

EPBC Act referral



Australian Government

Department of Agriculture, Water and the Environment

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| Title of proposal | 2021/8968 - 414 Old Maitland Road Residential Subdivision 2021-05 |
| Section 1 | |
| Summary of your proposed action | |
| 1.1 Project industry type | Residential Development |
| 1.2 Provide a detailed description of the proposed action, including all proposed activities | |
| <p>A residential subdivision is proposed within land known as 414 Old Maitland Road, Mardi NSW. The site encompasses nine (8) lots (Lot 1 DP 120512, Lot 1 DP 554423, Lot A DP 396415, Lot 1 DP 229970, Lot 1 DP 229971, Lot 101 DP 604655, Lot 36 DP 755249, Lot 41 DP 123953) totalling 224.08 ha. These lots are zoned E2 – Environmental Conservation, E3 – Environmental Management and R5 – Large Lot Residential. The proposed development is located within the Central Coast Council Local Government Area (LGA).</p> <p>The proposed residential subdivision is located within the central portion of the site, involving the establishment of approximately 246 Large Lot residential lots and associated civil works comprising 56.67ha involving three of the aforementioned lots (Lot 1 DP 120512, Lot 1 DP 554423, Lot A DP 396415). Surrounding the development area, approximately 143.05ha is proposed as a biodiversity Stewardship Site.</p> <p>Actions: Clearing of 24.81ha of native vegetation, removal of hollow bearing trees, regeneration of 0.76ha within the development footprint and regeneration and protection of 143.05ha the development of, protection and enhancement of habitat for threatened species within Stewardship lands. All clearing and regeneration will be undertaken in accordance with conditions of consent from Central Coast Council and General Terms of Approval from Biodiversity Conservation Trust.</p> <p>Construction will include roads, stormwater devices, excavation and fill, demolition of existing farmhouse and sheds, noise, vibration, dust, sedimentation, artificial light, installation of natural channel design, installation of culverts, detention basins, pathways, landscaping, retaining walls. All construction works will be undertaken in accordance with conditions of consent from Central Coast Council, General Terms of Approval from Natural Resource Access Regulator and General Terms of Approval from Department Primary Industries (Fisheries Unit).</p> | |
| 1.3 What is the extent and location of your proposed action? | |
| See Appendix B | |
| 1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland) | |
| <p>Approximately 56% of the Subject Site encompasses cleared land composed entirely of exotic plant species. These areas used primarily for grazing cattle and horses and a regularly maintained through slashing. There is one uninhabited dwelling onsite and farmers utility sheds and pens within the Subject Site. The dwelling in the east of the site is currently inhabited. Two dams occur within the allotment. The remainder of the Subject Site is composed of native vegetation present in different state of disturbance.</p> <p>The proposed development is approximately 2.6km from Wyong, 67km to Sydney CBD and 53km to Newcastle CBD.</p> | |
| 1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)? | |
| <p>A residential subdivision is proposed within land known as 414 Old Maitland Road, Mardi NSW. The site encompasses eight (8) lots (Lot 1 DP 120512, Lot 1 DP 554423, Lot A DP 396415, Lot 1 DP 229970, Lot 1 DP 229971, Lot 101 DP 604655, Lot 36 DP 755249, Lot 41 DP 123953) totalling 224.08ha. The proposed residential subdivision is located within the central portion of the site, involving the establishment of approximately 246 Large Lot residential lots and associated civil works comprising 56.67ha (inclusive of 0.76ha of retained native vegetation regeneration and 24.81ha of native vegetation to be removed, 31.09ha of cleared exotic non-native vegetation). The proposal also includes 143.05ha for conservation and regeneration within a Stewardship Site. The remaining 24.36ha within the site are legal easements within the Stewardship Site where no works are proposed.</p> | |
| 1.7 Proposed action location | |
| Address - 414 Old Maitland Rd, Mardi, NSW, 2259, Australia | |



