



# 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](http://www.gbrmpa.gov.au)

#### **What information do I need to provide?**

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

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

#### **Instructions**

Instructions are provided in blue text throughout the form.

#### **Attachments/supporting information**

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

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

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

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

### **How do I pay for my referral?**

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

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

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

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

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

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

- **Credit Card**

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

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

### **How do I submit a referral?**

Referrals may be submitted by mail or email.

**Mail to:**

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

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

**Email to: [epbc.referrals@environment.gov.au](mailto: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

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## Project title:

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## 1 Summary of proposed action

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

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### 1.1 Short description

The proposed action is for tree trimming to occur on mature vegetation on the Cairns City Library property, 151 Abbott St Cairns, Queensland.  
Council shall trim five (5) trees by up to 20% of total mass.

This property is listed as a nationally important Camp for Spectacled Flying Foxes (*Pteropus conspicillatus*).

It is not intended to deliberately harm flying foxes as a result of the trimming. The objective is to trim vegetation on site as a maintenance activity to remove deadwood and shape all the trees.  
The trees on this property were last trimmed in May 2014.

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### 1.2 Latitude and longitude

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds
	-16°	55'	13.352664"	145°	46'	31.00764"

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### 1.3 Locality and property description

The property is a public library, owned and managed by Cairns Regional Council. It was formally the Cairns City Council Chambers.

The site is bounded by Abbott, Aplin and Lake Streets.

The expansive property has landscaped gardens with several large fig trees (*Ficus* sp) that are renowned for roosting Spectacled Flying Foxes. The location is close to the Cairns city centre.

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

8500m (0.85 Hectare) (ha)

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### 1.5 Street address of the site

151 Abbott Street Cairns,  
Queensland, Australia

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### 1.6 Lot description

*Lot numbers:* L730C1981, L729C1981, L728C1961, L727C1981, 701C1981, 702C1981, 703C1981, 704C1981, 705C1981, 706C1981, 707C1981

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1.7	<b>Local Government Area and Council contact (if known)</b> Area: Cairns Regional Council- Local government area Contact: Brett Spencer – Manager Parks and Leisure		
1.8	<b>Time frame</b> It is proposed that the action of tree trimming will commence in the period of July to September 2016. The start date of works is dependant on when flying foxes leave the site entirely. Diurnal (daytime) pruning or trimming of site vegetation is intended.		
1.9	<b>Alternatives to proposed action</b> <i>Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?</i>	X	Alternatives: <ul style="list-style-type: none"> <li>To <u>not</u> trim site trees – <i>not supported by Council due to overgrowth and required removal of deadwood in particular trees (public safety) as identified by Council</i></li> </ul>
			Yes, you must also complete section 2.2
1.10	<b>Alternative time frames etc</b> <i>Does the proposed action include alternative time frames, locations or activities?</i>	X	Alternatives:  Delaying the works to later in the year: <ul style="list-style-type: none"> <li>The works are deliberately scheduled at this time of the year (June to August) to coincide with the seasonal departure of Spectacled flying foxes. To delay works at the site would increase the risk of interfering with or impacting flying foxes once they return.</li> </ul>
			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	<b>State assessment</b> <i>Is the action subject to a state or territory environmental impact assessment?</i>	X	<u>No</u>
			Yes, you must also complete Section 2.5
1.12	<b>Component of larger action</b> <i>Is the proposed action a component of a larger action?</i>	X	<u>No</u>
			Yes, you must also complete Section 2.7
1.13	<b>Related actions/proposals</b> <i>Is the proposed action related to other actions or proposals in the region (if known)?</i>	X	<u>No</u>
			Yes, provide details:
1.14	<b>Australian Government funding</b> <i>Has the person proposing to take the action received any Australian Government grant funding to undertake this project?</i>	X	<u>No</u>
			Yes, provide details:
1.15	<b>Great Barrier Reef Marine Park</b> <i>Is the proposed action inside the Great Barrier Reef Marine Park?</i>	X	<u>No</u>
			Yes, you must also complete Section 3.1 (h), 3.2 (e)

## 2 Detailed description of proposed action

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

Cairns Regional Council plan to trim all five (5) mature trees on site by up to 20%.

The purpose is to trim & remove or dead growth in the tree canopy, take out identified weak growth and shape the crown of the trees on site generally.

All trimming and pruning works will also only be undertaken when the roost trees are unoccupied by flying foxes – due to their predicted seasonal departure.

