

EPBC Referral 2021/8968 Preliminary Documentation Public Submissions Response Summary 414 Old Maitland Road, Mardi, NSW.

Submissions Received:

- **For:** No submissions received supporting the EPBC Referral
- **Against:** Two submissions received not supporting the EPBC Referral

Summary of Submissions

Key issues that have been identified include:

- Impacts to threatened species and ecological communities on site;
- Impacts to other potential species' impacts noted in the application and subject to the EPBC Act;
- Impacts to hydrology and acid sulphate soils; and
- Meeting the Principles of Ecologically Sustainable Development.

Considerations towards Avoid, Minimise and Offsetting

It is to be noted that avoid, minimise and offsetting strategies have been implemented from the commencement of project whereby, at the rezoning stage the entire property, including what has now become the Stewardship Site was proposed for development.

As part of the avoid, minimise and offset strategy, Transnational Pastoral Pty Ltd, undertook a rezoning of Lot 1 in DP 120512, Lot A in DP 396415, Lot 1 in DP 554423, Lot 101 in DP 604655, Lot 1 in DP 229970, Lot 1 in DP 229971, Lot 41 in DP 123953 and Lot 36 in DP755249 in order to be able to develop the lands into a residential subdivision

As part of the rezoning, a Voluntary Planning Agreement (VPA) between Central Coast Council and Transnational Pastoral Pty Ltd was executed. A key obligation within the VPA was that Transnational Pastoral Pty Ltd, agreed to securing 120ha of land to offset the impacts that would be associated with the rezoning of the land and subsequent residential subdivision. During the rezoning process it was identified that the remnant tracts of native vegetation within the site which included the side slopes and ridges, were to be retained and excluded from the proposed development footprint, thus, focussing the development within areas of previously cleared and managed farm land that are highly disturbed.

Transnational Pty Ltd, secured 120ha of offset land as per the original agreement under the VPA and an additional 22ha of offset land adjoining the proposed residential subdivision. This took the total offset lands to 142ha, forming the Stewardship Site as part of the commitment within the VPA. The Stewardship Site lands have been identified to provide a substantial portion of Like for Like habitat required to offset the impacts of the residential subdivision.

Additionally, the Avoid and Minimise measures proposed for the residential subdivision that includes; retention of lands, rehabilitation of riparian corridors, within the residential subdivision, and native landscape planting within the proposed residential subdivision footprint, addresses the Avoid and Minimise requirements of the Biodiversity Assessment. Further to this, the proposed Avoid and Minimise measures will contribute to the broader conservation of remnant native vegetation within the Central Coast region whilst assisting with the economic growth and development of the region.