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| 1.8 Primary jurisdiction | | New South Wales |
| 1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| 1.10 Is the proposed action subject to local government planning approval? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 1.10.1 Is there a local government area and council contact for the proposal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 1.10.1.0 Council contact officer details | | |
| 1.10.1.1 Name of relevant council contact officer | Danielle Allen | |
| 1.10.1.2 E-mail | Danielle.Allen@centralcoast.nsw.gov.au | |
| 1.10.1.3 Telephone Number | 0438464239 | |
| 1.11 Provide an estimated start and estimated end date for the proposed action | Start Date | 01/01/2022 |
| | End Date | 01/01/2042 |
| 1.12 Provide details of the context, planning framework and state and/or local Government requirements A Biodiversity Development Assessment Report for the Subdivision has been lodged with Central Coast Council. | | |
| 1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders A November 2016 Coastal News article (https://coastcommunitynews.com.au/central-coast/news/2016/11/rezoning-land-western-side-m1-motorway-supported-administrator/) states that public exhibition occurred with 118 submissions and 108 community member objections on their earlier rounds and mention of an 'Aboriginal Heritage Management Plan'. Included as an attachment. | | |
| 1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project A Biodiversity Development Assessment Report (BDAR) has been prepared by Anderson Environment & Planning for the proposed residential subdivision. The BDAR has been prepared in accordance with the Biodiversity Conservation Act 2016. The BDAR is divided into two stages which are: Stage 1 – Biodiversity Assessment and Stage 2 – Impact Assessment. Stage 1 – Biodiversity Assessment comprises of the mapping of remnant vegetation communities including Endangered Ecological Communities (EECs) within the site, the location of previously identified threatened species and their habitats, and potential contemporary occurrence of threatened species identified within the BAM Calculator. Stage 2 – Impact Assessment comprises of the identification of impact avoidance and mitigation measures, and the quantifying of offset requirements in the form of biodiversity credits based upon residual impacts of the proposal. | | |
| 1.15 Is this action part of a staged development (or a component of a larger project)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 1.15.1 Provide information about the larger action and details of any interdependency between the stages/components and the larger action The proposed development involves a staged residential subdivision covering an area of approximately 56.67 ha and the proposed stewardship over the land surrounding the development are totalling approx. 142ha. The land clearing required for the proposed development involves the removal all native vegetation from the Subject Site with the exception of the E2 – Environmental Conservation Land. The proposal involves a number of stages that will ultimately result in the creation of 246 residential allotments under two Community Title schemes. The initial step in the process is the consolidation of eight (8) existing allotments into two Torrens Title lots, one containing all of the land zoned R5 Large Lot Residential and E3 Environmental Management and the remainder being all of the land zoned E2 Environmental Conservation. The E2 zoned land is to be the subject of a Biodiversity Stewardship Agreement under the Biodiversity Conservation Act. The R5 and E3 zoned land will be the subject of further subdivision with all of the E3 zoned land to be contained within Community Association Property as Lot 1 of a Community Scheme and six (6) development lots containing all of the residential land. Five (5) of the residential development lots will be stages in the first Community Scheme whilst Lot 6 will be the subject of a subsequent Neighbourhood Scheme with its own Neighbourhood Association Property. The eight (8) lots that are the subject of the application are: <ul style="list-style-type: none">• Lot 1 in DP 120512;• Lot A in DP 396415; | | |



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- Lot 1 in DP 554423;
- Lot 101 in DP 604655;
- Lot 1 in DP 229970;
- Lot 1 in DP 229971;
- Lot 41 in DP 123953; and
- Lot 36 in DP755249.

1.16 Is the proposed action related to other actions or proposals in the region?

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Yes

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No



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Section 2

Matters of national environmental significance

2.1 Is the proposed action likely to have any direct or indirect impact on the values of any World Heritage properties?

☐ Yes ☒ No

2.2 Is the proposed action likely to have any direct or indirect impact on the values of any National Heritage places?

☐ Yes ☒ No

2.3 Is the proposed action likely to have any direct or indirect impact on the ecological character of a Ramsar wetland?

☐ Yes ☒ No

2.4 Is the proposed action likely to have any direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?

☒ Yes ☐ No

Species or threatened ecological community

One State and Federally Listed TEC was identified as potentially occurring within the Subject Site; River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. As a result of this TEC being identified as likely to occur on site a thorough review of the Key Diagnostic Characteristics outlined in Section 5.1.1 of the Department of Agriculture, Water and the Environment (2020) Conservation Advice for this community has been undertaken. The assessment identified that the TEC is commensurate with PCT 1720 - Cabbage Gum - Forest Red Gum - Flax-leaved Paperbark Floodplain Forest of the Central Coast (Coastal Floodplains Forest) which occurs on site.

As per the criteria the PCT has been determined as being commensurate with the EEC and is considered to form part of the above Commonwealth listed community in accordance with EPBC Act.

Appendix I - Other Legislation page in PDF 234 Table 1

Impact

The PCT 1720 that is commensurate with EEC River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions will have approximately 8.38ha removed within the proposed development area. A large portion of this PCT is highly fragmented within the Subject Site. The patch size within the Stewardship Site is 3.38ha and is to be retained and managed.

Species or threatened ecological community

Chalinolobus dwyeri - (Large -eared Pied Bat)

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Appendix I - Other Legislation page in PDF 236 Table 2, PDF Page 238 Table 3

Impact

This was identified by calls over the ultrasonic recording during the survey periods. It is likely that this species was foraging within the site and no breeding places are expected to be located within 100 m of the site. However, there is potential for small caves and crevices to be located within the Stewardship Site and further to the west outside of the broader Study Area along escarpments and steeper slopes.

The proposed development will not lead to long term decrease in population due to the high mobility of the species and



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proposed stewardship site, restoring foraging and connectivity habitat for the species. The proposed development is in area of fragmented habitat and is unlikely to have an adverse impact on this species. In addition to this, the proposal is not likely to increase invasive species or disease. Given that only a very small amount of marginal foraging habitat would be removed, this development is unlikely to significantly impact on the species or its recovery within the local area. Therefore, it has been determined that there is not a significant impact.

Species or threatened ecological community

Pteropus poliocephalus (Grey-headed Flying-fox)

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Appendix I - Other Legislation page in PDF 236 Table 2, PDF Page 238 & 239 Table 3

Impact

This was observed during nocturnal surveys feeding within the Subject Site. No maternity or roosting colony was observed within or near the Subject Site. Considering there is a substantial amount of remnant vegetation connected to the Subject Site and the remnant vegetation within the Subject Site is more confined to the edges, it is considered unlikely that the clearing of remnant vegetation within the Subject Site will impact significantly impact this highly mobile species.

