

# Coonara Residential Development

Application Number: **01671**Commencement Date: **22/02/2023**Status: **Locked**

## 1. About the project

### 1.1 Project details

#### 1.1.1 Project title \*

Coonara Residential Development

#### 1.1.2 Project industry type \*

Residential Development

#### 1.1.3 Project industry sub-type

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#### 1.1.4 Estimated start date \*

01/01/2024

#### 1.1.4 Estimated end date \*

30/06/2027

## 1.2 Proposed Action details

### 1.2.1 Provide an overview of the proposed action, including all proposed activities. \*

The proposed action is for development of parts of the property located at 55 Coonara Avenue, West Pennant Hills NSW 2125 (hereafter referred to as 'The Property') (see Attachment – Glossary of terms).

The proposed action is for a staged demolition of the existing IBM office facilities and associated car parks and landscaping, including the removal and modification of existing infrastructure and for the development of 165 community-titled dwelling housing and attached dwellings, 252 apartments across four apartment buildings, communal facilities, public and private open spaces, and associated infrastructure generally on the previously disturbed portion of the site. The proposed action, as submitted to Hills Shire Council comprises two separate Development Applications (DAs) referred to as the Demolition DA (approved DA 585/2021/HC) and the Concept Masterplan DA (approved DA 860/2022/JP). Each DA was supported by a Biodiversity Development Assessment Report (BDAR) prepared by Keystone Ecological (Keystone). These are hereafter referred to as the Demolition BDAR and the Concept BDAR.

A previous referral (2021/8995) was lodged in July 2021 for the Property and the activity was determined as not a controlled action. Referral 2021/8995 related to the same development but since that referral there have been some reclassifications of vegetation and small changes to the footprint in the northern parts of the Concept Masterplan DA as a result of negotiations with The Hills Shire Council that are reflected in NSW development consents.

The development, as modified, is now the subject of this referral, albeit with specific areas excluded. Since the last referral works associated with the demolition of the office buildings, and some outdoor on-grade car parks have already occurred. The areas excluded from this application are the areas that formed part of the works already completed as part of the demolition of the office buildings and some outdoor on-grade car parks. The 'Excluded Areas' do not form part of any of the reclassified portions (between referral 2021/8995 to now) and, as per the outcomes of a self assessment (See Attachment: Self assessment of Excluded Areas), are believed to have no impact on the assessment of this referral application.

The locations of the prior 2021 development footprint (the 'previous development footprint (2021)'), the excluded areas that formed part of the works already completed as part of the demolition of the office buildings and some outdoor on-grade car parks (the excluded area) and the current development footprint (the Current Development Area) are shown in Attached Figure 1: Layout of the Referred Areas. The locations of retained land, the majority of which is to be managed under several Vegetation Management Plans is also shown in Figure 1 (as 'Vegetation to be Managed (including APZ and Landscaped Areas)').

As part of an approved subdivision plan (Council approved DA 1414/2022/ZB), the Property has been subdivided into three lots, of which one lot (Lot 2) is to be dedicated to the NSW Government and managed by Forestry NSW and the remaining two lots (Lot 1 and Lot 3) are to be residual developer lots. The Demolition DA and Concept Masterplan (parts of which form the Current Development Area) are located within Lot 1 while Lot 3 will be subject to a future proposed open space development (the proposed Open Space DA). The proposed Open Space DA, comprising a mix of bush regeneration works, endemic landscaping plantings and recreational areas, is largely located within cleared areas in the south-eastern parts of the property. As this future developments is still in planning stages, further details are not available for this referral and this area will be subject to further assessment as required. However, an indicative location of the proposed Open Space footprint relative to the Demolition DA footprint and Concept Masterplan Footprint are shown in Attachment Figure 2 - Location of Development Applications within the Property. Activities proposed to be undertaken within the Current Development Area, in line with NSW granted development consents include:

- Establishment of the works site with security fencing;
- Installation of temporary services to the perimeter of the development area;
- Installation of stormwater and environmental controls to manage stormwater flows and sediment runoff, including treatment, prior to discharge into the creek downstream;
- Isolation and disconnection of existing services entering the site. Services will be disconnected and cables removed back to the site boundary or nearest Authority connection point. Services isolated and terminated are: electrical high voltage telecommunications water and gas
- Removal of the remaining IBM car parking and landscaping;
- Mirvac intends to remove and stockpile landscaping boulders and sandstone retaining wall blockwork for reuse in the future development landscaping;
- Construction of civil infrastructure including bulk earthworks, sewer, stormwater including onsite stormwater detention and water quality treatment infrastructure, electrical, telecommunication reticulation services, road pavement (including kerb and gutter), footpaths, and retaining walls;
- Establishment of temporary construction facilities – including stockpiles – within the identified construction footprint;
- Construction of residential housing and apartment buildings, community facilities, timber bridges, temporary exhibition home, and open spaces;
- Landscaping of street verges and public and private spaces;
- Ongoing management of vegetation within the Asset Protection Zone (APZ);
- Ongoing conservation management of bushland retained within the community title development; and
- Weed management, removal of high risk trees and rebuilding of timber bridges to enable subdivision and dedication of approximately 10ha of E2 Environmental Conservation remnant forest land to the NSW State Government to be managed by Forestry Corporation of NSW as an extension of the adjacent Cumberland State Forest.

