreement entered into under the NSW BioBanking scheme.

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 checked="" 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? If yes, provide details of environmental policy and planning framework		X
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

- Biosis 2015. Lot 400 Strathyre Drive, Prestons. Biodiversity Assessment Report (and subsequent references within that report).
- Comber Consultants 2014. Aboriginal Archaeological Assessment; Lot 400 Strathyre Drive, Prestons.

8.2 Reliability and date of information

Data was sourced from a variety of reports and documents outlined in the References section of the Biodiversity Assessment Report (Biosis 2015). A search of the Protected Matters Search Tool was undertaken on the 30 March 2015. Database searches, and associated conclusions on the likelihood of species to occur within the study area, are reliant upon external data sources and information managed by third parties.

The biodiversity values within the study area were assessed during field assessments, with field surveys undertaken between 2009 and 2012 (Hayes Environmental 2012) and 2 April 2015 and 6 May 2015 (Biosis 2015). Ecological surveys provide a sampling of flora and fauna at a given time and season. There are a number of reasons why not all species will be detected at a site during survey, such as species dormancy, seasonal conditions, ephemeral status of waterbodies and migration and breeding behaviours of some fauna. In many cases these factors do not present a significant limitation to assessing the overall biodiversity values of a site. The current flora and fauna assessment was conducted across a number of years and seasons, with surveys deemed sufficient to assess the ecological values of the study area.

8.3 Attachments

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: Site Map Figure 2: Location Map
	GIS file delineating the boundary of the referral area (section 1)	✓	Study Area.shp
	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: Vegetation communities, transect and quadrat locations within the study area
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)	✓	20246.Lot400.Strathyre .Drive.BAR.FIN01.2015 1126.pdf
technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	20246_PMST_raw data_5 km_20151028.pdf
report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)	✓	Aboriginal Archaeological Assessment; Lot 400 Strathyre Drive, Prestons

9 Contacts, signatures and declarations

Project title: Residential Subdivision of Lot 400 Strathyre Road, Prestons.

9.1 Person proposing to take action

1. Name and Title:

Michael Ma - Director

2. Organisation (if applicable):

Maxma Developments Pty Ltd

3. EPBC Referral Number (if known):

4: ACN / ABN (if applicable):

42 169 382 316

5. Postal address Suite 1 , 443 Chapel Road, Bankstown, NSW 2200

6. Telephone: 0400996188

7. Email: michael.ma1962@gmail.com

8. Name of designated proponent (if not the same person at item 1 above and if applicable):

N/A

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

N/A

N/A

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:

N/A

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 11.12.15

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

Name Jane Murray

Title Sydney Resource Group Manager

Organisation Biosis Pty Ltd

ACN / ABN (if applicable) 006 175 097/65 006 175 097

Postal address 14/17-27 Power Avenue, Alexandria, NSW 2015

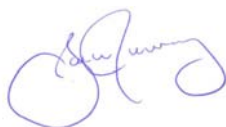
Telephone 0439 576 950

Email JMurray@biosis.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 11/12/2015

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 mosaicked 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. mosaicking/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/>)