An independent arborist has assessed the property trees and identified these as requiring maintenance

### 2.1 Description of proposed action

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

A qualified Council contractor will undertake pruning of trees on site at the Cairns City Library.

The specific vegetation identified for works are:

- 3x Rubber Figs (*Ficus elastica*)
  - 1x Small leaf fig (*Ficus benjamina*)
  - 1x Golden penda (*Xanthostemon Chrysanthus*)
- (See Figure 1 – Cairns Regional Council Library – vegetation on site;  
Figure 2-5 showing photos of current vegetation)

- All targeted vegetation at the property is to be trimmed by up to 20%.
- Trimming will remove deadwood and long limbs that have excessive or weak growth.
- Trees will also be pruned to reduce overhang over the public walkways and public road (vehicle parking areas).
- Works shall be undertaken using qualified arborists. Access to canopy and tree limbs shall be via cherry picker (a hydraulic elevated work platform) and tree climbing where required.
- Trimming will occur during the day and when spectacled flying foxes have been confirmed as having left the roost.
- Deadwood will be removed from particularly the ficus trees identified to contain the most such material.
- All crowns will be cut back to shape and to ultimately improve overall presentation and strength.

Works will cease if Spectacled Flying-fox (SFF) return to the trees during any point of the tree removal. Monitoring of the Spectacled Flying-fox (SFF) during tree pruning will consist of inspection of the trees prior to works to confirm no Spectacled Flying-fox (SFF) are on site removal.

### 2.2 Alternatives to taking the proposed action

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

*Alternatives to undertaking pruning:*

1) **Not undertaking the trimming works** – All site vegetation will not be appropriately maintained if pruning and trimming does not occur. Deadwood and excessive growth will not be removed.

Such deadwood and limbs will become weak and potentially unstable, presenting a risk to public safety - should staff and/or the general public be beneath or near the trees or such a canopy.



2) **Delaying trimming** – Similar risks will present to Council as above alternative. All vegetation will continue to be unmanaged and deadwood and excessive limb growth will not be actioned in a timely fashion. Spectacled flying foxes will also be at risk of returning to the roost, as the breeding and SFF birthing season then approaches. This is traditionally late Winter, early Spring period, or September onwards.

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

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

Refer above response (2.2).

### 2.4 Context, planning framework and state/local government requirements

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

The *Queensland Heritage Act (1992)* .

The Cairns City Library (the former Cairns City Council Chambers) is listed on the QLD Heritage Register(QHR601576). The heritage registration places restrictions on what can be undertaken to all vegetation at the site, as the mature trees form part of the significant context of the property and landscape setting. Under the Department of Environment and Heritage Protection (DEHP) there is a General Exemption Certificate which allows vegetation trimming of up to 20% (every 2 years) under that State authority.

DEHP – (Heritage agency) has been formally notified of council intention in May 2016.

DEHP – *Nature Conservation Act 1992 (QLD)*.

Spectacled flying-foxes are native animals protected under both State and Federal legislation. DEHP administers the Nature Conservation Act (1992) and are responsible for the regulation and protection of native Flying foxes in Qld. As the vegetation being targeted at the Library is identified as a Flying Fox roost site, Council has informed the Wildlife Management branch of the intent to prune and trim the roost trees on site.

### 2.5 Environmental impact assessments under Commonwealth, state or territory legislation

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

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

N/A

### 2.6 Public consultation (including with Indigenous stakeholders)

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

Public notification is to occur via Cairns Regional Councils website and other such typical Council public advice/notification mechanisms.

All notification shall occur once the dates and times for works have been confirmed (and flying foxes are confirmed as not being present).



## **2.7 A staged development or component of a larger project**

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

The trimming of the tree is not part of a larger action. The undertaking is regarded as tree maintenance and public risk reduction by the Council.

## 3 Description of environment & likely impacts

### 3.1 Matters of national environmental significance

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

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

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

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

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

#### 3.1 (a) World Heritage Properties

The site is located close to the Cairns CBD. There are no World Heritage properties at or immediately adjacent to the site.

##### Description

The site is located generally in the Wet Tropics region which is reliant on seed and pollen dispersal from Spectacled Flying-fox (SFF) and a number of other endemic species that undertake this ecological function.

