

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 29 July 2025 3:59 PM
To: s. 47F(1)
Cc: s. 22(1)(a)(ii)
Subject: RE: EPBC 2024/09976 - further information request for preliminary documentation [SEC=OFFICIAL]

Hi s. 47F(1),

I am back from leave. What would you like to discuss in terms of the referral just so I am prepared for the meeting. Would Thursday afternoon this week or Tuesday the 5th in the morning work better for you?

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
 Department of Climate Change, Energy, the Environment and Water

From: s. 47F(1) <s. 47F(1) ecoaus.com.au>
Sent: Tuesday, 29 July 2025 3:47 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
Subject: RE: EPBC 2024/09976 - further information request for preliminary documentation [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) and or s. 22(1)(a)(ii) (not sure when s. 22(1)(a)(ii) is back),

Are we able to please set up a meeting to discuss this referral please? If possible are we able to have a meeting this week? Or early next week?

Warm regards,



s. 47F(1)
 s. 47F(1)
 P: s. 47F(1)
 M: s. 47F(1)

Eco Logical Australia acknowledges Traditional Custodians of Wurundjeri Country and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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OFFICIAL

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>
 Sent: Monday, 26 May 2025 4:00 PM
 To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <peterbowenhomes.com.au>; s. 47F(1) <s. 47F(1)@habitatplanning.com.au>
 Subject: RE: EPBC 2024/09976 - further information request for preliminary documentation [SEC=OFFICIAL]

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OFFICIAL

Hi s. 47F(1)

Thank you for your response. We do not have a deadline for you to provide the information back however it would be great to keep in contact and be notified of expected timeframes when you have them. That way we can organise a time to discuss next steps before the information is submitted to us.

As mentioned earlier, feel free to reach out. We are happy to set up a time to meet if you would like to discuss the information required.

Kind regards

s. 22(1)(a)(ii)

OFFICIAL

From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
 Sent: Monday, 26 May 2025 2:45 PM
 To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <peterbowenhomes.com.au>; s. 47F(1) <david@habitatplanning.com.au>
 Subject: RE: EPBC 2024/09976 - further information request for preliminary documentation [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thank you for this further information request. We will endeavour to have this information to you ASAP. Do you have a deadline for receipt of this information?

Thank you,

Warm regards,



s. 47F(1)
s. 47F(1)

P: s. 47F(1)
M: s. 47F(1)

Eco Logical Australia acknowledges Traditional Custodians of Wurundjeri Country and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation. This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

OFFICIAL

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>
Sent: Monday, 26 May 2025 1:52 PM
To: s. 47F(1)@peterbowenhomes.com.au
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Subject: EPBC 2024/09976 - further information request for preliminary documentation [SEC=OFFICIAL]

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Good afternoon s. 47F(1)

Please see attached the department's further information request for preliminary documentation regarding Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976).

This request is made under s95A(2) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As s. 22(1)(a)(ii) is currently on leave, please reach out to myself or s. 22(1)(a)(ii) (cc'd) if you have any questions or would like to discuss the details of this request.

Kind Regards

s. 22(1)(a)(ii)

Assessment Officer

Nature Positive Regulation | Environment Assessments NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

E s. 22(1)(a)(ii)@dcceew.gov.au

DCCEEW.gov.au ABN 63 573 932 849



We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

OFFICIAL

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Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC 2024/09976

s. 47F(1)

Director

Bowenville Developments Pty Ltd

s. 47F(1) peterbowenhomes.com.au

Further information required for preliminary documentation for Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976)

Dear s. 47F(1)

I am writing to you about your proposal to construct a residential development and associated infrastructure in Thurgoona, NSW, in the Albury City Council Local Government Area (See EPBC Act referral 2024/09976).

On 5 May 2025, a delegate of the Minister for the Environment and Water decided that the proposed action is a controlled action and that it will be assessed by preliminary documentation. Further information was required to assess the relevant impacts of the proposed action.

I now request, under s95A(2) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), further information as outlined in Attachment A.

Details on the assessment process for the project and the responsibilities of the proponent are set out in the EPBC Act — Environment Assessment process fact sheet. Further information on the referral and assessment process can be found on the department's website.

If you have any questions about the assessment process or the further information required, please contact the project manager s. 22(1)(a)(ii), by email to s. 22(1)(a)(ii) @dcceew.gov.au and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s. 22(1)(a)(ii)

Director

Southern NSW Assessments

23/5/25

Preliminary documentation additional information request – Proposed Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976)

On 5 May 2025, your proposed action was determined to be a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), due to likely significant impacts to the following controlling provisions:

- listed threatened species and communities (sections 18 & 18A)
- listed migratory species (sections 20 & 20A).

At the same time, it was determined that your proposed action will be assessed by preliminary documentation. This document sets out the specified information required by the Minister under section 95A of the EPBC Act for the assessment of the impacts of your proposed action (the 'preliminary documentation').

1. Overview

The preliminary documentation, which includes the referral information and additional information described below, should be provided as one stand-alone document with attachments and include sufficient information to avoid the need to search for supplementary reports. The preliminary documentation must enable the Minister (or delegate) and any other interested stakeholders to understand the impacts of the proposed action on relevant listed threatened species and ecological communities. The preliminary documentation must include a table which clearly identifies where the requirements of this document have been addressed.

Any assumptions made in the main document must be clearly explained and justified. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment should be clearly stated.

If it is necessary to rely on any confidential material, please consult with the project manager on the handling of that material before submitting the draft preliminary documentation to the department for publication for public comment.

1.1 Relevant policies

The preliminary documentation must take into consideration:

- *Significant Impact Guidelines 1.1: Matters of National Environmental Significance* (Significant Impact Guidelines 1.1).
- Other relevant EPBC Act policy statements and guidelines: [EPBC Act publications and resources – DCCEEW](#).
- All relevant guidance documents for determining, avoiding, mitigating and managing likely impacts on listed threatened species and ecological communities.
- The department's offsets mitigation hierarchy: [Offsets mitigation hierarchy - DCCEEW](#).
- *EPBC Act Condition-setting Policy* (2020).

2. Controlling provisions

Note that below may not be a complete list for the controlling provisions and it is your responsibility, as the proponent, to ensure that any species or ecological communities and migratory species listed under the EPBC Act which will or are likely to be impacted by the proposed action, are assessed for the Minister's consideration.

It is also the responsibility of the proponent to maintain awareness of any changes to species distributions. Please ensure that a recent [Protected Matters Search Tool](#) has been generated and used during the assessment stage before finalising the draft preliminary documentation.

2.1 Listed threatened species and communities

Under this controlling provision, any listed threatened species or communities are potentially relevant to the assessment. However, based on the information provided in your referral, and other available information, the department specifically requires additional information in relation to the following listed species and ecological communities which are known to occur and likely to be impacted:

- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains – Critically Endangered;
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – Critically Endangered; and
- Sloane's Froglet (*Crinia sloanei*) – Endangered.

There is evidence that other listed species under the EPBC Act may also be present, or have habitat present, on or within the vicinity of the proposed action area, and may also be impacted by the proposed action, so additional information is also required on the following species:

- Blue-winged Parrot (*Neophema chrysostoma*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Floating Swamp Wallaby-grass (*Amphibromus fluitans*) – Vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
- Latham's Snipe (*Gallinago hardwickii*) – Vulnerable and Migratory
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable and Migratory
- Southern Whiteface (*Aphelocephala leucopsis*) – Vulnerable
- Swift Parrot (*Lathamus discolor*) – Critically Endangered
- Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered.

2.2 Listed migratory species

Under this controlling provision, any listed migratory species are potentially relevant to the assessment. However, based on the information provided in your referral, and other available information, the department requires additional information in relation to the following migratory species:

- Latham's Snipe (*Gallinago hardwickii*) – Vulnerable and Migratory
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable and Migratory.

3. Further Information required

3.1 Species and ecological community occurrence and potential impacts

In considering the above listed species and communities, the preliminary documentation must include the following:

- A discussion of and information on the occurrence and extent of each species and community identified in section 2.
- Records from surveys undertaken for this proposed action and any historical database records (EPBC listed species only) in and around the proposed action area (include a map).
- Targeted surveys for Floating Swamp Wallaby-grass undertaken within the past 5 years from the date of this request.
 - Detail the survey methodology used and provide the survey results.
- If relevant, provide information that identifies important populations which are within or may utilise habitat within the proposed action area.
- Information on the extent of habitat for the species and communities in the proposed action area, including:
 - How many hectares of habitat are on site.
 - Reference to habitat requirements detailed in the species' listing advice, conservation advice, and/or recovery plan.
 - Specifications of the type(s) of habitat available (e.g., whether the habitat value is related to foraging, breeding, dispersal, etc.).
 - Description of key habitat features (e.g., hollow bearing trees).
 - Maps depicting areas of habitat for the above listed species and communities within the proposed action area. If it is concluded that no habitat is present, provide an explanation of why and append supporting documentation. The Department also recommends the *Guide*

to providing maps and boundary data for EPBC Act projects¹ is reviewed in the preparation of the preliminary documentation maps.

- An assessment and quantification of all potential impacts (including direct, indirect, facilitated, and cumulative impacts) that may occur as a result of all project phases and elements of the proposed action on each threatened species and ecological community listed in section 2 above. Include how many hectares of habitat or individuals are proposed for clearance, the number of hollow bearing trees proposed for clearance (if relevant), impacts to movement corridors and impacts of the action to adjacent areas likely to contain threatened species and ecological communities.
- Updated tests of significance, if any updates or additional species or communities in section 2 above were not considered in the documentation provided for the referral.
- In responding to the above listed requirements, also include information requested in **Table 1** and **Table 2** of this document.

Table 1. Threatened ecological communities

Information required*	
1	A description of the below listed threatened ecological communities within and adjacent to the proposed action area, and assessment of the vegetation against the Commonwealth listing criteria: • Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (SHW), and • White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (BGW) Include the total area of the community in hectares (ha), and if the community occurs in multiple distinct areas within the site, provide the area (ha) for each occurrence.

¹ DAWE 2021, *Guide to providing maps and boundary data for EPBC Act projects*, Department of Agriculture, Water and the Environment, Canberra, February. CC BY 4.0.

2	An assessment of BGW on site against the condition classes and thresholds as per section 2.3 (p.18) of the Conservation Advice.² An assessment of SHW on site against the condition thresholds, starting p. 8 of the Listing Advice.³ If multiple condition classes are present, provide detail (and maps, see below). The Conservation Advice and Listing Advice provide information on why condition classes are relevant for environmental management decision-making and describe the condition of patches that can have high ecological value.
3	Details on the surveys undertaken to characterise SHW and BGW for the proposed action, including: • Survey timing and effort • Methodology (e.g., in accordance with EPBC Act or the NSW Biodiversity Assessment Method, or other recognised survey method) • Number of vegetation plots undertaken • How the timing, methodology, frequency and duration is sufficient to properly identify whether SHW is present on site. Attach the results of all relevant ecological surveys referenced in the referral and preliminary documentation as supporting documents, including vegetation plot survey data.
4	Provide detailed mapping of SHW and BGW, including:

² Department of Climate Change, Energy, the Environment and Water (2023). Conservation Advice for the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland. Canberra: Department of Climate Change, Energy, the Environment and Water. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/43-conservation-advice.pdf>. In effect under the EPBC Act from 31-Aug-2023.

³ Threatened Species Scientific Committee (TSSC) (2012). Commonwealth Listing Advice on Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains. Department of Sustainability, Environment, Water, Population and Communities. Canberra, ACT: Department of Sustainability, Environment, Water, Population and Communities. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/97-listing-advice.pdf>. In effect under the EPBC Act from 27-Mar-2012.

	- Detailed mapping undertaken for the proposed action, including an overlay of the project disturbance footprint (as provided in the referral); - Detailed mapping of BGW which is proposed for clearance and the 0.72 hectares which is proposed to be retained as reserves under the Brooklyn Fields Estate development plans; - Delineation of different condition classes (if multiple present); - Delineation of the areas to be indirectly impacted; - Location of vegetation plots undertaken in prior surveys for the proposed action (or in surveys undertaken since the referral decision, if there have been any).
5	Where a threatened ecological community is to be retained on site in a reserve, or otherwise, provide details of management measures and the level of public access to the reserve, size of the patch to be retained within the reserve, whether the retained patch would still meet Commonwealth listing criteria, and, potential direct and indirect impacts to the retained threatened ecological community.

* Include reference to relevant surveys undertaken and publicly available documents, including surveys of the proposed action area/areas adjacent to the proposed action area (for example Thurgoona Link Road). The Thurgoona Link Road Project Preliminary Documentation (publicly available here: <https://engaging.alburycity.nsw.gov.au/public-notice-thurgoona-link-road-nsw-epbc-20208804>) identified 6-10 ha of gilgai formations in the vicinity of the project that conform with the EPBC Act listed SHW.

Table 2. Clarification of information contained in the referral documentation

Information required	
1	Figure 2 in the Review of Ecological Assessment dated 20 October 2022, undertaken by ELA, shows the majority of the site is mapped as exotic dominated grassland however in Figure 7 some of these areas are mapped as BGW with a predominantly native understorey. Please clarify what metric is used in Figure 2 to classify the exotic dominated grassland and append supporting documentation or provide updated plant community type (PCT) mapping.
2	Table 1 in the Review of Ecological Assessment dated 20 October 2022 undertaken by ELA identifies approximately 5.42 ha of PCT 360 (Gilgai wetland mosaic in the southern NSW South Western Slopes Bioregion) within the study area. The referral form submission states that the proposed action will involve the removal of 0.64 ha of wetland/Gilgai clusters. The referral also states that the removal of wetland/Gilgai clusters will constitute a direct impact on potential Latham's Snipe and Sharp-tailed Sandpiper habitat. Please confirm how many hectares of potential habitat is on site for the Latham's Snipe and Sharp-tailed Sandpiper and how many hectares are proposed for removal, include maps.

Relevant guidance material (e.g. survey guidelines, conservation advices, recovery plans, threat abatement plans and policy statements) is available through the department's [Species Profile and Threats \(SPRAT\) Database](#). It is the responsibility of the proponent to ensure that all relevant documents have been identified and considered in the assessment of the proposed action.

3.2 Avoidance and mitigation measures

Proposed avoidance and mitigation measures must be discussed in terms of their expected effectiveness and cost. Note that in deciding whether to approve the proposed action, the Minister is required to consider whether (as far as possible) any condition is a cost-effective means for achieving its intended objective.

Management commitments by the person proposing to take the action must be clearly distinguished from recommendations or statements of best practice made by the author or other technical expert. It is preferable to provide a consolidated table of management commitments that will be undertaken, including details on funding, roles and responsibilities and measurable performance criteria.

Note, the SPRAT Database, and associated statutory documents, can be good sources for relevant mitigation measures for listed threatened species and ecological communities and listed migratory species.

In the preliminary documentation, provide consideration for any additional measures that could be implemented to avoid or mitigate potential impacts, for example alternative alignments or micro siting options to avoid critical habitat. If there are no alternative measures that can be implemented, a justification as to why they are unfeasible must be included.

In the preliminary documentation, provide consideration of buffer zones for SHW and BGW in accordance with their respective conservation advices available on the SPRAT Database. If proposed, include maps depicting the buffer zones.

3.3 Offsets

The referral documentation submitted to the department does not propose any offset measures under the EPBC Act. However, the department considers that there may be residual significant impacts to SHW, BGW, Sloane's Froglet and potentially additional listed threatened species and communities as a result of the proposed action.

Significant residual impacts (i.e. after any avoidance and mitigation measures have been considered) on any protected matter must be offset. In the interest of streamlining regulatory requirements for proponents, the Commonwealth has endorsed some state government policies, as reflected in the department's [EPBC Act Condition-setting Policy](#). Offsets must either be secured in accordance with the department's [EPBC Environmental Offsets Policy 2012 and offset assessment guide](#), or other endorsed offset framework, such as the NSW Biodiversity Offset Scheme.

The preliminary documentation must describe the proposed offset strategy, outlining how the offsets will be achieved for each protected matter, demonstrating that the offset liability can be satisfied by the mechanisms, and specifying the expected timeframe for legal security of the offsets. Offsets will generally need to be underway prior to commencement of the proposed action.

While offsets do not need to be secured before the decision on whether to approve the proposed action, should the proposed action be approved, conditions of an approval are likely to require that offsets are secured, and management measures are in place, before commencement of the proposed action.

EPBC Act Environmental Offsets

If offsets are to be secured in accordance with the EPBC offset policy, you must provide, and clearly justify, the scores entered into the offset assessment guide tool. The preliminary documentation must also demonstrate how the offset proposal:

- a) meets the principles specified in the [EPBC Act environmental offsets policy - DCCEE](#);
- b) directly contributes to the ongoing viability of the relevant EPBC protected matters to deliver an overall conservation outcome that improves or maintains the viability of the protected matter in the region, as compared to what is likely to have occurred under the status quo, i.e., if neither the action nor the offset had taken place; and
- c) compensates for the impacts over the entire duration of the proposed action (i.e. should impacts be in perpetuity, the offsets must also be delivered in perpetuity).

The referral documentation states that impacts to Sloane's Froglet habitat will be offset by the construction of alternative habitat for the species throughout the development. If this is proposed to offset residual significant impacts to Sloane's Froglet under the EPBC Act, please provide details in accordance with the above.

Other endorsed offset frameworks

If using an endorsed framework, such as the NSW Biodiversity Offset Scheme, the report detailing the outcomes (including credit report) prepared in accordance with the state requirements must be submitted with the preliminary documentation.

Because the NSW Biodiversity Assessment Method (BAM) and Biodiversity Offset Scheme (BOS) have been endorsed by the Commonwealth, this means that offsetting outcomes achieved through the BAM will be accepted for the purposes of the EPBC Act, provided that they are 'like-for-like' in relation to listed threatened species and communities as defined for the purposes of the EPBC Act. Payment into the Biodiversity Conservation Fund is also considered acceptable. If you are proposing offsets developed using the BAM, you should append all relevant BAM documentation to your preliminary documentation - this would generally include a biodiversity development assessment report (BDAR).

3.4 Outcomes based conditions

Outcomes-based conditions can provide approval holders with greater flexibility and autonomy while still being accountable for achieving sound environmental outcomes. The department promotes the use of outcomes-based conditions where possible, in accordance with its [Outcomes-based Conditions Policy 2016](#).

However, outcomes-based conditions are generally only appropriate where the person proposing to take the action has a good environmental record and the baseline condition of a site is well understood and documented.

Please advise the Assessment Officer if you would like to pursue this approach. Your preliminary documentation would need to:

- thoroughly document the baseline condition of the relevant impacted matter(s);
- identify conservation objectives (outcomes) for the relevant impacted matters, preferably with reference to any applicable conservation advices, recovery plans and threat abatement plans; and
- outline how performance against specified objectives will be measured and reported.

3.5 Economic and social matters

Your preliminary documentation should provide information about the expected long- and short-term economic and social impacts of the proposed action, both positive and negative. This should include, but not necessarily be limited to, the following:

- Consideration of both costs (e.g. disruption to existing community infrastructure or environmental features) and benefits (e.g. increased housing or employment);
- Consideration of different scales of impact where relevant (e.g. local versus national); and
- Specific dollar or other numerical values where relevant.
- Discussion of relevant public consultation undertaken, including any issues raised in objection or support of the proposed action.

3.6 Environmental history of the person proposing to take the action

Your preliminary documentation should provide details of any proceedings under a Commonwealth, state or territory law for the protection of the environment, or the conservation and sustainable use of natural resources, against the person proposing to take the action (or if the person is a corporation, its executive officers).

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must be provided.

3.7 Ecologically sustainable development

Include a description of how the proposed action meets the principles of ecologically sustainable development (as defined in section 3A of the EPBC Act), as follows:

- decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations;
- if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- the principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;

- the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making;
- improved valuation, pricing and incentive mechanisms should be promoted.

Released by the National EPA under the FOI Act 1982



Outlook

RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

From s. 22(1)(a)(ii) <s. 22(1)(a)(ii)> dcceew.gov.au>

Date Thu 7/31/2025 4:30 PM

To s. 47F(1) <s. 47F(1)> ecoaus.com.au>

Cc s. 47F(1) <s. 47F(1)> ecoaus.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)> dcceew.gov.au>

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Hi s. 47F(1),

Thank you for the email. Unfortunately, we can't do the 3 – 4pm timeslot on the Tuesday afternoon. Please select a different time available for selection mentioned previously.

- Tuesday 5 August from 10-11am
- Wednesday 6 August from 10-11am
- Thursday 7 August 11-12am, 2-3pm, 3-4pm

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090

Department of Climate Change, Energy, the Environment and Water

OFFICIAL

From: s. 47F(1) <s. 47F(1)> ecoaus.com.au>

Sent: Thursday, 31 July 2025 1:19 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)> dcceew.gov.au>

Cc: s. 47F(1) <s. 47F(1)> ecoaus.com.au>

Subject: RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii),

I just gave you a call to sort out our times with our teams calendars in front of me. Can we book the 3.30 to 4 please without the EPBC specialist for now and catch up on any missing components that require a response from the specialist following that meeting please? We/our client is desperately wanting a meeting asap to assist with continuing this process as quickly as possible.

3/27/26, 1:13 PM

RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL] - s. 22(1)(a)(ii) - Outlook

Warm regards,



s. 47F(1)

Principal Ecologist

Ecology Team Leader Victoria

P: s. 47F(1)

M: s. 47F(1)

Eco Logical Australia acknowledges Traditional Custodians of Wurundjeri Country and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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From: s. 22(1)(a)(ii) s. 22(1)(a)(ii) <@dcceew.gov.au>**Sent:** Thursday, 31 July 2025 12:32 PM**To:** s. 47F(1) <s. 47F(1)> <ecoaus.com.au>**Subject:** RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1),

Sorry that email sent early, I have been informed that our team can't do between 3-4pm. Can you do any other time listed below excluding the 3-4pm timeslot on Tuesday. Apologies for that.

Kind regards,

-

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090

Department of Climate Change, Energy, the Environment and Water

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From: s. 22(1)(a)(ii)**Sent:** Thursday, 31 July 2025 12:27 PM**To:** s. 47F(1) <s. 47F(1)> <ecoaus.com.au>**Subject:** RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

3/27/26, 1:13 PM

RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL] - s. 22(1)(a)(ii) - Outlook

Hi s. 47F(1),

I've just been informed by our specialist that they can't do 3:30-4pm.

From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Sent: Thursday, 31 July 2025 12:18 PM
To: s. 22(1)(a)(ii) <Sidney.Dwyer@dcceew.gov.au>
Subject: RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Thanks s. 22(1)(a)(ii),

Let's do the Tuesday between 3.30 and 4pm.

Warm regards,



s. 47F(1)
Principal Ecologist
Ecology Team Leader Victoria
P: s. 47F(1)
M: s. 47F(1)

Eco Logical Australia acknowledges Traditional Custodians of Wurundjeri Country and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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Hi s. 47F(1)

Sorry my team have just informed me that we can't do 3:30-4pm sorry. Can do any other time listed below excluding the 3-4pm window on Tuesday?

Kind regards,

- s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090

Department of Climate Change, Energy, the Environment and Water

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From: s. 22(1)(a)(ii) <Sidney.Dwyer@dcceew.gov.au>
Sent: Thursday, 31 July 2025 12:04 PM
To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Subject: RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1),

There are no other available times this week. These are the available times next week:

- Tues 10-11, 3-4
- Wednesday 10-11
- Thursday 11-12, 2-3, 3-4

Please let me know which one works for you and I will update the meeting invite.

Kind regards,

- s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090

Department of Climate Change, Energy, the Environment and Water

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From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>

Sent: Thursday, 31 July 2025 11:59 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Subject: RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a)(ii),

Is there another time this afternoon? Perhaps from 1 pm onwards?

Otherwise, Monday at 11-11.30; 12 – 12.30.

Tuesday – not everyone can attend.

Warm regards,



s. 47F(1)

Principal Ecologist

Ecology Team Leader Victoria

P: s. 47F(1)

M: s. 47F(1)

Eco Logical Australia acknowledges Traditional Custodians of Wurundjeri Country and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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3/27/26, 1:13 PM

RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL] - s. 22(1)(a)(ii) - Outlook

unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Sent: Thursday, 31 July 2025 11:39 AM

To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>

Subject: RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1),

My director is not available during those new times suggested sorry. We will have to postpone to next week. Can you please send forward some suggested times and I will move the meeting.

Kind regards,

- s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090

Department of Climate Change, Energy, the Environment and Water

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From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>

Sent: Thursday, 31 July 2025 11:22 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Subject: RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a)(ii),

I have sent a request to s. 47F(1) of Habitat Planning, s. 47F(1) from Bowenville developments and to s. 47F(1), ELA's ecological technical lead.

Warm regards,

Released by the National EPA under the FOI Act 1982

3/27/26, 1:13 PM

RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL] - s. 22(1)(a)(ii) - Outlook



s. 47F(1)

Principal Ecologist

Ecology Team Leader Victoria

P: s. 47F(1)

M: s. 47F(1)

Eco Logical Australia acknowledges Traditional Custodians of Wurundjeri Country and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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-----Original Appointment-----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>**Sent:** Thursday, 31 July 2025 7:41 AM**To:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 47F(1) s. 47F(1)**Subject:** Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]**When:** Thursday, 31 July 2025 12:30 PM-1:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.**Where:** Microsoft Teams Meeting

⚠ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

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Good morning,

Please see this Microsoft teams invite to discuss a possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) and the Seasonal Herbaceous Wetlands impacted by the proposed action. Please let me know if you have any further questions or concerns or if you'd like to invite anyone else to the meeting.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090

Department of Climate Change, Energy, the Environment and Water

Microsoft Teams [Need help?](#)**[Join the meeting now](#)**

3/27/26, 1:13 PM

RE: Possible Variation of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL] - s. 22(1)(a)(ii) - Outlook

Meeting ID: 466 863 466 380 9

Passcode: ij9jP9uc

Dial in by phone[+61 2 9054 7257,,45303180#](#) Australia, Sydney[Find a local number](#)

Phone conference ID: 453 031 80#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

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Australian Government

Department of Climate Change, Energy,
the Environment and Water

Preliminary documentation and project variation discussion

Land clearing for development of Brooklyn Fields Estate
(EPBC 2024/09976)

Meeting details

- **Date:** 5 August 2025
- **Time:** 10 am
- **Location:** Microsoft Teams (online)

Minutes item overview

This meeting record is intended to capture key discussion points and all actions and outcomes agreed by attendees.

Attendance list

- **Proponent/Consultant:**
 - s. 47F(1) with Eco Logical Australia [ELA])
 - s. 47F(1) – ELA)
 - s. 47F(1), ELA)
 - s. 47F(1) (Town Planner – Habitat Planning)
 - s. 47F(1) (Principal - Peter Bowen Homes [PBH])
 - s. 47F(1) (Finance Manager – PBH)
 - s. 47F(1) (PBH)
- **DCCEEW:**
 - s. 22(1)(a)(ii) (A/g Director)
 - s. 22(1)(a)(ii) (Assessment Officer)
 - s. 22(1)(a)(ii) (Assessment Officer)
 - s. 22(1)(a)(ii) (Assessment Officer)

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Item summary

1 – Introduction and project variation query

Summary

- Proponent/Consultant raised that as Albury City Council (council) are no longer developing Stage 4 of the Thurgoona Link Road project (through the project area), the proponent now wants to do the road themselves. Hence, seeking clarification on whether to submit the preliminary documentation (PD) or to submit a project variation.
 - DCCEEW referred to email (previously sent to ELA) regarding options for a variation request.
 - DCCEEW recommend that the variation is done prior to submission of the PD for the following reasons:
 - public awareness of the changes and an opportunity to make public comments, and
 - if the variation is denied, the proponent will have undertaken extra steps.
 - DCCEEW informed the proponent that it is the delegate's decision whether or not to accept a variation.
 - DCCEEW explained the timeframes of a variation request including ensuring required information is provided, the 20 business day period to accept or reject the variation, and that there is a process to request further information within the 20 business day timeframe (thereby stopping the clock).
- Proponent/Consultant queried whether there is a process to question the decision if the variation request is denied.
 - DCCEEW explained that there would be an opportunity to refer it separately (mentioning component of a larger action).
 - DCCEEW explained that the delegate would have to be satisfied that it is substantially the same character to accept the variation. Discussion of whether road upgrades/roads were included in the original referral.
- DCCEEW reiterated that ideally the proponent would submit the variation and mentioned that it is likely that further information requested for the PD would need to be included in the variation request.
- Proponent/Consultant raised that council were responsible for the link road within their project area. In the absence of the link road, they would need to cross the land where the link road would go and there is some extended road work that would need to occur in that corridor regardless.

2 – Discussion of Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (SHW)

Summary

- Proponent/Consultant explained that the consultants did their work in 2022 with two ecologists on site and found that the gilgai did not fit the size criteria for SHW.
- Proponent/Consultant raised that they surveyed at the right time of the year (June) after appropriate seasonal rainfall. As they understand it, DCCEEW is looking at this area of Gilgai

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as being SHW. Would like to discuss and invite DCCEEW to look at their data and move towards having SHW removed from being a controlled action.

- o DCCEEW – explained that the controlling provision is listed threatened species and ecological communities. Cannot remove the controlling provision or remove SHW from the assessment. Any listed threatened species or community could be relevant.
 - o DCCEEW – discussed the Biosis and Alluvium surveys regarding SHW.
- Proponent/Consultant queried about reconsidering a decision under the EPBC Act.
 - o DCCEEW reiterated that the controlling provision is listed threatened species and communities and so a reconsideration request would be unlikely to remove this controlling provision. However, DCCEEW will follow up on this (see Action Items).
- DCCEEW explained that is still open for the proponent to provide all of their information and assessment. Would be best placed to have:
 - o followed survey guidelines in conservation and listing advice at the right time in the last five years, and
 - o include all of the further information requested as part of the PD request.
- DCCEEW raised that the delegate also needs to consider any information that comes through the PD public comment period in their assessment and consideration.
- Proponent/Consultant queried whether someone raised the Biosis report to the department (noting that their referral documentation concluded that it did not meet the threshold under the EPBC Act consistent with the conservation advice and as they understand it, the Biosis report was used to assess the SHW in the action area).
 - o DCCEEW explained that council engaged Biosis and Alluvium to complete assessments for Thurgoona Link Road. Biosis completed a BDAR (2022) in accordance with the BAM and EPBC requirements. Alluvium completed a hydrological assessment and report in 2023. Both found that it did meet the EPBC listing advice for SHW.
 - o DCCEEW explained that these studies are publicly available.
 - o DCCEEW explained the challenges of finding an offset site (for SHW) and council withdrew Stage 4 from Thurgoona Link Road action as they were unable to find an offset for SHW.
 - o Proponent/Consultant explained that they also have two studies that explain that SHW is not there.
 - o DCCEEW generally discussed the nature of the ephemeral wetland.
- Proponent/Consultant raised concerns that (due to the reports) the information will be declared by DCCEEW to be SHW regardless of the work they do. Proponent/Consultant discussed:
 - o Biosis surveyed at a time of flooding and that this is not an optimal time to do the assessment, rather should be normal seasonal weather patterns.
 - o Biosis report does not show full extent of the SHW whether they mapped according to a cluster, patch etc.
 - o A site visit could be conducted with DCCEEW.
- DCCEEW reiterated that we have not made any decisions and this is still at the assessment stage. Happy to receive all of the information and look at opportunities for a site visit.
- Proponent/Consultant queried whether it is a requirement that Alluvium and Biosis should have had landowner consent to undertake the studies.
 - o DCCEEW – cannot answer, not within our remit.