The Property is ~25.88 ha in extent and prior to any authorised works associated with this development, was originally mapped by Keystone as comprising approximately:

- 5.88 ha of developed land/hardstand areas (buildings, roads, car parks, infrastructure)
- 2.15 ha of exotic vegetation
- 0.46 ha of dams and basins
- 5.49 ha of landscaped gardens (primarily planted with Australian native species, but not necessarily locally native)
- 1.73 ha of edge habitat on spoil and batters (initially landscaped but now occupied primarily by weeds and some volunteer natives)
- 10.16 ha of natural bushland (3.07 ha of Blue Gum High Forest and 7.10 ha of Sydney Turpentine Ironbark Forest)

The initial mapped extent of these communities by Keystone is shown in Attached Figure 3: Prior Vegetation mapping (2021) of the Property.

Following negotiations with Council as part of the Concept Masterplan DA process, vegetation mapping in the northern parts of the Concept Masterplan DA were remapped by Keystone. Further mapping revisions across the broader Property were also made by Cumberland Ecology. Furthermore, following approved clearing of vegetation within the Excluded Area, the prior vegetation mapping has been removed from these areas.

The updated vegetation mapping by Keystone following negotiations with Council for the Concept Masterplan DA, the refinement of some areas by Cumberland Ecology for other proposed DAs within the Property as well as amendments for approved clearing works is shown in Attached Figure 4: Current Vegetation Mapping of the Property. As per the updated/revised mapping, the Property has been assessed as comprising approximately:

- 7.81 ha of cleared or developed land/hardstand areas (buildings, roads, car parks, infrastructure)
- 1.51 ha of exotic vegetation
- 0.42 ha of dams and basins
- 3.38 ha of landscaped gardens (primarily planted with Australian native species, but not necessarily locally native)
- 1.41 ha of edge habitat on spoil and batters (initially landscaped but now occupied primarily by weeds and some volunteer natives)
- 11.34 ha of natural bushland (4.08 ha of Blue Gum High Forest and 7.26 ha of Sydney Turpentine Ironbark Forest)

The proposed works, as initially referred in 2021, have been almost entirely restricted to the already-developed areas and surrounding landscaped gardens. The Current Development Area is largely located in the same area as the previous development footprint but has a comparatively reduced footprint

The proposed works within the Current Development Area for the residential development (including buildings, associated infrastructure, and Asset Protection Zone) will result in a total disturbance footprint of 4.88 ha, including the following: vegetated elements:

- 0.05 ha of dams and basins
- 2.14 ha of landscaped gardens (primarily planted with Australian native species, but not necessarily locally native)
- 0.08 ha of edge habitat on spoil and batters (initially landscaped but now occupied primarily by weeds and some volunteer natives)
- 0.22 ha of natural bushland comprising Blue Gum High Forest

With due consideration to areas that have already been cleared within the Excluded Area, the proposed works within the Current Development Area will avoid impacts ~14.5 ha of vegetation comprising

- 1.51 ha of exotic vegetation
- 0.55 ha of landscaped gardens or planted natives
- 1.33 ha of edge habitat on spoil and batters
- 3.86 ha of Blue Gum High Forest (BGHF)
- 7.25 ha of Sydney Turpentine Ironbark Forest (STIF)

In summary, the current referred area or the Property covers an area of 25.88 ha. This includes a disturbance footprint of 10.69 ha comprising 4.88 ha for the current proposed action ('Current Development Area') and 5.81 ha for the Excluded area. The total avoidance/retention area of 16.14 ha comprises 15.19 ha of fully avoided land to be managed and 0.95 ha of vegetation within the current development area to be managed as vegetated APZs and landscaped gardens.

## 1.2.2 Is the project action part of a staged development or related to other actions or proposals in the region?

No

## 1.2.6 What Commonwealth or state legislation, planning frameworks or policy documents are relevant to the proposed action, and how are they relevant? \*

The northern part of the site was developed as an orchard prior to 1940 and subsequently developed in the 1980s by IBM as a 34,000 square metre office facility. This previously disturbed area is proposed for redevelopment.

The remainder of the site contains bushland comprising the significant vegetation communities Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF). These are both listed as Critically Endangered Ecological Communities under the NSW Biodiversity Conservation (BC) Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

These vegetation communities also extend into the adjacent Cumberland State Forest (SF). The bushland on site and in the adjacent Cumberland SF is also known to provide realised habitat for *Ninox strenua* Powerful Owl, a listed Vulnerable species under the NSW BC Act.

The site is subject to the provisions of The Hills Local Environmental Plan 2019 and was rezoned on 17 June 2020 from B7 Business Park to E2 Environmental Conservation, R3 Medium Density Residential, and R4 High Density Residential with a dwelling cap of 600 dwellings.

Rezoning of the land has ensured the ongoing protection of remnant forest areas, by implementing an E2 Environmental Conservation zone. As a result, a majority of the E2 zoned land (~10ha) will be dedicated to the NSW State Government and managed by Forestry Corporation of NSW ('Forestry'). A further 3ha will remain as community land and will be protected from development by its zoning restrictions and subject to a Vegetation Management Plan (VMP). The land to be dedicated to Forestry will also be subject to a separate VMP.