The proposed development will not lead to long term decrease in population due to the high mobility of the species and proposed stewardship site, restoring foraging and preserving connectivity habitat for the species. The proposed development is in area of fragmented habitat and is unlikely to have an adverse impact to the population. The proposal is not likely to increase invasive species or disease. Given that only a very small amount of marginal foraging habitat would be removed, this development is unlikely to substantially impact on the species or its recovery within the local area.

Therefore, is has been determined that there is not a significant impact.

Species or threatened ecological community

Melaleuca biconvexa (Biconvex Paperbark)

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Appendix I - Other Legislation page in PDF 236 Table 2, PDF Page 238 Table 3

Impact

Multiple specimens have been recorded within the proposed area to be impacted by the proposal There is a substantial number of records in the wider locality (482) and there is a substantial amount of *Melaleuca biconvexa* proposed to be offset within the Stewardship Site. Considering the amount to be offset within the Stewardship Site and the number of species records within the broader locality, this development is unlikely to impact significantly on this species. Given the large seed bank within soils it has also been assumed that once construction is completed the species area likely to regenerate in areas that are less impacted from the development.

Therefore, is it has been determined that there is not a significant impact.

Species or threatened ecological community

Syzygium paniculatum (Magenta Lilly Pilly)

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Appendix I - Other Legislation page in PDF 236 & 237 Table 2, PDF Page 239 Table 3

Impact

This was identified during field surveys within the Study Area. Two records of this species has been recorded within the Subject Site. The impacts from the proposed development are considered not to substantially impact the broader population within the area. In addition to this there are three other records within the Stewardship Site that are proposed to be retained and managed. Thus, the management of the Stewardship Site should contribute to the preservation of this species within the area.

Therefore, it has been determined that there is not a significant impact.



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Species or threatened ecological community

Rhodamnia rubescens (Scrub Turpentine)

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Appendix I - Other Legislation page in PDF 237 Table 2, PDF Page 239 Table 3

Impact

This was identified during targeted surveys within the Study Area and within the development footprint.

This species is listed within the EPBC Act and BC Act as 'Critically Endangered'. This was determined by the common assessment method and thus the NSW threatened species scientific committee conservation advice for listing as 'Critically endangered' currently applies to EPBC Act assessment.

Within this listing, an estimated 96-99% reduction in population within 3 generations across the species entire range is expected due to severe susceptibility to the fungal pathogen *Austropuccinia psidii* (Myrtle Rust). With no specific population data for the Central Coast LGA, the precautionary principle applies and thus a similar reduction is expected to occur within this area. This exceeds the minimum threshold of 80% reduction in population for a 'Critically Endangered' species and therefore it is considered likely that this species is critically endangered within the Central Coast LGA.

This species therefore meets the criteria for Critically Endangered within the Central Coast LGA and a Significant Impact is likely.

As stated above any impact on the species is considered significant, however, the proposed development is impacting on only 33 individuals while the proposed stewardship site is retaining 319 individuals and has prepared a plan of management for the species which should allow for a significant improvement in health and potentially further germination within the local region. Assisting in the recovery of the species. Therefore, it has been determined that the impact is being negated by the proposed management within the Stewardship site.

2.4.2 Do you consider this impact to be significant?

☒ Yes ☐ No

2.5 Is the proposed action likely to have any direct or indirect impact on the members of any listed migratory species or their habitat?

☐ Yes ☒ No

2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

☐ Yes ☒ No

2.7 Is the proposed action likely to be taken on or near Commonwealth land?

☐ Yes ☒ No

2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?

☐ Yes ☒ No

2.9 Is the proposed action likely to have any direct or indirect impact on a water resource from coal seam gas or large coal mining development?

☐ Yes ☒ No

2.10 Is the proposed action a nuclear action?

☐ Yes ☒ No

2.11 Is the proposed action to be taken by a Commonwealth agency?

☐ Yes ☒ No



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2.12 Is the proposed action to be undertaken in a Commonwealth Heritage place overseas?

☐ Yes ☒ No

2.13 Is the proposed action likely to have any direct or indirect impact on any part of the environment in the Commonwealth marine area?

☐ Yes ☒ No



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Section 3

Description of the project area

3.1 Describe the flora and fauna relevant to the project area

Flora species recorded were typical of those expected in this locality and in this type of remnant habitat. The following species have been recorded within the Subject Site, and will generate Species Credits under the Biodiversity Offset Scheme (BOS); Scrub Turpentine (*Rhodmanian rubescens*), Biconvex Paperbark (*Melaleuca biconvexa*) and Magenta Lilly Pilly (*Syzygium paniculatum*). The *Rhodmanian rubescens* is required for SAI consideration, this species was also recently listed as Critically Endangered under the Environmental Protection and Biodiversity Conservation Act, 1999 (EPBC Act), thus, will require a referral to the Department of Agriculture, Water and the Environment (DAWE) Commonwealth.

Fauna species recorded were typical of those expected in this locality and in this type of habitat. There is a substantial amount of contiguous habitat that surrounds the Subject Site where the proposed Stewardship Site is located. This vast area of contiguous habitat provides a suitable habitat for numerous fauna species in the area. The following listed species have been recorded within the Subject Site, and will generate Credits under the Biodiversity Offset Scheme.; Green-thighed Frog (*Litoria brevipalmata*), Glossy Black-Cockatoo (*Calyptrorhynchus lathami*), Large-eared Pied Bat (*Chalinolobus dwyeri*) and Southern Myotis (*Myotis macropus*).