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- Proponent/Consultant discussed background of their purchase of the site and stated that eight years down the track, different parties have different opinions and they want a fair hearing.
 - DCCEEW explained that there had not been a decision previously under the EPBC Act for this project so need to assess the situation as it currently is and the environment within five years which is a reasonable time for survey data. Delegate needs to make a decision based on all of the information available to them.
- DCCEEW explained the PD process including public exhibition, the public comments process and opportunity for the proponent to address public comments with further information.
- Proponent/Consultant reiterated a long and complicated history for the project from their perspective, and raised that from a development perspective there have been genuine attempts and results with Sloane's froglet habitat.
- DCCEEW raised that we have sections in the department that are the experts and so with the information available to us we would consult them.
- Proponent/Consultant queried why Biosis did a BDAR on biodiversity certified land.
 - DCCEEW explained their understanding that they were asked by council to prepare it for the REF and for DCCEEW.
- Proponent/Consultant will provide their data on SHW and sought clarification on whether they should write a rebuttal for the PD.
 - DCCEEW suggested to present the information as they would in their reports but extensively with more interpretation of the listing advice and the condition thresholds.
 - DCCEEW explained that the department does an adequacy review of the PD and would come back if there were gaps in information.
- Proponent/Consultant raised that they would prefer that a further information request were made and that in their report submitted with the referral, they do have the main criteria and thresholds. However, more of the data would be submitted with the PD.

s. 37(1)(a)

4 – Action Items

Summary

- DCCEEW (s. 22(1)(a)(ii)) – to provide a follow up email on section 78 of the EPBC Act, regarding whether there can be a challenge to a specific listed threatened species or community being considered (rather than the controlling provision as a whole).

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- s. 37(1)(a) [REDACTED]
[REDACTED]
[REDACTED]
- DCCEEW (s. 22(1)(a)(ii)) – Respond to proponent seeking written clarification that DCCEEW have not yet made a decision on whether SHW is present in the relevant area.
- DCCEEW (s. 22(1)(a)(ii)) – to provide copy of or link to the Alluvium report that was made publicly available when council published their PD for Thurgoona Link Road.

Released by the National EPA under the FOI Act 1982

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Wednesday, 15 October 2025 1:14 PM
To: s. 47F(1) s. 47F(1) s. 47F(1) s. 47F(1) @peterbowenhomes.com.au
Cc: s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 22(1)(a)(ii)
Subject: RE: Meeting follow up - Land clearing for development of Brooklyn Fields Estate (EPBC 2024/09976) [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Hi s. 47F(1)

I've just tried to phone to attempt to walk you through this. I will give it a go here, but it might be easier to discuss.

As with my last email, I note that the following is intended as a guide only and does not constitute formal legal advice. If you seek certainty on the interpretation of the EPBC Act or Regulations, I recommend you engage a professional qualified in law.

Your email below focuses on the Regulations. The Regulations are there to support the Act. The decision for reconsideration under the Act is whether the action is a controlled action and what (if any) controlling provisions apply. Controlling provisions include listed threatened species and communities, migratory species etc. Under each controlling provision, there are protected matters (e.g. individual species). Whether something is a controlled action relates to whether there is likely to be a significant impact on one or more protected matters. The Regulations stipulate the circumstances in which a reconsideration request may be applied for. Whilst one or more of the circumstances may apply for an individual matter, if more matters are significantly impacted, the controlled action decision wouldn't change. I have included further explanation below.

Note that the question of significance can still be 'argued' through the assessment process (i.e., even if a particular matter was found to be likely to be significantly impacted at the referral decision stage, it may or may not be concluded to be significantly impacted at the end of the assessment process). The key issue with 2024/09976 remains that we do not have the required information to conduct the assessment.

Further information as noted above:

Regulations 4AA.01 (3) and (4) highlighted in your email below, refers to subsections 78(1)(a) and 78(1)(aa) of the EPBC Act, copied below:

78 Reconsideration of decision*Limited power to vary or substitute decisions*

- (1) The Minister may revoke a decision (the **first decision**) made under subsection 75(1) about an action and substitute a new decision under that subsection for the first decision, but only if:
- (a) the Minister is satisfied that the revocation and substitution is warranted by the availability of substantial new information about the impacts that the action:
 - (i) has or will have; or
 - (ii) is likely to have;
 on a matter protected by a provision of Part 3; or
 - (aa) the Minister is satisfied that the revocation and substitution is warranted by a substantial change in circumstances that was not foreseen at the time of the first decision and relates to the impacts that the action:
 - (i) has or will have; or
 - (ii) is likely to have;
 on a matter protected by a provision of Part 3; or

Subsections 78(1)(a) and 78(1)(aa) of the Act (copied above) refer to revoking and substituting a decision under subsection 75(1) of the EPBC Act, copied below:

75 Does the proposed action need approval?*Is the action a controlled action?*

- (1) The Minister must decide:
- (a) whether the action that is the subject of a proposal referred to the Minister is a controlled action; and
 - (b) which provisions of Part 3 (if any) are controlling provisions for the action.

Note: The Minister may revoke a decision made under subsection (1) about an action and substitute a new decision. See section 78.

The decision under subsection 75(1) is whether the action is a controlled action and which if any are controlling provisions for the action. In making the decision under subsection 75(1), the minister must consider all adverse impacts of the action on matters protected by each provision of Part 3 (this is stipulated in subsection 75(2) of the EPBC Act).

Subsections 78(1)(a) and 78(1)(aa) of the Act define two of the circumstances in which the Minister may substitute a subsection 75(1) decision, specifically that there is substantial new information about the impacts that the action would have on a matter protected under Part 3 or that there was substantial change in circumstance that relate to the impacts of the action on a matter protected by a provision of Part 3.

The possible outcomes for a subsection 75(1) decision relate to whether the action is a controlled action or not and what controlling provisions apply (i.e., whether there are likely to be significant impacts to a matter protected under a controlling provision of Part 3).

So if you wanted to apply for a reconsideration on the basis that there are no significant impacts to Seasonal Herbaceous Wetlands, if there were significant impacts found for other matters protected under a controlling provision (e.g. Box-Gum Grassy Woodland under the listed threatened species and communities controlling provision), a reconsideration request would need to argue that none of the impacts to those protected matters would be significant (plus the request would need to satisfy the circumstances in which the reconsideration request was being made, e.g., availability of substantial new information or change of circumstance).

Regards

s. 22(1)(a)(ii)
A/g Director

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From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Sent: Friday, 10 October 2025 12:11 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>;
s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>;
s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>
Subject: Re: Meeting follow up - Land clearing for development of Brooklyn Fields Estate (EPBC 2024/09976)
[SEC=OFFICIAL]

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Hello s. 22(1)(a)(ii),

I hope you are well and sincere apologies for bringing this up again, however I would like to confirm a few things with you regarding the reconsideration of a decision.

I have attached a screenshot of the EPBC Reg for you below, with regard to reconsideration of decisions. From your previous email, I understood that the reconsideration clause could not be used because an entire controlling provision needs to be able to be 'reconsidered' rather than individual matters.

In light of this, I have reviewed the reg to better understand how a reconsideration works. As part of the review I noted that it specifically mentions discussing the reconsideration in relation to 'a matter' rather than 'controlling provisions'.

I can't find anything in the reg that specifies the reconsideration request must apply to the entire controlling provision, and the wording of 'a matter' would suggest it can be applied to a single matter. Can you please confirm?

Released by the National EPA under the FOI Act 1982

Part 4A—Reconsideration of a decision under section 75 of the Act

4AA.01 Requirements for requests

- (1) For paragraph 78A(2)(c) of the Act, the requirements mentioned in this regulation are specified.
- (2) A request must:
 - (a) identify the ground or grounds in paragraphs 78(1)(a) to (ca) of the Act that are being relied upon to make the request;
 - (b) include the source of any information provided; and
 - (c) provide details of when the information became available.
- (3) For a matter protected under Part 3 of the Act, a request in relation to paragraph 78(1)(a) of the Act must also contain:
 - (a) any new information that was not considered when the original decision was made; and
 - (b) information that demonstrates that a change in the potential impacts of the action is likely to happen with a high degree of certainty.
- (4) For a matter protected under Part 3 of the Act, a request in relation to paragraph 78(1)(aa) of the Act must also contain:
 - (a) identifies the changed circumstances; and
 - (b) establishes why the circumstances were unforeseen at the time the original decision was made; and
 - (c) demonstrates that a change in the potential impacts of the action is likely to happen with a high degree of certainty.
- (5) A request in relation to subparagraph 78(1)(b)(ii) of the Act must also contain information that establishes that the action was taken, or will not be taken, in the manner identified in the original decision.

Reversing decision that provision of Part 3 is not controlling provision

- (2) A provision of Part 3 letting an action be taken if the Minister has decided that a particular provision of Part 3 is not a controlling provision for the action does not prevent the Minister from substituting a provision of Part 3 if the prohibiting provision is not a controlling provision for an action and substitute a controlling provision for the action.

s. 47F(1)

Associate Ecologist

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

Please note I don't work Tuesdays.

Eco Logical Australia acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders both past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Sent: Thursday, August 7, 2025 11:28 AM

To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Subject: Meeting follow up - Land clearing for development of Brooklyn Fields Estate (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi all

Thanks for your time Tuesday to discuss the proposed action Land clearing for development of Brooklyn Fields Estate (EPBC 2024/09976).

Please see responses to your queries from that meeting below.

1. Can you apply under s78A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to have the referral decision reconsidered specifically in relation to the Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains threatened ecological community?

- Section 78A of the EPBC Act allows a person to lodge a request for reconsideration of a section 75 decision.
- A section 75 decision relates to whether a proposed action is a controlled action, and which provision of Part 3 (if any) are controlling provisions for the action.
- The proposed action was determined a controlled action under section 75(1) of the EPBC Act, because there are likely to be significant impacts on the following controlling provisions:
 - Listed threatened species and communities (section 18 & section 18A)
 - Listed migratory species (section 20 & section 20A).
- Under these controlling provisions, any listed threatened species or communities and any listed migratory species are relevant to the assessment.
- This means that a request for reconsideration would be a request to have the inclusion of each or both controlling provisions reconsidered in their entirety. That is to say that it is not possible to reconsider only the part of the original decision relating to Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains threatened ecological community.
- As noted in the department's request for further information dated 23 May 2025, numerous listed threatened species and communities and two migratory species were considered relevant to the assessment (i.e., may be significantly impacted by the proposed action).
- Any request for reconsideration would need to be made on the basis that significant impacts are not likely to any listed threatened species or communities and/or any listed migratory species.
- In addition, whether or not a proposed action is a controlled action can only be reconsidered under a limited set of circumstances (e.g. if substantial new information about the impacts of the action become available or if there is a substantial change in circumstances that was not foreseen at the time of the controlled action decision that relates to the impacts of the action).
- Further information is outlined in the [Environment Protection and Biodiversity Conservation Act 1999 \(Cth\) Policy Statement Reconsideration: Implementing the requirements of sections 78, 78A, 78B and 78C of the EPBC Act](#) including the requirements for a reconsideration request to be valid (see also Regulation 4AA.01 of the [ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION REGULATIONS 2000](#)).
- If after reading the policy statement and regulations linked above, you consider you meet the requirements to lodge a reconsideration request, please contact us in writing with further details.

2. Provide written clarification regarding the assessment process and the presence of the Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains threatened ecological community

- As noted above, the proposed action was determined a controlled action due to likely significant impacts on listed threatened species and communities and listed migratory species. This means that the project requires assessment and approval under the EPBC Act before it can proceed.
- At the time of the controlled action decision, it was also determined under section 87 of the EPBC Act that the proposed action will be assessed by preliminary documentation. Information about this assessment pathway is available on the department's webpage [Controlled action assessment methods under the EPBC Act - DCCEEW](#) and is summarised below.
- If you refer to the webpage linked, the proposed action is still at 'Step 1: Request information'. The department sent a request for further information on 23 May 2025 and are yet to receive a response. This means that the project is still in the assessment phase, and the department has not completed an assessment of potential impacts (including presence) to the Seasonal Herbaceous Wetlands (or any other listed threatened species or communities or migratory species) to inform an approval decision.
- To assess the impacts of the proposed action, the department requires the further information requested of you on 23 May 2025.
- Once received, this information, combined with your referral, becomes your draft preliminary documentation.
- When your draft preliminary documentation meets our requirements, we'll ask you to publish it for public comment for at least 10 business days. Note that we may require further information/ clarification through this process.
- After the public comment period has closed, you are required to provide us a summary of the comments received (if any) and how you have addressed them. Both the draft documents and this update become your final preliminary documentation, which we use to assess your project.
- Once we have your final preliminary documentation, we'll tell you to publish it for information only. At the same time, we'll begin your project's final assessment. Note that we may request further information at this stage, or the next.
- Once we have all your information and have assessed your project, we'll draft a recommendation report, which includes a proposed decision. We'll send you a copy of the proposed decision, including any approval conditions, for your comment. After we receive your response, we'll finalise the report and provide it and all your assessment documents to the minister (or minister's delegate).
- Based on our report, the minister (or minister's delegate) makes a final decision, which is provided to you.

s37(1)(a)

4. Provide links to publicly available assessment documentation from the Thurgoona Link Road, NSW (EPBC 2020/8804) project

- This link is to Albury Council's website which includes all preliminary documentation attachments: [Public Notice – Thurgoona Link Road, NSW \(EPBC 2020/8804\) | Engaging Albury](#).
- This links directly to the preliminary documentation, which includes the Alluvium hydrological assessment at Appendix B: <https://eservice.alburycity.nsw.gov.au/ACCPublicDocs/RecordURI?URI=4378551>.

Note that the above information is intended as a guide only and does not constitute legal advice, or a formal decision under the EPBC Act. Note also that the department cannot give any assurance about the final approval decision, which is ultimately the determination of the Minister for the Environment and Water (or their delegate) under the EPBC Act. If you have any further questions, please don't hesitate to contact us. We look forward to receiving a formal variation request should you choose to submit one, and the further information requested on 23 May 2025.

Regards

s. 22(1)(a)(ii)
A/g Director

Environment Regulation Division | Environment Assessments NSW and ACT | Southern NSW Assessments
Department of Climate Change, Energy, the Environment and Water

DCCEEW.gov.au ABN 63 573 932 849



Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge Aboriginal and Torres Strait Islander Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

OFFICIAL

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 13 October 2025 12:57 PM
To: s. 47F(1)
Cc: s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 47F(1) s. 47F(1)
s. 47F(1)@habitatplanning.com.au; s. 47F(1)
Subject: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976)
Attachments: Variation further information request.pdf; Attachment A - Proposed variation.pdf; Attachment C - Further information request (dated 23 May 2025).pdf; Attachment B - Referral.pdf

Good afternoon,

Please find attached the letter and supporting documents outlining the decision regarding the validity of the request to vary the proposed action for the Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976). Please let me know if you have any further questions or concerns.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water



EPBC Act Section 156A Variation

Land clearing for development of Brooklyn Fields Estate

Bowenville Developments Pty Ltd

Document Tracking

Project Name: EPBC Act Section 156A Variation

Project Number: 23MEL5444

Project Manager: s. 47F(1)

Version	Prepared by	Reviewed by	Approved by	Status	Date
V1	ELA	s. 47F(1)	s. 47F(1)	Draft	28/08/2025

This report should be cited as 'Eco Logical Australia 2025, EPBC Act Section 156A Variation, Prepared for Bowenville Developments Pty Ltd.'

Acknowledgements

This document has been prepared by Eco Logical Australia Pty Ltd with support from Bowenville Developments Pty Ltd.

Disclaimer

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Abbreviations

Abbreviation	Description
BC Act	NSW <i>Biodiversity Conservation Act 2016</i>
BGW	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland
CEEC	Critically Endangered Ecological Community
ELA	Eco Logical Australia
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
HBT	Hollow Bearing Tree
LGA	Local Government Area
MNES	Matters of National Significance
RZ	Residential Zone
REF	Review of Environmental Factors
TSC Act	NSW <i>Threatened Species Conservation Act 1995</i>

1. Introduction

Eco Logical Australia (ELA) has been engaged by Bowenville Developments Pty Ltd to prepare this Section 156A variation request to the referred action (EPBC Act referral 2024/09976) relating to the proposal for a residential development and associated infrastructure in Thurgoona, New South Wales. The original referral for this action was submitted for consideration under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 26th August 2024, and the proposal was subsequently deemed a controlled action on the 5th May 2025 by a delegate of the Minister for the Environment and Water and is to be assessed by preliminary documentation.

Following the proposal being deemed a controlled action and scheduled for assessment, a change to the initially referred proposal has arisen. This variation request addresses the change to the original proposal to include a staged alignment for the Thurgoona Link Road, which was not part of the initial referral. Stage 1 addresses the minimum works required for functional access to Brooklyn Fields, and Stage 2 addresses the remaining sections of the road through the site.

The variation is submitted in accordance with the requirements set out in Division 5.4 – Variations of Proposals to Take Actions under the EPBC Act.

2. Project background

The Project Area is located at Lot 479 in DP1284714 on Kerr Road Thurgoona within the Albury City Local Government Area (LGA). The Project Area is part of the Brooklyn Fields Estate, located 2.5 km north-east of Thurgoona in the South Western Slopes bioregion and Murray Catchment Management Authority area.

The Project Area is zoned General Residential (R1) as per the Albury Local Environmental Plan 2010. In 2011, a biodiversity certification order (the Order) was conferred on the Albury Local Environmental Plan 2010, under Schedule 7 of the now repealed NSW *Threatened Species Conservation Act 1995* (TSC Act). This Order conferring biodiversity certification on the Albury Local Environmental Plan 2010 was extended in 2021 for a period of up to five years. Under this Order, Residential (R) Zones, within which the Project Area is zoned, are grouped as developable area zones and as such do not require assessment under the now in force *Biodiversity Conservation Act 2016* (BC Act).

The current condition of the Project Area is that of grazed farmland. Surrounding land use is residential to the southeast and north, subdivision development (Brooklyn Fields stages 1 to 5) underway to the south of the Project Area and pastureland to the east. The site can be accessed via existing road infrastructure (Kerr Road and Brooklyn Drive). Soils within the Project Area consists of deep, well-drained Red Chromosols and Kurosols (Red Podzolic Soils) occurring on crests, with deep, moderately well-drained Yellow Chromosols (Yellow Podzolic Soils) on slopes. Foot slopes and drainage lines consist of deep, poorly drained Yellow Sodosols (Brown and Yellow Soloths and Solodic Soils).

3. Information for a request to vary a proposal to take an action

3.1. Proposed variation

3.1.1. Original proposed actions

Bowenville Developments proposes to develop the land described as Lot 479 in DP1284714, addressed as Kerr Road and Brooklyn Drive, Thurgoona, approximately 2.5 kilometres north-east of the Thurgoona town centre. The proposal comprises the northern ten (10) stages of the Brooklyn Fields Estate, along with a further section of Lot 479 identified for the creation of the Thurgoona Link Road.

The proposed development for the northern stages reflects the indicative master plan layout that was endorsed as part of the initial application for the southern stages. The site currently benefits from an approved development consent (Development Consent 10.2016.34422.1) issued by Albury City Council on 8 May 2017, which relates to a 424-lot staged Torrens Title subdivision known as Thurgoona Park North. Subsequent modifications were approved on 27 September 2017, 19 September 2018, and 30 August 2021, addressing minor amendments including deferral of development contributions, roundabout sizing requirements on Table Top Road, and staging for the construction of Sloanes Froglet (*Crinia sloanei*) habitat basins.

The works proposed for stages 6 to 15 include the development of 664 housing lots, service roads, and the retention of reserve areas. These housing lots will be constructed and released in ten stages, with associated civil works including bulk earthworks, vegetation removal (involving the removal of 43 remnant native trees), road construction (including service roads), and trenching for underground utilities. The Construction Environmental Management Plan (CEMP) attached to the original referral outlines the construction processes in detail.

3.1.2. Variation to proposed actions

This variation submission includes plans that show the staged construction of the proposed Thurgoona Link Road alignment, which was not included in the initial referral. Within Figure 1, the red shaded road section depicted in the plans corresponds to Stage 5 of the Thurgoona Link Road, which is being delivered separately by the Albury City Council under an approved Review of Environmental Factors (REF).

The variation involves two distinct stages:

- **Stage 1:** minimum works necessary to provide functional access to Brooklyn Fields, ensuring connectivity and accessibility in line with project requirements.
- **Stage 2:** remaining sections of the Link Road passing through the site, completing the road infrastructure as planned.

This staged approach to the road construction aligns with operational and planning objectives and is proposed to be incorporated into the scope of the controlled action under the EPBC Act.

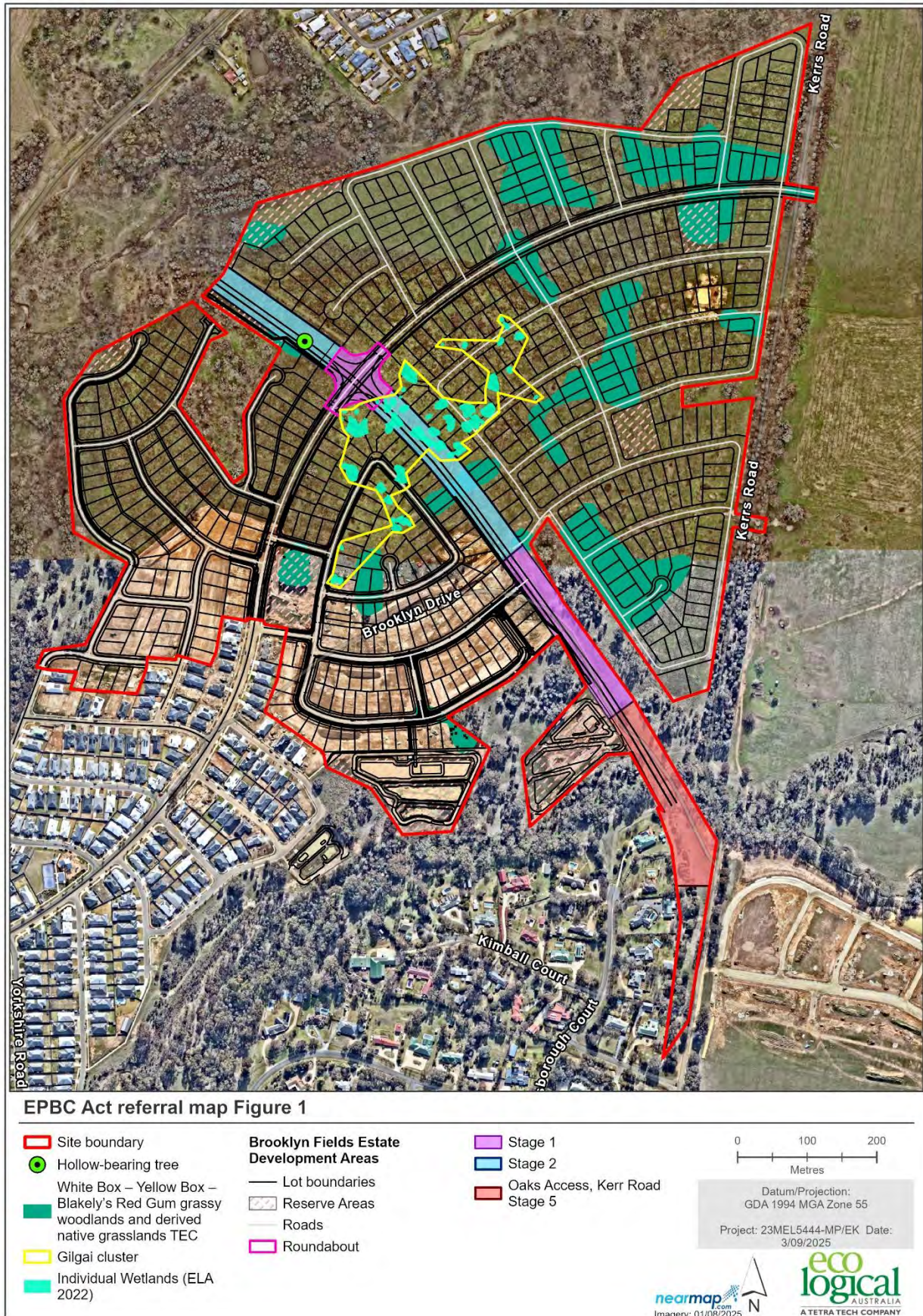


Figure 1: Brooklyn Fields Estate variation footprint

3.2. Reasons for the proposed variation

Originally, the construction of the road infrastructure servicing the Brooklyn Fields Estate, including the Thurgoona Link Road, was approved to be undertaken by Albury City Council. This included Stage 5 of the Thurgoona Link Road, which is currently still being delivered by Albury City Council under an approved Review of Environmental Factors (REF). As a result, the initial Bowenville Developments Pty Ltd EPBC Act referral did not include the road construction works as part of the proposed action.

Since that time, Albury City Council has decided not to proceed with the construction of the remaining sections of the Link Road. Consequently, Bowenville Developments Pty Ltd has assumed responsibility for delivering this roadwork and requires the inclusion of the road construction within the scope of the proposed action. Therefore, this variation request is submitted to incorporate the staged construction of the Thurgoona Link Road by Bowenville Developments ensuring that the environmental impacts associated with the roadworks are comprehensively assessed under the EPBC Act.

3.3. Comparisons of impacts to MNES

The proposed modification to the Brooklyn Fields Estate, which includes the addition of the Thurgoona Link Road, results in a slight increase in the area of impacts to Matters of National Environmental Significance (MNES) compared to that identified in the original referral (Table 1).

The impact to the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (BGW), a Critically Endangered Ecological Community (CEEC), has increased. The initial proposal accounted for a direct impact of 8.26 ha to the BGW, which has now risen to 8.50 ha under the updated variation, which is an overall increase of 0.24 ha (Table 1).

Crinia sloanei (Sloane's Froglet), *Gallinago hardwickii* (Latham's Snipe) and *Calidris acuminata* (Sharp-tailed Sandpiper) have also had an identified increase in the impacted wetland habitat area from 0.64 ha to 0.80 ha, representing a net change of 0.16 ha (Table 1).

The addition of the Thurgoona Link Road has increased the impact on Hollow Bearing Trees (HBT) by one (1) tree (Table 1), featuring three hollows: one less than 50 mm, one between 200 mm and 300 mm, and one greater than 300 mm. This tree provides potential suitable nesting habitat for *Neophema chrysostoma* (Blue-winged Parrot) and *Aphelocephala leucopsis* (Southern Whiteface).

Table 1: Impacts to MNES

MNES (EPBC Act listed)	Original impact	Updated impact	Net change in impact
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	8.26 ha	8.50 ha	0.24 ha
<i>Crinia sloanei</i> (Sloane's Froglet)	0.64 ha	0.80 ha	0.16 ha
<i>Gallinago hardwickii</i> (Latham's Snipe)	0.64 ha	0.80 ha	0.16 ha
<i>Calidris acuminata</i> (Sharp-tailed Sandpiper)	0.64 ha	0.80 ha	0.16 ha
<i>Neophema chrysostoma</i> (Blue-winged Parrot)	5 HBT	6 HBT	1 HBT
<i>Aphelocephala leucopsis</i> (Southern Whiteface)	5 HBT	6 HBT	1 HBT

3.4. Considerations of additional MNES not previously assessed

The proposed action does not affect any MNES beyond those already identified and assessed in the original referral application. All relevant MNES have been comprehensively evaluated in the previous assessment.

3.5. Updated Assessment of Significance to MNES

3.5.1. White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

The proposed variation results in a small increase in the developmental footprint on the BGW with the impact increasing from 8.26 ha to 8.50 ha, representing a minor expansion of the project footprint within this CEEC.

The original referral concluded that although a majority of the BGW within the site will be cleared, these areas are largely in a highly degraded condition, characterised by scattered paddock trees and exotic-dominated groundcover. Considering the minor increase in impacted area resulting from this variation, we consider that the impacts are unlikely to be significant.

3.5.2. Sloane's Froglet

The increase in the habitat impacted for Sloane's Froglet from 0.64 ha to 0.80 ha, represents a net increase of 0.16 ha. Habitat for Sloane's Froglet includes temporary and permanent waterbodies, such as wetlands with riparian and aquatic vegetation. Within the project area, these habitats are primarily concentrated in wetland and gilgai formations centrally located, as well as along Woolshed Creek to the east.

The original referral indicated that many of the mapped wetland patches in this area do not support permanent water throughout the year, which influences habitat availability. While the proposed action results in the loss of additional habitat, this increase is minor, and the overall level of impact is assessed to remain consistent with that described in the original referral. Although additional habitat creation is planned under the Sloane's Froglet Habitat Plan, it does not fully offset the clearance of existing habitat, but the slight increase in impact does not alter the original impact assessment. These findings have been documented in the original referral to support the ongoing environmental assessment process under the EPBC Act.

3.5.3. Latham's Snipe and Sharp-tailed Sandpiper

The increase in habitat impacted for both Latham's Snipe and Sharp-tailed Sandpiper from 0.64 ha to 0.80 ha represents a net increase of 0.16 ha for each species. Potential habitat for both species within the project area primarily includes wetland and gilgai clusters. Although these wetlands are degraded and considered unlikely to provide optimal habitat, their removal constitutes a direct impact on potential habitat for both species.

Despite this direct impact, the degraded condition of the wetlands means the loss is not assessed to constitute a significant impact on either Latham's Snipe or Sharp-tailed Sandpiper. The minor increase in impacted area does not change the overall level of impact.

3.5.4. Blue-winged Parrot and Southern Whiteface

The proposed action will result in the removal of potentially 6 suitable Hollow Bearing Trees (HBT), representing a net increase of one tree from the original estimate of 5. These trees provide potentially critical nesting habitat essential for the survival of both Blue-winged Parrot and Southern Whiteface.

While the removal of these trees will have a direct impact on the habitat of both species, the extent of vegetation loss is not considered sufficient to constitute a significant impact. This assessment remains consistent with the original referral.

4. Conclusions

The proposed variation to the Brooklyn Fields Estate Project Area, incorporating the staged addition of the Thurgoona Link Road, results in a minor increase in impacts to previously identified MNES when compared to the original referral. The most notable change is a slight expansion of the direct impact on the BGW with the affected area increasing from 8.26 ha to 8.50 ha, representing a net increase of 0.24 ha.

Impacts to habitat for Sloane's Froglet, Latham's Snipe, and Sharp-tailed have each increased marginally from 0.64 ha to 0.80 ha, reflecting a net increase of 0.16 ha. Despite these increases, the overall level of impact on these species is assessed to remain consistent with the original referral due to the degraded condition of the affected wetlands and limited habitat suitability.

Additionally, the variation results in the removal of one additional suitable HBT, increasing the total from five (5) to six (6), which provide critical habitat for the Blue-winged Parrot Southern Whiteface. While this results in a direct impact on these species' habitat, the extent of tree removal is not considered to constitute a significant impact and aligns with previous impact assessments.

Overall, the variation ensures that all aspects of the project, including the newly included road infrastructure works undertaken by Bowenville Developments, are fully accounted for and assessed. The minor increase in impact has been quantified and documented to support the ongoing environmental assessment process of this project under the EPBC Act.

Released by the National EPA under the FOI Act 1982

EPBC 2024/09976

s. 47F(1)

Director
Bowenville Developments Pty Ltd
11 Keatinge Court
LAVINGTON NSW 2641

s. 47F(1) peterbowenhomes.com.au

Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976)

Dear s. 47F(1)

I am writing in response to your request of 4 September 2025 to vary the proposed action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976), made under section 156A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) ([Attachment A](#)).

I consider that the request is not valid as it does not contain the information prescribed by the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations) in accordance with Section 156A(3)(b) of the EPBC Act.

Specifically, under Regulation 5.08, the request to vary a proposal to take an action must contain details of the proposed variation of the action, and contain information on how the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal. Further information is provided below.

Details of the proposed variation of the action

The shapefiles provided for the original proposal appear to indicate that the original project area is consistent with the project area in the proposed variation, however, the disturbance footprint is not clear in either the original proposal or the proposed variation (see section 2.1 of the referral ([Attachment B](#)) and Figure 1 of the proposed variation ([Attachment A](#))).