Table 1 – Submission A and B

Submissions Summary & Response Comments		
Submission	Issue	Response
Submission A and B	Significant impacts on threatened species	<p>Impacts upon threatened species on site have been identified and acknowledged. Impacts have been addressed in the following ways:</p> <ul style="list-style-type: none"> - Avoidance - Minimise - Offsetting <p>It is to be noted that avoid, minimise and offsetting strategies have been implemented from the commencement of project whereby at the rezoning stage the entire property, including what has now become the Stewardship Site was proposed for development. As part of the avoid, minimise and offset strategy during the rezoning process the side slopes and ridges located within the site were excluded from the proposed development footprint, thus, focussing the development within areas of previously cleared and managed farm land that are highly disturbed.</p> <p>The implementation of the Stewardship Site is a key component to the conservation of a substantial portion of remnant woodland within the Central Coast region and represents the key areas where the development has avoided, minimised and offset proposed impacts associated with the development.</p> <p>Refer to Preliminary Documentation for further information in regards to Avoidance, Minimise and Offsetting associated with the development;</p> <p>1910.10 EPBC AIR 2021-08-23</p> <ul style="list-style-type: none"> - For a detailed summary of avoid and minimise management practices and offsets associated with <i>Melaleuca biconvexa</i> and <i>River-flat Eucalypt Forest</i> <p>1910.02 - Mardi Subdivision BDAR Rev 02 2021-06-28 – Stage 2</p> <ul style="list-style-type: none"> - For avoid and minimise management practices and offsets associated with <i>Melaleuca biconvexa</i>, <i>Syzygium paniculatum</i> and <i>River-flat Eucalypt Forest</i> <p>1910.06 BSSAR Mardi 2021-06-28</p> <ul style="list-style-type: none"> - For avoid and minimise management practices and offsets associated with <i>Melaleuca biconvexa</i>, <i>Syzygium paniculatum</i> and <i>River-flat Eucalypt Forest</i>
Submission A and B	Impacts to <i>River-flat Eucalypt Forest</i> on coastal floodplains of southern New South Wales and eastern Victoria (<i>River-flat Eucalypt Forest</i>) – Critically Endangered	<p>Refer Section 1.1 of preliminary documentation 1910.10 EPBC AIR 2021-08-23 for a detailed summary of avoid and minimise measures associated with impacts to the River-flat Eucalypt Forest.</p> <p>The patch size of Plant Community Type (PCT) 1720 within the residential subdivision footprint is 8.38ha. PCT 1720 within the proposed residential subdivision area is highly fragmented and disturbed by regular grazing and slashing practices undertaken as part of the farm activities that occur on site refer Figure 5 of the Biodiversity Development Assessment Report (BDAR). It is likely that this fragmentation, disturbance and continual management has led to imbalances within the dynamic system and disconnect with broader patches of vegetation in adjoining lands.</p> <p>Out of this 8.38ha, a total of 0.34ha has been proposed to be retained and rehabilitated in the north east corner of the proposed residential subdivision. This area is connected to patches of the same vegetation type within the adjoining proposed Stewardship Site Lands.</p> <p>In-line with the Commonwealth endorsing the NSW Biodiversity Offsets Scheme (BOS) for all controlled actions under the EPBC Act. Proponents are able to meet their offset obligations in accordance with the BOS.</p> <p>To satisfy the above requirement, The proponent has undertaken a Biodiversity Stewardship Site Assessment Report (BSSAR) in lands directly adjoining the residential subdivision to contribute to offsetting the impacts associated with the residential subdivision.</p> <p>The Stewardship Site proposes to retain and manage 3.37ha of PCT 1720. This will ensure that the PCT within the immediate vicinity of the proposed development will be managed in perpetuity to ensure that the remnant stand of vegetation is conserved and remains connected to other patches of vegetation in the general area as a direct result of the development proceeding.</p> <p>Remaining offset credits outlined in the BDAR have been assessed against the total area of PCT 1720 to be impacted and what is to be retained and offset within the Stewardship Site. Credits will be retired as required prior to construction.</p>
Submission A and B	Impacts to Biconvex Paperbark (<i>Melaleuca biconvexa</i>) (Vulnerable)	<p>Refer Section 1.2 of preliminary documentation 1910.10 EPBC AIR 2021-08-23 for a detailed summary of avoid and minimise measures associated with impacts to the Biconvex Paperbark.</p> <p>The species polygon determined for this species within the residential subdivision area comprised a total of 1.84ha of native vegetation within various PCTs identified on site that would be impacted by the development.</p> <p>In-line with the Commonwealth endorsing the NSW Biodiversity Offsets Scheme (BOS) for all controlled actions under the EPBC Act. Proponents are able to meet their offset obligations in accordance with the BOS.</p> <p>To satisfy the above requirement, The proponent has undertaken a Biodiversity Stewardship Site Assessment Report (BSSAR) in lands directly adjoining the residential subdivision to contribute to offsetting the impacts associated with the residential subdivision. Within the BSSAR it has been identified that 12.6ha of <i>Melaleuca biconvexa</i> species buffers occur within the Stewardship Site which will directly offset the impacts associated with the residential subdivision.</p> <p>The area within the Stewardship Site will be managed in perpetuity to ensure that the remnant stand of vegetation is conserved and remains connected to other patches of vegetation in the general area as a direct result of the development proceeding.</p>