The surveys also resulted in a number of other threatened species foraging within the Subject Site, with no available breeding habitat these species will be incorporated into Ecosystem Credits. These species include; Varied Sittella (*Daphoenositta chrysoptera*), Little Lorikeet (*Glossopsitta pusilla*), Flame Robin (*Petroica phoenicea*), White-bellied Sea Eagle (*Haliaeetus leucogaster*), Powerful Owl (*Ninox strenua*), Sooty Owl (*Tyto tenebricosa*), Yellow-bellied Glider (*Petaurus australis*), Eastern Falsistrelle (*Falsistrellus tasmaniensis*), Golden-tipped Bat (*Phoniscus papuensis*), Little Bent-winged Bat (*Miniopterus australis*) Large Bent-winged Bat (*Miniopterus orianae oceanensis*) Eastern Coastal Free-tail Bat (*Micronomus norfolkensis*), Greater Broad-nosed Bat (*Scoteanax rueppellii*), Yellow-bellied Sheath-tail-bat (*Saccolaimus flaviventris*), and Grey-headed Flying-fox (*Pteropus poliocephalus*).

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Appendix I PDF Pages

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Flora Descriptions - Sections 1.3 pages 12 -30, 33 - 37.

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Habitat Description - Sections 1.3 - Pages 31 - 32

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Fauna Description - Section 1.4 pages 40 - 76 (this also includes Flora species credit species assessment)

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Flora list present on site is Appendix B PDF page 131 - 141

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Expected Fauna list Appendix C - PDF page 142 - 156

1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28 - Field BAM Sheets - Appendix D - PDF page 157 - 200

3.2 Describe the hydrology relevant to the project area (including water flows)

See attached Flood Assessment Report, compiled by Northrop, NL193270 24/3/2021.

- Incorporation of Water Sensitive Urban Design (WSUD) principles within stormwater infrastructure is to occur to minimise downstream hydrology changes.
- The proposed development is located approximately 3km west of the Wyong township, and is bound by Old Maitland Road to the east, Mardi Dam to the south, Ourimbah State Forest to the west and undeveloped rural properties to the north. The site has an area of approximately 223 hectares and has historically been used for agricultural and rural residential purposes. The subject site locality is presented in Figure 1 overleaf. The site is situated within the base of a valley aligned northeast to southwest, with adjacent ridges to the north, west and south. The subject site is subject to flooding through two mechanisms namely, the regional Wyong River catchment and the local catchment. The local catchment consists of Deep Creek, a third order watercourse and tributary of Wyong River which flows in a westerly direction across the subject site at the base of the valley. A secondary watercourse also traverses the subject site which joins Deep Creek at the north-eastern corner of the site, herein referred to as "Creek B".
- Habitat within the study area transitions from open dry and moist sclerophyll forest to the north, west and south. This leads east down to open floodplain comprising of fragments of melaleuca forest within an already cleared landscape. The transition is also notable for aquatic habitat. Watercourses start in the upper valley with deep channelled seasonal streams running down to the lower valley where small oxbows then occur adjacent to the main channel, this then leads to an open highly fertile landscape with a portion of no defined streamline but rather swales, depressions and hummock areas. This transition provides varying riparian type habitats for a range of different frog species.

A Biodiversity Stewardship Agreement is proposed for approx. 148.2 ha within the site as shown in Figure 1. The agreement would see the long-term protection and conservation of land, which consists of remnant forest on low to upper slopes surrounding grazed floodplain areas. The proposal would also provide protection of approx. 2km of Deep Creek and tributaries.

3.3 Describe the soil and vegetation characteristics relevant to the project area

The development site occurs in the IBRA Bioregion of the Sydney Basin, Wyong, with two Mitchell landscapes identified;



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Sydney – Newcastle Coastal Alluvial Plains in the eastern portion of the site; and Gosford – Cooranbong Coastal Slopes in the smaller western portion of the site. Approximately 56% of the Subject Site encompasses cleared land composed entirely of exotic plant species. These areas are used primarily for grazing cattle and horses and a regularly maintained through slashing. The remainder of the Subject Site is composed of native vegetation present in different states of disturbance and comprising of six native vegetation communities; PCT 684, PCT 1071, PCT 1568, PCT 1718, PCT 1720 and PCT 1723. The surrounding land directly east of the Study Area is zoned RU1- Primary Production. Land directly to the south of the Study Area is zoned SP2 – Infrastructure. Land directly to the west comprises Ourimbah State Forest. Land directly to the north comprises a small parcel of E3 – Environmental Management and RU1 – Primary Production that provides connectivity features.

The Subject Site does not possess any area of geological significance. The site is mapped as possessing Class 4 and 5 Acid Sulphate Soil under the Wyong LEP 2013.

3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area

The development site occurs in the IBRA Bioregion of the Sydney Basin, Wyong, with two Mitchell landscapes identified; Sydney – Newcastle Coastal Alluvial Plains in the eastern portion of the site; and Gosford – Cooranbong Coastal Slopes in the smaller western portion of the site. Approximately 56% of the Subject Site encompasses cleared land composed entirely of exotic plant species. These areas are used primarily for grazing cattle and horses and a regularly maintained through slashing. The remainder of the Subject Site is composed of native vegetation present in different states of disturbance and comprising of six native vegetation communities; PCT 684, PCT 1071, PCT 1568, PCT 1718, PCT 1720 and PCT 1723. The surrounding land directly east of the Study Area is zoned RU1- Primary Production. Land directly to the south of the Study Area is zoned SP2 – Infrastructure. Land directly to the west comprises Ourimbah State Forest. Land directly to the north comprises a small parcel of E3 – Environmental Management and RU1 – Primary Production that provides connectivity features.