In addition, the proposed variation indicates that a portion of the Thrugoona Link Road (stage 5) does not form part of the original proposal, nor part of the proposed variation, however, it is included in the project area for both. Clarity on these matters is required.

Impacts of the original proposal

On 23 May 2025, the department wrote to you requesting, under Section 95A(2) of the EPBC Act, further information to assess the relevant impacts of the original proposal ([Attachment C](#)). To date, the department has not received a response to that request. Therefore, the impacts of the original proposal remain unclear and cannot be compared to the impacts of the proposed variation.

Impacts of the proposed variation

The proposed variation request is not supported by survey data and results (including maps), nor does it contain an assessment of all matters protected under the relevant controlling provisions. The impacts of the proposed variation therefore cannot be fully assessed.

Information required

For the request to be considered valid, you are required to provide the following:

- Confirmation of the sizes of the proposed action area, development footprint, and the extent of vegetation clearance with supporting information and evidence for both the original proposal and the proposed variation.
- A response to section 3.1 of the further information request sent to you on 23 May 2025 in relation to the original proposal ([Attachment C](#)).
 - o Note that the provision of an unredacted version of the Review of Ecological Assessment dated 20 October 2022 provided with the referral, and the survey data and results (including maps) used to inform this report, may satisfy some of the outstanding information relating to the original proposal.
- If applicable, a response to sections 3.2 and 3.3 of the further information request sent to you on 23 May 2025 in relation to the original proposal ([Attachment C](#)).
- If applicable, alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance in relation to the proposed variation.
- A copy of the survey data and results (including maps) used to inform the proposed variation request, and a likelihood of occurrence assessment and/or significant impact assessment for all protected matters identified as known, may, or likely to occur within the proposed variation project area using the [EPBC Act Protected Matters Search Tool](#). Note that survey data greater than five years old will generally not be accepted.

The department is available to assist you in understanding the further information requirements. If you have any questions about the process or the further information requirements, please contact the project manager, [s. 22\(1\)\(a\)\(ii\)](#), by email to [s. 22\(1\)\(a\)\(ii\) @dcceew.gov.au](#) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s. 22(1)(a)(ii)

Acting Director
Southern NSW Assessments

13 October 2025

Encl:

Attachment A: Proposed variation

Attachment B: Referral

Attachment C: Further information request (dated 23 May 2025)

Released by the National EPA under the FOI Act 1982

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Sent: Friday, 28 November 2025 5:09 PM
To: s. 22(1)(a)(ii) s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii) s. 47F(1) s. 47F(1)@habitatplanning.com.au; s. 47F(1)
Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]
Attachments: 23MEL5444_EPBC_156A Variation_v4.pdf
Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Hi s. 22(1)(a)(ii),

Thank you for your patience as I have worked through your requests for the s156 variation request. Please find attached the updated document. Please note I have included a table at the beginning which documents the Departments requests and where these have been addressed in the report.

I trust this addresses your concerns and queries regarding the initial s156 variation request. If you have any questions please let me know.

In addition, I would like written clarification on one matter. You will recall that in our meeting earlier this year, ELA on behalf of Bowenville Development was seeking clarification on the treatment of PCT 360 - Gilgai Mosaic as the EPBC Act listed community Seasonal Herbaceous Wetlands. Concerns were raised that DCCEEW had made a decision that the TEC was present based on information presented in a Biosis report, which did not form part of the proponents' referral package. This was discussed at length in the meeting.

s. 22(1)(a)(ii) assured both ELA and Bowenville that no decision had been made on the presence of the Seasonal Herbaceous Wetlands TEC and that a fair assessment of the presence / absence of the TEC would be made during the assessment of PD.

I am raising this again, as during my review of the s156 I read in detail the PD requirement requests. The requirements are worded in such a way that it appears DCCEEW had concluded the presence of the community during the assessment of the referral. Please see my screenshot below, particularly the section highlighted in yellow and circled in red. This wording explicitly states that SHW is considered present in the action area and likely to be significantly impacted.

Given the discrepancy in our discussions earlier this year about how SHW was being treated by DCCEEW and the ongoing concern of obtaining a fair assessment, can you please confirm via email that no decision has been made by DCCEEW on the presence of SHW, and this will be determined during assessment of the PD? This was the outcome of our meeting earlier this year.

Released by the National EPA under the FOI Act 1982

2. Controlling provisions

Note that below may not be a complete list for the controlling provisions and it is your responsibility as the proponent, to ensure that any species or ecological communities and migratory species under the EPBC Act which will or are likely to be impacted by the proposed action, are assessed for the Minister's consideration.

It is also the responsibility of the proponent to maintain awareness of any changes to species distributions. Please ensure that a recent [Protected Matters Search Tool](#) has been generated and used during the assessment stage before finalising the draft preliminary documentation.

2.1 Listed threatened species and communities

Under this controlling provision, any listed threatened species or communities are potentially relevant to the assessment. However, based on the information provided in your referral, and available information, the department specifically requires additional information in relation to the following listed species and ecological communities which are known to occur and likely to be impacted:

- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains – Critically Endangered;
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Critically Endangered; and
- Sloane's Froglet (*Crinia sloanei*) – Endangered.

There is evidence that other listed species under the EPBC Act may also be present, or have been present, on or within the vicinity of the proposed action area, and may also be impacted by the proposed action, so additional information is also required on the following species:

- Blue-winged Parrot (*Neophema chrysostoma*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Floating Swamp Wallaby-grass (*Amphibromus fluitans*) – Vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
- Latham's Snipe (*Gallinago hardwickii*) – Vulnerable and Migratory
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable and Migratory

Cheers,

s. 47F(1)
s. 47F(1)

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s. 47F(1)

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Sent: Monday, October 27, 2025 11:56 AM

To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1)@habitatplanning.com.au <s. 47F(1)@habitatplanning.com.au>; s. 47F(1)@peterbowenhomes.com.au

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1)

Thank you for your email. Please note that our aim is to progress this project efficiently, without creating double handling, unnecessary delays, or additional work.

Our preference is to receive the Preliminary Documentation (PD) together with any other relevant information. However, if you do not wish to submit the PD for information, we ask that you provide what you consider to be sufficient material for the department and the delegate to make an informed variation decision.

To make an informed decision, the department requires all relevant information on any potentially significantly impacted EPBC-listed threatened species, ecological communities, and migratory species. This information should clearly outline both the referral and the variation, supported by evidence, surveys, and data that demonstrate what is, and is not, likely to be significantly impacted. A thorough understanding of both the referral and variation stages is essential to ensure the department can determine the differences between the referral and proposed variation, and if it is acceptable under the

EPBC Act. Based on this please provide the information you consider sufficient. Note that if the submitted information is not considered to satisfy the information requirements prescribed by the EPBC Regulations, the department may ask for further clarification. Similarly, if the submitted information satisfies the EPBC Regulations, but further information is required to determine acceptability, the department may request further information under section 156C of the EPBC Act.

Avoidance, Mitigation, and Offset measures can be addressed in the PD, rather than in the Variation Further Information Request. If your variation does not have any potential to cause a new or increased impact on any protected matters, a new PMST report may not be necessary. To support your assessment, it may be necessary to conduct a new PMST search, especially if the change could affect different or additional protected matters than originally identified.

I look forward to receiving the information you consider sufficient shortly.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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Sent: Thursday, 23 October 2025 12:50 PM
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Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1) <s. 47F(1)@habitatplanning.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>
Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a)(ii),

Thanks for getting back to me. It might be best if we chat over the phone about this. Providing the PD could be a solution, however I think providing it at this stage is premature and I would like to find an alternative solution.

I can see that some elements of section 3.1 of the PD RFI would be beneficial to support the variation, however not all of it. Can you please let me know whether there is a middle ground? Do you want to schedule time in to discuss?

Cheers,

s. 47F(1)

s. 47F(1)

s. 47F(1)

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Hi s. 47F(1)

In your email, you mentioned that the information has been addressed in the PD. Could you please provide the PD, as it may address the questions we have regarding the variation.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a),

Thank you for sending through the response to the s156 variation request. I am in the process of updating the s156 request and have some questions for you:

1. Satisfy Section 3.1 of the Preliminary Documentation RFI

Section 3.1 requests a lot of information which has been addressed in the PD. Can you clarify which parts of Section 3.1 you would like addressed in the s156 request? I am conscious that including everything will make the variation quite lengthy. Is it suitable to include information on the following dot points, and not address the requirements outlined in Table 1 and 2? I have ticked the items in yellow that I think are relevant for the s156. For the assessment and quantification of potential impacts (3rd last dot point) I have proposed a summary rather than a detailed discussion.

Released by the National EPA under the FOI Act 1982

3. Further Information required

3.1 Species and ecological community occurrence and potential impacts

In considering the above listed species and communities, the preliminary documentation include the following:

- A discussion of and information on the occurrence and extent of each species and community identified in section 2.
- Records from surveys undertaken for this proposed action and any historical data (EPBC listed species only) in and around the proposed action area (include a map).
- Targeted surveys for Floating Swamp Wallaby-grass undertaken within the past 5 years of the date of this request.
 - Detail the survey methodology used and provide the survey results.
- If relevant, provide information that identifies important populations which are known to utilise habitat within the proposed action area.
- Information on the extent of habitat for the species and communities in the proposed action area, including:
 - How many hectares of habitat are on site.
 - Reference to habitat requirements detailed in the species' listing advice, conservation advice, and/or recovery plan.
 - Specifications of the type(s) of habitat available (e.g., whether the habitat is suitable for foraging, breeding, dispersal, etc.).
 - Description of key habitat features (e.g., hollow bearing trees).



Maps depicting areas of habitat for the above listed species and community proposed action area. If it is concluded that no habitat is present, provide a why and append supporting documentation. The Department also recomr

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to providing maps and boundary data for EPBC Act projects¹ is reviewed in of the preliminary documentation maps.



- An assessment and quantification of all potential impacts (including direct, indirect and cumulative impacts) that may occur as a result of all project phases and the proposed action on each threatened species and ecological community listed in Include how many hectares of habitat or individuals are proposed for clearance hollow bearing trees proposed for clearance (if relevant), impacts to movement impacts of the action to adjacent areas likely to contain threatened species and communities.
- Updated tests of significance, if any updates or additional species or communities above were not considered in the documentation provided for the referral.
- In responding to the above listed requirements, also include information required and **Table 2** of this document.

2. Address sections 3.2 and 3.3 of the PD RFI / alternatives, mitigation measures and offsets

This refers to the below.

Section 3.2 of the PD RFI is avoidance and mitigation measures, and section 3.3 of the PD RFI is offsets. Given the two dot points are requesting very similar information, can you please provide more guidance on what you would like addressed (PD RFI or general discussion) and what level of detail you would like to see?

Given that sections 3.2 and 3.3 of the PD RFI will be addressed in detail in the PD, I propose that a general discussion is included to address avoidance, mitigation and offsets relative to the MNES that are being assessed in the variation request.

As the s156 is proposing a variation to the referral, the varied impacts (if approved) will also be addressed in detail in the PD.

- If applicable, a response to sections 3.2 and 3.3 of the further information request 23 May 2025 in relation to the original proposal (Attachment C).
- If applicable, alternatives, mitigation measures and offsets to compensate for all matters of national environmental significance in relation to the proposed variation.

3. Inclusion of survey data and results

The area subject to the variation sits within the referred action area, however not within the development footprint (this will be clarified in our resubmission). The original PMST, survey data and results that were used to inform the referral are directly relevant and applicable to the area subject to the variation.

If the area subject to the variation is not outside of the previously referred area, and was included in our original literature and data review / surveys etc:

- Do we need to re-do the PMST?
- do you want to see updated applications of the significant impact criteria for matters relevant to the variation? Is this necessary if the project has already been deemed a controlled action with part 3 being the controlling provision?
- What survey data would you like to see?

I am on carers leave today, but can chat Monday over the phone if that is easier?

Cheers,

s. 47F(1)

s. 47F(1)
s. 47F(1)

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Sent: Monday, October 13, 2025 12:57 PM
To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
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Good afternoon,

Please find attached the letter and supporting documents outlining the decision regarding the validity of the request to vary the proposed action for the Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976). Please let me know if you have any further questions or concerns.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
 Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090

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EPBC Act Section 156A Variation

Land clearing for development of Brooklyn Fields Estate

Bowenville Developments Pty Ltd

Document Tracking

Project Name:	EPBC Act Section 156A Variation
Project Number:	23MEL5444
Project Manager:	s. 47F(1)

This report should be cited as 'Eco Logical Australia 2025, EPBC Act Section 156A Variation, Prepared for Bowenville Developments Pty Ltd.'

Acknowledgements

This document has been prepared by Eco Logical Australia Pty Ltd with support from Bowenville Developments Pty Ltd.

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Abbreviations

Abbreviation	Description
BC Act	NSW <i>Biodiversity Conservation Act 2016</i>
BGW	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland
CEEC	Critically Endangered Ecological Community
ELA	Eco Logical Australia
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
HBT	Hollow Bearing Tree
LGA	Local Government Area
MNES	Matters of National Environmental Significance
RZ	Residential Zone
REF	Review of Environmental Factors
TSC Act	NSW <i>Threatened Species Conservation Act 1995</i>

1. Introduction

Eco Logical Australia (ELA) has been engaged by Bowenville Developments Pty Ltd to prepare this Section 156A variation request to the referred action (EPBC Act referral 2024/09976) relating to the proposal for a residential development and associated infrastructure in Thurgoona, New South Wales. The original referral for this action was submitted for consideration under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 26 August 2024, and the proposal was subsequently deemed a controlled action on 5 May 2025 by a delegate of the Minister and is to be assessed by preliminary documentation.

Following the proposal being deemed a controlled action and scheduled for assessment, a change to the initially referred proposal has arisen. This variation request addresses the change to the original proposal to:

- include a staged alignment for the Thurgoona Link Road, which was not part of the referred action (EPBC 2024 / 09976), and
- remove a portion of the referral area that is now subject to a separate approvals process with Albury City Council.

Stage 1 of the proposed footprint addresses the minimum works required for functional access to Brooklyn Fields, and Stage 2 of the footprint addresses the remaining sections of the road through the referral area.

Updates to this variation request have been made to respond to the Request for Information (RFI) issued by Commonwealth DCCEEW on 13 October 2025. Table 1 provides a summary of the queries raised in the RFI and where they are addressed in this letter.

Table 1: Summary of items addressed in this variation request

RFI Item (dated 13 October 2025)	Corresponding clause from the Regulation (5.4 section 5.08)	Relevant section of this report
Size of the referred action area, development footprint and retained lands compared with the proposed variation	(a) details of the proposed variation to the action;	Section 3
n/a	(b) the reasons for the proposed variation;	Section 4
A response to section 3.1 of the further information request sent to you on 23 May 2025 in relation to the original proposal (Attachment C).	(c) how the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal;	Section 5
A copy of the survey data and results (including maps) used to inform the proposed variation request, and a likelihood of occurrence assessment and/or significant impact assessment for all protected matters identified as known, may, or likely to occur within the proposed variation project area using the EPBC Act Protected Matters Search Tool.	(d) if applicable, the impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal;	Section 7
If applicable, alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance in relation to the proposed variation.	(e) if applicable, alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance.	Section 8

2. Project background

The referral area is located at Lot 479 in DP1284714 on Kerr Road Thurgoona within the Albury City Local Government Area (LGA). The Project Area is part of the Brooklyn Fields Estate, located 2.5 km north-east of Thurgoona in the South Western Slopes bioregion and Murray Catchment Management Authority area.

The referral area is zoned General Residential (R1) as per the Albury Local Environmental Plan 2010. In 2011, a biodiversity certification order (the Order) was conferred on the Albury Local Environmental Plan 2010, under Schedule 7 of the now repealed NSW *Threatened Species Conservation Act 1995* (TSC Act). This Order conferring biodiversity certification on the Albury Local Environmental Plan 2010 was extended in 2021 for a period of up to five years. Under this Order, Residential (R) Zones, within which the referral area is zoned, are grouped as developable area zones and as such do not require assessment under the now in force *Biodiversity Conservation Act 2016* (BC Act).

The current condition of the referral area is that of grazed farmland with patches of native vegetation scattered throughout. Surrounding land use is residential to the southeast and north, subdivision development (Brooklyn Fields stages 1 to 5) underway to the south of the referral area and pastureland to the east. The site can be accessed via existing road infrastructure (Kerr Road and Brooklyn Drive).

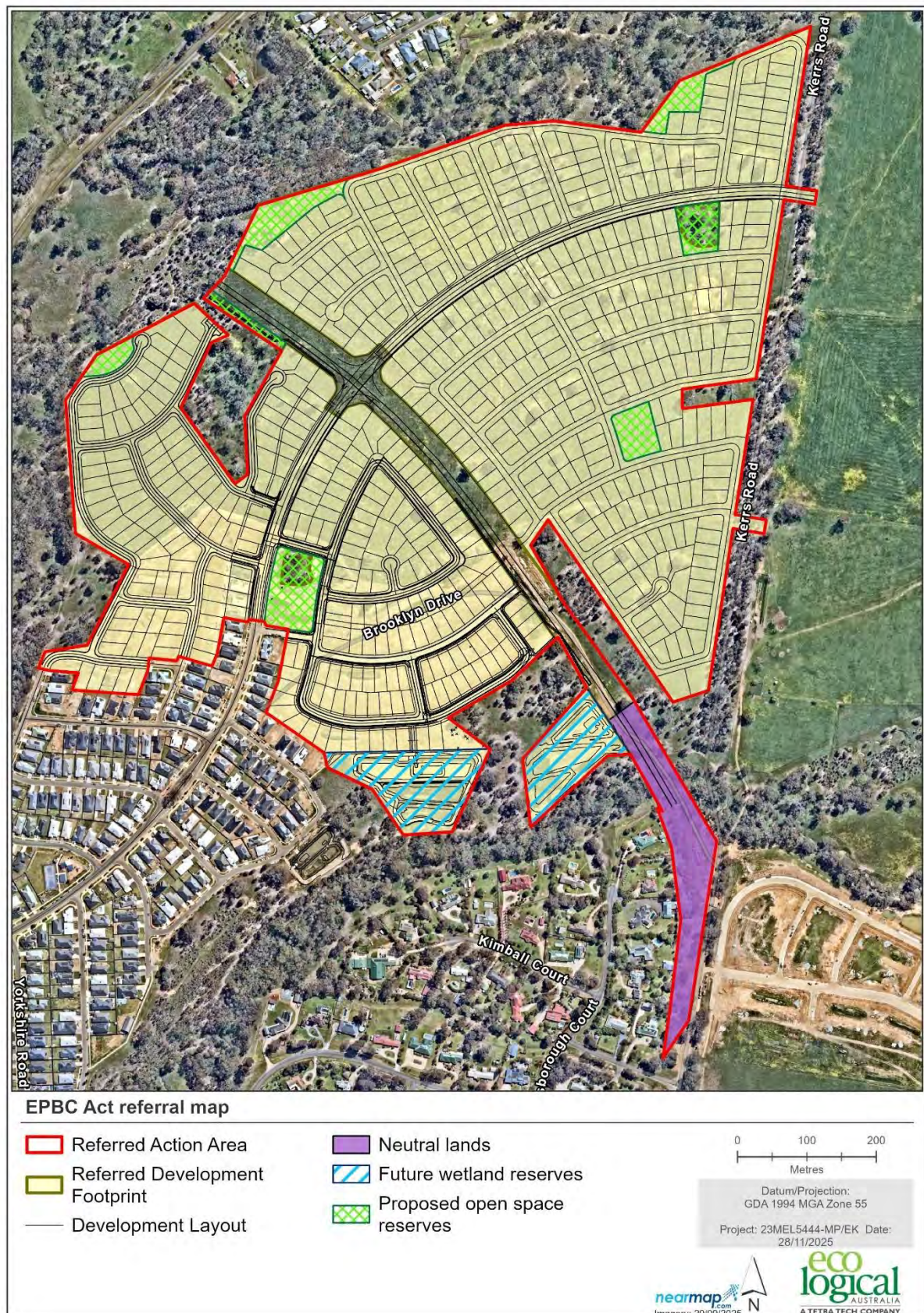


Figure 1: Referred action area and development footprint

3. Proposed variation

3.1. Referred action (EPBC 2024/09976)

Bowenville Developments proposes to develop the land described as Lot 479 in DP1284714, addressed as Kerr Road and Brooklyn Drive, Thurgoona, approximately 2.5 km north-east of the Thurgoona town centre. The proposal which formed part of the referral comprises the northern ten (10) stages (stages 6 – 15) of the Brooklyn Fields Estate, along with a further section of Lot 479 identified for the creation of the Thurgoona Link Road. The referred action included the following:

- An action area covering 74.6 ha
- 68.12 ha proposed for development
- 6.14 ha proposed for retention (across the woodland and future open space reserves).

The changes to the referral area, development footprint and retained lands (reserves) are summarised in Table 2.

Figure 1 shows the referred action area, development footprint and areas proposed for retention (reserves) and an area treated as neutral lands. The area of neutral land is currently under a separate impact assessment and approvals process being undertaken by Council.

The referred action included the works required for stages 6 to 15:

- development of 664 housing lots,
- service roads
- associated infrastructure including water, sewer and electrical, and
- the retention of reserve areas.

These housing lots will be constructed and released in ten stages, with associated civil works including bulk earthworks, vegetation removal, road construction (including service roads), and trenching for underground utilities. The Construction Environmental Management Plan (CEMP) attached to the original referral outlines the construction processes in detail.

3.2. Proposed variation to referred action

The proposed variation to the referred action is comprised of two components:

- inclusion of portions of the Thurgoona Link Road as shown in Figure 2. The areas proposed for inclusion formed part of the referred action area however did not form part of the development footprint. This area was treated as 'neutral land'. At the time that the referral was made, Council had submitted a separate EPBC referral for the Thurgoona Link Road (EPBC 2020/8804) which has since been withdrawn.
- removal of the southern extent of the Thurgoona Link Road from the action area (as shown in Figure 2).

The proposed inclusion of the Thurgoona Link Road involves two distinct stages:

- **Stage 1:** minimum works necessary to provide functional access to the referral area, ensuring connectivity and accessibility in line with project requirements.

- **Stage 2:** remaining sections of the Link Road which pass through the referral area and connect stage 3 of the Link Road to the north west to stage 5 of the Link Road in the south.

This staged approach to the road construction aligns with operational and planning objectives and is proposed to be incorporated into the scope of the controlled action under the EPBC Act.

This variation submission includes plans that show the staged construction of the proposed Thurgoona Link Road alignment, which was not included in the referral. Within Figure 2, the red shaded road section depicted in the plans corresponds to Stage 5 of the Thurgoona Link Road, which is being delivered separately by the Albury City Council under an approved Review of Environmental Factors (REF). This area is proposed for removal as part of this variation request.

The proposed variation to the action includes the following:

- An action area covering 72.47 ha
- 71.81 ha proposed for development
- 6.14 ha proposed for retention.

The changes to the referral area, development footprint and retained lands are summarised in Table 2.

Table 2: Summary of proposed changes to the action area and development footprint

	Referred action (ha)	Proposed variation (ha)	Total change (ha)
Action area	74.6	72.47	- 2.13
Development footprint	68.12	71.81	+ 3.69
Retained land (open space and wetland reserves)	6.14	6.14	No change



Figure 2: Proposed variation to the action area and development footprint

4. Reasons for the proposed variation

To understand the reasons for the proposed variation, it is critical to understand what the Thurgoona Link Road is. Therefore, this section includes a brief explanation of what the Link Road is, followed by the history of the proposed construction and how it relates to the Brooklyn Fields referral.

4.1. Thurgoona Link Road

The Thurgoona Link Road (the link road) is a major project located in Thurgoona, NSW and forms part of the wider Thurgoona – Wirlinga Precinct Structure Plan (structure plan). The link road is a key piece of transport, water and sewer infrastructure required to service the residential development which forms part of the structure plan. The link road is split into five stages and stage four runs through the proponents' referral area. Further information about the link road can be found here:

<https://www.alburycity.nsw.gov.au/major-projects/thurgoona-link-road>

and the overall structure plan can be found here:

<https://engaging.alburycity.nsw.gov.au/growing-thurgoona-wirlinga>

4.2. Construction history

Originally, the construction of the road infrastructure servicing the Brooklyn Fields Estate, including the Thurgoona Link Road, was approved to be undertaken by Albury City Council. This included Stage 5 of the Thurgoona Link Road, which is currently still being delivered by Albury City Council under an approved Review of Environmental Factors (REF). As a result, the initial Bowenville Developments Pty Ltd EPBC Act referral did not include the road construction works as part of the proposed action.

Since that time, Albury City Council has decided not to proceed with the construction of the remaining sections of the Link Road. Consequently, Bowenville Developments Pty Ltd has assumed responsibility for delivering this roadwork and requires the inclusion of the road construction within the scope of the proposed action. Therefore, this variation request is submitted to incorporate the staged construction of a portion of stage four of the link road by Bowenville Developments. Inclusion of this component of the road will ensure that the environmental impacts associated with the road are assessed under the EPBC Act.

4.3. Alternatives

The Thurgoona Link Road is a key piece of infrastructure that extends beyond the referral area. The civil engineering design for the road was first scoped in 2013 as part of the structure plan, with detailed design still underway. Stage five of the link road which connects to the referral is currently being assessed under Part 5 of the EP&A Act and will be constructed by Council. There is limited flexibility in the location of stage four of the link road for the following reasons:

1. It forms part of a road design that extends beyond the referral area
2. Other stages of the link road are either under construction or under assessment by the regulator
3. Construction of stage four of the link road is key to connect stages three and five

In addition to the importance of stage four of the link road within the broader landscape, it would also serve important functions within the referral area, specifically for:

- emergency egress

- traffic management.

Bowenville Development has also considered the requirement for emergency access. Emergency access, particularly for bushfire purposes, will necessitate the provision of a second access to Brooklyn Fields Estate. To date, a secondary access point has been permitted in a temporary form to Kerr Road via a gravel access track. The NSW Rural Fire Service allowed the development to progress with the temporary access on the basis that permanent access would be delivered in the northern extent of the development in later stages. NSW RFS have also recently advised that no further approvals will be granted for development on the land without a permanent road access to the north (to Kerr Road).

This permanent road access will be achieved with stage four of the link road.

The traffic assessment completed for the referral area also demonstrated that a second access would be required for appropriate and efficient operation of the traffic network. An assessment was completed to model the scenario that all development relied on a single point of access. It found that the intersection could operate, however there would be queues of between 95-101 metres during peak periods, with delays of up to 28 seconds during AM and PM peak periods.

There are limited options to provide connections at any other point along Kerr Road or Table Top Road. The site is surrounded by creek reserves and extensive vegetation, with the nominated connection points representing the only practical options for connection into the surrounding road network.

5. Comparisons of impacts to MNES

5.1. Referred action impacts to MNES

The Referral confirmed the presence of the following MNES in the action area during survey (Figure 3):

- White-box Yellow-box Blakely's Red Gum grassy woodlands and derived native grassland
- *Crinia sloanei* (Sloanes Froglet)

The referral also assessed impacts to the following MNES that were considered likely to occur in the action area, noting targeted surveys were not completed:

- *Aphelocephala leucopsis* (southern whiteface)
- *Calidris acuminata* (sharp-tailed sandpiper)
- *Gallinago hardwickii* (Latham's snipe)
- *Neophema chrysostoma* (blue-winged parrot)
- *Stagonopleura guttata* (diamond firetail)
- *Tringa nebularia* (common greenshank).

The significant impact criteria was applied to these MNES to assess impacts associated with the referred action. The impacts to these MNES assessed in the referral are provided in Table 3.

5.2. Proposed variation impacts to MNES

Table 3 shows the change in impact to the previously assessed MNES that would result from the proposed variation. Overall, the inclusion of the Link Road has increased the impacts to MNES within the referral area (Table 3; Figure 4).

The addition of the Link Road has increased the impact on Hollow Bearing Trees (HBT) by one (1) tree (Table 3), featuring three hollows: one less than 50 mm, one between 200 mm and 300 mm, and one greater than 300 mm.

Table 3: Comparison of impacts to MNES

MNES (EPBC Act listed)	Referred impact (ha)	Proposed varied impact (ha)	Net change in impact (ha)
Threatened ecological communities			
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	7.7	7.92	+ 0.22
		Total	+ 0.22
Threatened fauna			
<i>Aphelocephala leucopsis</i> (southern whiteface)	7.7 ha foraging habitat and 14 HBT potential breeding	7.92 ha foraging habitat and 15HBT potential breeding	+ 0.22 ha and + 1 HBT
<i>Calidris acuminata</i> (sharp-tailed sandpiper)	4.85	5.4	+ 0.55 ha
<i>Crinia sloanei</i> (Sloane's froglet)	4.85	5.4	+ 0.55 ha
<i>Gallinago hardwickii</i> (Latham's snipe)	4.85	5.4	+ 0.55 ha

MNES (EPBC Act listed)	Referred impact (ha)	Proposed varied impact (ha)	Net change in impact (ha)
<i>Neophema chrysostoma</i> (blue-winged parrot)	7.7 ha foraging habitat and 14 HBT potential breeding	7.92 ha foraging habitat and 15 HBT potential breeding	+ 0.22 ha and + 1 HBT
<i>Stagonopleura guttata</i> (diamond firetail)	7.7 ha foraging habitat and 14 HBT potential breeding	7.92 ha foraging habitat and 15 HBT potential breeding	+ 0.22 ha and + 1 HBT
<i>Tringa nebularia</i> (common greenshank).	4.85	5.4	+ 0.55 ha

6. Considerations of additional MNES not previously assessed

In addition to the previously assessed MNES, DCCEEW have requested that consideration be given to all species identified in Section 2.1 of the Request for Further Information (the request) that was issued with the controlled action decision on 23 May 2025. Section 2.1 of the request included the following MNES that were not assessed for impacts in the referral (Table 4):

- *Amphibromus fluitans* (floating swamp wallaby-grass)
- *Anthochaera phrygia* (regent honeyeater) – potential foraging habitat.
- *Lathamus discolor* (swift parrot) – potential foraging habitat
- *Nyctophilus corbeni* (Corben's long-eared bat) – potential foraging and breeding habitat
- *Pteropus poliocephalus* (grey-headed flying-fox) – potential foraging habitat.

Corben's long-eared bat, grey-headed flying-fox, swift parrot and regent honeyeater may utilise the Box Gum Woodland in the action area for foraging habitat. Corben's long-eared bat may utilise the hollow bearing trees within the action area for roosting or breeding. Grey-headed flying-fox, swift parrot and regent honeyeater have very specific breeding requirements. Swift parrots breed in Tasmania, regent honeyeater have four (4) distinct breeding locations across their range and grey-headed flying-foxes breed in camps. None of these breeding requirements are present within the action area. No breeding habitat would be affected.

Floating swamp wallaby grass is associated with *Plant Community Type 360 - Gilgai wetland mosaic in the southern NSW South Western Slopes Bioregion* which was identified in the central portion of the action area. This species is not associated with any other PCTs / vegetation communities in the action area.

Surveys by AECOM in 2015 did not identify this species and it was not opportunistically identified by ELA in 2022. However, in the absence of recent surveys this species has been assumed present for the purposes of this variation request, with the extent of potential habitat considered the individual wetland clusters of PCT 360.

Table 4: Potential impact to MNES not previously assessed

MNES (EPBC Act listed)	Habitat type	Referred impact (ha)	Proposed varied impact (ha)
<i>Amphibromus fluitans</i> (floating swamp wallaby-grass)	-	Not assessed	5.4
<i>Anthochaera phrygia</i> (Regent's honeyeater)	Foraging	Not assessed	7.92
<i>Lathamus discolor</i> (swift parrot)	Foraging	Not assessed	7.92
<i>Nyctophilus corbeni</i> (Corben's long-eared bat)	Foraging	Not assessed	12.77ha foraging habitat and 11 HBT potential breeding
<i>Pteropus poliocephalus</i> (grey-headed flying-fox)	Foraging	Not assessed	7.92



Figure 3: Referred impacts to MNES



Figure 4: Proposed varied impacts to MNES

7. Updated Assessment of Significance to MNES

7.1. White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

The proposed variation results in a small increase in the developmental footprint on the community with the impact increasing from 7.7 ha to 7.92 ha, representing a minor expansion of the project footprint within this CEEC.