The proposal is classified as Integrated Development under section 4.46 of the EP&A Act 1979 as a water controlled activity approval is required under Section 91 of the Water Management Act 2000 and referral is required to the Natural Resources Access Regulator (NRAR). DPE has provided a controlled activity approval on 8 December 2022. As bushfire-prone land, the development proposal is captured under section 100B of the Rural Fires Act 1997 and must obtain a Bush Fire Safety Authority from the Commissioner of the NSW Rural Fire Service. Other NSW legislation, policies and guidelines that apply are:

- Biodiversity Conservation Act 2016
- Contaminated Land Management Act 1997
- The Hills Development Control Plans
- National Parks and Wildlife Act 1974
- State Environmental Planning Policies

The proposed development is generally limited to the land zoned R3 Medium Density Residential and R4 High Density Residential and provides for a combination of two and three storey housing, as well as four apartment buildings.

The concept proposal provides for a total of 165 attached dwellings and dwelling houses and 252 apartments, as well as facilities for residents, which may include an indoor swimming pool, gym and meeting rooms, and outdoor facilities and open space. The development will include public open spaces which will be publicly accessible and maintained by the future community association.

A development application under the NSW EP&A Act for the Demolition DA (585/2021/HC) seeking development consent for the demolition of existing buildings and ancillary structures, associated vegetation clearing, and other associated works including installation of site security fencing, installation of stormwater and environmental controls, isolation and disconnection of existing services entering the site, removal and stockpiling of landscaping boulders and removal of all above-ground light poles and lighting cables was submitted to The Hills Shire Council. The Demolition DA was supported by a Biodiversity Development Assessment Report (BDAR) - the "Demolition BDAR" (see Attachment Demolition BDAR, Appendix 1, page 75) and referred only to the demolition area. This DA was approved on 20 September 2021.

In accordance with Section 4.22 of the EP&A Act, a concept development application (the Concept Masterplan DA) that sets out the concept proposal for the development and includes the detailed first stage comprising the Civil Works was submitted to Council. The Concept Masterplan DA (860/2022/JP) was approved on 15 November 2022. Further development consents for the first stage of housing in the southern precinct (859/2022/JP) and for the apartment precinct (861/2022/JP) were also approved on 15 November 2022. These three DAs were supported by a second BDAR - the "Concept BDAR" (see Attachment Concept BDAR, Section 2, Figure 4, page 8) that referred to the remainder of the development areas, excluding the demolition area.

Other approved DA's include the initial subdivision to facilitate the creation of the forest dedication lots and future community lot, and also the exhibition home. Further detailed proposals for the Property include a Open Space DA which will be subject to subsequent development application which will also be assessed under the EP&A Act 1979.

### **1.2.7 Describe any public consultation that has been, is being or will be undertaken regarding the project area, including with Indigenous stakeholders. Attach any completed consultation documentations, if relevant. \***

A chronological summary of the Planning Proposal and public consultation and ongoing community consultation process for the development is provided in the attached document.

The Site was subject to an initial Planning Proposal submission in early 2016 achieving rezoning in June 2020 and, as such, was subjected to an extensive planning process that included authority engagement, public exhibition, referral and consultation with all levels of Government, the community and stakeholders.

Further community stakeholder engagement has been, and continues to be, undertaken in the form of interactive community information sessions with the local community, lobby groups and a project Community Reference Group (CRG) comprising a group of local community representatives. Multiple information and CRG sessions have occurred and are occurring as part of the redevelopment process.

Consultation with Indigenous stakeholders to date has taken the form of a site walk with local Indigenous representatives in late 2020, 2022 and 2023. The project team are working with Dharug business, Muru Mittigar to advice on cultural heritage, language and better understanding Country. Additionally, Jiwah - an Indigenous cultural landscape and design group specialising in the field of horticulture, permaculture, and plant thematics - have been engaged to undertake site vegetation reconnaissance and inventory for the purposes of transplanting existing plant species and establishing an onsite nursery. Jiwah was also involved in the consultation and design phase for the Open Space. In regards to the Open Space and landscape component of the Communal facilities, Indigenous landscape architecture firm, COLA Studio have been engaged to design these areas. The project team have also engaged social enterprise, Wildflower Gardens for Good to undertake routine landscape maintenance works.

An Aboriginal Archaeological Due Diligence Assessment (DDA) has been prepared to support the proposed development. The report concludes there are no Aboriginal places recorded in the Site that are registered on AHIMS, and no archaeological sites or Potential Archaeological Deposits (PADs) identified onsite. The DDA is attached as 'Attachment 'Aboriginal Archaeological DDA' . Correspondence from the National Indigenous Australians Agency is also attached.

Please note that Attachment 'Aboriginal Archaeological DDA' and 'NIAA Correspondence - Mirvac EPBC 2021-8995' will not be made publicly available due to cultural sensitivity reasons.