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Submission A and B	Impacts to Scrub Turpentine (<i>Rhodamnia rubescens</i>) (Critically Endangered)	<p>Refer Stage 2 of preliminary documentation 1910.02 - Mardi Subdivision BDAR Rev 02 2021-06-28 and 1910.06 BSSAR Mardi 2021-06-28 for details of avoid and minimise measures associated with impacts to the <i>Rhodamnia rubescens</i>.</p> <p>An extensive amount of field survey has been carried out to identify populations of threatened flora species <i>Rhodamnia rubescens</i>, <i>Melaleuca biconvexa</i> and <i>Syzygium paniculatum</i> that have been identified to occur within the residential subdivision area. The species identified within the residential subdivision area will not be avoided but the impacts to these species will be offset within the Stewardship Site as field surveys have identified healthy populations of these species within the Stewardship Site.</p> <p>In-line with the Commonwealth endorsing the NSW Biodiversity Offsets Scheme (BOS) for all controlled actions under the EPBC Act. Proponents are able to meet their offset obligations in accordance with the BOS.</p> <p>To satisfy the above requirement, The proponent has undertaken a Biodiversity Stewardship Site Assessment Report (BSSAR) in lands directly adjoining the residential subdivision to contribute to offsetting the impacts associated with the residential subdivision.</p> <p>Current habitat identified for species such as <i>Rhodamnia rubescens</i> that have a high biodiversity risk weighting will be removed. The habitat will be offset within the Stewardship Site. 33 number of stems will be removed whilst 319 number of stems will be retained within the Stewardship Site.</p> <p>It is also proposed that <i>Rhodamnia rubescens</i> that is proposed to be removed as part of the development is translocated prior to clearing into a designated area within the Stewardship Site to avoid total impact to the identified plants within the Subject Site. It is proposed that this area be monitored, treated with fungicide as required.</p> <p>Site specific management actions are proposed to control myrtle rust within the <i>Rhodamnia rubescens</i> population in order to improve condition and overall health of the population within the Stewardship Site. Studies have shown (Carnegie 2016), that monthly fungicide application can be effective in controlling myrtle rust, particularly during spring and summer when plants are more susceptible when in flush of new growth. The Biodiversity Stewardship Site Management Plan contains further details of the proposed management actions, monitoring requirements, and references papers.</p> <p>Although the species may be impacted by the development, it is considered that the management of local populations within the Stewardship Site will provide a net benefit for the species in the area and ensure that the local population is managed and improved as part of the development.</p>
Submission A	Impacts to Magenta Lilly Pilly (<i>Syzygium paniculatum</i>) (Endangered – NSW)	<p>Refer Stage 2 of preliminary documentation 1910.02 - Mardi Subdivision BDAR Rev 02 2021-06-28 and 1910.06 BSSAR Mardi 2021-06-28 for details of avoid and minimise measures associated with impacts to the <i>Syzygium paniculatum</i>.</p> <p>An extensive amount of field survey has been carried out to identify populations of threatened flora species <i>Rhodamnia rubescens</i>, <i>Melaleuca biconvexa</i> and <i>Syzygium paniculatum</i> that have been identified to occur within the residential subdivision area. The species identified within the residential subdivision area will not be avoided but the impacts to these species will be offset within the Stewardship Site as field surveys have identified healthy populations of these species within the Stewardship Site.</p> <p>In-line with the Commonwealth endorsing the NSW Biodiversity Offsets Scheme (BOS) for all controlled actions under the EPBC Act. Proponents are able to meet their offset obligations in accordance with the BOS.</p> <p>To satisfy the above requirement, The proponent has undertaken a Biodiversity Stewardship Site Assessment Report (BSSAR) in lands directly adjoining the residential subdivision to contribute to offsetting the impacts associated with the residential subdivision.</p> <p>Two <i>Syzygium paniculatum</i> are expected to be impacted by the development. With three being retained within the Stewardship Site.</p> <p>Although the species may be impacted by the development, it is considered that the management of local populations within the Stewardship Site will provide a net benefit for the species in the area and ensure that the local population is managed and improved as part of the development.</p>
Submission B	Other potential species' impacts noted in the application and subject to the EPBC Act.	<p>Refer to preliminary documentation 2021-8968 - referral – FINAL Signed and 1910.02 - Mardi Subdivision BDAR Rev 02 2021-06-28 - Appendix I - Other Legislation ; for reference to other EPBC listed species referred to as part of the EPBC Referral.</p> <p><i>Chalinolobus dwyeri</i> (Large-eared Pied Bat)</p> <p>This species was identified by calls over the ultrasonic recording during the survey periods. It is likely that this species was foraging within the site and no breeding places are expected to be located within 100 m of the site. However, there is potential for small caves and crevices to be located within the Stewardship Site and further to the west outside of the broader Study Area along escarpments and steeper slopes. The proposed development will not lead to long term decrease in population due to the high mobility of the species and proposed stewardship site, restoring foraging and connectivity habitat for the species. The proposed development is in area of fragmented habitat and is unlikely to have an adverse impact on this species. In addition to this, the proposal is not likely to increase invasive species or disease. Given that only a very small amount of marginal</p>