The referral concluded that although a majority of the community within the action area will be cleared, these areas are largely in a highly degraded condition, characterised by scattered paddock trees and exotic-dominated groundcover. Considering the minor increase in impacted area resulting from this variation, the impacts are unlikely to be significant.

7.2. Sloane's froglet

The referral assessed impacts to 2.37 ha of habitat for Sloane's froglet. There is no proposed increase to impacts for this species. Consistent with the referred action, the proposed varied action will establish 3.14 ha of habitat for Sloane's froglet through the wetland reserves (Figure 2).

7.3. Latham's snipe and sharp-tailed sandpiper

The increase in habitat impacted for both Latham's Snipe and Sharp-tailed Sandpiper from 4.85 ha to 5.4 ha represents a net increase of 0.55 ha for each species. Potential habitat for both species within the project area primarily includes wetland and gilgai clusters (PCT 360). Although these wetlands are degraded and considered unlikely to provide optimal habitat, their removal constitutes a direct impact on potential habitat for both species.

The application of the significant impact criteria to the proposed varied action determined that the impacts are unlikely to constitute a significant impact to either entity.

7.4. Blue-winged parrot and southern whiteface

The referred action assessed impacts to 14 hollow bearing trees that could support breeding and 7.7 ha of foraging habitat. The proposed varied action would result in one additional hollow bearing tree being removed and an additional 0.22 ha of foraging habitat.

A brief assessment of the surrounding landscape shows that there is potential foraging habitat immediately adjacent to the action area in Bells Park which contains approximately 133 ha of vegetation (note that the presence of hollow bearing trees in the park has not been field validated). Potential habitat for this species is also present along Woolshed Creek and Eight Mile Creek, which run to the south east and south west of the action area.

7.5. Swift parrot and regent honeyeater

The referred action did not assess impacts to the swift parrot or regent honeyeater. The proposed varied action area contains potential foraging habitat for the Swift Parrot and Regent Honeyeater. The varied action area contains about 0.22 ha of potential foraging habitat for these species. The removal of 7.92 ha of potential foraging habitat (referred development footprint plus varied development

footprint) would not result in a significant impact to these species. Surveys have not been completed to determine the presence or absence of these species in the varied action area.

A brief assessment of the surrounding landscape shows that there is potential foraging habitat immediately adjacent to the action area in Bells Park which contains approximately 133 ha of vegetation. Potential habitat for this species is also present along Woolshed Creek and Eight Mile Creek which run to the south east and south west of the action area.

7.6. Corbens long-eared bat

The referred action did not assess impacts to Corbens long-eared bat. Corbens long-eared bat could utilise the hollow bearing trees (where hollows are < 10 cm diameter) for roosting and breeding and may forage over the patches of Box Gum Woodland and may forage over PCT 360 in the varied action area. The potential impacts to this species resulting from the proposed action include impacts to 14 hollow bearing trees and 12.77 ha of potential foraging habitat.

A brief assessment of the surrounding landscape shows that there is potential foraging habitat immediately adjacent to the action area in Bells Park which contains approximately 133 ha of vegetation (note that the presence of hollow bearing trees in the park has not been field validated). Potential habitat for this species is also present along Woolshed Creek and Eight Mile Creek which run to the south east and south west of the action area.

In the context of the surrounding landscape, the removal of 12.77 ha of potential foraging habitat and 14 HBTs would not result in a significant impact to Corbens long-eared bat.

7.7. Floating swamp wallaby grass

The referred action did not assess impacts to floating swamp wallaby grass. Floating swamp wallaby grass is known to grow in permanent swamps, swamp margins in mud, dams and the semi dry mud of lagoons. Within the action area, PCT 360 is considered marginal habitat for this species, noting that it has not been identified in the action area during survey. The patches of PCT 360 in the action area were degraded with a very low proportion of native species present, and signs of ongoing disturbance associated with cattle grazing and weed invasion. The habitat within PCT 360 is considered marginal for this species.

The referred area would remove 4.85 ha of potential habitat for this species and an additional 0.55 ha as a result of the proposed variation resulting in a total of 5.4 ha being removed. A rapid assessment of records over the past 30 years show that the species has been recorded in Eight Mile Creek, Thurgoona TAFE and the Ettamogah Wildlife Centre which suggests that there is suitable habitat close to the action area. The records suggest that there is suitable habitat available within the locality that has recently been utilised by the species.

7.8. Grey-headed flying-fox

The referred action did not assess impacts to grey-headed flying-fox. The grey-headed flying-fox could utilise the action area for foraging. The varied action area contains potential foraging habitat for this species in the form of 7.92 ha of Box Gum Woodland. There are no camps within the referred action area or the proposed varied action area. The removal of 7.92 of potential foraging habitat would not result in a significant impact to this species.

A brief assessment of the surrounding landscape shows that there is potential foraging habitat immediately adjacent to the action area in Bells Park which contains approximately 133 ha of

vegetation. Potential habitat for this species is also present along Woolshed Creek and Eight Mile Creek which run to the south east and south west of the action area. The grey-headed flying-fox can forage up to 20 km a night during a feeding foray and would be able to access other foraging habitat beyond the immediate surrounding landscape.

8. Avoidance, mitigation and offset strategies

The EPBC referral identified two types of retained land throughout the action area:

1. Proposed open space reserves
2. Proposed wetland reserves.

The proposed open space reserves are located throughout the subdivision and in most cases contain Box Gum Woodland. No impacts are proposed in these reserves. The proposed wetland reserves will be impacted to establish basins and other water retention features to create habitat for Sloane's froglet.

At the direction of Commonwealth DCCEEW via email (Sidney Dwyer from DCCEEW to Alex Gorey from ELA on 27 October 2025), further discussion of avoidance, mitigation and offset strategies will be provided in the Preliminary Documentation. ELA notes that understanding the reason for the proposed variation also forms part of the avoidance considerations.

9. Conclusion

The proposed variation to the Brooklyn Fields Estate referral includes the addition of a portion of stage four of the Thurgoona Link Road and removing a portion of the referral area that is under separate assessment by Council.

Incorporating the staged addition of the Thurgoona Link Road results in a minor increase in impacts to previously identified MNES when compared to the referral. The most notable change is a slight expansion of the direct impact on Box Gum Woodland with the affected area increasing from 7.7 ha to 7.92 ha, representing a net increase of 0.22 ha. There would be a minor increase in impact to the other MNES assessed as part of this variation request, including:

- *Amphibromus fluitans* (floating swamp wallaby-grass)
- *Anthochaera phrygia* (regent honeyeater)
- *Aphelocephala leucopsis* (southern whiteface)
- *Calidris acuminata* (sharp-tailed sandpiper)
- *Gallinago hardwickii* (Latham's snipe)
- *Lathamus discolor* (swift parrot)
- *Neophema chrysostoma* (blue-winged parrot)
- *Nyctophilus corbeni* (Corben's long-eared bat)
- *Pteropus poliocephalus* (grey-headed flying-fox)
- *Stagonopleura guttata* (diamond firetail)
- *Tringa nebularia* (common greenshank).

There will be no increase in impact to Sloane's froglet.

Overall, the variation ensures that all aspects of the project, including the newly included road infrastructure works undertaken by Bowenville Developments, are fully accounted for and assessed. The minor increase in impact has been quantified and documented to support the ongoing environmental assessment process of this project under the EPBC Act.

Released by the National EPA under the FOI Act 1982

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Sent: Thursday, 11 December 2025 12:21 PM
To: s. 22(1)(a)(ii) s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii) s. 47F(1) s. 47F(1)@habitatplanning.com.au; s. 47F(1)
Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]
Attachments: 22MEL1949 Brooklyn Fields Estate constraints assessment V2.pdf; Important Habitat Map 11 DEC 25.png
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your call last week and email below. I have looked into why a redacted version of the constraints assessment was provided. Without having been directly involved at the time, I can only see that a redacted version was produced for the purposes of an FOI request, and for the public exhibition component of the referral. Under our scientific licence we can't disclose locations of certain threatened species records.

I have attached a version without any redactions to assist with your assessment.

As we discussed over the phone, surveys have not yet been completed for the MNES identified in the PD Further Information Request. I have discussed the species requiring survey with the client also in the context of the proposed offsetting strategy. As you aware, the land is biodiversity certified so further assessment and offset of impacts to entities listed under the BC Act is not required. Despite the certification of land, the client is proposing to offset any residual impacts using the Commonwealth endorsed NSW Biodiversity Offsets Scheme. I have checked with the BOS Helpdesk and they have advised that an offset obligation can be met using the BOS even when a state or local approval is not required, so long as there is some sort of approval that states an offset is required.

I have therefore reviewed the species identified as requiring survey in the PD RFI and have prepared the following table against their BAM credit type and proposed approach for surveys, assessment and offsetting.

I am hoping to get your endorsement of this approach ASAP, or any feedback, so I can plan accordingly.

Species	Credit type	Proposed approach for further assessment
---------	-------------	--

Blue-winged Parrot	Ecosystem	No surveys proposed. Proposed to offset consistent with the BAM. As an ecosystem credit species, this species is offset concurrently with the vegetation.
Corben's Long-eared Bat	Ecosystem	No surveys proposed. Proposed to offset consistent with the BAM. As an ecosystem credit species, this species is offset concurrently with the vegetation.
Floating Swamp Wallaby-grass	Species	Surveys proposed in areas of potential habitat (pct 360)
Grey-headed Flying-fox	Dual - Ecosystem for foraging, species for breeding	No surveys proposed. This species would be assessed for foraging habitat as an ecosystem credit species as there are no camps present within the action area. As an ecosystem credit species, this species is offset concurrently with the vegetation.
Latham's Snipe	Not listed	Surveys proposed in areas of potential habitat (pct 360)
Sharp-tailed Sandpiper	Not listed	Surveys proposed in areas of potential habitat (pct 360)
Southern Whiteface	Ecosystem	No surveys proposed. Proposed to offset consistent with the BAM. As an ecosystem credit species, this species is offset concurrently with the vegetation.
Swift Parrot	Dual - species for Important habitat map, ecosystem for all other areas	Please see attached screenshot (PINK mapping) - the site is not mapped on the important habitat map and any impacts could be offset as an ecosystem credit, without survey. If this is not accepted, surveys would be completed.
Regent Honeyeater.	Dual - species for Important habitat map, ecosystem for all other areas	Please see attached screenshot (GREEN mapping) - the site is not mapped on the important habitat map and any impacts could be offset as an ecosystem credit, without survey. If this is not accepted, surveys would be completed.

Cheers,

s. 47F(1)

Associate Ecologist

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

Please note I don't work Tuesdays.

Eco Logical Australia acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders both past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Sent: Wednesday, December 3, 2025 1:27 PM

To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>;

s. 47F(1)@habitatplanning.com.au <s. 47F(1)@habitatplanning.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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OFFICIAL

Hi s. 47F(1)

Thank you for your email.

We will consider the updated document in relation to the s156 variation request and get back to you shortly.

Regarding the presence of the EPBC Act-listed ecological community Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (SHW), I again confirm that no decision has been made on the presence of the community in relation to the proposed action *Land clearing for development of Brooklyn Fields Estate (2024/09976)*. This is because the Department has not been provided sufficient information to assess the likelihood of the community's presence.

The information provided at the time of the referral is publicly available on the EPBC Act Public Portal: [Project Decision · EPBC Act Public Portal](#).

The referral information states that the wetland native vegetation that occurs within the proposed action area, specifically Gilgai patches, do not qualify as the SHW. I note that two separate ecological surveys were conducted that inform this conclusion, one prior to 30 June 2015 (AECOM, 2015; Attachment A to the referral), which is outdated and

which notes the field assessment was not conducted in the appropriate season to complete detailed vegetation assessments, and the other in 2022 (ELA, 2022; Attachment B to the referral), for which, full survey details were not provided, and the document is heavily redacted.

Based on information available to the department at the time of the referral, including the lack of up to date survey information and the presence of Gilgai habitat which the ecological community is synonymous with, the department considered the ecological community was likely be present within the proposed action area and subsequently sought further information as noted in the department's further information request of 23 May 2025 (attached).

I note that we are still awaiting a response to the further information request, however, as noted in my letter of 13 October 2025 (attached), I consider the provision of an unredacted version of the Review of Ecological Assessment dated 20 October 2022 provided with the referral, and the survey data and results (including maps) used to inform this report (if available), may satisfy much of the outstanding information relating to the original proposal, particularly in relation to the SHW.

Can you please confirm if an unredacted version of the 2022 report and any available supporting data can be provided?

We are keen to progress the assessment of both the proposed action and proposed variation. Any further information that can be provided to support this, would be most useful.

Please reach out if you wish to discuss further.

Thanks

s. 22(1)(a)(ii)

A/g Director

Environment Regulation Division | Environment Assessments NSW and ACT | Southern NSW Assessments
M s. 22(1)(a)(ii) | E s. 22(1)(a)(ii) dcceew.gov.au

OFFICIAL

From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Sent: Friday, 28 November 2025 5:09 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>;
s. 47F(1)@habitatplanning.com.au; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>
Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii),

Thank you for your patience as I have worked through your requests for the s156 variation request. Please find attached the updated document. Please note I have included a table at the beginning which documents the Departments requests and where these have been addressed in the report.

I trust this addresses your concerns and queries regarding the initial s156 variation request. If you have any questions please let me know.

In addition, I would like written clarification on one matter. You will recall that in our meeting earlier this year, ELA on behalf of Bowenville Development was seeking clarification on the treatment of PCT 360 - Gilgai Mosaic as the EPBC Act listed community Seasonal Herbaceous Wetlands. Concerns were raised that DCCEEW had made a decision that the TEC was present based on information presented in a Biosis report, which did not form part of the proponents' referral package. This was discussed at length in the meeting.

s. 22(1)(a)(iii) assured both ELA and Bowenville that no decision had been made on the presence of the Seasonal Herbaceous Wetlands TEC and that a fair assessment of the presence / absence of the TEC would be made during the assessment of PD.

I am raising this again, as during my review of the s156 I read in detail the PD requirement requests. The requirements are worded in such a way that it appears DCCEEW had concluded the presence of the community during the assessment of the referral. Please see my screenshot below, particularly the section highlighted in yellow and circled in red. This wording explicitly states that SHW is considered present in the action area and likely to be significantly impacted.

Given the discrepancy in our discussions earlier this year about how SHW was being treated by DCCEEW and the ongoing concern of obtaining a fair assessment, can you please confirm via email that no decision has been made by DCCEEW on the presence of SHW, and this will be determined during assessment of the PD? This was the outcome of our meeting earlier this year.

2. Controlling provisions

Note that below may not be a complete list for the controlling provisions and it is your responsibility as the proponent, to ensure that any species or ecological communities and migratory species under the EPBC Act which will or are likely to be impacted by the proposed action, are assessed for the Minister's consideration.

It is also the responsibility of the proponent to maintain awareness of any changes to species distributions. Please ensure that a recent [Protected Matters Search Tool](#) has been generated and used during the assessment stage before finalising the draft preliminary documentation.

2.1 Listed threatened species and communities

Under this controlling provision, any listed threatened species or communities are potentially relevant to the assessment. However, based on the information provided in your referral, and available information, the department specifically requires additional information in relation to the following listed species and ecological communities which are known to occur and likely to be impacted:

- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains – Critically Endangered;
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – Critically Endangered; and
- Sloane's Froglet (*Crinia sloanei*) – Endangered.

There is evidence that other listed species under the EPBC Act may also be present, or have been present, on or within the vicinity of the proposed action area, and may also be impacted by the proposed action, so additional information is also required on the following species:

- Blue-winged Parrot (*Neophema chrysostoma*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Floating Swamp Wallaby-grass (*Amphibromus fluitans*) – Vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
- Latham's Snipe (*Gallinago hardwickii*) – Vulnerable and Migratory
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable and Migratory

Cheers,

s. 47F(1)

Associate Ecologist

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

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Eco Logical Australia acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders both past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>

Sent: Monday, October 27, 2025 11:56 AM

To: s. 47F(1) <s. 47F(1)ecoaus.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <s. 47F(1)ecoaus.com.au>; s. 47F(1)habitatplanning.com.au <s. 47F(1)habitatplanning.com.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1),

Thank you for your email. Please note that our aim is to progress this project efficiently, without creating double handling, unnecessary delays, or additional work.

Our preference is to receive the Preliminary Documentation (PD) together with any other relevant information. However, if you do not wish to submit the PD for information, we ask that you provide what you consider to be sufficient material for the department and the delegate to make an informed variation decision.

To make an informed decision, the department requires all relevant information on any potentially significantly impacted EPBC-listed threatened species, ecological communities, and migratory species. This information should clearly outline both the referral and the variation, supported by evidence, surveys, and data that demonstrate what is, and is not, likely to be significantly impacted. A thorough understanding of both the referral and variation stages is essential to ensure the department can determine the differences between the referral and proposed variation, and if it is acceptable under the

EPBC Act. Based on this please provide the information you consider sufficient. Note that if the submitted information is not considered to satisfy the information requirements prescribed by the EPBC Regulations, the department may ask for further clarification. Similarly, if the submitted information satisfies the EPBC Regulations, but further information is required to determine acceptability, the department may request further information under section 156C of the EPBC Act.

Avoidance, Mitigation, and Offset measures can be addressed in the PD, rather than in the Variation Further Information Request. If your variation does not have any potential to cause a new or increased impact on any protected matters, a new PMST report may not be necessary. To support your assessment, it may be necessary to conduct a new PMST search, especially if the change could affect different or additional protected matters than originally identified.

I look forward to receiving the information you consider sufficient shortly.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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From: s. 47F(1) <s. 47F(1)ecoaus.com.au>
Sent: Thursday, 23 October 2025 12:50 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <s. 47F(1)ecoaus.com.au>; s. 47F(1) <s. 47F(1)habitatplanning.com.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>
Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a),

Thanks for getting back to me. It might be best if we chat over the phone about this. Providing the PD could be a solution, however I think providing it at this stage is premature and I would like to find an alternative solution.

I can see that some elements of section 3.1 of the PD RFI would be beneficial to support the variation, however not all of it. Can you please let me know whether there is a middle ground? Do you want to schedule time in to discuss?

Cheers,

s. 47F(1)

s. 47F(1)

Associate Ecologist

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

Please note I don't work Tuesdays.

Eco Logical Australia acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders both past and present. Through this acknowledgement we commit to ongoing learning and understanding on our journey to reconciliation.

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Sent: Tuesday, October 21, 2025 1:36 PM

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Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1)

In your email, you mentioned that the information has been addressed in the PD. Could you please provide the PD, as it may address the questions we have regarding the variation.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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From: s. 47F(1) <s. 47F(1)ecoaus.com.au>
 Sent: Friday, 17 October 2025 1:12 PM
 To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>
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 Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a),

Thank you for sending through the response to the s156 variation request. I am in the process of updating the s156 request and have some questions for you:

1. Satisfy Section 3.1 of the Preliminary Documentation RFI

Section 3.1 requests a lot of information which has been addressed in the PD. Can you clarify which parts of Section 3.1 you would like addressed in the s156 request? I am conscious that including everything will make the variation quite lengthy. Is it suitable to include information on the following dot points, and not address the requirements outlined in Table 1 and 2? I have ticked the items in yellow that I think are relevant for the s156. For the assessment and quantification of potential impacts (3rd last dot point) I have proposed a summary rather than a detailed discussion.

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3. Further Information required

3.1 Species and ecological community occurrence and potential impacts

In considering the above listed species and communities, the preliminary documentation include the following:

- A discussion of and information on the occurrence and extent of each species and community identified in section 2.
- Records from surveys undertaken for this proposed action and any historical data (EPBC listed species only) in and around the proposed action area (include a map).
- Targeted surveys for Floating Swamp Wallaby-grass undertaken within the past 5 years, the date of this request.
 - Detail the survey methodology used and provide the survey results.
- If relevant, provide information that identifies important populations which are known to utilise habitat within the proposed action area.
- Information on the extent of habitat for the species and communities in the proposed action area, including:
 - How many hectares of habitat are on site.
 - Reference to habitat requirements detailed in the species' listing advice, conservation advice, and/or recovery plan.
 - Specifications of the type(s) of habitat available (e.g., whether the habitat varies in suitability for foraging, breeding, dispersal, etc.).
 - Description of key habitat features (e.g., hollow bearing trees).



Maps depicting areas of habitat for the above listed species and community proposed action area. If it is concluded that no habitat is present, provide a why and append supporting documentation. The Department also recomr

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to providing maps and boundary data for EPBC Act projects¹ is reviewed in of the preliminary documentation maps.



- An assessment and quantification of all potential impacts (including direct, indirect and cumulative impacts) that may occur as a result of all project phases and the proposed action on each threatened species and ecological community listed in Include how many hectares of habitat or individuals are proposed for clearance hollow bearing trees proposed for clearance (if relevant), impacts to movement impacts of the action to adjacent areas likely to contain threatened species and communities.
- Updated tests of significance, if any updates or additional species or communities above were not considered in the documentation provided for the referral.
- In responding to the above listed requirements, also include information required and **Table 2** of this document.

2. Address sections 3.2 and 3.3 of the PD RFI / alternatives, mitigation measures and offsets

This refers to the below.

Section 3.2 of the PD RFI is avoidance and mitigation measures, and section 3.3 of the PD RFI is offsets. Given the two dot points are requesting very similar information, can you please provide more guidance on what you would like addressed (PD RFI or general discussion) and what level of detail you would like to see?

Given that sections 3.2 and 3.3 of the PD RFI will be addressed in detail in the PD, I propose that a general discussion is included to address avoidance, mitigation and offsets relative to the MNES that are being assessed in the variation request.

As the s156 is proposing a variation to the referral, the varied impacts (if approved) will also be addressed in detail in the PD.

- If applicable, a response to sections 3.2 and 3.3 of the further information request 23 May 2025 in relation to the original proposal (Attachment C).
- If applicable, alternatives, mitigation measures and offsets to compensate for a matters of national environmental significance in relation to the proposed variation.

3. Inclusion of survey data and results

The area subject to the variation sits within the referred action area, however not within the development footprint (this will be clarified in our resubmission). The original PMST, survey data and results that were used to inform the referral are directly relevant and applicable to the area subject to the variation.

If the area subject to the variation is not outside of the previously referred area, and was included in our original literature and data review / surveys etc:

- Do we need to re-do the PMST?
- do you want to see updated applications of the significant impact criteria for matters relevant to the variation? Is this necessary if the project has already been deemed a controlled action with part 3 being the controlling provision?
- What survey data would you like to see?

s. 47F(1) , but can chat Monday over the phone if that is easier?

Cheers,

s. 47F(1)

s. 47F(1)

Associate Ecologist

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

Please note I don't work Tuesdays.

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>

Sent: Monday, October 13, 2025 12:57 PM

To: s. 47F(1) <s. 47F(1)ecoaus.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1)

<s. 47F(1)ecoaus.com.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>;

s. 47F(1) <s. 47F(1)habitatplanning.com.au>; s. 47F(1) <s. 47F(1)habitatplanning.com.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>

Subject: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Good afternoon,

Please find attached the letter and supporting documents outlining the decision regarding the validity of the request to vary the proposed action for the Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976). Please let me know if you have any further questions or concerns.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090

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Suite 1, Lvl 1
79 Market Street
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t: (02) 4302 1234

20 October 2022

Our ref: 600-22MEL1949

Habitat Planning

via email: [s.47F\(1\)@habitatplanning.com.au](mailto:s.47F(1)@habitatplanning.com.au)

Dear [s.47F\(1\)](#)

RE: Brooklyn Fields Estate, Thurgoona NSW – Review of Ecological Assessment

Eco Logical Australia (ELA) was engaged by Habitat Planning to conduct a biodiversity constraints assessment of the Brooklyn Fields Estate, Thurgoona Lot 371 DP 1271600 (study area) and to identify key ecological values as listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An initial Ecological Assessment of the study area was undertaken by AECOM in 2015 (AECOM 2015a), with further assessment including targeted surveys for *Crinia sloanei* (Sloane's Froglet; AECOM 2015b). Sloane's Froglet was not a consideration under the EPBC Act in the initial assessment. The initial Ecological Assessment also included a threatened ecological community (TEC) survey to determine the presence of the EPBC Act listed TEC *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* (AECOM 2015c).

Given that this initial ecological assessment was undertaken in 2015 an updated review specifically relating to the Commonwealth EPBC Act was required by City of Albury Council to ensure that the assessment undertaken by AECOM was still valid. The purpose of the assessment undertaken by ELA was to review previous ecological assessments and ensure that the environmental impact conclusions, relating to Matters of National Environmental Significance (MNES) listed under the EPBC Act, remain current.

The study area is zoned General Residential (R1) as per the Albury Local Environmental Plan 2010. In 2011, a biodiversity certification order (the Order) was conferred on the Albury Local Environmental Plan 2010, under Schedule 7 of the repealed NSW *Threatened Species Conservation Act 1995* (TSC Act). This Order conferring biodiversity certification on the Albury Local Environmental Plan 2010 was extended in 2021 for a period of up to five years. Under this Order, Residential (R) Zones, within which the study area is zoned as, are grouped as Developable Area Zones and as such do not require assessment under the NSW *Biodiversity Conservation Act 2016* (BC Act).

The following sections contain a description of the biodiversity constraints known to occur within the study area. Overall, the findings of this review included:

- The proposed development could potentially have a significant impact upon Sloane's Froglet, which is listed as Endangered under the EPBC Act. Habitat available for this species within the study area will be cleared as a result of the proposed development. Whilst additional habitat is being created, it does not account for the loss of existing habitat as a result of the proposed

development. Overall, the loss of this habitat is considered as a likely impact on this species, and therefore it is recommended that a formal assessment be conducted. The result of a formal assessment may require the project to be referred to the Commonwealth Department of the Environment.

- The threatened ecological community (TEC) *White Box – Yellow Box – Blakely's Red Gum grassy woodlands and derived native grasslands*, listed as a Critically Endangered Ecological Community (CEEC) under the EPBC Act, is present within the study area. An Assessment of Significance under the EPBC Act concluded that the proposed development is unlikely to have a significant impact on this TEC.
- An assessment of the TEC *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains*, listed as CEEC under the EPBC Act, found that the wetland clusters within the study area did not meet the minimum size criteria for this TEC. Based on advice from the Commonwealth Department of Environment to AECOM (AECOM 2015c), it was indicated that the study area would not qualify as this TEC based on area and the quality of wetlands within the study area is considered to be of low to poor quality. An Assessment of Significance under the EPBC Act concluded that the proposed development is unlikely to have a significant impact on this TEC.
- The proposed development is unlikely to have a significant impact on all other threatened species considered likely to utilise the study area.

If you have any questions in relation to the advice provided, please don't hesitate to contact me on s. 47F(1).

Regards,

s. 47F(1)

Principal Ecologist

1. Background

The study area (Figure 1) is located within the City of Albury Local Government Area (LGA) and is zoned as General Residential (R1). In 2011, a biodiversity certification order (the Order) was conferred on the *Albury Local Environmental Plan 2010*, under Schedule 7 of the repealed *NSW Threatened Species Conservation Act 1995* (TSC Act). This Order conferring biodiversity certification on the Albury Local Environmental Plan 2010 was extended in 2021 for a period of up to five years. Under this Order, Residential (R) Zones, within which the study area is zoned as are grouped as Developable Area Zones. DECCW considered that there were no features of high biodiversity values within these zones, and offsets for all losses of low conservation value vegetation and habitat in developable areas are achieved completely within the Natural Areas of the LEP. Existing biodiversity certification agreements and obligations ordered under the repealed TSC Act continue under Section 8.4 of the *NSW Biodiversity Conservation Act 2016* (BC Act), which states:

1. Development (including State significant development) under Part 4 of the Planning Act. An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.
2. A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Therefore, areas contained within the Albury City Council Biodiversity Certification Area, which includes the study area, do not require assessment under the BC Act.

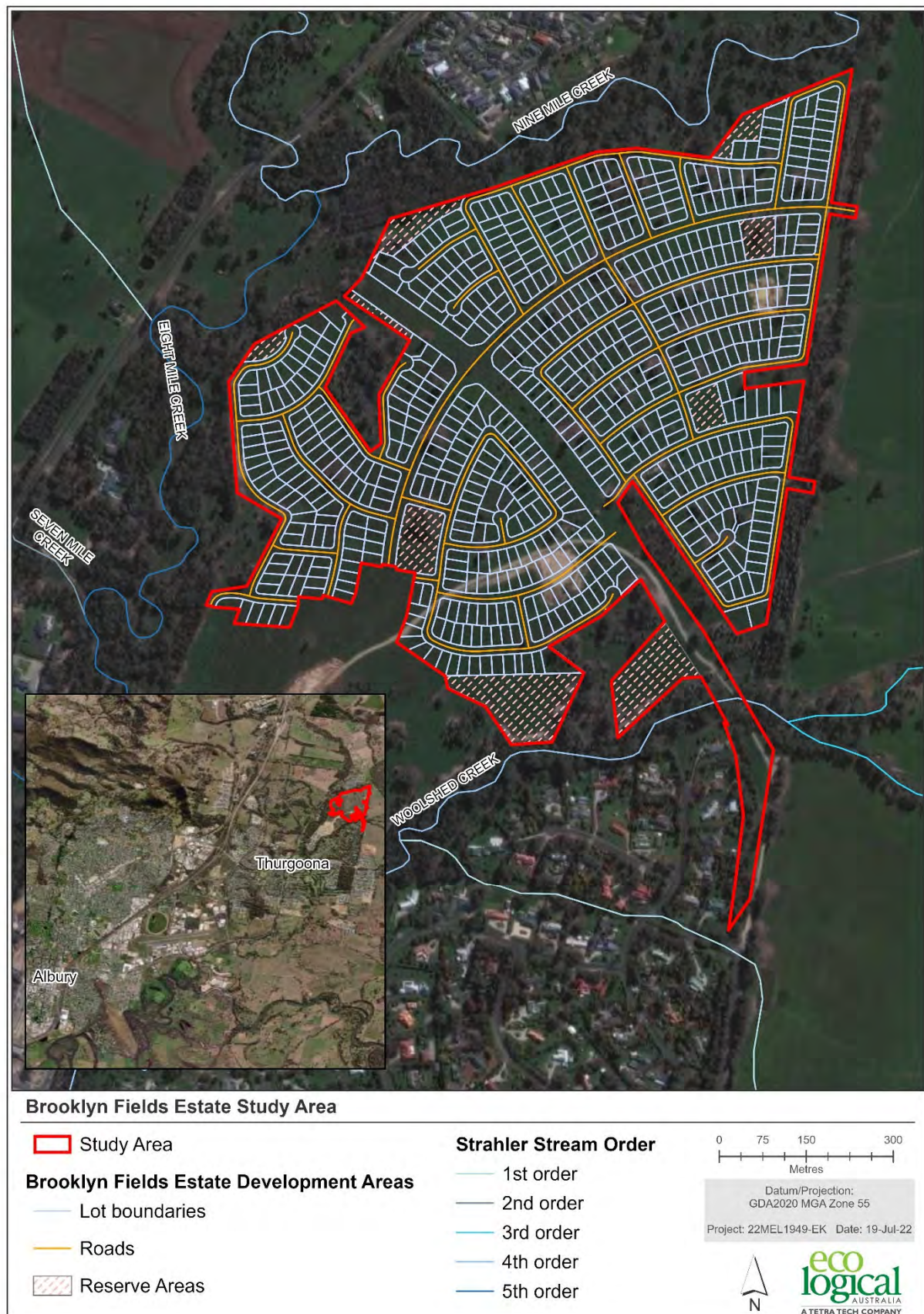


Figure 1: Brooklyn Fields Estate Study Area

A detailed ecological assessment was undertaken by AECOM in 2015 (AECOM 2015a) to identify key ecological values within the study area. The outcomes from the AECOM assessment determined that:

- There were no threatened species or ecological communities listed under the BC Act or EPBC Act recorded or likely to occur on site (Sloane's Froglet has since been listed as Endangered under the EPBC Act).
- The study area was not considered to meet the criteria for the Threatened Ecological Community (TEC) *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland*, listed under the EPBC Act, as the amount of native vegetation cover within the understorey/ground layer was assessed as less than 50%.
- Areas mapped as low-laying areas were not considered to meet the listing criteria for the TEC *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains*, due to the small area.
- *Crinia sloanei* (Sloane's Froglet), which at the time of the AECOM assessment was only listed as Vulnerable under the TSC Act (as noted above, now also listed as Endangered under the EPBC Act), was considered to have a high likelihood of presence. Suitable habitat was mapped as part of the AECOM assessment, which included the area along the Woolshed Creek on the eastern side of the study area and a section in the south-east of the study area.
- The EPBC Act listed Regent Honeyeater and Swift Parrot were considered to have potential foraging habitat, however the study area was not considered to provide significant foraging or breeding habitat for these species.
- Koala feed trees were identified on site, however the potential for Koalas to occupy the site was deemed unlikely.