The Subject Site does not possess any area of geological significance. The site is mapped as possessing Class 4 and 5 Acid Sulphate Soil under the Wyong LEP 2013.

3.5 Describe the status of native vegetation relevant to the project area

Approximately 24.60ha of remnant native vegetation occurs within the Subject Site, identified as six (6) separate PCTs.

- PCT 684 - Blackbutt - Narrow-leaved White Mahogany shrubby tall open forest of coastal ranges, northern Sydney Basin Bioregion (6.66 ha), No Associated Threatened Ecological Community (TEC);
- PCT 1071- *Phragmites australis* and *Typha orientalis* coastal freshwater wetlands of the Sydney Basin Bioregion (0.19 ha), Associated TEC: State Listed Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions;
- PCT-1568 - Blackbutt - Turpentine - Sydney Blue Gum mesic tall open forest on ranges of the Central Coast (3.57 ha), No Associated Threatened Ecological Community (TEC);
- PCT 1718 - Swamp Mahogany - Flax-leaved Paperbark swamp forest on coastal lowlands of the Central Coast (1.40), Associated TEC: State Listed Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions;
- PCT 1720 - Cabbage Gum - Forest Red Gum - Flax-leaved Paperbark Floodplain Forest of the Central Coast (8.38 ha), Associated TEC: State and Federally Listed TEC: River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions;
- PCT – 1723 - *Melaleuca biconvexa* - Swamp Mahogany - Cabbage Palm swamp forest of the Central Coast (4.80 ha), Associated TEC: State Listed Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions
- The remainder of the Subject Site comprises 31.25 ha of exotic vegetation / managed grazed paddocks, dams, an old dwelling and utility sheds.

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

Ranges between an upslope to 5 degrees.

3.7 Describe the current condition of the environment relevant to the project area

Approximately 56% of the Subject Site encompasses cleared land composed entirely of exotic plant species. These areas used primarily for grazing cattle and horses and a regularly maintained through slashing. There is one uninhabited dwelling onsite and farmers utility sheds and pens within the Subject Site. The dwelling in the east of the site is currently inhabited. Two dams occur within the allotment. The remainder of the Subject Site is composed of native vegetation present in different state of disturbance.

3.8 Describe any Commonwealth Heritage places or other places recognised as having heritage values relevant to the project

The summary of findings state that the survey taken on the 16th and 17th of August by Mary Dallas and Dominic Steele in



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consultation with the Darkinjung Local Aboriginal Land Council was represented throughout the course of the field survey by Mr Tony Donovan. The survey was fully comprehensive and included the relocation and additional recordings of three Aboriginal sites known to exist on or near the property. All likely site locations were investigated including all sandstone formations and elevated level ground for signs of Aboriginal occupation remains, and old timber for signs of scaring to which might be attributed an Aboriginal origin. No new sites were located by the survey. The report concluded that further archaeological survey or archaeological investigation is not warranted or required. Recorded Aboriginal sites include NPWS Site #4531102 A Shelter with Occupation Deposit located 500 metres to the west of the south western boundary of the property on a forestry road to the north of Fowlers Fire Tower that is not affected by the currently proposed development. NPWS Site #4531103 Shelter with Drawing was relocated to the south of the original recorded position in an overhang facing east within 50 metres of the northern boundary of the property. Two additional drawings of wombats were observed on the rear wall of an inner cave within the overhang, no evidence of occupation deposit was observed. Once again, this area is clear of the proposed development footprint. NPWS Site #4531104 Axe Grinding Groove was a single axe grinding groove at the location. The subsequent survey by Dallas found an additional set of grooves and this site is located within 80 metres of a transmission line easement running near the southern boundary of the property. Once again, this site is clear of the proposed development footprint.

3.9 Describe any Indigenous heritage values relevant to the project area

The summary of findings state that the survey taken on the 16th and 17th of August by Mary Dallas and Dominic Steele in consultation with the Darkinjung Local Aboriginal Land Council was represented throughout the course of the field survey by Mr Tony Donovan. The survey was fully comprehensive and included the relocation and additional recordings of three Aboriginal sites known to exist on or near the property. All likely site locations were investigated including all sandstone formations and elevated level ground for signs of Aboriginal occupation remains, and old timber for signs of scaring to which might be attributed an Aboriginal origin. No new sites were located by the survey. The report concluded that further archaeological survey or archaeological investigation is not warranted or required. Recorded Aboriginal sites include NPWS Site #4531102 A Shelter with Occupation Deposit located 500 metres to the west of the south western boundary of the property on a forestry road to the north of Fowlers Fire Tower that is not affected by the currently proposed development. NPWS Site #4531103 Shelter with Drawing was relocated to the south of the original recorded position in an overhang facing east within 50 metres of the northern boundary of the property. Two additional drawings of wombats were observed on the rear wall of an inner cave within the overhang, no evidence of occupation deposit was observed. Once again, this area is clear of the proposed development footprint. NPWS Site #4531104 Axe Grinding Groove was a single axe grinding groove at the location. The subsequent survey by Dallas found an additional set of grooves and this site is located within 80 metres of a transmission line easement running near the southern boundary of the property. Once again, this site is clear of the proposed development footprint.