## **1.3.1 Identity: Referring party**

### **Privacy Notice:**

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### 1.3.1.1 Is Referring party an organisation or business? \*

Yes

Referring party organisation details	
<b>ABN/ACN</b>	14106144647
<b>Organisation name</b>	Cumberland Ecology
<b>Organisation address</b>	PO Box 2474, Carlingford Court, NSW 2118
Referring party details	
<b>Name</b>	Gitanjali Katak
<b>Job title</b>	Senior Project Manager/Ecologist
<b>Phone</b>	02 9868 1933
<b>Email</b>	<a href="mailto:gitanjali.katak@cumberlandecology.com.au">gitanjali.katak@cumberlandecology.com.au</a>
<b>Address</b>	

## 1.3.2 Identity: Person proposing to take the action

### 1.3.2.1 Are the Person proposing to take the action details the same as the Referring party details? \*

No

### 1.3.2.2 Is Person proposing to take the action an organisation or business? \*

Yes

Person proposing to take the action organisation details	
<b>ABN/ACN</b>	72001069245
<b>Organisation name</b>	MIRVAC PROJECTS PTY LTD

<b>Organisation address</b>	Level 28, 200 George Street, Sydney 2000 NSW
Person proposing to take the action details	
<b>Name</b>	Emma Ellis
<b>Job title</b>	Project Director
<b>Phone</b>	02 9080 8000
<b>Email</b>	Emma.Ellis@mirvac.com
<b>Address</b>	Level 28, 200 George Street, Sydney, 2000

### 1.3.2.14 Are you proposing the action as part of a Joint Venture? \*

No

### 1.3.2.15 Are you proposing the action as part of a Trust? \*

No

### 1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including 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. \*

Mirvac has a strong track record of delivering positive environmental outcomes in the communities in which it operates. Winning as a consortium partner, it helped to deliver the first solar suburb in Australia at Newington in Sydney (2000), built one of the most environmentally-friendly retail centres at Orion in Queensland (2008), and since 2010 has delivered a number of homes aimed at helping its customers reduce their energy bills, as well as their carbon footprint.

Mirvac reports transparently to a range of Environment, Social and Governance performance indices on topics spanning the breadth of ESG including:

- Principles for Responsible Investment (PRI) – Mirvac rate A+ for strategy, governance, and property
- National Greenhouse and Energy Reporting – Mirvac reports its mandatory disclosure in accordance with the NGERs Act Morgan Stanley Capital International (MSCI) – Mirvac hold AAA rating
- Global Reporting Initiative (GRI) – Mirvac reports against the GRI G4 guidelines
- LBG Australian & New Zealand – Mirvac's community investment is verified with LBG

In 2016 the Department investigated an alleged breach by Mirvac WA Pty Ltd (a related party to Mirvac) of the EPBC Act 1999. In response Mirvac entered into a Deed in which it agreed to undertake agreed works and monitoring. Upon completion of these requirements to the Department's satisfaction in September 2018 the Department agreed not to pursue further action, or to perform and exercise any statutory and / or discretionary powers under the Act in relation to the alleged contravention. Mirvac is otherwise not aware 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 either (a) the person proposing to make the action or, (b) if a permit has been applied for in relation to the action – the person making the application.

### 1.3.2.18 If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

Mirvac's approach to Environmental, Social and Governance (ESG) is captured under its sustainability strategy, This Changes Everything. The strategy sets out three key environmental targets: to be net positive in carbon and water and send zero waste to landfill by 2030.

Mirvac has released its plans on how it will achieve net positive carbon and send zero waste to landfill, with the final plan on water to be released in 2021.

Mirvac's Responsible Investment policy outlines the way in which Mirvac considers its environmental impact when acquiring new commercial assets or residential projects. New business teams are required to factor in ESG-related risks and ensure that any identified risks are assessed and appropriately managed.

Mirvac Group's Biodiversity policy demonstrates Mirvac's commitment to protecting existing biodiversity, enhancing biodiversity on a site, and restoring biodiversity.

Mirvac has an integrated HSE Management System, under which its Mirvac Minimum Requirements in Environmental Management are set out. Mirvac engages external principal contractors with certified management systems for site works. To support this section please find attached, a copy of Mirvac's:

- This Changes Everything Strategy
- Planet Positive – Zero Waste Strategy
- HSE Management Document

### 1.3.3 Identity: Proposed designated proponent

#### 1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? \*

Yes

Proposed designated proponent organisation details	
<b>ABN/ACN</b>	72001069245
<b>Organisation name</b>	MIRVAC PROJECTS PTY LTD
<b>Organisation address</b>	Level 28, 200 George Street, Sydney 2000 NSW
Proposed designated proponent details	
<b>Name</b>	Emma Ellis
<b>Job title</b>	Project Director
<b>Phone</b>	02 9080 8000
<b>Email</b>	Emma.Ellis@mirvac.com
<b>Address</b>	Level 28, 200 George Street, Sydney, 2000

### 1.3.4 Identity: Summary of allocation

#### Confirmed Referring party's identity

The Referring party is the person preparing the information in this referral.