##### Nature and extent of likely impact

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

No impacts to World Heritage properties are expected as a result of the proposed trimming action. A significant impact is not expected to Spectacled Flying-fox (SFF) as a result of canopy trimming and deadwood removal on 5 trees at the site. It is expected that Spectacled Flying-fox (SFF) will return to the site once trimming is completed.

Flying Fox ecosystem functions such as native seed dispersal and pollination activities, are unlikely to be impacted as a result of the proposed tree maintenance activity.

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#### 3.1 (b) National Heritage Places

The Great Barrier Reef is listed as a National Heritage Place and will not be impacted as a result of the proposed actions.

##### Description

##### Nature and extent of likely impact

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

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

N/A

#### Description

#### Nature and extent of likely impact

Address any impacts on the ecological character of any Ramsar wetlands.

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### 3.1 (d) Listed threatened species and ecological communities

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

#### Description

*Pteropus conspicillatus* (the Spectacled Flying-fox) (SFF), is listed as Vulnerable under the EPBC (1999). The roost site at the City Library is listed as a 'Nationally Important Flying-fox Camp'.

#### Nature and extent of likely impact

As SFF are listed as Vulnerable under the EPBC Act, they are a Matter of National Environmental Significance, however the proposed trimming and deadwood reduction will only be undertaken when they are confirmed as being absent from the site (a typical historical event has seen then SFF colony vacate the site completely for a period of several weeks during the year). They are known to be highly mobile and irregular movement pattern and behaviour.

Populations are also acknowledged to be in decline or face threats as a result of loss suitable feeding habitat and land modification. This has resulted in government enacting legislative to protect the species and regulate disturbances to particular roosts (DoE 2016).

It is estimated that there are up to 100,000 -145,000 Spectacled Flying-foxes in the region, with up to approximately 12,000 individuals in or around the CBD in peak times, meaning that the local population is approximately at 12% of the total known national population. This population is traditionally peaking in the summer months when birthing season and juvenile SFF are present in high numbers in the city area, roosting during the daytime. This is ordinarily at the January – April period (Morrant 2016)

This provides weight to scheduling of the current trimming works in July – September to have the least likely possibility and lower risk of any SFF impacts, either directly or to the habitat and roost site at the Library.

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### 3.1 (e) Listed migratory species

N/A

#### Description

#### Nature and extent of likely impact

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

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### 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.)

N/A

**Description**

**Nature and extent of likely impact**

[Address any impacts on any part of the environment in the Commonwealth marine area.](#)

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**3.1 (g) Commonwealth land**

N/A

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

**Description**

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

**Nature and extent of likely impact**

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

- ecosystems and their constituent parts, including people and communities;
  - natural and physical resources;
  - the qualities and characteristics of locations, places and areas;
  - the heritage values of places; and
  - the social, economic and cultural aspects of the above things.
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### 3.1 (h) The Great Barrier Reef Marine Park

N/A

#### Nature and extent of likely impact

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

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

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

#### Description

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

#### Nature and extent of likely impact

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

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

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

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

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

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

3.2 (a)	Is the proposed action a nuclear action?	X	No

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

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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	<u>No</u>
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	<u>No</u>
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	<u>No</u>
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))			

### 3.3 Other important features of the environment

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

#### 3.3 (a) Flora and fauna

There are 5 trees that are subject to trimming and pruning on the site:

- 3X Rubber Fig (*Ficus elastica*)
- 1x Small leaf fig (*Ficus benjamina*)
- 1x Golden penda (*Xanthostemon Chrysanthus*)

These are large, mature trees that have significance due to the Heritage values of the associated property. Trimming and pruning shall be limited to up to 20% of canopy and deadwood. An ecologist or qualified 'Spotter – catcher' shall confirm the absence of flying-foxes in all trees and ensure any other fauna is not breeding, nesting or likely to be disturbed when works are occurring.

Refer attached Arboricultural Report: Cairns Library Site by Tree Management Australia #39160625

#### 3.3 (b) Hydrology, including water flows

N/A

#### 3.3 (c) Soil and Vegetation characteristics

N/A

#### 3.3 (d) Outstanding natural features

N/A

#### 3.3 (e) Remnant native vegetation

N/A

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

N/A

**3.3 (g) Current state of the environment**

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

N/A

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

Nil Commonwealth Heritage value. The property is listed on the State *Queensland Heritage Act (1992)* as the former Cairns City Council Chambers. The heritage registration also places restrictions on what can be undertaken to all vegetation at the site, as the mature trees form part of the significant context of the property and landscape setting. Under the Department of Environment and Heritage Protection (DEHP) there is a General Exemption Certificate which allows vegetation trimming of up to 20% (every 2 years) under that State authority.