Due to the high likelihood of Sloane's Froglet being present within the site, further targeted surveys for this species were undertaken by AECOM (AECOM 2015b). During this assessment, Sloane's Froglet were detected within and adjacent to the study area. Furthermore, the study area was considered to be an important area for conservation of Sloane's Froglet in the local area, due to its likelihood of contributing to a wider complex wetland system. Based off this advice, a Sloane's Froglet Habitat Plan (SJE Consulting 2021) was developed and approved, which includes creating 33,000 m² of habitat across the entire development (SJE Consulting 2021). This includes areas set aside for onsite stormwater retention basins where Sloane's Froglet habitat will coincide and areas created solely as habitat for Sloane's Froglet. This habitat plan was developed to mitigate any effects of development on potential habitat for this species.

Given that this initial ecological assessment was undertaken in 2015 an updated review specifically relating to the Commonwealth EPBC Act was required by City of Albury Council to ensure that the assessment undertaken by AECOM was still valid.

2. Methods

The assessment review undertaken by ELA was in two parts: A desktop study involving a review of biodiversity databases to inform the potential listed species or communities that might be present on site and a field study to survey and map remnant vegetation and habitat for threatened species.

A desktop review of the following sources was conducted:

- EPBC Act Protected Matters Search Tool (PMST) for Matters of National Environmental Significance using a radius of 10 km around the Study Area, at coordinates North: -35.93, East: 147.13, South: -36.13, West: 146.89 – accessed on 29 April 2022 (DAWE 2022)
- Department of Planning and Environment (DPE) Sharing and Enabling Environmental Data (SEED) Plant Community Type (PCT) mapping for the Riverina (DPE 2022c)
- Aerial imagery
- *Albury Local Environmental Plan (LEP) 2010*
- Lot 11 DP1139652, Kerr Road, Thurgoona, NSW Ecological Assessment (AECOM 2015a)
- Lot 11 DP1139652, Kerr Road, Thurgoona, NSW Targeted survey for Sloane's Froglet *Crinia sloanei* (AECOM 2015b)
- Lot 11 DP1139652, Kerr Road, Thurgoona, NSW Threatened Ecological Community Survey (AECOM 2015c)
- Sloane's Froglet Habitat Plan for Brooklyn Fields Stages 6-15 at Brooklyn Fields Lot 11 Kerr Rd, Thurgoona, NSW (SJE Consulting 2021).

The species search from the EPBC Act PMST was used to produce a list of threatened species, populations and ecological communities that may occur within the study area. Based on this, a likelihood of occurrence assessment for threatened flora, fauna and ecological communities was undertaken (Appendix A). Five terms for the likelihood of occurrence of species were used, as defined below:

- 'yes' = the species was or has been previously recorded within the study area
- 'likely' = medium to high probability that a species utilises the study area
- 'potential' = suitable habitat exists for a species, but there is insufficient information to categorise the species as likely or unlikely to occur
- 'unlikely' = a very low to low probability that a species utilises the study area
- 'no' = habitat within the study area and immediately adjacent to the study area is non-existent or otherwise unsuitable for a species.

A one-day field assessment was undertaken by ELA Ecologists Elise Keane and Cheryl O'Dwyer on 15 June 2022 to identify and assess the impact of the development on ecological values within the study area. Rapid assessments were undertaken across the study area, with photos and notes taken regarding general site condition and biodiversity values. The entire study area was traversed on foot, with opportunistic searches undertaken for threatened flora species returned by the literature review. Habitat for potentially occurring threatened and migratory fauna species returned by the literature and data review was assessed across the entire study area, including hollow-bearing trees (HBTs), surface rocks, large woody debris (LWD) and key foraging resources.

Remnant vegetation was surveyed and mapped across the site with a particular focus on the EPBC Act listed *White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland* (Box-Gum Woodland) and the *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains*, both of which are listed as Critically Endangered under the EPBC Act. Where potential wetlands were observed, notes on condition with regard to suitability of habitat for Sloane’s Froglet were recorded.

All spatial information collected during the field assessment was recorded using ArcGIS Collector equipped with GPS (accuracy ±5m depending upon access to satellites).

Weather conditions during the assessment were cloudy with light rainfall with temperatures between 7 and 14.9°C (BoM 2022). The month preceding the survey recorded above average rainfall and therefore the assessment was considered to be undertaken within a wet cycle and within ideal conditions for assessing potential seasonal wetlands.

3. Results

3.1. Vegetation Mapping

The study site contained scattered trees including *Eucalyptus blakelyi* (Blakey’s Red Gum), *E. melliodora* (Yellow Box), and *E. albens* (White Box) with a heavily disturbed understory due to cattle grazing and weed invasion. Across most of the site the ground layer was dominated by exotic grasses and herbs including *Phalaris aquatica* (Phalaris), *Lolium* sp. (Ryegrass), *Hypochaeris radicata* (Flatweed) and *Trifolium repens* (White Clover). Sections of the study area were within low-lying areas dominated by the native *Juncus amabilis* (rush) and *Carex appressa* (tall sedge), however there were little other native species present. Due to the presence of cattle these areas were degraded with pugging and faecal contamination.

The field survey identified three Plant Community Types (PCTs) present within the study area (Figure 2), as described in Table 1.

Table 1: PCTs identified within the study area

PCT	PCT name	Approx. area (ha)
5	River Red Gum herbaceous-grassy very tall open forest wetland on inner floodplains in the lower slopes sub-region of the NSW South Western Slopes Bioregion and the eastern Riverina Bioregion	0.42
277	Blakely's Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	0.39
360	Gilgai wetland mosaic in the southern NSW South Western Slopes Bioregion	5.42



Figure 2: Plant Community Type Mapping

3.1.1. PCT 5: River Red Gum herbaceous-grassy very tall open forest wetland on inner floodplains in the lower slopes sub-region of the NSW South Western Slopes Bioregion and the eastern Riverina Bioregion
PCT 5 is located on the eastern side of the study area and comprises 0.42 ha. Occurring along Woolshed Creek with a tall canopy overstorey consisting of *Eucalyptus camaldulensis* (River Red Gum). The midstorey was sparse and consisted of *Acacia pycnantha* (Golden Wattle). Groundcover was comprised of grasses including *Bothriochloa macra*, *Carex appressa*, *Juncus amabilis* and *Phalaris aquatica*.



Figure 3: PCT 5 general vegetation condition

3.1.2. PCT 277: Blakely's Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion

PCT 277 occurs as a woodland form in two patches within the study area, one to the south of the study area and one to the west of the study area with a combined total of 0.39 ha.

This PCT is characterised by *Eucalyptus albens*, *Eucalyptus blakelyi* and *Eucalyptus melliodora* within the overstorey, with mid-storey absent. The ground layer included the native species *Microlaena stipoides* (Weeping Grass) and *Schoenus apogon* (Common Bog-rush), however was dominated by exotic species including *Trifolium repens*, *Phalaris aquatica*, *Echium plantagineum* (Paterson's Curse), *Malva parviflora* (Small-flowered Mallow), *Urtica urens* (Small Nettle) and *Solanum nigrum* (Black-berry Nightshade).

Scattered paddock trees of *Eucalyptus albens*, *Eucalyptus blakelyi* and *Eucalyptus melliodora* were also present across the study area, which are considered part of this PCT.



Figure 4: PCT 277 general vegetation condition

3.1.3. PCT 360: Gilgai wetland mosaic in the southern NSW South Western Slopes Bioregion

PCT 360 is located within the centre of the study area and is characterised by Gilgai depressions. These depressions are dominated by *Carex appressa*, *Juncus amabilis*, *Schoenus apogon*, *Cynodon dactylon* and *Phalaris aquatica*, with the majority of Gilgai's not containing water at the time of survey. Areas in between Gilgai depressions are dominated by exotic pasture species, including *Hypochaeris radicata*, *Trifolium repens*, *Cynodon dactylon* and *Lolium* sp., with scattered *Juncus amabilis* throughout. This PCT was in a highly degraded condition with cattle grazing at the time of survey.



Figure 5: PCT 360 general vegetation condition

3.2. Threatened Ecological Communities

The PMST returned three TEC's listed under the EPBC Act which were considered to have the potential to occur within the study area (Table 2). Of these, *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* was considered the only TEC with the likelihood of occurring within the study area. Based off the desktop assessment, a second TEC was also considered likely to occur within the study area, *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains*, which is listed as Critically Endangered under the EPBC Act.

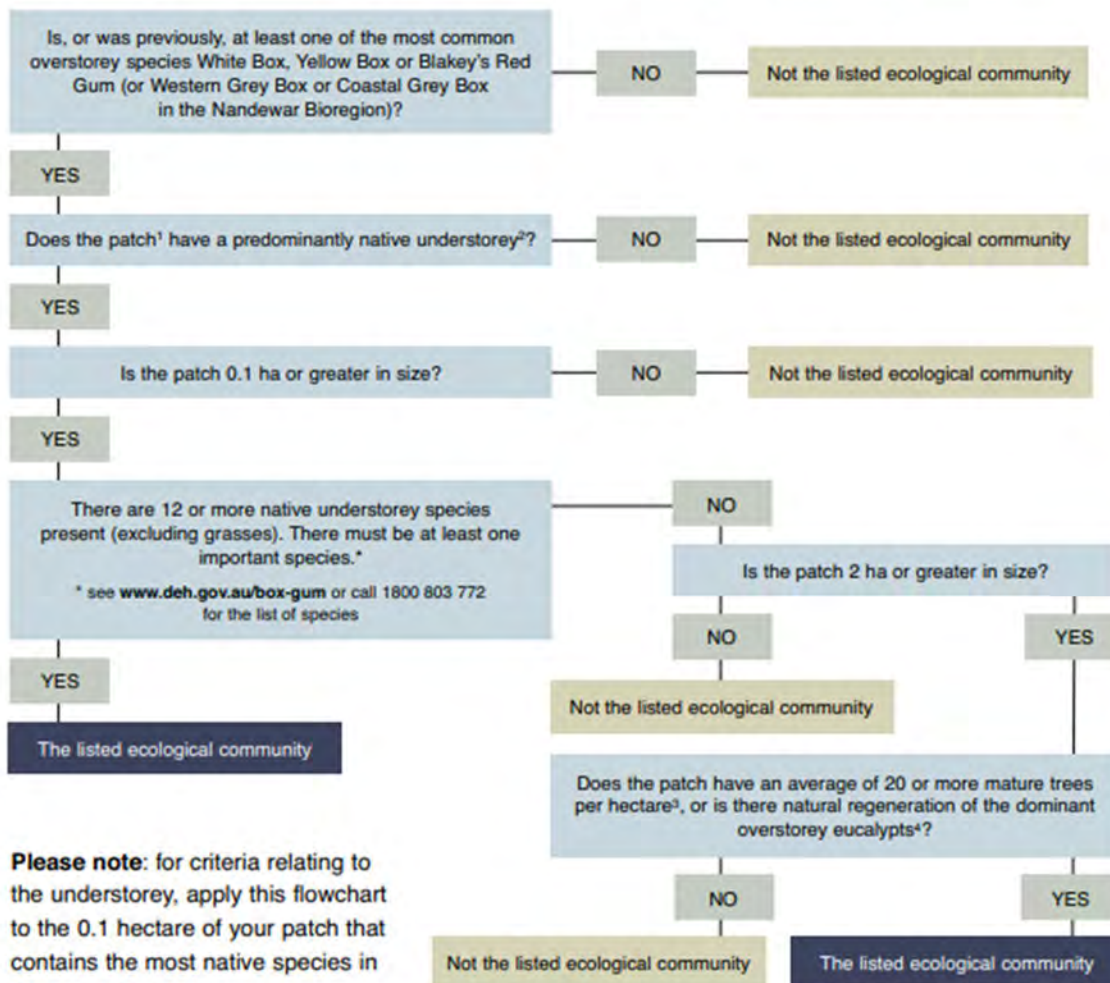
Table 2: Threatened Ecological Communities with the potential to occur within the study area

Threatened Ecological Community	Listing status under the EPBC Act	Alignment with vegetation communities occurring within the study area
<i>White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland</i>	Critically Endangered	<i>White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland</i> TEC is considered potentially present where at least one of the most common overstorey species is <i>Eucalyptus albens</i> (White Box), <i>Eucalyptus blakelyi</i> (Blakely's Red Gum) or <i>Eucalyptus melliodora</i> (Yellow Box). These species were all recorded within the study area. Therefore, this TEC was considered to have the potential to occur within the study area and further investigation to determine its presence was undertaken during the field survey.
<i>Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia</i>	Endangered	<i>Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia</i> TEC is considered present where <i>Eucalyptus microcarpa</i> (Grey Box) is (or was previously) the most

Threatened Ecological Community	Listing status under the EPBC Act	Alignment with vegetation communities occurring within the study area
		common tree species. There were no <i>Eucalyptus microcarpa</i> recorded within the study area during the field survey. The dominant tree species included <i>Eucalyptus blakelyi</i> and <i>Eucalyptus melliodora</i> , with <i>Eucalyptus albens</i> and <i>Eucalyptus polyanthemos</i> also present. Therefore, this TEC is not present within the study area.
Weeping Myall Woodlands	Endangered	Weeping Myall Woodlands TEC is considered present where <i>Acacia pendula</i> (Weeping Myall) trees are the sole or dominant overstorey species. There were no <i>Acacia pendula</i> individuals recorded within the study area. Therefore, this TEC is not present within the study area.

3.2.1. White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland TEC
Under the EPBC Act this Critically Endangered Ecological Community (CEEC) can occur either as woodland or derived native grassland with a dominance or prior dominance of White Box and/or Yellow Box and/or Blakely’s Red Gum. Determination of whether the study area is within the listed community followed the flow chart as shown in Figure 6, as per the EPBC Act Policy Statement for *White Box – Yellow Box – Blakely’s Red Gum grassy woodlands and derived native grasslands* (DEH 2006).

Determining if your land has an area of the listed ecological community



¹ Patch – a patch is a continuous area containing the ecological community (areas of other ecological communities such as woodlands dominated by other species are not included in a patch). In determining patch size it is important to know what is, and is not, included within any individual patch. The patch is the larger of:

- an area that contains five or more trees in which no tree is greater than 75 m from another tree, or
- the area over which the understorey is predominantly native.

Patches must be assessed at a scale of 0.1 ha (1000m²) or greater.

² A predominantly native ground layer is one where at least 50 per cent of the perennial vegetation cover in the ground layer is made up of native species. The best time of the year to determine this is late autumn when the annual species have died back and have not yet started to regrow. (At other times of the year, you can determine whether something is perennial or not if it is difficult to pull out of the soil. Annual species pull out very easily.)

³ Mature trees are trees with a circumference of at least 125 cm at 130 cm above the ground.

⁴ Natural regeneration of the dominant overstorey eucalypts when there are mature trees plus regenerating trees of at least 15 cm circumference at 130 cm above the ground.

Figure 6: White Box - Yellow Box - Blakely's Red Gum grassy woodlands and derived native grasslands EPBC Act TEC listing determination

There were scattered *Eucalyptus albens*, *Eucalyptus blakelyi* and *Eucalyptus melliodora* across the study area and two woodland patches mapped as PCT 277 (Figure 2). These woodland areas were highly degraded, with the ground layer dominated by exotic species including *Trifolium repens*, *Phalaris aquatica*, *Echium plantagineum*, *Malva parviflora*, *Urtica urens*, *Solanum nigrum* and native species *Microlaena stipoides*, and *Schoenus apogon*. Despite this, the ground layer is considered predominantly native as at least 50% of the perennial vegetation cover in the ground layer were native species. The

woodland area in the west of the study area was also within 75 m of the woodland vegetation outside the study area boundary and is therefore considered a continuous patch.

Whilst there were scattered trees across the study area the majority of the study area is dominated by exotic ground layer species including *Hypochaeris radicata*, *Taraxacum officinale*, *Trifolium repens*, *Lolium* sp. and *Phalaris aquatica*. These exotic areas are not considered part of the listed ecological community. Where there were scattered paddock trees, those that were within 75 m of another tree, including woodland areas outside the study area, were mapped as part of the listed community.

Overall, there is a total of 8.5 ha of the EPBC Act listed TEC *White Box – Yellow Box – Blakely’s Red Gum grassy woodlands and derived native grasslands*, within the study area, inclusive of the two woodland patches and scattered paddock trees (Figure 7).

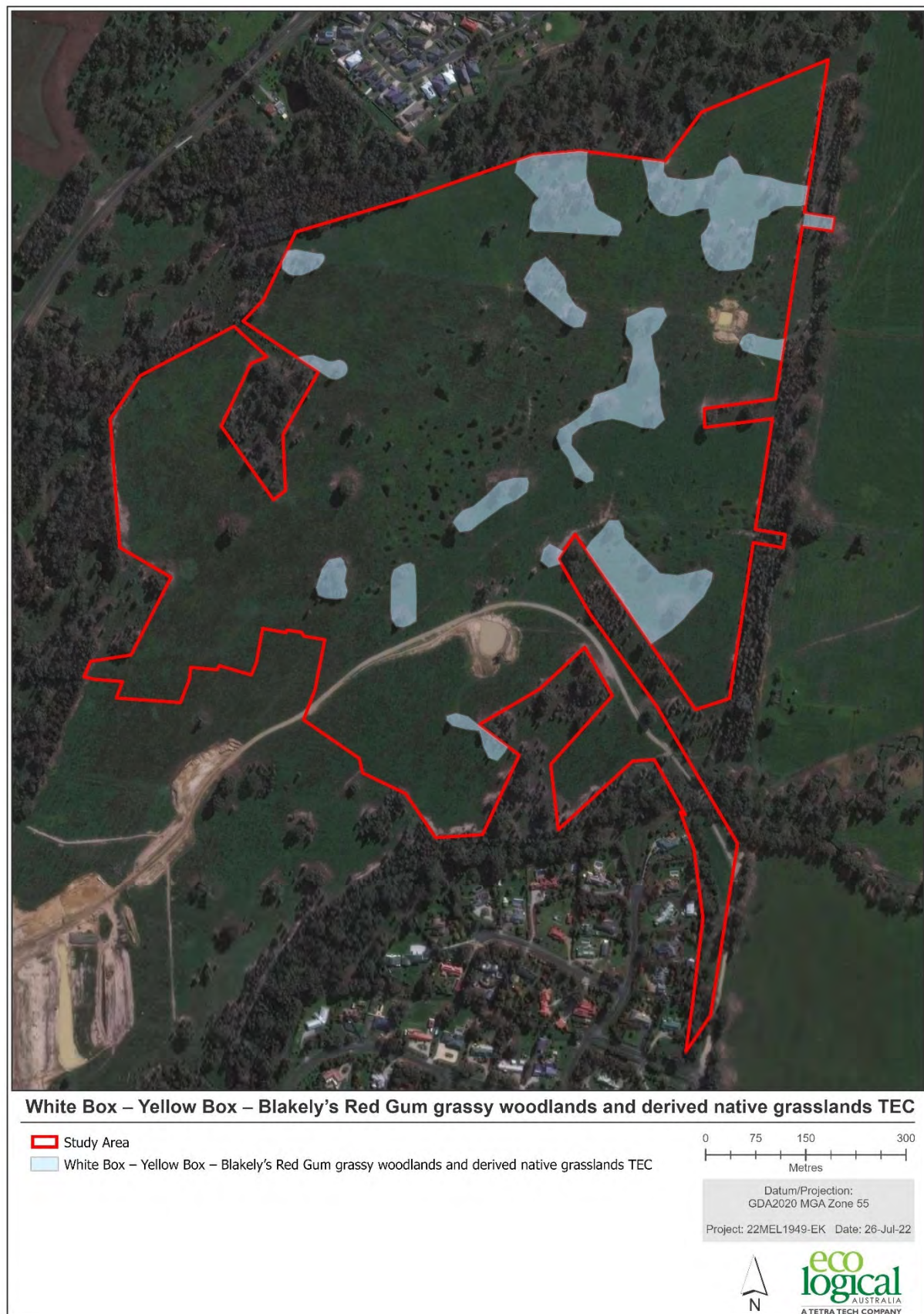


Figure 7: EPBC Act listed *White Box - Yellow Box - Blakely's Red Gum grassy woodlands and derived native grasslands* TEC within the study area

3.2.2. Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains TEC

Within the study area there were patches of wetland/Gilgai's with the potential of meeting the listing criteria for *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* TEC. A field assessment was undertaken to determine whether these patches met the key diagnostic characteristics and minimum size for this TEC, as outlined in the Commonwealth Listing Advice on *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* (Threatened Species Scientific Committee (TSSC) 2012).

One large cluster was identified across the site, which contained a series of wetlands or Gilgai's (Figure 9). The wetland/Gilgai patches that were considered to meet the key diagnostic characteristics for the listed community and exceeded 50% cover of native species characteristic of the community were mapped during the field survey (Table 3). To determine if the minimum wetland size criterion was achieved, the combined area of wetland/Gilgai patches was assessed along with the total cluster, as per Figure 1B of the Commonwealth Listing Advice on *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* (TSSC 2012) (Figure 8). The combined area was not considered to meet the minimum size criteria (Table 3), with the total area of wetland/Gilgai's measuring 0.80 ha across 3.4 ha (Figure 9).

The outcome of this assessment against the Commonwealth Listing Advice is similar to the outcome of the AECOM assessment (AECOM 2015c), with the site not qualifying as the TEC based on the area. Advice was sought from the Commonwealth Department of Environment (Appendix A within AECOM Threatened Ecological Community Survey, AECOM 2015c). This advice concluded that the site would not qualify as seasonal herbaceous wetlands based on area alone. The season of survey, which at the time of the AECOM survey and the current survey were neither drought nor very wet years, suggests that the size measure represented a reasonable estimate for the intact seasonal wetlands in a typical season. Furthermore, the quality of the wetlands indicates that the site does not represent very high-quality wetlands, with a low forb diversity. Overall, the Commonwealth Department of Environment advice concluded that the site is of low to poor quality and it was considered that the seasonal wetlands present within the site are not of sufficient condition to warrant protection.

As the assessment undertaken by ELA (Table 3) indicates that the site conditions continue to be of similar quality as during the 2015 assessment (AECOM 2015c), being highly disturbed in nature with low forb diversity, this conclusion that the site is of low to poor quality is considered likely to still be relevant.

Table 3: Assessment of Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains against the condition thresholds (TSSC 2012)

Criterion	Description	Steps	Comment
Part A – during 'typical' wet cycles			
Step A1	Is the wetland consistent with the key diagnostic characteristics i.e. landscape, hydrology, biota and modified wetlands	If Yes go to step A2, if No not the listed community	Yes. The mapped patches of wetland/Gilgai's are consistent with the landscape, hydrology, biology, and modified wetland diagnostic characteristics for the community.
Step A2	Is 50% of more of the total cover of plants in the ground layer of the wetland dominated by native characteristics of the Seasonal	If Yes, go to Part C.	Yes, the mapped patches of wetland/Gilgai's contained more than 50% cover of

Criterion	Description	Steps	Comment
	Herbaceous Wetlands ecological community?		<i>Juncus sp.</i> , <i>Carex sp.</i> , <i>Schoenus apogon</i> and/or <i>Lachnagrostis filiformis</i> .

Part C – Minimum wetland size

If the wetland occurs as a single isolated wetland, then is it ≥ 0.5 ha or larger OR if the wetland occurs as a cluster of many small wetlands in close proximity are the wetlands in the cluster ≥ 0.5 ha across a ≥ 5 ha area OR if the wetland is < 0.5 ha but is > 0.1 ha AND contiguous with a native vegetation remnant or type of natural wetland with a combined area > 1 ha?

If Yes then listed community and go to Part D to determine quality. If NO not the listed community.

No. Total area of wetland/Gilgai's is 0.80 ha across 3.4 ha.

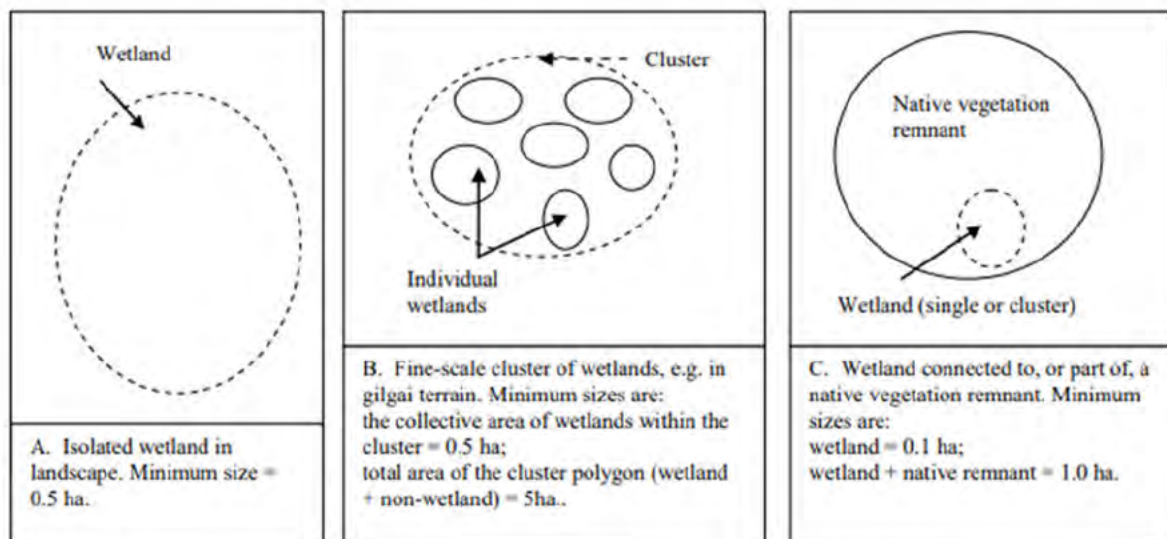


Figure 8: Wetland size considerations as per Figure 1 in the Commonwealth Listing Advice on *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* (TSSC 2012).



Figure 9: Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains TEC Assessment

3.3. Threatened species

Sloane's Froglet, listed as Endangered under the EPBC Act, was recorded during targeted surveys undertaken by AECOM in 2015 (AECOM 2015b).