ABN/ACN	14106144647
Organisation name	Cumberland Ecology
Organisation address	PO Box 2474, Carlingford Court, NSW 2118
Representative's name	Gitanjali Katrak
Representative's job title	Senior Project Manager/Ecologist
Phone	02 9868 1933

Email gitanjali.katrak@cumberlandecology.com.au

Address

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### Confirmed Person proposing to take the action's identity

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

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ABN/ACN	72001069245
Organisation name	MIRVAC PROJECTS PTY LTD
Organisation address	Level 28, 200 George Street, Sydney 2000 NSW
Representative's name	Emma Ellis
Representative's job title	Project Director
Phone	02 9080 8000
Email	Emma.Ellis@mirvac.com
Address	Level 28, 200 George Street, Sydney, 2000

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### Confirmed Proposed designated proponent's identity

The Person proposing to take the action is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

## 1.4 Payment details: Payment exemption and fee waiver

### 1.4.1 Do you qualify for an exemption from fees under EPBC Regulation 5.23 (1) (a)? \*

No

### 1.4.3 Have you applied for or been granted a waiver for full or partial fees under Regulation 5.21A? \*

No

### 1.4.5 Are you going to apply for a waiver of full or partial fees under EPBC Regulation 5.21A?

No

### 1.4.7 Has the department issued you with a credit note? \*

No

### 1.4.9 Would you like to add a purchase order number to your invoice? \*

No



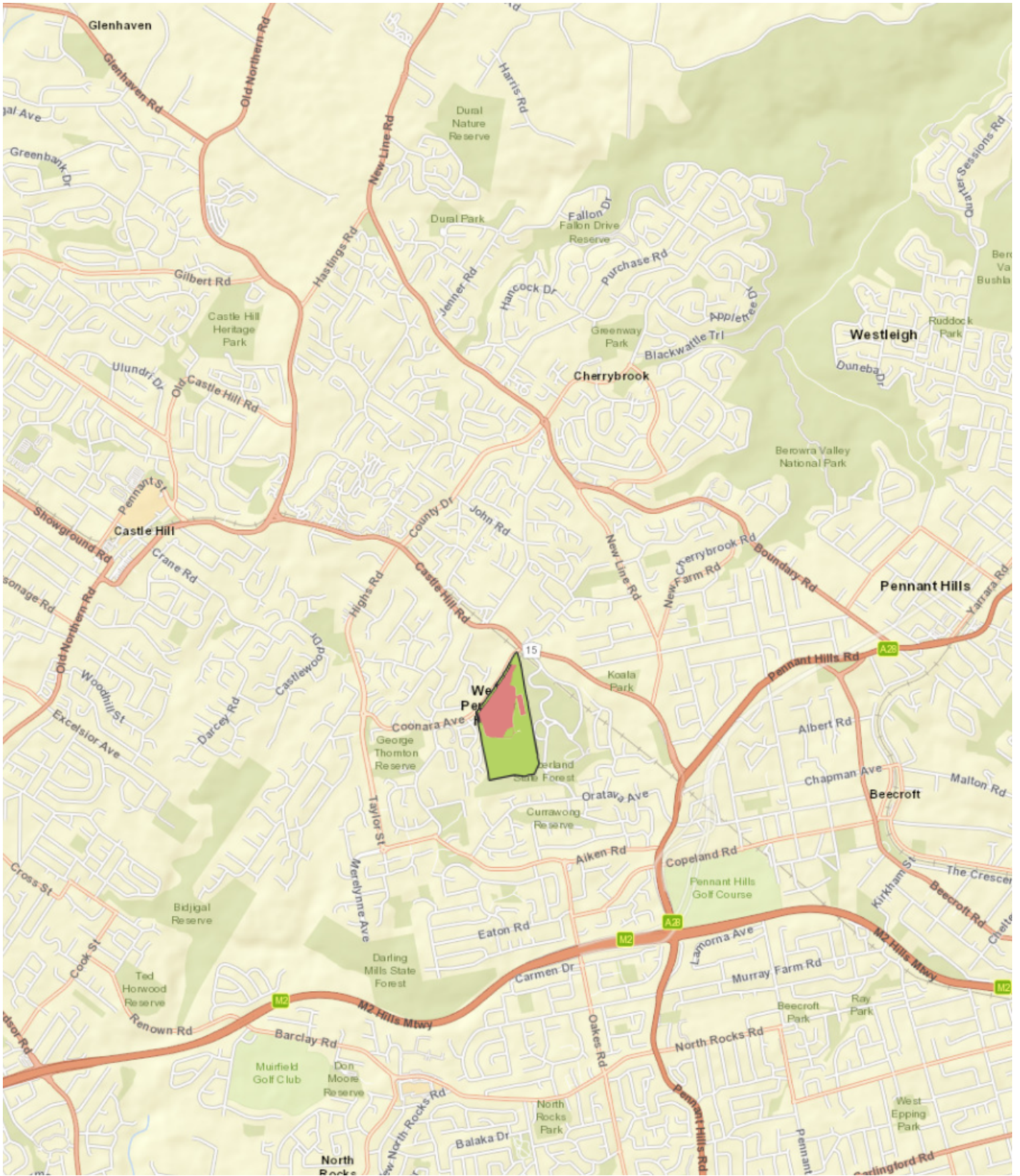
## 1.4 Payment details: Payment allocation