3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area

Freehold.

3.11 Describe any existing or any proposed uses relevant to the project area

Approximately 56% of the Subject Site encompasses cleared land composed entirely of exotic plant species. These areas used primarily for grazing cattle and horses and a regularly maintained through slashing. There is one uninhabited dwelling onsite and farmers utility sheds and pens within the Subject Site. The dwelling in the east of the site is currently inhabited. Two dams occur within the allotment. The remainder of the Subject Site is composed of native vegetation present in different state of disturbance.



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Section 4

Measures to avoid or reduce impacts

4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action

Anderson Environment & Planning (AEP) was commissioned by Transitional Pastoral Pty Ltd & The Stevens Group to undertake a Biodiversity Stewardship Site Assessment Report (BSSAR - 00012633/BAAS17085/19/00014546) over land within Lot 1 DP 120512, Lot 1 DP554423, Lot 1 DP 229970, Lot 101 DP 604655, Lot 41 DP 123953 and Lot 36 DP 755249, at 414 Old Maitland Road, Mardi NSW.

The proposed Biodiversity Stewardship Agreement will capture a diversity of ecosystem types, flora and fauna species, habitat niches and landscapes, to benefit from long term conservation and management. The following communities and species have been recorded within the Study Area, which will generate Credits under the Biodiversity Offset Scheme (BOS);

- Six (6) plant communities types are captured within the Stewardship Site generating credits: PCT 684 - Blackbutt - Narrow-leaved White Mahogany shrubby tall open forest, northern Sydney Basin Bioregion (Shrubby sub-formation), PCT 1568 - Blackbutt - Turpentine - Sydney Blue Gum mesic tall open forest on ranges of the Central Coast (Shrubby sub-formation), PCT 1568 - Blackbutt - Turpentine - Sydney Blue Gum mesic tall open forest on ranges of the Central Coast (Shrubby sub-formation), PCT 1718 - Swamp Mahogany - Flax-leaved Paperbark swamp forest on coastal lowlands of the Central Coast (Coastal Swamp Forests), PCT 1720 Cabbage Gum - Forest Red Gum - Flax-leaved Paperbark Floodplain Forest of the Central Coast (Coastal Floodplains Forest) and PCT 1723 - Melaleuca biconvexa - Swamp Mahogany - Cabbage Palm swamp forest of the Central (Coastal Swamp Forests).

- Three (3) the above communities are associated with threatened ecological communities (TECs): PCT 1718 and PCT 1723 Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregion, PCT 1590 - Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions and PCT 1720 River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions;

- Three (3) flora species: *Rhodamnia rubescens* (Scrub Turpentine), *Syzygium paniculatum* (Magenta Lilly Pilly), and *Melaleuca biconvexa* (Biconvex Paperbark); and

- Four (4) fauna species Glossy Black-Cockatoo (*Calyptorhynchus lathami*), *Chalinolobus dwyeri* (Large-eared Pied Bat), *Myotis Macropus* (Southern Myotis), and *Litoria brevipalmata* (Green-thighed Frog).

Active management across the Stewardship Site will improve vegetation integrity and threatened species habitat values within the Central Coast LGA.

4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved

The patch size of River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria within the Subject Site is 8.38ha. The patch size within the Stewardship Site is 3.38ha. The total area within the Study Area is 11.76 ha. Some of the individual patches (broken up by roads, cleared areas, patches of exotic vegetation) are less than 0.5ha however, there are a number of areas that are greater than 0.5ha and therefore can be considered reliable data to identify the community as the listed community under the EPBC Act. 3.38ha of this vegetation community will be offset within the Stewardship Site.

Chalinolobus dwyeri (Large -eared Pied Bat) – identified by calls over the ultrasonic recording during the survey periods. It is likely that this species was foraging within the site and no breeding places are expected to be located within 100 m of the site. However, there is potential for small caves and crevices to be located within the Stewardship Site and further to the west outside of the broader Study Area along escarpments and steeper slopes. Given that only a very small amount of marginal foraging habitat would be removed, this development is unlikely to impact significantly on this species.

Melaleuca biconvexa (Biconvex Paperbark); multiple targeted surveys. Multiple specimens recorded in within proposed to be impacted by the proposal, and the large number of records in the wider locality (482) and the amount of *Melaleuca biconvexa* proposed to be offset within the Stewardship Site, this development is unlikely to impact significantly on this species. Given the large seed bank within soils it has also been assumed that once construction is completed the species area likely to regenerate in areas that are less impacted from the development.

Pteropus poliocephalus (Grey-headed Flying-fox): Observed during nocturnal surveys feeding within the Subject Site. No maternity or roosting colony was observed within or near the Subject Site. Considering there is a substantial amount of remnant vegetation connected to the Subject Site and the remnant vegetation within the Subject Site is more confined to the edges, it is considered unlikely that the clearing of remnant vegetation within the Subject Site will impact significantly impact this highly mobile species.

Syzygium paniculatum (Magenta Lilly Pilly): This was identified during field surveys within the Study Area. Only one record of this species has been recorded within the Subject Site. The impacts from the proposed development are considered not to substantially impact the broader population within the area. In addition to this there are two other records within the



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Stewardship Site that are proposed to be retained and managed. Thus, the management of the Stewardship Site should contribute to the preservation of this species within the area.