The PMST generated a list of 21 threatened fauna species and seven threatened flora species listed under the EPBC Act which are known or are likely to occur within 10 km of the study area. The publicly available records for these species are shown in Figure 10 and Figure 11. A likelihood of occurrence assessment was undertaken for these threatened species listed under the EPBC Act (Appendix A). Following this assessment, seven EPBC Act listed species were considered to have the potential or were likely to occur within the study area:

- *Anthochaera phrygia* (Regent Honeyeater) – Critically Endangered
- *Callocephalon fimbriatum* (Gang-gang Cockatoo) - Endangered
- *Hirundapus caudacutus* (White-throated Needletail) – Vulnerable and Migratory
- *Lathamus discolor* (Swift Parrot) – Critically Endangered
- *Phascolarctos cinereus* (Koala) - Endangered
- *Polytelis swainsonii* (Superb Parrot) - Vulnerable
- *Pteropus poliocephalus* (Grey-headed Flying Fox) – Vulnerable

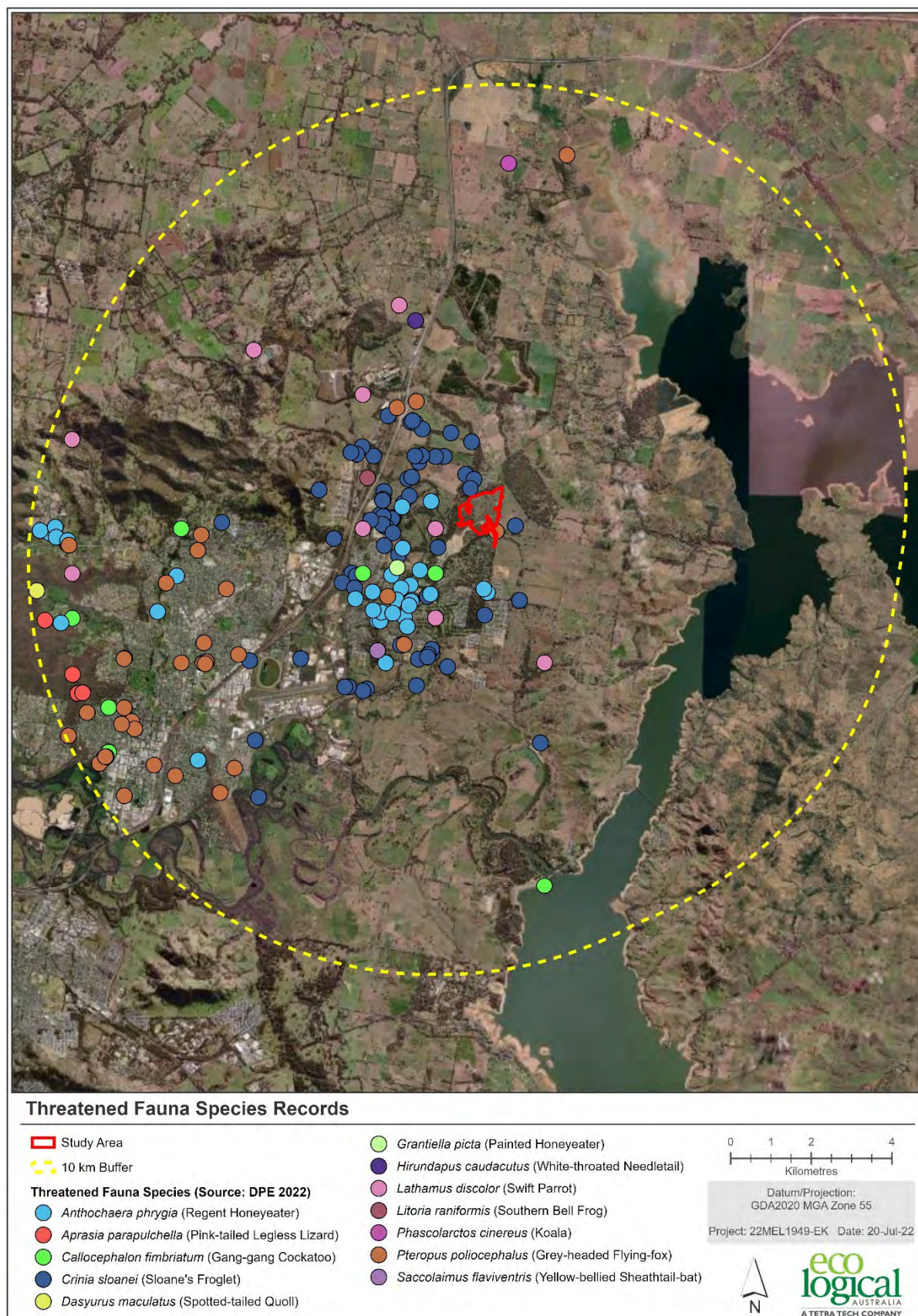


Figure 10: EPBC Act listed threatened fauna species records within 10 km of the study area. Source: DPE 2022

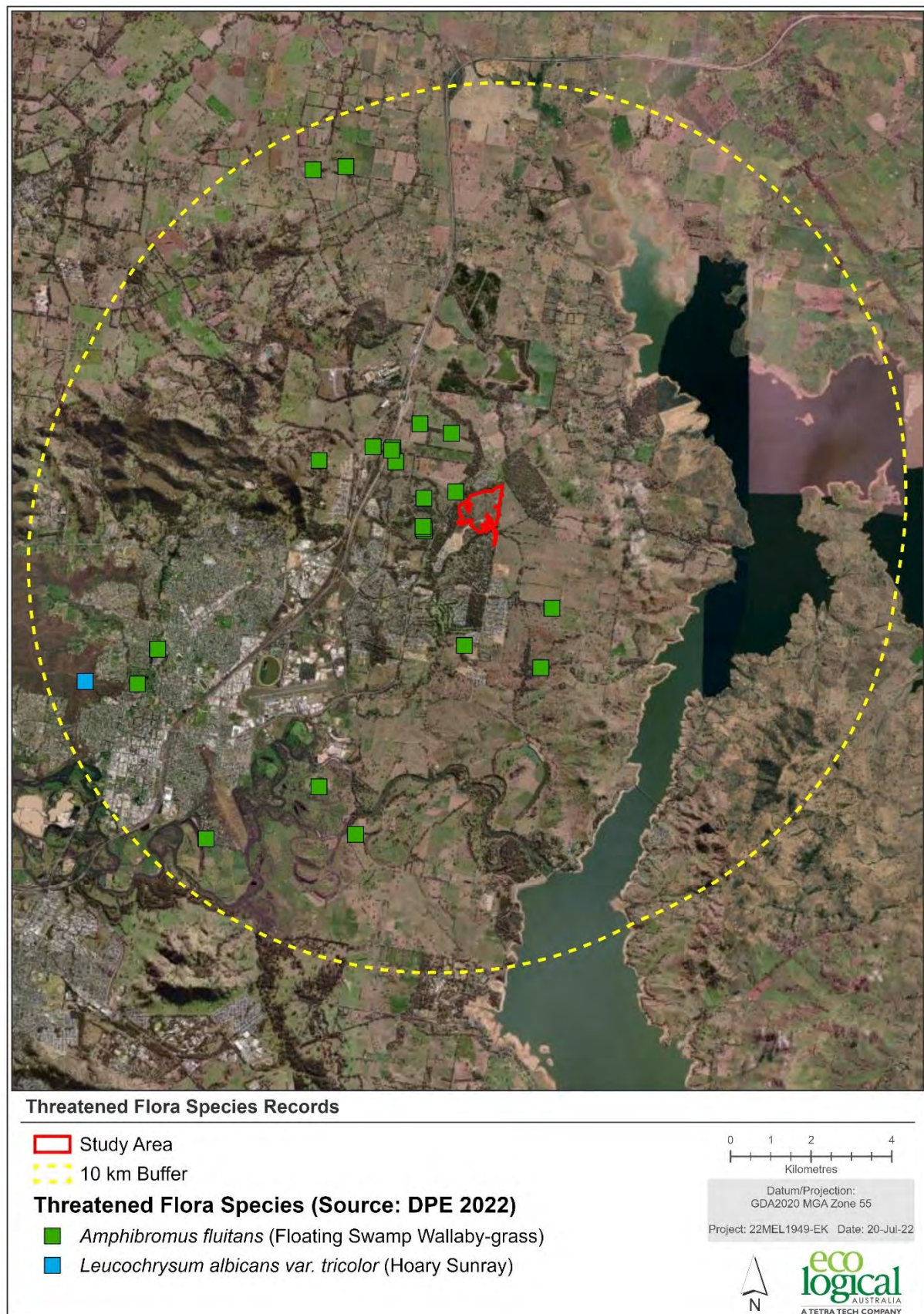


Figure 11: EPBC Act listed threatened flora species records within 10 km of the study area. Source: DPE 2022

4. Impact assessment

4.1. Summary of impacts

The proposed development for Brooklyn Fields Estate will impact upon 8.5 ha of the EPBC Act listed TEC *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland*. This is inclusive of two woodland patches and scattered paddock trees which are considered to meet the listing criteria. Of this, 0.72 ha will be retained as reserves under the Brooklyn Fields Estate development plans (Figure 1).

The EPBC Act listed TEC *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* presence within the study area was assessed (Table 3) and did not meet the listing criteria based off the minimum size requirements. As it was measured close to the threshold, an impact assessment for this TEC has still been conducted (see below in Section 4.2).

One threatened fauna species (Sloane's Froglet) listed under the EPBC Act has been previously recorded within the study area. This species utilises the Gilgai/wetland area within the centre of the study area, which will be impacted by the proposed development. A further seven threatened species listed under the EPBC Act were considered to have the likelihood of being present within the study area. An impact for these threatened species is below in Section 4.3.

4.2. Threatened Ecological Communities

4.2.1. White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland

The proposed development for Brooklyn Fields Estate will impact upon 8.5 ha of the EPBC Act listed TEC *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland*. This is inclusive of two woodland patches and scattered paddock trees which are considered to meet the listing criteria. Of this, 0.72 ha will be retained as reserves under the Brooklyn Fields Estate development plans (Figure 1). An EPBC Act Assessment of Significance as per the Matters of National Environmental Significance - Significant impact guidelines 1.1 was undertaken for this CEEC (Appendix B). Due to the highly disturbed nature of this CEEC within the study area, with the areas to be cleared mainly consisting of scattered paddock trees, this assessment concluded that the proposed development is unlikely to have a significant impact upon this CEEC.

4.2.2. Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains

An assessment of potential areas of this TEC within the study area was undertaken to determine whether wetland/Gilgai patches met the key diagnostic characteristics and minimum size, as outlined in the Commonwealth Listing Advice on *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* (TSSC 2012). The results outlined in Section 3.2.2 indicated that the area was not considered to meet the minimum size criteria.

Based on advice from the Commonwealth Department of Environment to AECOM (AECOM 2015c), it was concluded that the site would not qualify as seasonal herbaceous wetlands based on area alone. Furthermore, the quality of the wetlands indicates that the site does not represent very high-quality wetlands, with a low forb diversity. Overall, the Commonwealth Department of Environment advice

concluded that the site is of low to poor quality and it was considered that the seasonal wetlands present within the site are not of sufficient condition to warrant protection.

As the assessment undertaken by ELA (Table 3) indicates that the site conditions continue to be of similar quality as during the 2015 assessment (AECOM 2015c), being highly disturbed in nature with low forb diversity, this conclusion that the site is of low to poor quality is considered likely to still be relevant. An EPBC Act Assessment of Significance as per the Matters of National Environmental Significance - Significant impact guidelines 1.1 was undertaken for this CEEC (Appendix B), which concluded that based on the above advice and the condition of this TEC, the proposed development is unlikely to have a significant impact upon this CEEC.

4.3. Threatened species

One threatened fauna species (Sloane's Froglet) listed under the EPBC Act has been previously recorded within the study area, with a number of recent records for this species also directly adjacent to the site. Habitat for Sloane's Froglet includes temporary and permanent waterbodies, including wetlands with riparian and aquatic vegetation (TSSC 2019). This species breeds in winter, where it requires a shallow permanent waterbody, approximately 20 cm in depth.

Areas of habitat within the study area for this species includes the Gilgai/wetland area within the centre of the study area and along Woolshed Creek to the east of the study area. The majority of wetland patches mapped as part of the field assessment did not contain permanent water during the time of the field survey. A targeted survey for Sloane's Froglet was undertaken by AECOM (AECOM 2015b), which identified 39 wet areas which contained suitable breeding habitat.

A Sloane's Froglet Habitat Plan has been created for the development, which includes creating 33,000 m² of habitat across the entire development (SJE Consulting 2021). This includes areas set aside for onsite stormwater retention basins where Sloane's Froglet habitat will coincide and areas created solely as habitat for Sloane's Froglet. This habitat plan was developed to mitigate any effects of development on potential habitat for this species.

Whilst this additional habitat is being created, it does not account for the loss of existing habitat as a result of the proposed development. Although this species may utilise the new habitat in the long-term, the majority of its existing habitat on site is being cleared and the opportunity for this species to move through the landscape is being impacted. Overall, the loss of this habitat is considered as a likely impact on this species and therefore it is recommended that a formal assessment of this species be considered.

An assessment of potential habitat identified a further seven threatened fauna species listed under the EPBC Act with the potential to occur within the study area. Of these, five were bird species, of which the study area is considered to provide foraging habitat. The Grey-headed Flying Fox was also identified as likely to utilise the study area as foraging habitat.

The Koala was also identified as having the potential to occur within the study area. There are two woodland patches which this species is considered likely to utilise, both of which will be retained as "reserve areas" under the Brooklyn Fields Estate development plans. The remainder of the study area contains scattered paddock trees, which this species could utilise to move through the landscape.

An EPBC Act Assessment of Significance as per the Matters of National Environmental Significance - Significant impact guidelines 1.1 was undertaken for these seven threatened fauna species (Appendix B). It was concluded that no significant impacts to these species were considered likely as a result of the proposed development.

4.4. Impact mitigation measures

The following mitigation measures are recommended to reduce impacts to flora, fauna and vegetation communities.

- Where possible, scattered paddock trees should be retained to reduce the impact on the *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland* TEC and to provide foraging habitat for threatened fauna species.
- All machinery and equipment should be washed down prior to entering site to minimise further spread of weeds.

5. Conclusion and recommendations

A constraints assessment within the proposed Brooklyn Fields Estate, Thurgoona was undertaken, to review the findings of an initial ecological assessment undertaken by AECOM in 2015 (AECOM 2015a). Habitat within the site was broadly categorised as large paddock trees with a few small patches of remnant woodland overlaying a highly disturbed ground layer comprising of a mix of exotic pasture grasses and a network of wetlands/Gilgai's within the centre of the study area.

The potential presence of two TECs, *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland* and *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* was assessed.

Following the field survey, it was determined that the *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland* was present within the study area. This TEC was mapped as occurring where there were woodland patches and where scattered paddock trees were within 75 m of each other or within 75 m of patches outside the study area. An Assessment of Significance under the EPBC Act concluded that the proposed development is unlikely to significantly impact upon this TEC.

The study area did not meet the listing criteria for *Seasonal Herbaceous (Freshwater) Wetlands of the Temperate Lowland Plains* as the combined areas of wetlands and Gilgai were not considered to meet the minimum size criteria. This was compared with the advice received from the Commonwealth Department of Environment to AECOM (AECOM 2015c), which concluded that the site is of low to poor quality and it was considered that the seasonal wetlands present within the site are not of sufficient condition to warrant protection. An Assessment of Significance under the EPBC Act was undertaken, which concluded that the proposed development is unlikely to significantly impact upon this TEC.

There was one threatened species listed under the EPBC Act, Sloane's Froglet, which had been previously recorded within the study area and a further seven threatened species listed under the EPBC Act which were considered likely to occur within the study area. An EPBC Act Assessment of Significance was undertaken for each of these species. It was concluded that the proposed action is unlikely to have a significant impact on the following species:

- *Anthochaera phrygia* (Regent Honeyeater) – Critically Endangered
- *Callocephalon fimbriatum* (Gang-gang Cockatoo) - Endangered
- *Hirundapus caudacutus* (White-throated Needletail) – Vulnerable and Migratory
- *Lathamus discolor* (Swift Parrot) – Critically Endangered
- *Phascolarctos cinereus* (Koala) - Endangered
- *Polytelis swainsonii* (Superb Parrot) - Vulnerable
- *Pteropus poliocephalus* (Grey-headed Flying Fox) – Vulnerable

The proposed development will result in the loss of habitat for Sloane's Froglet. Whilst additional habitat will be created under the Sloane's Froglet Habitat Plan (SJE Consulting 2021), it does not account for the loss of existing habitat as a result of the proposed development. Although this species may utilise the new habitat in the long-term, the majority of its existing habitat on site is being cleared and the opportunity for this species to move through the landscape is being impacted. Overall, the loss of this habitat is considered as a likely impact on this species and therefore it is recommended that a formal assessment be conducted. The result of the formal assessment may require the project to be referred to the Commonwealth Department of the Environment.

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Appendix A: Likelihood of occurrence assessment

Table A - 1: Likelihood of occurrence assessment for species listed under the EPBC Act - fauna

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
<i>Anthochaera phrygia</i>	Regent Honeyeater	Critically Endangered	Critically Endangered	Inland slopes of south-east Australia, and less frequently in coastal areas. In NSW, most records are from the North-West Plains, North-West and South-West Slopes, Northern Tablelands, Central Tablelands and Southern Tablelands regions; also recorded in the Central Coast and Hunter Valley regions. Habitat consists of Eucalypt woodland and open forest, wooded farmland and urban areas with mature eucalypts, and riparian forests of <i>Casuarina cunninghamiana</i> (River Oak). Two of three known key breeding areas are in NSW: the Capertee Valley and Bundarra-Barraba region. The species breeds between July and January and usually nests in horizontal branches or forks in tall mature eucalypts and Sheoaks. The Regent Honeyeater primarily feeds on nectar from box and ironbark eucalypts and occasionally from banksias and mistletoes.	Potential	Foraging habitat present within the study area (Yellow Box). Small section is mapped as important habitat. Most recent record was in 2013.	Yes

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
<i>Aprasia parapulchella</i>	Pink-tailed Worm-lizard	Vulnerable	Vulnerable	In NSW, the Pink-tailed worm-lizard is only known from the Central and Southern Tablelands, and the South Western Slopes. Habitat is sloping, open woodland areas with predominantly native grassy ground layers, rocky outcrops or scattered, partially-buried rocks.	No	No suitable habitat within the study area	No
<i>Botaurus poiciloptilus</i>	Australasian Bittern	Endangered	Endangered	The Australasian Bittern is found over most of NSW except for the far north-west. Habitat is permanent freshwater wetlands, with tall, dense vegetation, particularly <i>Typha</i> spp. (bullrushes) and <i>Eleocharis</i> spp. (spikerushes).	No	No permanent wetlands onsite. Dams are present onsite, however do not contain vegetation.	No
<i>Calidris ferruginea</i>	Curlew Sandpiper	Endangered	Critically Endangered, Migratory	The Curlew Sandpiper occurs along the entire coast of NSW, and sometimes in freshwater wetlands in the Murray-Darling Basin. Habitat is littoral and estuarine habitats, including intertidal mudflats, non-tidal swamps, lakes and lagoons on the coast and sometimes inland.	No	No suitable habitat within the study area.	No
<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	Vulnerable	Endangered	In NSW, the Gang-gang Cockatoo is distributed from the south-east coast to the Hunter region, and inland to the Central Tablelands and south-west slopes. Isolated records known from as far north as Coffs Harbour and as far west as Mudgee. It prefers tall mountain forests and woodlands during summer and in	Potential	Potential foraging habitat within the study area. Has been recently recorded within the locality.	Yes

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
				winter it can be found within open eucalypt forests and woodlands, and urban areas. Favours old growth attributes for nesting and roosting.			
<i>Crinia sloanei</i>	Sloane's Froglet	Vulnerable	Endangered	Is found in the floodplains of the Murray-Darling Basin, with the majority of records in the Darling Riverine Plains, NSW South Western Slopes and Riverina bioregions in NSW. Habitat includes periodically inundated areas in grassland, woodland and disturbed habitats.	Yes	Has been previously recorded within the study area (AECOM 2015b). There have been records for this species within the surrounding areas.	Yes
<i>Dasyurus maculatus maculatus</i>	Spotted-tailed Quoll	Vulnerable	Endangered	The Spotted-tailed Quoll is found is found on the east coast of NSW, eastern Victoria and north-eastern QLD. Habitat is rainforest, open forest, woodland, coastal heath and inland riparian forest, from the sub-alpine zone to the coastline.	No	No suitable habitat within the study area.	No
<i>Delma impar</i>	Striped Legless Lizard	Vulnerable	Vulnerable	In NSW, the Striped Legless Lizard occurs in the Southern Tablelands, the South Western Slopes and possibly on the Riverina. Habitat is natural temperate grassland, secondary and modified grassland, and open Box-Gum woodland. They shelter in tussock-forming grasses or under surface rocks.	No	There is no suitable habitat within the study area. The ground layer was dominated by exotic forbs and <i>Juncus</i> sp. There were no surface rocks to provide shelter observed within the study area.	No

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
<i>Grantiella picta</i>	Painted Honeyeater	Vulnerable	Vulnerable	The Painted Honeyeater is widely distributed in NSW, predominantly on the inland side of the Great Dividing Range but avoiding arid areas. Boree, Brigalow and Box-Gum Woodlands and Box-Ironbark Forests. A specialist feeder on the fruits of mistletoes growing on woodland eucalypts and acacias. This species will also feed on Insects and nectar from mistletoe or eucalypts are occasionally eaten. Nests from spring to autumn in a small, delicate nest hanging within the outer canopy of drooping eucalypts, she-oak, paperbark or mistletoe branches.	Unlikely	There was no mistletoe recorded within the study area. The study area consists of scattered trees, is not considered woodland and therefore is unlikely to support this species.	No
<i>Hirundapus caudacutus</i>	White-throated Needletail		Vulnerable, Migratory	The White-throated Needletail occurs in all coastal regions of NSW, inland to the western slopes and inland plains of the Great Divide. Occurring most often over open forest and rainforest, as well as heathland, and remnant vegetation in farmland. This species breeds in eastern Siberia, north-eastern China and Japan. The species arrives in Australia in September–October, and most depart by April. It almost always forages aerially. Recorded roosting in trees in forests and woodlands, both among dense foliage in the canopy or in hollows.	Potential	There is foraging habitat present within the study area.	Yes

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
<i>Lathamus discolor</i>	Swift Parrot	Endangered	Critically Endangered	The Swift Parrot migrates from Tasmania to mainland in Autumn-Winter. In NSW, the species mostly occurs on the coast and south western slopes. Box-ironbark forests and woodlands. Favoured feed trees include winter flowering species such as <i>Eucalyptus robusta</i> (Swamp Mahogany), <i>Corymbia maculata</i> (Spotted Gum), <i>Corymbia gummifera</i> (Red Bloodwood), <i>Eucalyptus sideroxylon</i> (Mugga Ironbark), and <i>Eucalyptus albens</i> (White Box).	Potential	There is low quality foraging habitat for this species within the study area, including scattered <i>Eucalyptus albens</i> and <i>Eucalyptus melliodora</i> trees.	Yes
<i>Litoria raniformis</i>	Southern Bell Frog	Endangered	Vulnerable	In NSW, the Southern Bell Frog is only known to exist in isolated populations in the Coleambally Irrigation Area, the Lowbidgee floodplain and around Kale Victoria. A few recent unconfirmed records have also been made in the Murray Irrigation Area. Habitat is permanent or ephemeral Black Box/Lignum/Nitre Goosefoot swamps, Lignum/Typha swamps and River Red Gum swamps or billabong along floodplains and river valleys. Also found in irrigated rice crops.	Unlikely	There is no suitable habitat within the study area. There have been no recent records within the locality.	No
<i>Numenius madagascariensis</i>	Eastern Curlew		Critically Endangered, Migratory	The Eastern Curlew is a summer migrant to Australia. Has a primarily coastal distribution in NSW, with some scattered inland records. Habitat is estuaries, bays, harbours, inlets and coastal lagoons, intertidal mudflats or sandflats, ocean beaches, coral reefs, rock platforms, saltmarsh, mangroves,	Unlikely	There is no suitable habitat present within the study area. There are no recent records within the locality.	No

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
				freshwater/brackish lakes, saltworks and sewage farms.			
<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat	Vulnerable	Vulnerable	The distribution coincides approximately with the Murray Darling Basin; the Pilliga Scrub region is the distinct stronghold for this species. Habitat is Mallee, <i>Allocasuarina luehmannii</i> (buloke) and box-eucalypt- dominated communities, especially box/ ironbark/ cypress - pine vegetation.	Unlikely	There is no suitable habitat present within the study area. There have been no recent records for this species in the locality.	No
<i>Pedionomus torquatus</i>	Plains-wanderer	Endangered	Critically Endangered	Most recent records in NSW are from the western Riverina, in an area bounded by Hay and Narrandera in the north, the Cobb Highway in the west, the Billabong Creek in the south, and Urana in the east. Habitat is semi-arid, lowland native grasslands that typically occur on hard red-brown soils.	Unlikely	There is no suitable habitat within the study area. There have been no recent records within the locality.	No
<i>Petauroides volans</i>	Greater Glider	Endangered	Vulnerable	The Greater Glider is restricted to eastern Australia, occurring from the Windsor Tableland in north Queensland through to central Victoria, with an elevational range from sea level to 1200 m above sea level. It is an arboreal nocturnal marsupial, largely restricted to eucalypt forests and woodlands. It is typically found in highest abundance in taller, montane, moist eucalypt forests with relatively old trees and abundant hollows. It favours forests with a diversity of eucalypt	No	There is no suitable habitat within the study area.	No

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
				species, due to seasonal variation in its preferred tree species.			
<i>Phascolarctos cinereus</i>	Koala	Endangered	Endangered	In NSW Koalas mainly occur on the central and north coasts with some populations in the west of the Great Dividing Range. There are sparse and possibly disjunct populations in the Bega District, and at several sites on the southern tablelands. Feeds on the foliage of more than 70 eucalypt species and 30 non-eucalypt species, but in any one area will select preferred browse species. The Koala is inactive for most of the day, feeding and moving mostly at night. Spends most of their time in trees but will descend and traverse open ground to move between trees. Home range size varies with quality of habitat, ranging from less than two ha to several hundred hectares in size. Females breed at two years of age, with mating occurring between September and February	Potential	There is low quality habitat within the study area, which this species could utilise when moving through the landscape.	Yes
<i>Polytelis swainsonii</i>	Superb Parrot	Vulnerable	Vulnerable	In NSW, occurs on inland slopes of the Great Divide and on adjacent plains, especially along the major river systems. Habitat is box-gum woodland, box-cypress-pine and Boree Woodlands and River Red Gum Forest.	Potential	There is a small amount of foraging habitat present within the study area.	Yes

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	Vulnerable	Vulnerable	The Grey-headed Flying fox is found along the eastern coast of Australia, from Bundaberg in Qld to Melbourne in Victoria. In Subtropical and temperate rainforests, tall sclerophyll forests and woodlands, heaths and swamps as well as urban gardens and cultivated fruit crops. Roosting camps are generally located within 20 km of a regular food source and are commonly found in gullies, close to water, in vegetation with a dense canopy. Annual mating commences in January and a single young is born in October or November. Can travel up to 50 km from the camp to forage. Feed on the nectar and pollen of <i>Eucalyptus</i> , <i>Melaleuca</i> and <i>Banksia</i> species, and fruits of rainforest trees and vines.	Potential	There is foraging habitat present within the study area. The study area is within 50 km of a known camp.	Yes
<i>Rostratula australis</i>	Australian Painted Snipe	Endangered	Endangered	In NSW, most records are from the Murray-Darling Basin. Other recent records include wetlands on the Hawkesbury River and the Clarence and lower Hunter Valleys. Habitat is swamps, dams and nearby marshy areas.	Unlikely	There have been no recent records within the locality.	No
<i>Synemon plana</i>	Golden Sun Moth	Endangered	Critically Endangered	NSW populations are found in the area between Queanbeyan, Gunning, Young and Tumut. Habitat is natural temperate grasslands and grassy box-gum woodlands in which ground layer is dominated by <i>Rytidosperma</i> sp. (wallaby grasses).	Unlikely	There have been no recent records present within the study area. The ground layer within the study area was dominated by exotic herb species and <i>Juncus</i> sp, and therefore is	No

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
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considered unlikely to support this species.

Table A - 2: Likelihood of occurrence assessment for species listed under the EPBC Act - flora

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
<i>Amphibromus fluitans</i>	Floating Swamp-Wallaby-grass	Vulnerable	Vulnerable	In NSW, has been recorded recently in lagoons beside the Murray River near Cooks Lagoon, Mungabarina Reserve, East Albury, at Ettamogah, Thurgoona, near Narrandera, near Mathoura, and near Laggan. Habitat is swamp margins, dam and tank beds, and in semi-dry mud of lagoons with <i>Potamogeton</i> and <i>Chamaeraphis</i> species.	Unlikely	There is no suitable habitat present within the study area. Furthermore, this species was not recorded during surveys undertaken by AECOM (AECOM 2015b) or during the field survey undertaken by ELA.	No
<i>Caladenia concolor</i>	Crimson Spider Orchid	Endangered	Vulnerable	Is currently known from three populations in the vicinity of Cootamundra, Lake Burrinjuck and Albury. Habitat is sclerophyll forest on clay loams or gravelly soils, regrowth woodland on granite ridges.	No	There is no suitable habitat present within the study area.	No

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
<i>Caladenia rosella</i>	Rosella Spider Orchid	Extinct	Endangered	The single NSW collection of the Rosella Spider Orchid (located in Albury) is undated but is estimated to have been collected before 1896. Today the species is found near Melbourne in Victoria, but is listed as endangered because less than 200 plants are known to exist	No	Species is listed as extinct in NSW.	No
<i>Leucochrysum albicans</i> var. <i>tricolor</i>	Hoary Sunray		Endangered	The Hoary Sunray is endemic to south-eastern Australia, where it is currently known from three geographically separate areas in Tasmania, Victoria and south-eastern NSW and ACT. In NSW it currently occurs on the Southern Tablelands adjacent areas in an area roughly bounded by Albury, Bega and Goulburn, with a few scattered localities known from beyond this region. Occurs in a wide variety of grassland, woodland and forest habitats, generally on relatively heavy soils. Can occur in modified habitats such as semi-urban areas and roadsides. Is highly dependent on the presence of bare ground for germination. In some areas, disturbance is required for successful establishment.	Unlikely	There have been no recent records within the locality.	No
<i>Prasophyllum petilum</i>	Tarengo Leek Orchid	Endangered	Endangered	Known from four sites in NSW, at Boorowa, Captains Flat, Ilford and Delegate. Has also been experimentally introduced at Bowring Cemetery NSW. Habitat is natural temperate grassland, grassy woodland and box-gum woodland	Unlikely	There have been no recent records within the locality. Due to the degraded nature of the study area, it is unlikely to support this species.	No

Scientific Name	Common Name	BC Act Status	EPBC Act Status	Distribution and habitat (DPIE 2020)	Likelihood of Occurrence	Justification	EPBC Act Assessment of significance required?
<i>Prasophyllum validum</i>	Sturdy Leek-orchid		Vulnerable	Occurs across inland Victoria and in South Australia in the Flinders Ranges, in the Victoria Midlands and Flinders Lofty Block IBRA bioregions. Tends to grow in drier woodland habitats, generally with a low sparse understorey. Occurs in box and box-ironbark woodland, with overstorey trees and an open grassy to sparsely shrubby understorey. Little is known of specific habitat requirements, and some sites have been disturbed by periodic fire, stock grazing and timber removal.	No	There is unlikely to be suitable habitat present within the study area. There have been no recent records within the locality.	No
<i>Swainsona recta</i>	Small Purple-pea	Endangered	Endangered	Occurs in Queanbeyan and Wellington-Mudgee areas. Historically also recorded at Carcoar, Culcairn and Wagga Wagga. Habitat is grassland, open woodland and open forests dominated by <i>Eucalyptus blakelyi</i> (Blakely's Red Gum), <i>E. melliodora</i> (Yellow Box), <i>E. rubida</i> (Candlebark Gum) and <i>E. gonicalyx</i> (Long-leaf Box).	Unlikely	There have been no recent records within the locality. Due to the degraded nature of the study area, it is unlikely to support this species.	No

Appendix B: EPBC Act Assessment of Significance

The Matters of National Environmental Significance - Significant impact guidelines 1.1 set out 'Significant Impact Criteria' that are to be used to assist in determining whether a proposed action is likely to have a significant impact on matters of national environmental significance. Matters of national environmental significance listed under the EPBC Act include:

- World heritage properties
- National heritage places
- Wetlands of international importance
- Nationally threatened species and ecological communities
- Migratory species
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mining)
- A water resource, in relation to coal seam gas development and large coal mining development

Specific 'Significant Impact Criteria' are provided for each MNES except for threatened species and ecological communities in which case separate criteria are provided for species listed as Critically Endangered, Endangered and Vulnerable under the EPBC Act.

The relevant 'Significant Impact Criteria' have been applied to the following species and TECs:

- White box - yellow box - Blakely's red gum grassy woodlands and derived native grasslands – listed as Critically Endangered
- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains – listed as Critically Endangered
- *Anthochaera phrygia* (Regent Honeyeater) – listed as Critically Endangered
- *Callocephalon fimbriatum* (Gang-gang Cockatoo) – listed as Endangered
- *Crinia sloanei* (Sloane's Froglet) – listed as Endangered
- *Hirundapus caudacutus* (White-throated Needletail) – listed as Vulnerable and Migratory
- *Lathamus discolor* (Swift Parrot) – listed as Critically Endangered
- *Phascolarctos cinereus* (Koala) – listed as Endangered
- *Polytelis swainsonii* (Superb Parrot) – listed as Vulnerable
- *Pteropus poliocephalus* (Grey-headed Flying Fox) – listed as Vulnerable

B1: White Box – yellow box – Blakely's red gum grassy woodlands and derived native grasslands

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

Reduce the extent of an ecological community

There is 8.5 ha of this listed community present within the study area. Of this 0.72 ha will be retained as reserves. The majority of the listed community likely to be impacted consists of scattered paddock

trees. Whilst the extent of the ecological community will be reduced, due to the small amount of area and scattered nature of the community within the study area, it is unlikely to be considered a significant impact.

Fragment or increase fragmentation of an ecological community

The majority of this listed community within the study area is in a fragmented state, with scattered paddock trees surrounded by exotic groundcover. The majority of the two woodland patches will be retained as reserves. Due to this, the proposed development is unlikely to increase fragmentation of this CEEC.

Adversely affect habitat critical to the survival of an ecological community

Habitat critical to the survival of this CEEC includes areas with moderate to highly fertile soils and degraded woodland areas, which can provide connectivity for this listed TEC. The majority of this CEEC which will be impacted is in a degraded state, consisting of scattered paddock trees. Due to this, the proposed development will not adversely affect habitat critical to the survival of this CEEC.

Modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns

No groundwater is proposed to be extracted through implementation of the proposed development. The wetland/Gilgai area within the centre of the study area will be impacted upon, however this is unlikely to lead to an impact on areas where this CEEC will be retained. As such, the proposed development will not modify or destroy abiotic factors necessary for the survival of this CEEC.

Cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting

The majority of the CEEC which will be impacted by the proposed development is in a degraded state. There are paddock trees, however the groundcover is dominated by exotic species. Furthermore, where there are woodland patches of this CEEC, the majority of these areas will be retained. As such, the proposed development will not cause substantial change to species composition of the CEEC.

Cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:

- assisting invasive species, that are harmful to the listed ecological community, to become established, or
- causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or

The CEEC is already in a highly disturbed state, with the majority of the groundcover dominated by exotic species and current grazing activities within the study area. As such, the proposed development is unlikely to cause further substantial reduction in the quality or integrity of the occurrence of this CEEC.

Interfere with the recovery of an ecological community.