### 1.4.11 Who would you like to allocate as the entity responsible for payment? \*

Person proposing to take the action

## 2. Location

### 2.1 Project footprint



## 2.2 Footprint details

### 2.2.1 What is the address of the proposed action? \*

55 Coonara Avenue, West Pennant Hills NSW 2125

### 2.2.2 Where is the primary jurisdiction of the proposed action? \*

New South Wales

**2.2.3 Is there a secondary jurisdiction for this proposed action? \***

No

**2.2.5 What is the tenure of the action area relevant to the project area? \***

The entire Property tenure is freehold (private property) with the registered proprietor being Mirvac Projects (Retail and Commercial) Pty Limited. The Proponent for the referral is Mirvac Projects Pty Limited, the entity responsible for carrying out the development, with both companies' subsidiaries of Mirvac Limited. A significant component of the recently rezoned E2 Environmental Conservation area (approximately 10ha) has, subject to planning approval, been earmarked for dedication to the NSW State Government to be owned and managed by NSW Forestry Corporation as an extension of existing neighbouring Cumberland SF. Final details of the dedication including timing of this is yet to be determined.

## 3. Existing environment

### 3.1 Physical description

**3.1.1 Describe the current condition of the project area's environment.**

The vegetation on the Property has been impacted by a complex history of land use. Historical aerial imagery from 1943 to 1982 shows clearing over large sections of the Property for agricultural and orchard uses. Based on aerial imagery some historically cleared areas appear to have been allowed to naturally regenerate rather than be utilised for further agricultural purposes. Development for the former business park was largely contained within previously cleared areas with some additional clearing for ancillary infrastructure. The Attachment 'Historic Aerial Imagery' provides a series of historic aerial imagery of the Property showing the changes in land use and vegetation cover between 1943 – 2004 within the Property.

The former business park buildings have now been demolished as part of the approved Demolition DA. These areas are located within the 'Excluded Areas' in Attached Figure 1 – Layout of Referred Area. The exception is the multi-storey car park structure in the eastern parts of the Property which is yet to be demolished.

The subject site was rezoned in June 2020 from a B7 Business Park to a combination of R3 Medium Density and R4 High Density Residential, with the balance of the site rezoned E2 Environmental Conservation.

The vegetation and built form within the project area continues to be managed by landscape maintenance and bush regeneration contractors. Regular activities include weeding, clearing away of fallen trees and woody debris, management of approved Hazard Reduction zones, cleaning up of leaf litter on pathways and roadways, and trimming of overhanging vegetation.

The northern dam is infested with Peruvian Primrose. Peruvian Primrose is also present in the southern dam.

The narrow strip of vegetation along the western boundary (including both planted and natural vegetation) is identified as an Asset Protection Zone and the subject of a Hazard Reduction Certificate as assessed and issued by the NSW Rural Fire Service. The understorey is therefore regularly maintained to ensure a low fuel load and protect the neighbours from a bushfire hazard. While this area is subject to management under a VMP, its condition is not fully structured.

The condition of BGHF and STIF varies across the site. Vegetation in the northern parts of the Property, which appear to have regenerated after historic clearing for previous land uses are generally in a more degraded state with high levels of weed infestations in the understorey and limited canopy diversity. The vegetation in the southern parts of the Property is generally in a moderate to good condition with significant diversity in the canopy and understorey strata. However, overall, there are some hot spots with priority weeds, including:

- Lantana infestation near the top detention basin. Large-leaved Privet in the northern corner.
- Large-leaved Privet in the riparian habitat;
- Lantana infestation along the edges of the bushland, particularly along the southern side of the perimeter road and the edge of the cleared field; and
- Exotic Passionfruit is dominant in the understorey of the patch of STIF near the south eastern corner of the perimeter road

There is also regrowth forest on areas that had been previously cleared during the IBM development or former agricultural uses.

### 3.1.2 Describe any existing or proposed uses for the project area.

Structures within the Current Development Area include the multi-storey car park structures and other on grade car parks. These structures are proposed to be demolished for the proposed residential development and community facilities. Existing infrastructure such as the perimeter road will be retained including ancillary stormwater drainage structures.

The Current Development Area is zoned as a mix of R3 Medium Density and R4 High Density Residential and makes provision for approximately 165 dwelling houses and attached dwellings, 4 apartment buildings containing approximately 252 apartments, public and private open spaces as well as a Community Facility. The proposed use is generally limited to the previously disturbed portion of the site, with the E2 Environmental Conservation area generally designated to be retained in its current condition. Asset Protection Zones are largely outside the E2 Environmental Conservation area with the exception of some narrow bands along the riparian corridor.

As part of the NSW development consent for the Concept Masterplan, areas zoned C2 – Conservation within the wider Property will be subject to management (revegetation and enhancement of existing vegetation) under a Vegetation Management Plan (VMP). The location of these areas (referred to as the Concept Masterplan VMP areas) are shown in Attached Figure 5: Location of Vegetation Management Areas.