Rhodamnia rubescens (Scrub Turpentine): Identified during targeted surveys within the Study Area and as a result the development footprint was changed to avoid the species. and as such will be retained. This species is listed within the EPBC Act and BC Act as 'Critically Endangered'. This was determined by the common assessment method and thus the NSW threatened species scientific committee conservation advice for listing as 'Critically endangered' currently applies to EPBC Act assessment. Within this listing, an estimated 96-99% reduction in population within 3 generations across the species entire range is expected due to severe susceptibility to the fungal pathogen *Austropuccinia psidii* (Myrtle Rust). With no specific population data for the Central Coast LGA, the precautionary principle applies and thus a similar reduction is expected to occur within this area. This exceeds the minimum threshold of 80% reduction in population for a 'Critically Endangered' species and therefore it is considered likely that this species is critically endangered within the Central Coast LGA.



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Section 5

Conclusion on the likelihood of significant impacts

5.1 You indicated the below ticked items to be of significant impact and therefore you consider the action to be a controlled action

- ☐ World Heritage properties
- ☐ National Heritage places
- ☐ Wetlands of international importance (declared Ramsar wetlands)
- ☒ Listed threatened species or any threatened ecological community
- ☐ Listed migratory species
- ☐ Marine environment outside Commonwealth marine areas
- ☐ Protection of the environment from actions involving Commonwealth land
- ☐ Great Barrier Reef Marine Park
- ☐ A water resource, in relation to coal seam gas development and large coal mining development
- ☐ Protection of the environment from nuclear actions
- ☐ Protection of the environment from Commonwealth actions
- ☐ Commonwealth Heritage places overseas
- ☐ Commonwealth marine areas

5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action

Chalinolobus dwyeri: The proposed development will not lead to long term decrease in population due to the high mobility of the species and proposed stewardship site, restoring foraging and connectivity habitat for the species. The proposed development is in area of fragmented habitat and is unlikely to have an adverse impact on this species. In addition to this, the proposal is not likely to increase invasive species or disease. Given that only a very small amount of marginal foraging habitat would be removed, this development is unlikely to significantly impact on the species or its recovery within the local area. Therefore, it has been determined that there is not a significant impact.

Melaleuca biconvexa: Multiple specimens have been recorded within the proposed area to be impacted by the proposal. There is a substantial number of records in the wider locality (482) and there is a substantial amount of *Melaleuca biconvexa* proposed to be offset within the Stewardship Site. Considering the amount to be offset within the Stewardship Site and the number of species records within the broader locality, this development is unlikely to impact significantly on this species. Given the large seed bank within soils it has also been assumed that once construction is completed the species area likely to regenerate in areas that are less impacted from the development.

Therefore, it has been determined that there is not a significant impact.

Pteropus poliocephalus: The proposed development will not lead to long term decrease in population due to the high mobility of the species and proposed stewardship site, restoring foraging and preserving connectivity habitat for the species. The proposed development is in area of fragmented habitat and is unlikely to have an adverse impact to the population. The proposal is not likely to increase invasive species or disease. Given that only a very small amount of marginal foraging habitat would be removed, this development is unlikely to substantially impact on the species or its recovery within the local area.

Therefore, it has been determined that there is not a significant impact.

Syzygium paniculatum: The proposed development will not lead to long term decrease in population due to the high mobility of the species and proposed stewardship site, restoring foraging and preserving connectivity habitat for the species. The proposed development is in area of fragmented habitat and is unlikely to have an adverse impact to the population. The proposal is not likely to increase invasive species or disease. Given that only a very small amount of marginal foraging habitat would be removed, this development is unlikely to substantially impact on the species or its recovery within the local area.

Therefore, it has been determined that there is not a significant impact.



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Section 6

Environmental record of the person proposing to take the action

6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Explain in further detail

Yes. No proceedings to date.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application

There are not currently any past or present proceedings against either the person proposing the action or the person making the application. Therefore this is not applicable.

6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?

☒ Yes ☐ No

6.3.1 If the person taking the action is a corporation, provide details of the corporation's environmental policy and planning framework

The works will be undertaken in accordance with General Terms of Approval from all Department of Primary Industries (Fisheries Unit) (DPI), Natural Resources Access Regulator (NRAR) and Central Coast Council (CCC). A Construction Environmental Management Plan (CEMP) will be prepared and approved by CCC ensuring all works are undertaken in accordance with current best practice.

As the application has not been approved to date there are no General Terms of Approval or Conditions of Consent.

6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?

☐ Yes ☒ No



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Section 7

Information sources

Reference source

Cropper S.C. (1993) Management of Endangered Plants. CSIRO Publications Victoria.

Reliability

High

Uncertainties

N/A

Reference source

DECC (2009) Threatened Species Survey and Assessment Guidelines: Field Survey Methods for fauna – amphibians. NSW Department of Environment and Climate Change.

Reliability

High

Uncertainties

N/A

Reference source

DPI (2018) Guidelines for controlled activities on waterfront land—Riparian corridors
https://www.industry.nsw.gov.au/__data/assets/pdf_file/0004/156865/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf

Reliability

High

Uncertainties

N/A

Reference source

Keith D (2004) Ocean Shores to Desert Dunes. DEC, Sydney.

Reliability

High

Uncertainties

N/A

Reference source

Eco Logical Australia (2016) Technical Report prepared for the Wyong Shire Council – Vegetation Mapping, Eco Logical and Fore Sense.