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		<p>foraging habitat would be removed, this development is unlikely to significantly impact on the species or its recovery within the local area. Therefore, it has been determined that there is not a significant impact.</p> <p><i>Pteropus poliocephalus</i> (Grey-headed Flying Fox)</p> <p>This species was observed during nocturnal surveys feeding within the Subject Site. No maternity or roosting colony was observed within or near the Subject Site. Considering there is a substantial amount of remnant vegetation connected to the Subject Site and the remnant vegetation within the Subject Site is more confined to the edges, it is considered unlikely that the clearing of remnant vegetation within the Subject Site will impact significantly impact this highly mobile species. The proposed development will not lead to long term decrease in population due to the high mobility of the species and proposed stewardship site, restoring foraging and preserving connectivity habitat for the species. The proposed development is in area of fragmented habitat and is unlikely to have an adverse impact to the population. The proposal is not likely to increase invasive species or disease. Given that only a very small amount of marginal foraging habitat would be removed, this development is unlikely to substantially impact on the species or its recovery within the local area. Therefore, it has been determined that there is not a significant impact.</p>
Submission A and B	Alteration of hydrological processes that have the potential to impact water and nutrient dispersal across the site and impact threatened ecosystems that require gentle groundwater percolation from the higher areas that naturally inundate the flood plain community.	<p>Refer to Flood Assessment Report for detailed modelling and assessment of the site demonstrating the movement and management of water within the site.</p> <p>The retention of land within the Stewardship Site will still allow for broadscale water flow and nutrient dispersal to continue over the land to ensure that natural dispersal, percolation and recharging of aquifers occurs in the area, feeding the flood plain communities to the east of the site.</p> <p>This natural function will be maintained through Deep Creek which reports to Wyong River and will contribute to the maintenance of biological diversity and ecological function for the ground water dependent ecosystems and threatened species in the area such as <i>River-flat Eucalypt Forest</i> and <i>Melaleuca biconvexa</i> that is associated with Deep Creek within the Stewardship Site.</p> <p>Within the residential subdivision area, the collection and movement of water through the site from the west will initially be managed via a drainage system that reports to a stream within the E3 zoned land within the site. The E3 zoned land will be will be maintained and managed under a Vegetation Management Plan whereby a natural creek will be reinstated and rehabilitated as a natural drainage line with native species endemic to the area.</p> <p>This drainage line will maintain the required ecosystem function to ensure that the natural movement of water occurs on site and recharges the underground aquifers and will maintain the biological diversity and ecological function for the groundwater dependent ecosystems and threatened species in the area such as <i>River-flat Eucalypt Forest</i> and <i>Melaleuca biconvexa</i> that is associated with Deep Creek within the Stewardship Site.</p> <p>This drainage line within the E3 will report to Deep Creek where it will proceed to flow towards Wyong River.</p> <p>It is not anticipated that the development will alter the water flow in such a way that the ground water dependent ecosystems and threatened species will be impacted.</p>
Submission A and B	Hydrological changes through artificial drainage that has the potential to impact acid sulphate soils and disturb the land.	<p>Refer to Flood Assessment Report (NL172504_E02_Flood Assessment Report [A]) and Soil Report (P1706264JR03V03 210323 Preliminary Geotechnical and Acid Sulfate)</p> <p>As stated above, the preservation of land surrounding the development, including Deep Creek and the rehabilitation of the E3 zoned land and associated drainage line will ensure that natural hydrological processes occur throughout the site. All proposed works within the Deep Creek have been proposed to restore natural flow regimes and the works will be undertaken in accordance with Roads and Traffic Authority, 2005 Guidelines for the Management of Acid Sulfate Materials, as this is best practice for all construction works within NSW.</p>
Submission A	Meeting the Principles of Ecologically Sustainable Development;	<p>It is noted here that this development has addressed the core principles of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) through meeting the Principles of Ecologically Sustainable Development;</p> <p>Definition: Ecologically Sustainable Development</p> <p><i>Ecologically Sustainable Development of natural resources means use of the natural resources within their capacity to sustain natural processes while maintaining the life support systems of nature and ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations.</i></p> <p>3A Principles of Ecologically Sustainable Development.</p> <p>The following principles are principles of ecologically sustainable development:</p> <p>(a) decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations;</p>