Following subdivision of land to enable development of parts of the Property (the Current Development Area and Excluded Areas), parts of the Property are also the subject of a Planning Agreement between the Minister administering the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) and Mirvac Projects (Retail and Commercial) Pty Ltd for specific works to be implemented within lands that are to be dedicated to the NSW Government and managed by Forestry NSW. These works are the subject of a separate VMP referred to as the Forest Dedication Area VMP. The location of these areas are shown in Attached Figure 5: Location of Vegetation Management Areas.

A further Open Space DA is proposed within historically cleared/modified areas in the south-eastern parts of the property. While the development of this area is still in planning stages, the proposed works will include significant areas of bushland regeneration and cultural landscaping that will be managed under a further VMP. The location of these areas are shown in Attached Figure 5: Location of Vegetation Management Areas.

The Vegetation Management Plans for Concept Masterplan DA, Forestry Dedication DA and proposed Open Space DA focus on the management, enhancement and revegetation of existing vegetation, with a particular focus on revegetation and enhancement of Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF). Within the Property a total of ~12.63 ha of native vegetation, in varying condition states, will be retained and managed (including APZ and Landscape management) under the various VMPs comprising ~5.37ha of BGHF and ~7.26 ha of STIF. A further 0.97 ha of BGHF and 0.15ha of STIF is proposed to be revegetated in current exotic areas.

### 3.1.3 Describe any outstanding natural features and/or any other important or unique values that applies to the project area.

The Current Development Area does not possess any outstanding natural features as it is made up of modified lands from previous land use as a business park comprising car parks and roads surrounded principally by landscaped gardens dating from the 1980s.

The important and unique values of the Property are related to the large expanse of natural bushland in the southern half of the Property that is primarily outside of the proposed development area. This bushland is made up of two Critically Endangered Ecological Communities and represents a range of topographic positions. This large area of natural vegetation is also contiguous with another expanse of vegetation (both natural and planted) in Cumberland State Forest, and all embedded within an urban context. This aggregated patch represents approximately 50ha of bushland that is also connected to other reserved lands via riparian corridors.

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

The Current Development Area occurs on a south-facing slope.

The highest point of the subject lot is at 170 metres ASL at the northern end near Castle Hill Road.

The lowest point of the subject lot is at 100 metres ASL in the south-east corner of the site near Darling Mills Creek.

This equates to a gradient of approximately 10% across the Current Development Area

## 3.2 Flora and fauna

### 3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.

The complete list of flora and fauna species recorded on site and the surveys underpinning those results are provided in the Biodiversity Development Assessment Report (BDAR) prepared by Keystone for the Concept Masterplan DA (Ref: Concept BDAR v2.2 16.06.2022 - Coonara Ave - Mirvac.pdf Biodiversity Development Assessment Report prepared for the Concept Design stage). The Demolition DA which covered the multi-storey carpark had a separate BDAR prepared (REF: Demolition BDAR V3.2 - Coonara Ave - Mirvac.pdf Biodiversity Development Assessment Report prepared for the Demolition stage).

All flora species recorded on the Property by Keystone are detailed in Table 6 of the Concept BDAR – see section 3 Native Vegetation, pages 24-28. Survey activities producing these results are also detailed in the Concept BDAR – see section 3 Native Vegetation, pages 15-23 - and were undertaken in all seasons from September 2015 to May 2022. Further lists of flora species recorded on the Property by Keystone are detailed in Table 2 of the Demolition BDAR – pages 79 - 82.

In general, the vegetation is made up of planted native gardens, natural bushland (comprising both Critically Endangered Ecological Communities Blue Gum High Forest and Sydney Turpentine Ironbark Forest), and ecotonal areas between the two that contain both natural and planted elements. The vegetation communities are discussed in detail in a later section below.

Other than individuals of *Syzygium paniculatum* that had been planted in the landscaped areas (in both the Demolition DA and Concept Masterplan DA areas), no threatened flora have been recorded within the project area and none are considered likely to occur.

All fauna species recorded during surveys conducted for the Demolition DA and Concept Masterplan DA and immediate surrounds are detailed in the attached 'Recorded Fauna' document. This list has been compiled from all survey activities undertaken from 2014 to 2020 for the assessment process, as well as pre-clearing surveys carried out in November 2021 and January 2022 for the authorised demolition and clearing works, plus the results from the Powerful Owl breeding season monitoring from March to July 2022. In recognition of the capacity of fauna to move and the presence of contiguous habitat with Cumberland SF, these survey data are also supplemented by fauna records from Cumberland SF as held in the BioNet Atlas wildlife database.

The assessment process, in accordance with the Biodiversity Assessment Method 2020 and as detailed in the BDAR, concentrates on threatened species, and particularly a subset of those species that may attract species credits. In that context, details of relevant fauna survey and results are detailed in the attached Concept Masterplan BDAR - see section 4.3 Threatened Species Survey, pages 73 to 85 (particularly Table 14 and Figures 24A to 24F), and section 4.4 Threatened Species Survey Results, pages 86 to 91 (particularly Figures 25, 26, and 26A).

The species present and their distribution are a reflection of the habitats available, with the habitats in the development footprint generally being simpler and of less value:

Molluscs were sampled as part of an expert survey by Dr Stephanie Clark targeting the Endangered (EPBC Act 1999 and BC Act 2016) species *Pommerhelix duralensis* Dural Land Snail. A total of 18 live individuals were located across the demolition and development footprint, in the southern bushland, and in Cumberland SF. Dr Clark also identified 12.81ha of suitable habitat for this species across the Property. Suitable habitats included some of the bushland and gardens, and sheltered sandstone walls.