The overall objective of the recovery plan is to promote the recovery and prevent the extinction of this CEEC (DECCW 2010). This includes achieving no net loss in the extent and condition of the TEC and increasing protection of sites with high recovery potential. Due to the highly degraded nature of much of this CEEC within the study area, it is unlikely to be considered a site with high recovery potential. Furthermore, the majority of the woodland areas will be retained as reserves under the development plans. As such, whilst the proposed development will remove some areas of CEEC, it is unlikely to interfere with the overall recovery of this TEC.

Is a significant impact on the critically endangered ecological community likely to result?

Whilst the majority of the areas of this CEEC within the study area will be clearing as a result of the proposed development, these areas are in a highly degraded state consisting of scattered paddock trees interconnected by exotic dominated groundcover. As such, the proposed development is unlikely to have a significant impact on this CEEC.

B2: Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains

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

Reduce the extent of an ecological community

Within the study area, this TEC consists of wetland/Gilgai's clusters with a total area of 0.8 ha across 3.4 ha. This size does not meet the minimum size criteria required for it to be considered as TEC. Overall, this entire wetland/Gilgai complex will be cleared as a result of the proposed development. Due to the low quality of this TEC and not meeting the minimum size criteria, this clearing is unlikely to be considered a significant impact on this CEEC.

Fragment or increase fragmentation of an ecological community

Within the study area, this community exists as an isolated cluster of wetland/Gilgai's. Each individual cluster is surrounded by groundcover dominated by exotic species. Clearing of this community will not result in further fragmentation of this CEEC within the surrounding landscape.

Adversely affect habitat critical to the survival of an ecological community

Habitat critical to the survival of this CEEC includes seasonally inundated drainage lines and depressions or terrain characterised by Gilgai's with generally fertile but poorly draining clay soils. The proposed development will involve clearing of the cluster of wetland/Gilgai's within the centre of the study area. These clusters are of low to poor condition and therefore the proposed development is unlikely to adversely affect habitat critical to the survival of this CEEC.

Modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns

The wetland/Gilgai area where this TEC is considered to occur within the study area will be cleared and impact on as a result of the proposed development, with house lots planned across that area (Figure 1). As such, abiotic factors necessary for this CEEC's survival will be destroyed. However, this impact will be localised, as the water source for these seasonally inundated wetlands/Gilgai's is typically rainfall, and therefore the proposed development is considered unlikely to impact on the presence of this TEC elsewhere in the locality.

Cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting

The majority of the CEEC which will be impacted by the proposed development is in a degraded state and is considered of low to poor quality. Whilst this ecological community will be cleared, there were no important flora species recorded within the TEC and the species diversity did not indicate that the site was of very high quality, therefore the impact on the species composition is unlikely to be significant.

Cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:

- assisting invasive species, that are harmful to the listed ecological community, to become established, or
- causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or

The CEEC is already in a highly disturbed state, with low species diversity within the wetland/Gilgai clusters, and the groundcover between the clusters dominated by exotic species. As such, although the CEEC will be cleared within the study area, it is considered of low to poor quality and therefore it is unlikely to be considered a significant impact on the integrity of this community within the locality.

Interfere with the recovery of an ecological community.

Whilst there is no recovery plan for this CEEC, actions to assist with the recovery of this CEEC include reducing habitat loss, disturbance and modification, eradicating or managing weed infestations and managing appropriate grazing regimes. Whilst the proposed development will result in loss of this CEEC within the study area, it is considered to be of low to poor quality and is therefore considered unlikely to interfere with the overall recovery of this TEC.

Is a significant impact on the critically endangered ecological community likely to result?

Whilst this CEEC within the study area will be cleared as a result of the proposed development, it is considered to be of low to poor quality. Advice provided from the Commonwealth Department of Environment (AECOM 2015c) considered that the seasonal wetlands present within the site are not of sufficient condition to warrant protection. As such, the proposed development is considered unlikely to have a significant impact on this CEEC.

B3: *Anthochaera phrygia* (Regent Honeyeater)

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

Lead to a long-term decrease in the size of a population

The proposed development will only remove a small area of potential habitat. There are scattered paddock trees across the study area, which include the feed trees *Eucalyptus albens* and *Eucalyptus melliodora*. Due to the scattered nature of these trees, these are not considered high quality habitat. Given this, the areas of alternate habitat surrounding the study area and the high mobility of the species, the proposed works are unlikely to lead to a long-term decrease in the size of an important population of the species.

Reduce the area of occupancy of the species

The proposed works will remove a small area of low-quality, highly disturbed potential habitat for the species. Areas of undisturbed potential habitat for this species is located outside the proposed study area this has potential to support the continuation of the population.

Fragment an existing population into two or more populations

There are no known populations within the study area and in surrounding areas. Due to the already highly degraded nature of the study area, the scattered nature of the feed trees, the proposed works will not increase fragmentation of an existing population.

Adversely affect habitat critical to the survival of a species

Habitat critical to the survival of the Regent Honeyeater includes:

- Any breeding or foraging areas where the species is likely to occur.
- Any newly discovered breeding or foraging locations.

The majority of the study area contains scattered feed trees, including *Eucalyptus albens* and *Eucalyptus melliodora*. These trees are sparsely scattered throughout the study area and therefore is not considered critical habitat. Due to the mobile nature of this species and the surrounding areas of potential foraging habitat that will remain undisturbed, the proposed works are unlikely to adversely affect habitat critical to the survival of this species.

Disrupt the breeding cycle of a population

There are no known breeding pairs within the study area. Due to the species being highly mobile, it is unlikely that the disturbance to the potential habitat will disrupt the breeding cycle of a population.

Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

Within the study area, the potential habitat is considered to be in a highly degraded state. Due to the species being highly mobile, it is unlikely the clearing will modify, destroy, remove, isolate or decrease

the availability or quality of habitat to the extent that the species is likely to decline. Areas of intact habitat outside the study area will remain undisturbed by the proposed development.

Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat

The proposed development (including canopy clearance) will not result in invasive species that are harmful to this species becoming established in the species' habitat.

Introduce disease that may cause the species to decline, or

The proposed development will not introduce disease that may cause the species to decline or interfere substantially with the recovery of the species.

Interfere with the recovery of the species

The objectives of the Regent Honeyeater recovery plan are to:

- Reverse the long-term population trend of decline and increase the numbers of regent honeyeaters to a level where there is a viable, wild breeding population, even in poor breeding years; and to
- Enhance the condition of habitat across the regent honeyeaters range to maximise survival and reproductive success and provide refugia during periods of extreme environmental fluctuation.

Strategies to achieve this includes improving the extent and quality of habitat. Most of the study area is in a modified, degraded and fragmented state. The proposed development will impact on a small area of potential foraging habitat for this species. Due to this, it is unlikely that the scale of clearing for the proposed works will interfere substantially with the recovery of this species.

Is a significant impact on the species likely to result?

After considering the above statements, the proposed action is unlikely to have a significant impact on the Regent Honeyeater.

B4: *Callocephalon fimbriatum* (Gang-gang Cockatoo)

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

Lead to a long-term decrease in the size of a population

The study area contains foraging habitat for this species, which is in a highly degraded, modified state. Given this, the areas of higher quality alternate habitat surrounding the study area and the high mobility of the species, the proposed development is unlikely to lead to a long-term decrease in the size of a population of this species.

Reduce the area of occupancy of the species

The proposed works will remove 12 hollow bearing trees. Due to the scattered nature of these trees, their location within a highly degraded landscape, this species is most likely to utilise the study area for

foraging only. Areas of higher quality potential habitat outside the study area will remain undisturbed by the proposed development providing an opportunity to support the continuation of the population.

Fragment an existing population into two or more populations

Due to the already highly degraded nature of the study area, the scattered nature of the feed trees, the proposed works will not increase fragmentation of an existing population.

Adversely affect habitat critical to the survival of a species

Habitat critical to the survival of the Gang-gang Cockatoo includes:

- Any breeding or foraging areas where the species is likely to occur.
- Hollow bearing trees with suitable sized hollows (hollows 10 cm in diameter or larger).

The proposed development will involve clearing a small area of potential habitat, which is in a highly degraded state. Due to the mobile nature of this species, the surrounding areas of higher quality potential habitat that will remain undisturbed by the proposed development, the proposed works are unlikely to adversely affect habitat critical to the survival of this species.

Disrupt the breeding cycle of a population

There are no known breeding pairs within the Study Area and this species generally breeds at higher elevation. Due to the species being highly mobile it is unlikely that the disturbance the potential habitat will disrupt the breeding cycle of a population.

Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

The proposed development will impact only on potential habitat that is in a highly modified, degraded state. Due to the species being highly mobile, it is unlikely the clearing will modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.

Areas of intact habitat located outside the study area will remain undisturbed by the proposed development.

Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat

The proposed development will not result in invasive species that are harmful to this species becoming established in the species' habitat.

Introduce disease that may cause the species to decline, or

The proposed development will not introduce disease that may cause the species to decline or interfere substantially with the recovery of the species.

Interfere with the recovery of the species

The proposed development will impact upon only a small area of potential habitat for this species. Due to this, that the potential habitat is considered low quality, it is unlikely that the scale of clearing for the proposed development will interfere substantially with the recovery of this species.

Is a significant impact on the species likely to result?

After considering the above statements, the proposed action is unlikely to have a significant impact on the Gang-gang Cockatoo.

B5: *Crinia sloanei* (Sloane's Froglet)

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

Lead to a long-term decrease in the size of a population

There have been previous records of this species within the study area (AECOM 2015b). There have also been recent sightings of this species within the surrounding area. The proposed development will involve clearing areas of habitat for this species. There is the potential that the proposed development could lead to a long-term decrease in the size of a population of this species.

Reduce the area of occupancy of the species

The proposed development will involve clearing clusters of wetland/Gilgai's which this species utilises as habitat. Whilst a Sloane's Froglet Habitat Plan (SJE Consulting 2021) has been created for the Brooklyn Fields Estate, which includes creating habitat for this species, this does not discount the loss of this habitat for this species. Therefore, the overall area of occupancy of the species will be reduced as a result of the proposed development.

Fragment an existing population into two or more populations

The proposed development will involve clearing clusters of wetland/Gilgai's which this species utilises as habitat. This species has been recorded within this area and is therefore known to utilise this habitat. The creation of additional habitat for this species will be undertaken, however clearing of existing habitat in the centre of the study area will remove the ability of this species to move through the landscape. Therefore, there is the potential that the proposed development will fragment an existing population into two or more populations.

Adversely affect habitat critical to the survival of a species

Habitat critical to the survival of the species includes:

- temporary and permanent waterbodies including oxbows off creeks and rivers, farm dams, large and small natural wetlands, constructed frog ponds and temporary puddles, and
- waterbodies that contain grasses and reeds that are of medium height and have small stem diameters for breeding.

There is a small area of Gilgai's that form temporary wetlands within the study area. This species has been recorded utilising this habitat. This habitat will be cleared as a result of the proposed development,

and therefore there is the likelihood that the proposed development will adversely affect habitat critical to the survival of this species.

Disrupt the breeding cycle of a population

Whilst there was no permanent water and limited temporary water within the habitat within the study area at the time of survey, this species could potentially use this habitat for breeding when water is present. As this habitat will be cleared as a result of the proposed development, there is the potential that it will disrupt the breeding cycle of a population of this species.

Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

The proposed development will remove habitat for this species. Whilst additional habitat will be created outside the development area as per the Sloane's Froglet Habitat Plan (SJE Consulting 2021), this does not discount the loss of habitat, as it may take a number of years before this species utilises this habitat. As such, the potential that the removal of habitat as a result of the proposed development could cause the species to decline.

Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat

No harmful invasive species are expected to become established in areas of potential habitat for this species as a result of the proposed works.

Introduce disease that may cause the species to decline, or

No disease that may cause this species to decline is likely to be introduced by the proposed clearing works.

Interfere with the recovery of the species

There is currently no Recovery Plan for this species. The proposed development will remove known habitat for this species and will reduce its ability to move through the landscape. Therefore, there is the potential that the proposed development will interfere with the recovery of this species.

Is a significant impact on the species likely to result?

After considering the above statements, there is the potential that the proposed development could significantly impact upon this species. Specifically, habitat for this species and therefore a formal assessment is required. The result of the formal assessment may require the project to be referred to the Commonwealth Department of the Environment.

B6: *Hirundapus caudacutus* (White-throated Needletail)**MIGRATORY LISTING**

An action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will:

Substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species

The proposed development will impact on potential foraging habitat for this species. This habitat is in a highly degraded, modified state, and is therefore unlikely to constitute important habitat for this species. Due to the species being highly mobile, it is unlikely the clearing will modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline. Areas of intact equivalent habitat will remain outside of the Study Area, undisturbed by the works.

Result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species, or

The proposed development will not result in invasive species that are harmful to this species becoming established in the species' habitat.

Seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

This species is a non-breeding migratory visitor to Australia. Due to the species being highly mobile, it is unlikely that disturbance to the potential foraging habitat will disrupt the lifecycle of a population.

THREATENED (VULNERABLE) LISTING

An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:

Lead to a long-term decrease in the size of an important population of a species

Given the relatively small scale of disturbance associated with the proposed development and the availability of alternative habitat outside of the Study Area for this highly mobile species, it is unlikely that the proposed works will lead to a long-term decrease in the size of an important population of this species.

Reduce the area of occupancy of an important population

As there are no historical records of the species within the Study Area, an important population of this species is unlikely to occur in the Study Area. The relatively small scale of disturbance associated with the proposed development and the availability of alternative habitat outside of the survey area to this highly mobile species means that it is unlikely that the area of occupancy of an important population is likely to be reduced.

Fragment an existing important population into two or more populations

The relatively small scale of disturbance associated with the proposed development, combined with its linear nature, and the high mobility of this species means that it is unlikely that an existing important population is split into two or more populations.

Adversely affect habitat critical to the survival of a species

No critical habitat has been declared for this species and given the relatively small scale of disturbance associated with the proposed works and the availability of alternative habitat outside of the survey area, it is unlikely that the proposed development will adversely impact upon the survival of this species.

Disrupt the breeding cycle of an important population

This species is a non-breeding migratory visitor to Australia and as such, the proposed development will not disrupt the breeding cycle of this species.

Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

Given the relatively small scale of the disturbance associated with the proposed activity and the availability of alternative habitat outside of the Study Area, it is unlikely that the proposed development will affect habitat for this highly mobile species to the extent that it is likely to decline.

Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat

No harmful invasive species are expected to become established in areas of potential habitat for this species as a result of the proposed development.

Introduce disease that may cause the species to decline, or

The proposed development is not likely to introduce a disease that may cause the species to decline or interfere substantially with the recovery of the species.

Interfere substantially with the recovery of the species

After considering the above statements, the proposed development is unlikely to interfere with the future recovery of the White-throated Needletail.

B7: *Lathamus discolor* (Swift Parrot)

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

Lead to a long-term decrease in the size of a population

The study area contains foraging habitat for this species, which is in a highly degraded, modified state. Given this, the areas of higher quality alternate habitat surrounding the study area and the high mobility of the species, the proposed development is unlikely to lead to a long-term decrease in the size of a population of this species.

Reduce the area of occupancy of the species

The proposed works will remove approximately 12 hollow bearing trees. Due to the scattered nature of these trees and their location within a highly degraded landscape, this species is most likely to utilise the study area for foraging only. Areas of undisturbed, higher quality potential habitat for this species will remain outside the proposed study area in order to support the continuation of the population.

Fragment an existing population into two or more populations

Due to the already highly degraded nature of the study area, and the scattered nature of the feed trees, the proposed works will not increase fragmentation of an existing population.

Adversely affect habitat critical to the survival of a species

Habitat critical to the survival of the Swift Parrot on mainland Australia includes:

- On the mainland they occur in areas where eucalypts are flowering profusely or where there are abundant lerp (from sap-sucking bugs) infestations
- Favoured feed trees include winter flowering species such as Swamp Mahogany *Eucalyptus robusta*, Spotted Gum *Corymbia maculata*, Red Bloodwood *C. gummifera*, Forest Red Gum *E. tereticornis*, Mugga Ironbark *E. sideroxylon*, and White Box *E. albens*.
- Commonly used lerp infested trees include Inland Grey Box *E. microcarpa*, Grey Box *E. moluccana*, Blackbutt *E. pilularis*, and Yellow Box *E. melliodora*.

The proposed development will involve clearing a small area of potential habitat, which is in a highly degraded state. Due to the mobile nature of this species, and the surrounding areas of higher quality potential habitat that will remain undisturbed, the proposed works are unlikely to adversely affect habitat critical to the survival of this species.

Disrupt the breeding cycle of a population

This species breeds in Tasmania and migrates to mainland Australia for foraging. As such, the proposed development is unlikely to disrupt the breeding cycle of a population.

Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

The proposed development will impact only on potential habitat that is in a highly modified, degraded state. Due to the species being highly mobile, it is unlikely the clearing will modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.

Areas of intact habitat will remain outside the study area, undisturbed by the proposed development.

Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat

The proposed development will not result in invasive species that are harmful to this species becoming established in the species' habitat.

Introduce disease that may cause the species to decline, or

The proposed development will not introduce disease that may cause the species to decline or interfere substantially with the recovery of the species.

Interfere with the recovery of the species

The objectives of the Swift Parrot recovery plan are to:

- To prevent further decline of the Swift Parrot population; and
- To achieve a demonstrable sustained improvement in the quality and quantity of Swift Parrot habitat to increase carrying capacity.

Strategies to achieve this includes identifying foraging habitat and managing and protecting this habitat. Most of the Study Area is in a modified, degraded and fragmented state. The proposed development will impact on a small area of potential foraging habitat for this species. Due to this, it is unlikely that the scale of clearing for the proposed works will interfere substantially with the recovery of this species.

Is a significant impact on the species likely to result?

After considering the above statements, the proposed action is unlikely to have a significant impact on the Swift Parrot.

B8: *Phascolarctos cinereus* (Koala)

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

Lead to a long-term decrease in the size of a population

Although there have been records of koalas within the locality, there are no historical records of koalas within the study area. Whilst there are koala feed trees within the study area, it is unlikely that core koala habitat exists within the study area, due to the scattered nature of the feed trees, and the highly degraded overall landscape within the study area. Therefore, it is unlikely that the proposed development will lead to a long-term decrease in the size of a population of this species.

Reduce the area of occupancy of the species

As there are no historical records of the species within the study area, an important population of this species is unlikely to occur within the study area. The highly degraded nature of the habitat within the study area, and the availability of alternative higher quality habitat outside the study area, means that it is unlikely that the area of occupancy of an important population is likely to be reduced. This species is most likely to utilise the study area to move through the landscape.

Fragment an existing important population into two or more populations

The highly degraded state of the landscape and the scattered nature of the koala feed trees within the study area means that it is unlikely that an existing important population will be split into two or more populations. Sections of woodland habitat will be retained, which will allow this species to move through the landscape if needed.

Adversely affect habitat critical to the survival of a species

The trees within the study area, which include koala feed trees, are likely to constitute foraging habitat for this species. However, due to the scattered nature of these trees and the overall degraded state of the landscape within the study area, the habitat within the study area is unlikely to constitute habitat critical to the survival of this species. Furthermore, there is alternative higher quality habitat available

outside the study area, therefore it is unlikely that the proposed development will adversely impact upon the survival of this species.

Disrupt the breeding cycle of a population

While there is potential for the species to occur, it is unlikely that an important population occurs within the Study Area. As such, the proposed development will not disrupt the breeding / life cycle of an important population.

Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

The proposed development is unlikely to modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the Koala is likely to decline. Only a small area of potential foraging habitat will be impacted by the proposal. The study area is currently in a modified, fragmented condition. Therefore, it is unlikely that the quality of habitat will decrease to the extent that the species is likely to decline.

Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the critically endangered or endangered species habitat

No harmful invasive species are expected to become established in areas of potential habitat for this species as a result of the proposed works.

Introduce disease that may cause the species to decline, or

No disease that may cause this species to decline is likely to be introduced by the proposed clearing works.

Interfere with the recovery of the species

There is currently no Recovery Plan for this species. As it is unlikely that there is a permanent population within the Study Area, and due to the scattered nature of the trees, it is unlikely that the proposed works will interfere substantially with the recovery of the species.

Is a significant impact on the species likely to result?

After considering the above statements, the proposed action is unlikely to have a significant impact on the Koala.

B9: *Polytelis swainsonii* (Superb Parrot)

An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:

Lead to a long-term decrease in the size of an important population of a species

The study area consists of scattered trees in a highly degraded state. There are 12 hollow bearing trees that will be impacted as a result of this proposal. There have been no records for this species within the study area, this, coupled with the fragmented nature of the habitat available and the availability of

higher quality alternative habitat outside the study area for this highly mobile species indicates that it is unlikely that the proposed development will lead to a long-term decrease in the size of an important population of this species.

Reduce the area of occupancy of an important population

As there are no historical records of the species within the Study Area an important population of this species is unlikely to occur in the Study Area. The fragmented nature of the potential habitat and the availability of alternative higher quality habitat outside of the survey area to this highly mobile species means that it is unlikely that the area of occupancy of an important population is likely to be reduced.

Fragment an existing important population into two or more populations

The already fragmented nature of the potential habitat within the study area and the high mobility of this species means that it is unlikely that an existing important population will be split into two or more populations.

Adversely affect habitat critical to the survival of a species

No critical habitat has been declared for this species. The Superb Parrot usually breeds in forests dominated by large mature *Eucalyptus camaldulensis* (River Red Gum), typically close to watercourses, though nests are also occasionally located in *Eucalyptus blakelyi*, *Eucalyptus microcarpa*, *Eucalyptus polyanthemos* and *Eucalyptus intertexta*. The section that contains *E. camaldulensis* along the river (on the eastern section of the study area), will not be impacted as a result of the proposed development. The remainder of the study area is already in a highly modified state. This, as well as the availability of alternative habitat outside the study area, means that it is unlikely that the proposed development will adversely impact habitat critical to the survival of this species.

Disrupt the breeding cycle of an important population

The habitat most likely to provide breeding habitat for this species, the *E. camaldulensis* woodland, will not be disturbed as a result of the proposed development. Whilst there are hollow bearing trees that will be removed during the proposed development, these are unlikely to provide breeding habitat, due to the scattered nature of the trees. Therefore, it is unlikely that the proposed works will disrupt the breeding cycle of an important population.

Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

Given the highly modified nature of the habitat available within the study area and the availability of alternative higher quality habitat outside of the Study Area, it is unlikely that the proposed development will affect habitat for this highly mobile species to the extent that it is likely to decline.

Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat

No harmful invasive species are expected to become established in areas of potential habitat for this species as a result of the proposed development.

Introduce disease that may cause the species to decline, or

The proposed development is not likely to introduce a disease that may cause the species to decline or interfere substantially with the recovery of the species.

Interfere substantially with the recovery of the species

The key objectives of the recovery plan for this species are to:

- Increase the population of Superb Parrots; and to
- Improve the quality and extent of habitat for this species.

There have been no historical records for this species within the study area. Furthermore, the potential habitat present within the study area is in a degraded, modified state. This, as well as the availability of higher quality habitat outside the study area, means that the proposed development is unlikely to interfere substantially with the recovery of this species.

Is a significant impact on the species likely to result?

After considering the above statements, the proposal is unlikely to interfere with the future recovery of the Superb Parrot.

B10: *Pteropus poliocephalus* (Grey-headed Flying-fox)

An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:

Lead to a long-term decrease in the size of an important population of a species

The study area provides potential foraging habitat for this species. Given the highly degraded nature of the habitat within the study area and the availability of alternative habitat outside of the Study Area for this highly mobile species, it is unlikely that the proposed works will lead to a long-term decrease in the size of an important population of this species.

Reduce the area of occupancy of an important population

An important population of this species is unlikely to occur in the Study Area. The study area provides potential foraging habitat for this species. Given the highly degraded nature of the habitat within the study area and the availability of alternative habitat outside of the survey area to this highly mobile species means that it is unlikely that the area of occupancy of an important population is likely to be reduced.

Fragment an existing important population into two or more populations

The already highly fragmented nature of potential foraging habitat within the study area, the high mobility of this species means that it is unlikely that an existing important population is split into two or more populations.

Adversely affect habitat critical to the survival of a species

Habitat critical to the survival of this species includes important winter and spring flowering vegetation communities, including *Eucalyptus albens*, which was recorded within the study area. The potential foraging habitat is already highly degraded and fragmented, given this, along with the availability of alternative higher quality habitat outside the survey area, it is unlikely that the proposed development will adversely impact upon habitat critical to the survival of this species.

Disrupt the breeding cycle of an important population

The study area provides potential foraging habitat only. Therefore, the proposed development will not disrupt the breeding cycle of this species.

Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

The study area provides potential foraging habitat only for this species, with the habitat in a highly degraded, fragmented state. Given this and the availability of alternative higher quality habitat outside the study area, it is unlikely that the proposed development will affect habitat for this highly mobile species to the extent that it is likely to decline.

Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat

No harmful invasive species are expected to become established in areas of potential habitat for this species as a result of the proposed development.

Introduce disease that may cause the species to decline, or

The proposed development is not likely to introduce a disease that may cause the species to decline or interfere substantially with the recovery of the species.

Interfere substantially with the recovery of the species

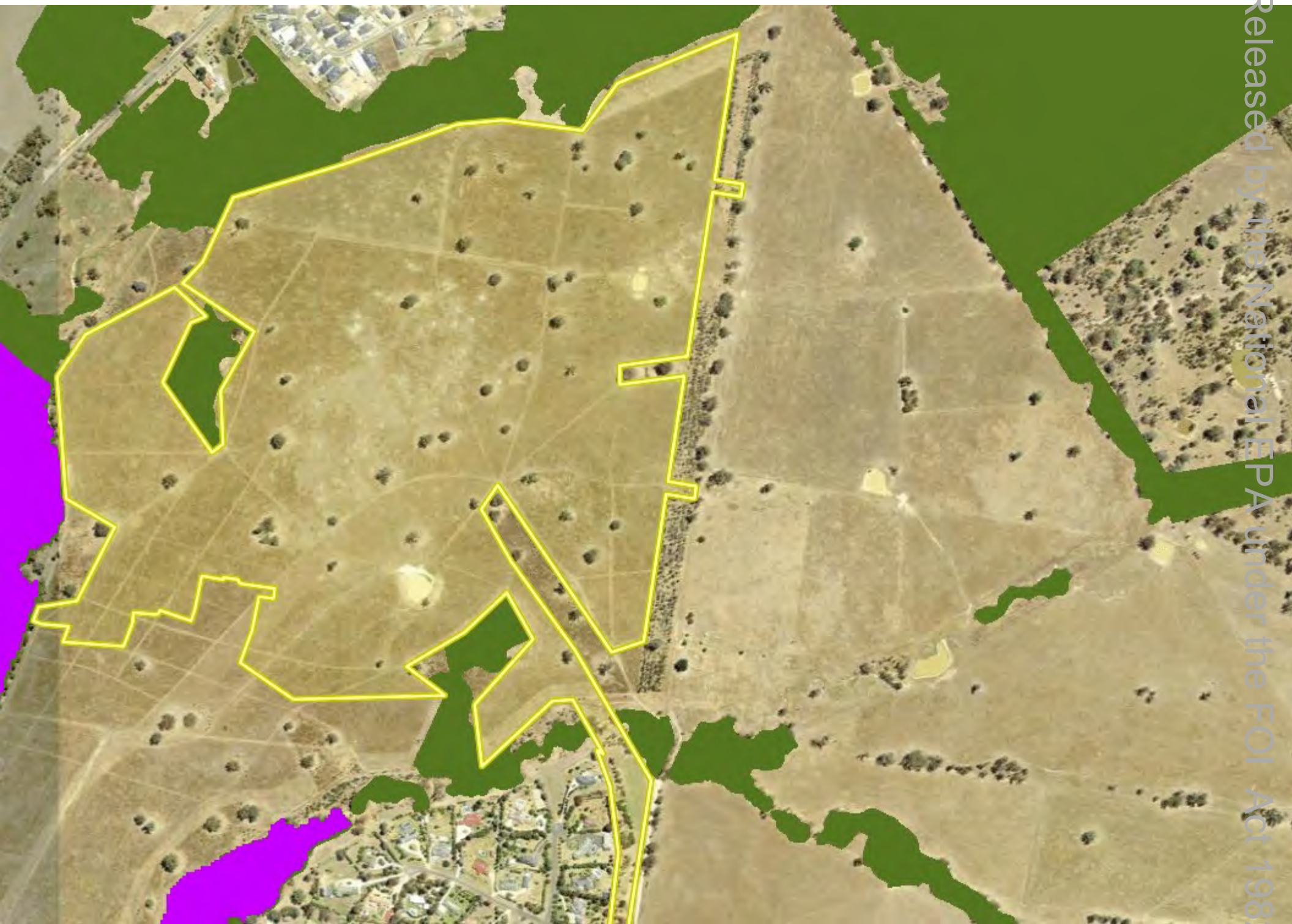
The overall objectives of the recovery plan for Grey-headed Flying-fox are to:

- Improve the Grey-headed Flying-foxes national population trend by reducing the impact of the threats outlined in this plan on Grey-headed Flying-foxes through habitat identification, protection, restoration and monitoring; and
- Assist communities and Grey-headed Flying-foxes to coexist through better education, stakeholder engagement, research, policy and continued support to fruit growers.

The study area provides low quality foraging habitat for this species. Given the lack of breeding habitat and the availability of higher quality foraging habitat outside the study, it is unlikely that the proposed development will interfere substantially with the recovery of the species.

Is a significant impact on the species likely to result?

After considering the above statements, the proposal is unlikely to interfere with the future recovery of the Grey-headed Flying-fox.



s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Sent: Tuesday, 10 February 2026 10:40 AM
To: s. 22(1)(a)(ii) s. 47F(1)
Cc: s. 22(1)(a)(ii) s. 47F(1) habitatplanning.com.au; s. 22(1)(a)(ii) s. 22(1)(a)(ii)
Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]
Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Thanks 😊

s. 47F(1)
s. 47F(1)

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 T s. 47F(1) | M s. 47F(1)

s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>
Sent: Tuesday, February 10, 2026 10:29 AM
To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1)@habitatplanning.com.au <s. 47F(1)@habitatplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>
Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Yes, still working towards the 20 business day timeframe for a decision on or by 3 March 2026.

Thanks

s. 22(1)(a)(ii)

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From: s. 47F(1) <s. 47F(1) ecoaus.com.au>
 Sent: Tuesday, 10 February 2026 10:23 AM
 To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) s.s. 47F(1) peterbowenhomes.com.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;
 s. 47F(1) habitatplanning.com.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
 Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Thanks s. 22(1)(a)(ii),

Do you think we are still tracking well for the 20 business day timeframe?

Cheers,

s. 47F(1)
 s. 47F(1)

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T s. 47F(1) | M s. 47F(1)

s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
 Sent: Tuesday, February 10, 2026 10:16 AM
 To: s. 47F(1) <s. 47F(1) ecoaus.com.au>; s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;
 s. 47F(1) habitatplanning.com.au <s. 47F(1) habitatplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>;
 s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Good morning s. 47F(1)

I hope you are keeping well.

I am continuing to progress the variation request and at this stage do not have any further queries.

I will reach out if I have any questions or when a decision has been made by the delegate.

Kind regards

s. 22(1)(a)(ii)

OFFICIAL

From: s. 47F(1) <s. 47F(1)ecoaus.com.au>

Sent: Tuesday, 10 February 2026 9:45 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <s. 47F(1)ecoaus.com.au>;

s. 47F(1)habitatplanning.com.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii)dcceew.gov.au>

Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Good morning s. 22(1)(a)(ii)

How are you tracking with progressing the s156 variation?

Cheers,

s. 47F(1)

s. 47F(1)

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T s. 47F(1) | M s. 47F(1)

s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
 Sent: Wednesday, February 4, 2026 4:28 PM
 To: s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;
 s. 47F(1) habitatplanning.com.au <s. 47F(1) habitatplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>;
 s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
 Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Good afternoon s. 47F(1)

Thank you for notifying me. Payment has been received and the 20-business day timeframe has commenced.