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		<p>Transnational Pastoral Pty Ltd, undertook a rezoning of Lot 1 in DP 120512, Lot A in DP 396415, Lot 1 in DP 554423, Lot 101 in DP 604655, Lot 1 in DP 229970, Lot 1 in DP 229971, Lot 41 in DP 123953 and Lot 36 in DP755249 in order to be able to develop the lands into a residential subdivision. As part of the rezoning, a Voluntary Planning Agreement (VPA) between Central Coast Council and Transnational Pastoral Pty Ltd was executed. A key obligation within the VPA was that Transnational Pastoral Pty Ltd, agreed to securing 120ha of land to offset the impacts that would be associated with the rezoning of the land and subsequent residential subdivision.</p> <p>Transnational Pty Ltd, secured 142ha of residual land adjoining the proposed residential subdivision area to form the Stewardship Site as part of the commitment within the VPA. The Stewardship Site lands have been identified to provide a substantial portion of Like for Like habitat required to offset the impacts of the residential subdivision. Additionally, the Avoid and Minimise measures proposed for the residential subdivision that includes; retention of lands, rehabilitation of riparian corridors, within the residential subdivision, and native landscape planting within the proposed residential subdivision footprint addresses the Avoid and Minimise requirements of the Biodiversity Assessment. Further to this, the proposed Avoid and Minimise measures will contribute to the broader conservation of remnant native vegetation within the Central Coast region whilst assisting with the economic growth and development of the region.</p> <p>(b) 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;</p> <p>Scrub Turpentine (<i>Rhodamnia rubescens</i>) is listed as a species credit species and potential candidate Serious and Irreversible Impacts (SAIL) species. An SAIL assessment was undertaken for this species and it was determined that although 33 individuals would be impacted by the development, the management strategies associated with the conservation and management of the Stewardship Site Lands would result in a local improvement for this species and that it is unlikely for the development to have a Serious and Irreversible Impact to this species.</p> <p>(c) 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;</p> <p>As stated above the approval of the development will lead to management of the vegetation surrounding the site in perpetuity under as a Biodiversity Stewardship Site. The management under the Stewardship Site will ensure the land is protected and the health, diversity and productivity of the environment is maintained and enhanced for the benefit of future generations.</p> <p>(d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making;</p> <p>The area for the development was selected due to historical impacts associated with continual farming practices over the life of the farm which include but are not limited to; clearing, grazing and slashing. As part of the rezoning process the lands surrounding the site were identified as key areas for conservation that would help to maintain biological diversity and ecological integrity in the area. The management of surrounding lands will ensure connectivity to larger tracts of vegetation in the broader area.</p> <p>(e) improved valuation, pricing and incentive mechanisms should be promoted.</p> <p>The benefit in conservation outcomes and potential to retain approximately 140ha of native woodland in the Central Coast region through the Stewardship Site, provides significant value to the conservation of both threatened species and ecological communities within the area and broader Central Coast Local Government Area. This will ensure that not only a large portion of native woodland is retained, habitat critical to the survival of the local species remains in the Central Coast region and fragmentation is reduced.</p> <p>Conservation outcomes like this will greatly benefit the local community demonstrating that Ecologically Sustainable Developments can exist and promote benefits to the local communities through utilisation of degraded farm lands for development where by intrinsic values are placed on larger tracts of remnant woodlands to ensure developments continue to consider the benefits of retaining native tracts of land whilst optimising and developing areas where the land is degraded from historical activities.</p> <p>Associating developments with conservation outcomes is a selling point to customers allowing the customer to buy into the conservation of lands through purchase of housing associated with the conservation of land directly on their door step. The demand for housing and urban growth will allow for more land to be retained and managed under similar agreements, whilst allowing the growth of urban areas to ensure that houses remain affordable and available for the growing population.</p>