**3.3 (i) Indigenous heritage values**

N/A

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

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

N/A

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

Freehold land tenure (Council)

**3.3 (l) Existing land/marine uses of area**

Urban Cairns Central Business District (CBD)

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

N/A



## 4 Environmental outcomes

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

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

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

**The proposed action is unlikely to result in or have a potential significant impact on the EPBC-listed Matters of National Environmental Significance (MNES). Works on vegetation are for the purpose of maintenance and long term risk reduction only.**

**Outcomes to be achieved:**

Measure	Environmental Outcome	Protected Matter benefit
Pre works vegetation survey and Arboricultural tree assessment.	Identification of compromised vegetation and decay/deadlimbs	Long term health of trees addressed
Pre works vegetation survey and Arboricultural tree assessment.	Minimisation of trimming and pruning on mature all vegetation to 'as required' for maintenance only.	Continuance of Spectacled Flying-fox habitat and the established roost site.
Pre works vegetation survey and Arboricultural tree assessment.	Reduced canopy and sail area & loading of vegetation root plates	Reduced likelihood of tree failure in storm event

## 5 Measures to avoid or reduce impacts

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

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

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

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

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

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

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

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

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

If a proposed action is determined to be a controlled action, the Department may request further details to enable application of the *Outcomes-based Conditions Policy 2016* (<http://www.environment.gov.au/epbc/publications/outcomes-based-conditions-policy-guidance>), including information about the environmental outcomes to be achieved by proposed avoidance, mitigation, management or offset measures, details of baseline data, milestones, performance criteria, and monitoring and adaptive management to ensure the achievement of outcomes. If this information is available at the time of referral it should be included in the description of the proposed measures.

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

It is anticipated that there will a low likelihood that Spectacled Flying-fox (SFF) shall be impacted as a result of the tree maintenance activities. Firstly, the arboricultural works on all targeted vegetation on site aims to reduce risks by trimming canopy and reducing or removing all identified decay and deadwood, and this shall only occur when the SFF are not present or absent from the roost site.

To ensure every action possible is taken to protect the welfare of the Spectacled Flying-fox (SFF) on site, a number of measures will be strictly implemented. These include:

- Engage a qualified wildlife ecologist/carer to undertake inspections prior to tree removal and address any issues with Spectacled Flying-fox (SFF) during and tree trimming activity
- Tree works be undertaken after the Spectacled Flying-fox (SFF) have left the trees on site, or absent entirely from the roost area.
- Tree works shall be stopped if SFF return to the trees during removal or are harmed, or if Spectacled Flying-fox are directly impacted in any way.
- Notification to Department of Environment and Heritage Protection (Wildlife Management) advising of scope and timing of proposed works

## 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.

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

The proposed action proposes to trim and reduce deadwood on the site vegetation. It is the intention to only undertake works when Spectacled Flying-fox (SFF) are not using the trees, or have left the roost site.

The action of trimming all 5 trees is not expected to result in a significant impact on matters of national significance due to the following reasons:

- The physical absence of Spectacled Flying-fox (SFF) on the property and trees during works.
- Risk reduction and deadwood removal on the vegetation shall not remove more than 20% of gross vegetation mass or crown, ensuring identified SFF habitat on the property remains.
- An independent arborist report has identified significant growth defects, dieback and decay in all trees targeted for maintenance by Council. All proposed works shall be undertaken in accordance with the report to ensure long term tree health and stability, ensuring habitat existence.