Reliability

High

Uncertainties

N/A



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

| |
|--|
| Reference source |
| Department of Environment and Conservation (2004) Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities. Working Draft, November 2004. |
| Reliability |
| High |
| Uncertainties |
| N/A |

| |
|--|
| Reference source |
| DPIE (2020) Surveying threatened plants and their habitats, NSW survey guide for the Biodiversity Assessment Method. NSW Department of Planning, Industry and Environment. |
| Reliability |
| High |
| Uncertainties |
| N/A |

| |
|--|
| Reference source |
| Department of Agriculture, Water and the Environment (2021) Protected Matters Search Tool, Accessed February 2021, https://www.environment.gov.au/epbc/protected-matters-search-tool |
| Reliability |
| High |
| Uncertainties |
| N/A |

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|--|
| Reference source |
| OEH (2016a) NSW Guide to Surveying Threatened Plants. February 2016. NSW Office of Environment and Heritage. |
| Reliability |
| High |
| Uncertainties |
| N/A |



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

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| Section 8 |
| Proposed alternatives |
| Do you have any feasible alternatives to taking the proposed action? Yes <input checked="" type="checkbox"/> No |



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Section 9

Person proposing the action

9.1.1 Is the person proposing the action an organisation or business?

☒ Yes ☐ No

Organisation

| | |
|---|---|
| Organisation name (as registered for ABN/ACN) | STEVENS HOLDINGS PTY LIMITED |
| Business name | |
| ABN | 14002386450 |
| ACN | |
| Business address | Suite 6, 257-259 Central Coast Hwy, Erina, 2250, NSW, Australia |
| Postal address | |
| Main Phone number | 0243653351 |
| Fax | |
| Primary email address | planning@stevensgroup.com.au |
| Secondary email address | |

9.1.2 I qualify for exemption from fees under Regulation 5.23(1)(ii) of the EPBC Regulations because I am:

☐ Small business
☒ Not applicable

9.1.2.2 I would like to apply for a waiver of full or partial fees under Regulation 5.21A of the EPBC Regulations

☐ Yes ☒ No

9.1.3 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)

| | |
|-----------------|---|
| First name | Lin |
| Last name | Armstrong |
| Job title | Manager - Planning Services |
| Phone | |
| Mobile | 0420973252 |
| Fax | |
| Email | lin@stevensgroup.com.au |
| Primary address | Suite 6, 257-259 Central Coast Highway, Erina, 2250, NSW, Australia |
| Address | |

Declaration: Person proposing the action (To be signed by the person at 9.1.3)

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

Signature:  Date: 10/06/2021

I, Lin Armstrong, the person proposing the action, consent to the designation of Transnational Pastoral Pty Ltd as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature:  Date: 10/06/2021



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Proposed designated proponent

9.2.1 Is the proposed designated proponent an organisation or business?

☒ Yes ☐ No

Organisation


| | |
|---|--|
| Organisation name (as registered for ABN/ACN) | TRANSNATIONAL PASTORAL PTY. LIMITED |
| Business name | |
| ABN | 96003121882 |
| ACN | |
| Business address | 116 Ocean Parade, Blue Bay, 2261, NSW, Australia |
| Postal address | |
| Main Phone number | 0477688889 |
| Fax | |
| Primary email address | tni@bigpond.net.au |
| Secondary email address | |

9.2.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)

| | |
|-----------------|--|
| First name | Laurie |
| Last name | Denton |
| Job title | Managing Director |
| Phone | 0477688889 |
| Mobile | 0477688889 |
| Fax | |
| Email | cfo_tni@outlook.com |
| Primary address | 116 Ocean Parade, Blue Bay, 2261, NSW, Australia |
| Address | |

Declaration: Proposed Designated Proponent

I, Lawrence Denton, the
proposed designated proponent, consent to the designation of
myself as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature:  Date: 10/06/2021



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Referring party (person preparing the information)**9.3.1 Is the referring party an organisation or a business?**

☒ Yes ☐ No

Organisation**Organisation name (as registered for ABN/ACN)**

The Trustee for Timtobes Anderson Family Trust

Business name

Anderson Environment & Planning

ABN

27170660510

ACN**Business address**

PO Box 210, ADAMSTOWN, 2289, NSW, Australia

Postal address**Main Phone number**

0418681581

Fax**Primary email address**

craig@andersonep.com.au

Secondary email address**9.3.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)****First name**

Craig

Last name

Anderson

Job title

Director

Phone

0418681581

Mobile**Fax****Email**

craig@andersonep.com.au

Primary address

PO BOX 210, ADAMSTOWN, 2289, NSW, Australia

Address**Declaration: Referring party (person preparing the information)**I, Craig Anderson,

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

Signature: C. T. Anderson Date: 11/06/2021



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

| Appendix A | |
|-----------------------------|--|
| Attachment | |
| Document Type | File Name |
| action_area_images | Subject site.kml |
| action_area_images | Figure 3 - Subject Site.pdf |
| localgov_approval_consent | NOT PUBLISHED - SENSITIVE 1910 Mardi CCC details.pdf |
| public_consultation_reports | 1.13 EPBC - Mardi.pdf |
| supporting_tech_reports | 1910.02 - Mardi Subdivision BDAR Rev 01 2021-05-28.pdf |
| hydro_investigation_files | Flood Assessment Report.pdf |

| Appendix B |
|----------------------------------|
| Coordinates |
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