Regards

s. 22(1)(a)(ii)

OFFICIAL

From: s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>
 Sent: Tuesday, 3 February 2026 8:39 AM
 To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;
 s. 47F(1) habitatplanning.com.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
 Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Morning s. 22(1)(a)(ii)

The section 156B fee was paid yesterday.

Cheers,



s. 47F(1)
General Manager

M s. 47F(1)
T s. 47F(1)
E s. 47F(1) peterbowenhomes.com.au
W www.peterbowenhomes.com.au

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
Sent: Monday, 2 February 2026 2:01 PM
To: s. 47F(1) <s. 47F(1) ecoaus.com.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;
s. 47F(1) habitatplanning.com.au; s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Hi s. 47F(1)

Thank you for sending the updated variation request through.

I have sent the section 156B fee invoice to s. 47F(1) peterbowenhomes.com.au as the entity responsible for payment (listed contact in the referral form).

Once payment is received, the Minister has 20 business days to decide to accept or not accept the varied proposal (subject to any request from the Minister for further information).

Kind Regards

s. 22(1)(a)(ii)

OFFICIAL

From: s. 47F(1) <s. 47F(1) ecoaus.com.au>
Sent: Friday, 30 January 2026 2:20 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;
s. 47F(1) habitatplanning.com.au; s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii),

Thanks for confirming. Please find attached the updated report. Could you please provide an estimated timeframe for a decision on the s156 variation request?

Cheers,

s. 47F(1)

s. 47F(1)
s. 47F(1)

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

s. 47F(1).

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OFFICIAL

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>

Sent: Wednesday, January 28, 2026 12:14 PM

To: s. 47F(1) <s. 47F(1) ecoaus.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;
s. 47F(1) habitatplanning.com.au <s. 47F(1) habitatplanning.com.au>; s. 47F(1) ss. 47F(1) peterbowenhomes.com.au>;
s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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OFFICIAL

Hi s. 47F(1)

I hope you had a nice long weekend too. Thank you for sending those clarifications through on 14 January.

I can confirm that I am continuing to assess the variation request, noting that you are making minor updates to the request document.

Please reach out if you have any questions, look forward to receiving the updated request.

Kind regards

s. 22(1)(a)(ii)

OFFICIAL

From: s. 47F(1) <s. 47F(1) ecoaus.com.au>
 Sent: Tuesday, 27 January 2026 12:38 PM
 To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;
 s. 47F(1) habitatplanning.com.au; s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
 Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I hope you had a lovely long weekend. I am following up on the below - can you confirm you have continued with your assessment whilst the minor report updates are happening in the background?

Cheers,

s. 47F(1)
 s. 47F(1)

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

s. 47F(1)

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From: s. 47F(1) <s. 47F(1) ecoaus.com.au>
 Sent: Wednesday, January 14, 2026 3:22 PM
 To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;

s. 47F(1) habitatplanning.com.au <s. 47F(1) habitatplanning.com.au>; s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>

Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii),

Sincere apologies for the delay in getting back to you, and thanks for following up. I had a lovely break and hope you did too!

Please see responses below (in your original email) in blue.

s. 47F(1)
s. 47F(1)

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>

Sent: Wednesday, January 07, 2026 10:25 AM

To: s. 47F(1) <s. 47F(1) ecoaus.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>; s. 47F(1) habitatplanning.com.au <s. 47F(1) habitatplanning.com.au>; s. 47F(1) peterbowenhomes.com.au <s. 47F(1) peterbowenhomes.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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OFFICIAL

Hi s. 47F(1)

I hope you had a nice Christmas and new year break.

I am hoping to follow up on the below clarifications regarding the variation request for Brooklyn Fields Estate.

Please reach out if you have any questions regarding the below or would like to discuss further.

Kind regards

s. 22(1)(a)(ii)

OFFICIAL

From: s. 22(1)(a)(ii)

Sent: Wednesday, 17 December 2025 10:42 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1)@habitatplanning.com.au; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

Good morning s. 47F(1)

Following on from s. 22(1)(a)(ii)'s email, I am currently working on the variation request for EPBC 2024/09976. To assist in progressing the variation request (attached), I have a couple of queries regarding the information provided.

Details of the proposed variation

In accordance with section 5.08 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations), a request under subsection 156A(1) of the Act must contain details of the proposed variation to the action. To ensure that this has been addressed I am seeking clarification of the written descriptions in section 3 (of the variation request) compared with the information depicted in the maps, particularly Figure 2.

As I understand, the requested variation is for the inclusion of a portion of (stage four of) Thurgoona Link Road into the disturbance footprint and the removal of the southern extent of Thurgoona Link from the proposed action area. The variation request states that:

Within Figure 2, the red shaded road section depicted in the plans corresponds to Stage 5 of the Thurgoona Link Road, which is being delivered separately by the Albury City Council under an approved Review of Environmental Factors (REF). This area is proposed for removal as part of this variation request.

However, upon reviewing Figure 2, the red shaded areas (designated 'Stage 1' and 'Stage 2') comprise the 'proposed development footprint (not previously assessed)'.

Further, in Figure 2, 'Stage 1' and 'Stage 2' are enclosed by the zone designated 'Proposed development footprint (not previously assessed)' but are not within the zone designated 'Varied Development Footprint'.

Whilst my understanding is that the variation request is to add the areas designated 'Stage 1' and 'Stage 2' (Figure 2) into the development footprint, this is not clear from the map provided and the above description.

The reference to 'red' with respect to the section of the Link Road being delivered separately by Council, this should refer to the PURPLE section which is treated as Neutral Lands in Figure 1.

Yes you are right - the black hatching should extend into the red shaded areas.

I will have the maps and the text modified to ensure that the intent of the variation is clearly and consistently represented.

If accepted, the variation request would become a reference document and be made publicly available. Given this, and to allow for a decision regarding the variation request, I am seeking clarification of the details of the proposed variation to ensure it is accurate. Happy to discuss this and options such as updating the current maps and language used to describe the variation and/or including an additional simplified map depicting the referred action area, referred development footprint, varied action area and varied development footprint.

How the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal

Thank you for providing the comparison of impacts to MNES in Table 3 of the variation request.

Regarding impacts to *Crinia sloanei* (Sloane's froglet), Table 3 displays that there was a referred impact of 4.85 hectares (ha) and a proposed varied impact of 5.4 ha. However, section 7.2 of the variation request states that the referral assessed impacts to 2.37 ha of habitat for Sloane's froglet with no proposed increase to impacts for this species. Can you please confirm which of these figures is correct? Does the area of PCT 360 in the proposed varied action area comprise potential habitat for Sloane's Froglet?

The details provided in section 7.2 are correct - there is no additional impact to Sloane's Froglet, and the referred impact numbers are correct. I will update the s156 variation request to reflect this as well.

Other matters

As PCT 360 generally has the potential to comprise habitat and be associated with listed threatened species/communities, I want to ensure that I have understood the extent of increased impact to PCT 360 proposed by the requested varied action. Based on the 0.55 ha increase in impact to species such as *Calidris acuminata* (sharp-tailed sandpiper), is it correct for me to assume that the increase in impacts to PCT 360 is 0.55 ha?

Yes, that is correct.

If you would like to discuss any of the above further, feel free to call me on +61 2 5162 2609. I will reach out if I have any further queries.

Thank you

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Sent: Tuesday, 16 December 2025 11:57 AM

To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>;

s. 47F(1)@habitatplanning.com.au; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii)@dcceew.gov.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Hi s. 47F(1)

Thank you for providing the unredacted report and the proposed approach for surveys to support the further information request below.

s. 22(1)(a)(ii) is on leave, so I have asked s. 22(1)(a)(ii) (Cc'd) to look after this project whilst he is away. Note, this is also my last day until Friday 2nd January.

To concentrate effort and ensure the process continues to move over this time, we will firstly be working to determine whether the amended variation request provided 28th November and additional information provided in your email below constitutes a valid request under the Regulations. If so, we will then issue an invoice for payment for the variation request and commence the assessment to determine whether the variation can be accepted.

Following the assessment of the variation request (or simultaneously where possible), we will consider the outstanding information request and determine if there are elements we consider as having been met by the provision of the unredacted 2022 report and the proposed survey and offsetting approach below. As we have endorsed the NSW BAM and BOS, the approach provided below sounds reasonable, however, we will need to do a more comprehensive review to be sure.

I hope you have a relaxing and enjoying break, and I look forward to working with you on this in the new year.

Regards

s. 22(1)(a)(ii)

A/g Director

Environment Regulation Division | Environment Assessments NSW and ACT | Southern NSW Assessments

M s. 22(1)(a)(ii) | E s. 22(1)(a)(ii) dcceew.gov.au

OFFICIAL

From: s. 47F(1) <s. 47F(1) ecoaus.com.au>

Sent: Thursday, 11 December 2025 12:21 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;

s. 47F(1) habitatplanning.com.au; s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>

Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

Importance: High

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your call last week and email below. I have looked into why a redacted version of the constraints assessment was provided. Without having been directly involved at the time, I can only see that a redacted version was produced for the purposes of an FOI request, and for the public exhibition component of the referral. Under our scientific licence we can't disclose locations of certain threatened species records.

I have attached a version without any redactions to assist with your assessment.

As we discussed over the phone, surveys have not yet been completed for the MNES identified in the PD Further Information Request. I have discussed the species requiring survey with the client also in the context of the proposed offsetting strategy. As you aware, the land is biodiversity certified so further assessment and offset of impacts to entities listed under the BC Act is not required. Despite the certification of land, the client is proposing to offset any residual impacts using the Commonwealth endorsed NSW Biodiversity Offsets Scheme. I have checked with the BOS Helpdesk and they have advised that an offset obligation can be met using the BOS even when a state or local approval is not required, so long as there is some sort of approval that states an offset is required.

I have therefore reviewed the species identified as requiring survey in the PD RFI and have prepared the following table against their BAM credit type and proposed approach for surveys, assessment and offsetting.

I am hoping to get your endorsement of this approach ASAP, or any feedback, so I can plan accordingly.

Species	Credit type	Proposed approach for further assessment
Blue-winged Parrot	Ecosystem	No surveys proposed. Proposed to offset consistent with the BAM. As an ecosystem credit species, this species is offset concurrently with the vegetation.
Corben's Long-eared Bat	Ecosystem	No surveys proposed. Proposed to offset consistent with the BAM. As an ecosystem credit species, this species is offset concurrently with the vegetation.
Floating Swamp Wallaby-grass	Species	Surveys proposed in areas of potential habitat (pct 360)
Grey-headed Flying-fox	Dual - Ecosystem for foraging, species for breeding	No surveys proposed. This species would be assessed for foraging habitat as an ecosystem credit species as there are no camps present within the action area. As an ecosystem credit species, this species is offset concurrently with the vegetation.
Latham's Snipe	Not listed	Surveys proposed in areas of potential habitat (pct 360)
Sharp-tailed Sandpiper	Not listed	Surveys proposed in areas of potential habitat (pct 360)
Southern Whiteface	Ecosystem	No surveys proposed. Proposed to offset consistent with the BAM. As an ecosystem credit species, this species is offset concurrently with the vegetation.

Swift Parrot	Dual - species for Important habitat map, ecosystem for all other areas	Please see attached screenshot (PINK mapping) - the site is not mapped on the important habitat map and any impacts could be offset as an ecosystem credit, without survey. If this is not accepted, surveys would be completed.
Regent Honeyeater.	Dual - species for Important habitat map, ecosystem for all other areas	Please see attached screenshot (GREEN mapping) - the site is not mapped on the important habitat map and any impacts could be offset as an ecosystem credit, without survey. If this is not accepted, surveys would be completed.

Cheers,

s. 47F(1)
s. 47F(1)

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T s. 47F(1) | M s. 47F(1)

s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Sent: Wednesday, December 3, 2025 1:27 PM

To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1)@habitatplanning.com.au <s. 47F(1)@habitatplanning.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1)

Thank you for your email.

We will consider the updated document in relation to the s156 variation request and get back to you shortly.

Regarding the presence of the EPBC Act-listed ecological community Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (SHW), I again confirm that no decision has been made on the presence of the community in relation to the proposed action *Land clearing for development of Brooklyn Fields Estate (2024/09976)*. This is because the Department has not been provided sufficient information to assess the likelihood of the community's presence.

The information provided at the time of the referral is publicly available on the EPBC Act Public Portal: [Project Decision · EPBC Act Public Portal](#).

The referral information states that the wetland native vegetation that occurs within the proposed action area, specifically Gilgai patches, do not qualify as the SHW. I note that two separate ecological surveys were conducted that inform this conclusion, one prior to 30 June 2015 (AECOM, 2015; Attachment A to the referral), which is outdated and which notes the field assessment was not conducted in the appropriate season to complete detailed vegetation assessments, and the other in 2022 (ELA, 2022; Attachment B to the referral), for which, full survey details were not provided, and the document is heavily redacted.

Based on information available to the department at the time of the referral, including the lack of up to date survey information and the presence of Gilgai habitat which the ecological community is synonymous with, the department considered the ecological community was likely be present within the proposed action area and subsequently sought further information as noted in the department's further information request of 23 May 2025 (attached).

I note that we are still awaiting a response to the further information request, however, as noted in my letter of 13 October 2025 (attached), I consider the provision of an unredacted version of the Review of Ecological Assessment dated 20 October 2022 provided with the referral, and the survey data and results (including maps) used to inform this report (if available), may satisfy much of the outstanding information relating to the original proposal, particularly in relation to the SHW.

Can you please confirm if an unredacted version of the 2022 report and any available supporting data can be provided?

We are keen to progress the assessment of both the proposed action and proposed variation. Any further information that can be provided to support this, would be most useful.

Please reach out if you wish to discuss further.

Thanks

s. 22(1)(a)(ii)

A/g Director

Environment Regulation Division | Environment Assessments NSW and ACT | Southern NSW Assessments

M s. 22(1)(a)(ii) | E s. 22(1)(a)(ii) dceew.gov.au

OFFICIAL

From: s. 47F(1) <s. 47F(1) ecoaus.com.au>

Sent: Friday, 28 November 2025 5:09 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dceew.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dceew.gov.au>; s. 47F(1) <s. 47F(1) ecoaus.com.au>;

s. 47F(1) habitatplanning.com.au; s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>

Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii),

Thank you for your patience as I have worked through your requests for the s156 variation request. Please find attached the updated document. Please note I have included a table at the beginning which documents the Departments requests and where these have been addressed in the report.

I trust this addresses your concerns and queries regarding the initial s156 variation request. If you have any questions please let me know.

In addition, I would like written clarification on one matter. You will recall that in our meeting earlier this year, ELA on behalf of Bowenville Development was seeking clarification on the treatment of PCT 360 - Gilgai Mosaic as the EPBC Act listed community Seasonal Herbaceous Wetlands. Concerns were raised that DCCEEW had made a decision that the TEC was present based on information presented in a Biosis report, which did not form part of the proponents' referral package. This was discussed at length in the meeting.

s22(1)(a)(ii) assured both ELA and Bowenville that no decision had been made on the presence of the Seasonal Herbaceous Wetlands TEC and that a fair assessment of the presence / absence of the TEC would be made during the assessment of PD.

I am raising this again, as during my review of the s156 I read in detail the PD requirement requests. The requirements are worded in such a way that it appears DCCEEW had concluded the presence of the community during the assessment of the referral. Please see my screenshot below, particularly the section highlighted in yellow and circled in red. This wording explicitly states that SHW is considered present in the action area and likely to be significantly impacted.

Given the discrepancy in our discussions earlier this year about how SHW was being treated by DCCEEW and the ongoing concern of obtaining a fair assessment, can you please confirm via email that no decision has been made by DCCEEW on the presence of SHW, and this will be determined during assessment of the PD? This was the outcome of our meeting earlier this year.

Released by the National EPA under the FOI Act 1982

2. Controlling provisions

Note that below may not be a complete list for the controlling provisions and it is your responsibility as the proponent, to ensure that any species or ecological communities and migratory species under the EPBC Act which will or are likely to be impacted by the proposed action, are assessed for the Minister's consideration.

It is also the responsibility of the proponent to maintain awareness of any changes to species distributions. Please ensure that a recent [Protected Matters Search Tool](#) has been generated and used during the assessment stage before finalising the draft preliminary documentation.

2.1 Listed threatened species and communities

Under this controlling provision, any listed threatened species or communities are potentially relevant to the assessment. However, based on the information provided in your referral, and available information, the department specifically requires additional information in relation to the following listed species and ecological communities which are known to occur and likely to be impacted:

- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains – Critically Endangered;
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – Critically Endangered; and
- Sloane's Froglet (*Crinia sloanei*) – Endangered.

There is evidence that other listed species under the EPBC Act may also be present, or have been present, on or within the vicinity of the proposed action area, and may also be impacted by the proposed action, so additional information is also required on the following species:

- Blue-winged Parrot (*Neophema chrysostoma*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Floating Swamp Wallaby-grass (*Amphibromus fluitans*) – Vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
- Latham's Snipe (*Gallinago hardwickii*) – Vulnerable and Migratory
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable and Migratory

Cheers,

s. 47F(1)
s. 47F(1)

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T s. 47F(1) | M s. 47F(1)

s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Sent: Monday, October 27, 2025 11:56 AM

To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1)@habitatplanning.com.au <s. 47F(1)@habitatplanning.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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OFFICIAL

Hi s. 47F(1)

Thank you for your email. Please note that our aim is to progress this project efficiently, without creating double handling, unnecessary delays, or additional work.

Our preference is to receive the Preliminary Documentation (PD) together with any other relevant information. However, if you do not wish to submit the PD for information, we ask that you provide what you consider to be sufficient material for the department and the delegate to make an informed variation decision.

To make an informed decision, the department requires all relevant information on any potentially significantly impacted EPBC-listed threatened species, ecological communities, and migratory species. This information should clearly outline both the referral and the variation, supported by evidence, surveys, and data that demonstrate what is, and is not, likely to be significantly impacted. A thorough understanding of both the referral and variation stages is essential to ensure the department can determine the differences between the referral and proposed variation, and if it is acceptable under the

EPBC Act. Based on this please provide the information you consider sufficient. Note that if the submitted information is not considered to satisfy the information requirements prescribed by the EPBC Regulations, the department may ask for further clarification. Similarly, if the submitted information satisfies the EPBC Regulations, but further information is required to determine acceptability, the department may request further information under section 156C of the EPBC Act.

Avoidance, Mitigation, and Offset measures can be addressed in the PD, rather than in the Variation Further Information Request. If your variation does not have any potential to cause a new or increased impact on any protected matters, a new PMST report may not be necessary. To support your assessment, it may be necessary to conduct a new PMST search, especially if the change could affect different or additional protected matters than originally identified.

I look forward to receiving the information you consider sufficient shortly.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

OFFICIAL

From: s. 47F(1) <s. 47F(1)ecoaus.com.au>
Sent: Thursday, 23 October 2025 12:50 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <s. 47F(1)ecoaus.com.au>; s. 47F(1) <s. 47F(1)habitatplanning.com.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>
Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for getting back to me. It might be best if we chat over the phone about this. Providing the PD could be a solution, however I think providing it at this stage is premature and I would like to find an alternative solution.

I can see that some elements of section 3.1 of the PD RFI would be beneficial to support the variation, however not all of it. Can you please let me know whether there is a middle ground? Do you want to schedule time in to discuss?

Cheers,

s. 47F(1)

s. 47F(1)

s. 47F(1)

Eco Logical Australia - A Tetra Tech Company

T s. 47F(1) | M s. 47F(1)

s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>

Sent: Tuesday, October 21, 2025 1:36 PM

To: s. 47F(1) <s. 47F(1)ecoaus.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <s. 47F(1)ecoaus.com.au>; s. 47F(1)habitatplanning.com.au <s. 47F(1)habitatplanning.com.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>

Subject: RE: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1)

In your email, you mentioned that the information has been addressed in the PD. Could you please provide the PD, as it may address the questions we have regarding the variation.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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From: s. 47F(1) <s. 47F(1)ecoaus.com.au>
 Sent: Friday, 17 October 2025 1:12 PM
 To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>
 Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <s. 47F(1)ecoaus.com.au>; s. 47F(1) <s. 47F(1)habitatplanning.com.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>
 Subject: Re: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a),

Thank you for sending through the response to the s156 variation request. I am in the process of updating the s156 request and have some questions for you:

1. Satisfy Section 3.1 of the Preliminary Documentation RFI

Section 3.1 requests a lot of information which has been addressed in the PD. Can you clarify which parts of Section 3.1 you would like addressed in the s156 request? I am conscious that including everything will make the variation quite lengthy. Is it suitable to include information on the following dot points, and not address the requirements outlined in Table 1 and 2? I have ticked the items in yellow that I think are relevant for the s156. For the assessment and quantification of potential impacts (3rd last dot point) I have proposed a summary rather than a detailed discussion.

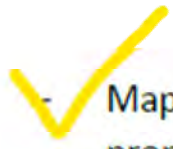
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3. Further Information required

3.1 Species and ecological community occurrence and potential impacts

In considering the above listed species and communities, the preliminary documentation include the following:

- A discussion of and information on the occurrence and extent of each species and community identified in section 2.
- Records from surveys undertaken for this proposed action and any historical data (EPBC listed species only) in and around the proposed action area (include a map).
- Targeted surveys for Floating Swamp Wallaby-grass undertaken within the past 5 years of the date of this request.
 - Detail the survey methodology used and provide the survey results.
- If relevant, provide information that identifies important populations which are known to utilise habitat within the proposed action area.
- Information on the extent of habitat for the species and communities in the proposed action area, including:
 - How many hectares of habitat are on site.
 - Reference to habitat requirements detailed in the species' listing advice, conservation advice, and/or recovery plan.
 - Specifications of the type(s) of habitat available (e.g., whether the habitat varies in suitability for foraging, breeding, dispersal, etc.).
 - Description of key habitat features (e.g., hollow bearing trees).



Maps depicting areas of habitat for the above listed species and community within the proposed action area. If it is concluded that no habitat is present, provide a reason why and append supporting documentation. The Department also recommends

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to providing maps and boundary data for EPBC Act projects¹ is reviewed in
of the preliminary documentation maps.



- An assessment and quantification of all potential impacts (including direct, indirect and cumulative impacts) that may occur as a result of all project phases and the proposed action on each threatened species and ecological community listed in the assessment. Include how many hectares of habitat or individuals are proposed for clearance, the number of hollow bearing trees proposed for clearance (if relevant), impacts to movement of the action to adjacent areas likely to contain threatened species and communities.



- Updated tests of significance, if any updates or additional species or communities above were not considered in the documentation provided for the referral.
- In responding to the above listed requirements, also include information requested in **Table 2** of this document.

This refers to the below.

Section 3.2 of the PD RFI is avoidance and mitigation measures, and section 3.3 of the PD RFI is offsets. Given the two dot points are requesting very similar information, can you please provide more guidance on what you would like addressed (PD RFI or general discussion) and what level of detail you would like to see?

Given that sections 3.2 and 3.3 of the PD RFI will be addressed in detail in the PD, I propose that a general discussion is included to address avoidance, mitigation and offsets relative to the MNES that are being assessed in the variation request.

As the s156 is proposing a variation to the referral, the varied impacts (if approved) will also be addressed in detail in the PD.

- If applicable, a response to sections 3.2 and 3.3 of the further information request 23 May 2025 in relation to the original proposal (Attachment C).
- If applicable, alternatives, mitigation measures and offsets to compensate for adverse matters of national environmental significance in relation to the proposed variation.

3. Inclusion of survey data and results

The area subject to the variation sits within the referred action area, however not within the development footprint (this will be clarified in our resubmission). The original PMST, survey data and results that were used to inform the referral are directly relevant and applicable to the area subject to the variation.

If the area subject to the variation is not outside of the previously referred area, and was included in our original literature and data review / surveys etc:

- Do we need to re-do the PMST?
- do you want to see updated applications of the significant impact criteria for matters relevant to the variation? Is this necessary if the project has already been deemed a controlled action with part 3 being the controlling provision?
- What survey data would you like to see?

I am on carers leave today, but can chat Monday over the phone if that is easier?

Cheers,

s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>

Sent: Monday, October 13, 2025 12:57 PM

To: s. 47F(1) <s. 47F(1)ecoaus.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1)

<s. 47F(1)ecoaus.com.au>; s. 47F(1) @ecoaus.com.au;

s. 47F(1)habitatplanning.com.au <s. 47F(1)habitatplanning.com.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>

Subject: Request to vary the proposal to take the action Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Good afternoon,

Please find attached the letter and supporting documents outlining the decision regarding the validity of the request to vary the proposed action for the Land Clearing for Development of Brooklyn Fields Estate, NSW (EPBC 2024/09976). Please let me know if you have any further questions or concerns.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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From: s. 22(1)(a)(ii)
Sent: Friday, 20 March 2026 11:30 AM
To: s. 22(1)(a)(ii)
Subject: FW: Approval to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

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From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Sent: Wednesday, 18 March 2026 12:55 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <david@habitatplanning.com.au>
Subject: RE: Approval to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Beauty, thanks for clarifying!



s. 47F(1)
s. 47F(1)

P: s. 47F(1)
M: s. 47F(1)

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>
Sent: Wednesday, 18 March 2026 12:15 PM
To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <david@habitatplanning.com.au>

Subject: RE: Approval to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1)

The reference to the EPBC survey guidelines is in relation to the five-year timeframe which applies to the survey efforts and information required in the PD. The NSW BAM is endorsed by the Department and can be used for this project to meet the survey requirements for Swift Parrot and Regent Honeyeater.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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From: s. 47F(1) <s. 47F(1)ecoaus.com.au>
Sent: Wednesday, 18 March 2026 11:29 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>;
s. 47F(1) <s. 47F(1)peterbowenhomes.com.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)dcceew.gov.au>; s. 47F(1) <david@habitatplanning.com.au>
Subject: RE: Approval to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a)

Thanks for getting back to me and for sending the link to the EPBC Act survey requirements. Just confirming – your reference to the EPBC Act survey guidelines is only with respect to survey currency, and not the specific survey effort or method for the MNES subject to assessment in the PD?

When to survey

Some surveys can take more than a year to complete if you need to wait for the right season. So plan field surveys and all your data needs well before you submit referral.

We generally can't accept survey data that's more than 5 years old because:

- populations of species can change due to fires, drought, flooding and land management changes
- some species' ranges can shift due to climate change.

If your data is older than 4 years when you start planning your project, you might need to do another survey.

Self-assessments and surveys



s. 47F(1)
s. 47F(1)

P: s. 47F(1)
M: s. 47F(1)

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Sent: Wednesday, 18 March 2026 9:20 AM

To: s. 47F(1) <s. 47F(1)@ecoaus.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <david@habitatplanning.com.au>

Subject: RE: Approval to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 47F(1)

After internal discussions, we can confirm that the BAM may be used to meet the survey requirements in the PD including for Swift Parrot and Regent Honeyeater as per the proposed approach in your previous email.

Please note that credit calculations must rely on survey data that is less than five years old, in accordance with the BAM Operational Manual – Stage 1, section 3.4 plus [our own requirements](#). Please ensure that any vegetation survey data used to confirm the presence of foraging habitat for the species, or to inform ecosystem credit calculations, meets this age requirement.

Please let me know if you have any further questions.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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From: s. 47F(1) <s. 47F(1) ecoaus.com.au>

Sent: Tuesday, 17 March 2026 3:29 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>;

s. 47F(1) <s. 47F(1) peterbowenhomes.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) dcceew.gov.au>; s. 47F(1) <david@habitatplanning.com.au>

Subject: RE: Approval to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Hi s. 22(1)(a),

Any update on the below after our phone call yesterday?

Cheers,



s. 47F(1)

s. 37(1)

P: s. 47F(1)

M: s. 47F(1)

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From: s. 47F(1) <s. 47F(1)@ecoaus.com.au>
Sent: Friday, 13 March 2026 5:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <david@habitatplanning.com.au>
Subject: RE: Approval to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]
Importance: High

Hi s. 22(1)(a)(ii)

Thank you for sending through the approval to vary EPBC 2024/09976.

s. 22(1)(a)(ii) further to our previous emails (see attached for reference) I would like to confirm the assessment pathway for Regent Honeyeater and Swift Parrot. As I previously mentioned we are hoping to utilise the endorsement of the Biodiversity Assessment Method for survey and offsetting requirements to meet the survey requirements in the PD.

I am hoping you could provide additional guidance regarding whether plan presented in my email is acceptable, particularly with reference to the Swift Parrot and Regent Honeyeater? Both of these species are dual credit species under BAM, however do not require surveys.

Surveys have been replaced with the Important Areas Habitat Map for both species. If the map is present, offsets are required. In the absence of mapping, offsets are not required. The site is not currently mapped on the IAHM for either Swift Parrot or Regent Honeyeater. However, as the survey season has commenced for Swift Parrot and shortly for Regent Honeyeater, I would like to confirm.

Please let me know if you are in agreement (or not) and I can continue to plan accordingly to finalise the PD. We are very close to having a final draft.

Cheers,

s. 47F(1)



s. 47F(1)
 s. 37(1)
 P: s. 47F(1)
 M: s. 47F(1)

Please note I don't work Thursdays.

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>

Sent: Tuesday, 3 March 2026 9:24 AM

To: s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>; s. 47F(1) <s. 47F(1)@peterbowenhomes.com.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@dcceew.gov.au>; s. 47F(1) <s. 47F(1)@ecoaus.com.au>

Subject: Approval to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976) [SEC=OFFICIAL]

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Good morning s. 47F(1)

A delegate of the Minister has approved the project variation for Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976).

Please see attached for a letter with further information and the notice which will be published on the department's website shortly.

Please let me know if you have any questions or concerns.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water

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Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC 2024/09976

s. 47F(1)

Director

Bowenville Developments Pty Ltd

s. 47F(1) peterbowenhomes.com.au**Decision on request to vary proposal - Land clearing for development of Brooklyn Fields Estate, NSW (EPBC 2024/09976)**

Dear s. 47F(1)

I refer to your correspondence, dated 30 January 2026, requesting under section 156A of the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) that the Minister for the Environment and Water accept a variation of the proposal to construct a residential development, link road and associated infrastructure in Thurgoona, NSW, in the Albury City Council Local Government Area.

As a delegate of the Minister, I have reviewed the varied proposal and considered all relevant matters in the submitted documentation, including your responses to the additional information requested by the department and received on 11 December 2025 and 14 January 2026. In accordance with section 156B of the EPBC Act, I have decided to accept the varied proposal.

Your request for the Minister to accept the varied proposal and the notice of the decision (attached) will be published on the department's website.

I note that any provisions of Chapter 4 of the EPBC Act which applied to the original proposed action, before the variation request was made, now apply to the varied proposal. For the purpose of these provisions, anything done in relation to the original proposal is taken to have been done in relation to the varied proposal.

If you have any questions about the assessment process or this decision, please contact the project manager, s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii) dcceew.gov.au and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director
Southern NSW Assessments

2 March 2026

DCCEEW.gov.au

John Gorton Building - King Edward Terrace, Parkes ACT 2600 Australia
GPO Box 3090 Canberra ACT 2601 ABN: 63 573 932 849
LET 602 v1.0

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 22 September 2025 3:49 PM
To: s. 47F(1)
Cc: s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 47F(1)
Subject: Land clearing for development of Brooklyn Fields Estate NSW (EPBC 2024/09976)

Good afternoon s. 47F(1)

Apologies for missing your call earlier today. We are currently reviewing the variation request for Land clearing for development of Brooklyn Fields Estate NSW (EPBC 2024/09976) in line with the EPBC Act legislation and regulations and will be back in touch with you shortly.

Please contact me by email if you have any additional questions or concerns.

Kind regards,

s. 22(1)(a)(ii)

Senior Assessment Officer

Environment Regulation Division | Environment Approvals NSW and ACT | Southern NSW
Assessments

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600, GPO Box 3090
Department of Climate Change, Energy, the Environment and Water