### 6.3 Proposed action IS a controlled action

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

#### Matters likely to be impacted

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

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

## 7 Environmental record of the responsible party

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

	Yes	No
<p><b>7.1 Does the party taking the action have a satisfactory record of responsible environmental management?</b></p> <p><b>Provide details</b>  Cairns Regional Council regularly undertakes many infrastructure projects in sensitive environments such as the Wet Tropics, with consistent satisfactory environmental outcomes and with high levels of compliance on local, state and federal tiers. This involves proficient levels of project management, comprehensive project specific scoping and acquiring all relevant environmental approvals, having professional engagement in all associated council contract works.  Cairns Regional Council also employs environmental professionals in several branches to ensure proper environmental management before, during and post all construction and maintenance programs. In so doing, council makes all effort to ensure environmental conditions and specific permit approvals are abided to and any reporting mechanisms followed accordingly.  For example, with specific projects requiring botanical or ecological assessment prior to works, council regularly undertakes thorough assessment and reporting, using specialised consultants to identify the presence of any endangered, vulnerable or threatened species of flora &amp; fauna, as often will occur in particular local, high-value ecosystems or particular land areas - and take steps to avoid, minimise, reduce or offset any actual or potential impacts. There has also been several (approx 10) EPBC referrals to the Dept in recent years, with the resulting federal assessment and response not identifying or triggering any significant action or impact assessments for the projects to proceed.  In addition, Council works are only undertaken according to authorised Environmental Management Plans, Erosion and Sediment Control Plans and any required permit/approval conditions using appropriately trained staff. Council takes pride in undertaking best practice operations, being environmentally aware and proactive in environmental management in the unique tropical environment that we operate in.</p>	x	
<p><b>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?</b></p> <p><b>If yes, provide details</b></p>		x

<p><b>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?</b>  <b>If yes, provide details of environmental policy and planning framework</b></p> <p>Cairns Regional Council policy and framework:</p> <ul style="list-style-type: none"> <li>• <b>Corporate Plan (2013-2018)</b></li> </ul> <p><b>Vision</b></p> <ul style="list-style-type: none"> <li>- We will value our natural environment, lifestyle and surroundings</li> </ul> <p><b>Environmental Management</b></p> <ul style="list-style-type: none"> <li>-Council's policy on environmental management is both responsive to the region's</li> <li>-Council seeks to achieve a sustainable, well-managed and healthy environment which will be achieved through sound planning policies that will be reflected in the new Cairns Planning Scheme, and through good urban design outcomes as well as solid decision making and enforcement.tropical environment and its unique character'</li> </ul> <p><b>Strategic Goals</b></p> <p>'A sustainable, well managed and healthy environment that provides a balance between built infrastructure and the conservation of our world heritage features and natural and cultural resources'.</p> <p><b>Strategic Actions</b></p> <p>3.1.2 Encourage best practice management strategies to minimise damage to the environment from built infrastructure and community activities.</p>	x	
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- **Corporate Sustainability Policy 2013-2017**

(Intent)

- Maintaining and restoring the natural environment
- Using our resources more efficiently
- Reducing our environmental impact
- Responding to the challenge of climate change
- Displaying strong leadership to the community
- Reducing financial losses associated with inefficient energy and resource consumption

(Provisions)

- Cairns Regional Council commits to applying the principles of sustainability to all decision making and activities while providing exemplary leadership to the Cairns regional community.
- Council will develop and maintain frameworks that ensure continuous improvement is integrated as a core part of Council's strategic and operational management. This will be achieved via effective management plans, action plans, training, communication, monitoring and reporting.
- Council will review its internal policies, Ecologically Sustainable Development (ESD) performance, processes and practices to further build the organisation's capacity to deliver improved quadruple bottom line performance within its own operations.

**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

### **Cairns Regional Council – History of EPBC Referrals**

<b>Reference Number</b>	<b>Title of referral</b>	<b>Date received</b>
2013/6937	<a href="#"><u>Cairns Regional Council/Commercial development/Cairns CBD/Relocation of flying fox colony, Cairns QLD</u></a>	16 Jul 2013
2013/6794	<a href="#"><u>Cairns Regional Council/Transport - land/Cape Tribulation Bloomfield Road, Bloomfield/QLD/Woobadda Creek Crossing Upgrade</u></a>	20 Mar 2013
2013/6786	<a href="#"><u>Cairns Regional Council/Natural resources management/Approximately 2km west of Babinda/QLD/To undertake flood prevention works to Giddens Creek</u></a>	13 Mar 2013
2012/6570	<a href="#"><u>Cairns Regional Council/Waste management (sewerage)/Mossman/QLD/Mossman Wastewater Treatment Plant Upgrade, QLD</u></a>	04 Oct 2012
2012/6429	<a href="#"><u>Cairns Regional Council/Waste management (sewerage)/Lot 22,</u></a>	15 Jun 2012

Mossman/QLD/Mossman Waste Water Treatment Plant Upgrade, QLD

2012/6428	<u>Cairns Regional Council/Transport - land/Whyanbeel, 10km north-east of Mossman/QLD/Baio Bridge Replacement, QLD</u>	14 Jun 2012
2012/6349	<u>Cairns Regional Council/Residential development/Port Douglas/QLD/Demolition Works - Stage 1 Port Douglas Master Plan</u>	13 Apr 2012
2011/6227	<u>Cairns Regional Council/Transport - land/Dinner Creek Road, Eubenangee/QLD/Dinner Creek Culvert Upgrade</u>	21 Dec 2011
2009/4858	<u>Cairns Regional Council/Transport - land/Daintree to Cape Tribulation Road, 2 km North of Diwan /QLD/Cooper Creek Crossing Upgrade on the Daintree to Cape Tribulation Road</u>	16 Apr 2009
2009/4731	<u>Cairns Regional Council/Water management and use/Majuba and Junction Creeks, North Queensland/QLD/Drinking water storage reservoirs</u>	06 Feb 2009
2005/2390	<u>Cairns Regional Council/Water management and use/Aloomba/QLD/Ground water extracted from Mulgrave River Aquifer, bore field and associated infrastructure</u>	11 Nov 2005



## 8 Information sources and attachments

(For the information provided above)

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

### 8.1 References

Cairns Regional Council 2016. Corporate Sustainability Policy. Website viewed 13/06/2016  
<http://www.cairns.qld.gov.au/community.../sustainability/sustainability-at-council>

Cairns Regional Council 2016. Corporate Plan. Website viewed 13/06/2016  
<http://www.cairns.qld.gov.au/council/news-publications/reports/corporate-plan>

DEHP 2013. 'Authorised flying-fox roost management'. Low impact activities affecting flying-fox roosts. Website viewed 29/04/2016  
<http://www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/roost-management.html>

DoE 2016. *Pteropus conspicillatus* — 'Spectacled Flying-fox; Department of the Environment; Australian Government – Species Profile and Threats Database'. Website viewed 15/03/2016

Morrant M. 2016. *EPBC Act Self Assessment Report: In situ management of Spectacled Flying –foxes within Stage 2 of the Shields Street Heart Project*. Report to Cairns Regional Council.

## 8.2 Reliability and date of information

For information in section 3 specify:

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

## 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)
<b>You must attach</b>	figures, maps or aerial photographs showing the project locality (section 1)	✓	Attachment A: Location
	GIS file delineating the boundary of the referral area (section 1)		Attachment B: GIS File
	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)	✓	
<b>If relevant, attach</b>	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)		Attachment C: Arboricultural Report Tree Management Australia #39160625
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		

## 9 Contacts, signatures and declarations

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

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

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action<sup>1</sup>.

### Project title:

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#### 9.1 Person proposing to take action

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

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


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

If the proposed action requires a permit under the Great Barrier Reef Marine Park Act<sup>2</sup>, this is the person requiring the grant of a GBRMP permission.

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

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

If the Minister decides that further assessment and approval is required, the Minister must designate a person as a proponent of the action. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent will generally be the person proposing to take the action<sup>3</sup>.

Name	<b>John Andrejic</b>
Title	<b>Acting Chief Executive Officer</b>
Organisation	<b>Cairns Regional Council</b>
ACN / ABN (if applicable)	<b>24 310 025 910</b>
Postal address	<b>PO Box 359 Cairns QLD, 4870</b>
Telephone	<b>(07) 4044 3836</b>
Email	j.andrejic@cairns.qld.gov.au
Declaration	<p>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.</p> <p>I understand that giving false or misleading information is a serious offence.</p> <p>I agree to be the proponent for this action.</p> <p>I acknowledge that I may be liable for fees related to my proposed action following the introduction of cost recovery under the EPBC Act.</p>
Signature	

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

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

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

☒ N/A

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

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

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

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

Declaration

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 14/7/2016

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

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

Name; Mel Tortike

Title; Environmental Officer

Organisation; Cairns Regional Council

ACN / ABN (if applicable);

Postal address; PO Box 359 QLD, 4870  
07 4044 3406

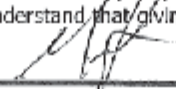
Telephone;

Email; m.tortike@cairns.qld.gov.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 12/6/16

## REFERRAL CHECKLIST

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

### HAVE YOU:

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

## Geographic Information System (GIS) data supply guidelines

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

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

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

Processed products should be provided as follows:

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

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