Frogs occurred around the dams and in the riparian habitats. Most were common species, with one threatened species (*Pseudophryne australis* Red-crowned Toadlet, Vulnerable, BC Act 2016) possibly heard in riparian habitat in the southern bushland, ie within areas to be dedicated to the NSW Government.

Reptiles were few, and all those recorded were common species.

Birds were one of the most diverse groups, with all foraging guilds represented. None of the species recorded on site are MNES. The Powerful Owl, which is Vulnerable under the BC Act 2016, was recorded roosting on the Property and breeding in Cumberland SF. The habitats in the Current Development Area provide relatively low value foraging opportunities for this species. Important habitat features (large hollow trees, dense canopy for roosting) occur in the southern bushland and in the riparian vegetation (all of which are outside the Current Development Area) and in the adjacent Cumberland SF.

Mammals were dominated by microbats, most of which were recorded foraging in the southern bushland; by contrast, the habitats of the footprint were depauperate. *Pteropus poliocephalus* Grey-headed Flying-fox was recorded foraging in the flowering canopy trees of the northern car park and in the adjacent bushland in Cumberland SF. This is the only mammalian MNES recorded (Vulnerable species listed under the EPBC Act 1999 and BC Act 2016). This species would presumably forage across the entire site in response to suitable available blossom. The Property does not provide habitat suitable for camps or breeding.

### 3.2.2 Describe the vegetation (including the status of native vegetation and soil) within the project area.

Information regarding soils and geology have been sourced mainly from the NSW Soil and Land Information System (SALIS) and includes soil hazards and soil landscape mapping of the Sydney 1:100,000 map sheet (Chapman and Murphy 1989).

The south-facing upper slope occupied by the Property contains a narrow band of West Pennant Hills soil landscape at the top, with Glenorie soil landscape across the remaining majority of the site, extending down the slope up to and including the creek line at its southern boundary. The Demolition and residential development footprints are partially within both soil landscapes.

The West Pennant Hills soil landscape is a stable colluvium soil type that occurs as steep, narrow, south-west facing hill slopes on the Hornsby plateau. It is underlain by Ashfield and Bringelly shales that give rise to friable clay loams. Typical topography for West Pennant Hills soil landscape is steep-sided slopes generally greater than 20% and ranging up to 40%. This steep topography combined with the clay-loam soil gives rise to potential major limitations of the hazards of mass movement, soil erosion, localises seasonal waterlogging, and impermeable subsoil.

The Glenorie soil landscape is an erosional soil landscape that occurs generally north of the Parramatta River on the Hornsby Plateau and is underlain by Ashfield and Bringelly shales. Typical topography includes undulating to low rolling hills that support tall open-forest, most of which has been extensively cleared. It is often adjacent to West Pennant Hills soil landscape and contains similar soil materials. However, Glenorie soil landscape is less steep, and is not subject to mass movement.

Tall, open wet sclerophyll forest is characteristic of the natural vegetation on these soil landscapes, but they have been extensively cleared. This pattern is reflected in the site's long history of disturbance.

Historical information indicates that the Property may have been one of the earliest European farms in the district and cleared in the early to mid- 1800s. The orchard that was a going concern in the 1980s may have been established in the mid to late 1800s. In the 1940s, the earliest available aerial photography shows natural vegetation confined to the creek line and to the expanse of bushland seen now in the southern half of the lot (Attachment Historic Aerial Imagery – Figure A1).

The former Business Park development was confined more or less to the area that was already cleared and farmed (Attachment Historic Aerial Imagery – Figure A3 – A6), although the area that had once supported the orchard was subsequently profoundly altered by deep and comprehensive excavation to subsoil and bedrock, with significant terracing imposed on the steep slope. The landscaped areas around the buildings and in the car parks were back-filled with some topsoil that was retained from the orchard and supplemented by externally-sourced soils, sand, mulch, and organic matter. These landscaped gardens were then planted out with an eclectic mix of Australian native trees, shrubs and ground covers.

The proposed residential development is in turn generally restricted to the area occupied by the former business park development, with the naturally vegetated parts – comprising the Critically Endangered Ecological Communities Blue Gum High Forest and Sydney Turpentine Ironbark Forest – to be retained and managed for conservation.

In accordance with the Biodiversity Assessment Method 2020 prepared by Keystone, the vegetation on the Property has been classified into a series of Vegetation Zones, and is detailed in the Concept BDAR. A summary is provided at Table 7 (section 3.4 Native vegetation, pages 33 to 36). Each of the 5 Vegetation Zones within the development area are further detailed in the BDAR at section 3.5 Plant Community Types (pages 37 to 52), and their distribution shown in Figures 21, 22, and 23 (pages 53 to 55).

The development footprint for the Current Development Area will impact Vegetation Zones (VZ) 3a, 4a, 5a, 5b, and 5c as mapped by Keystone.

Under the NSW Biodiversity Assessment Method (BAM), vegetation communities are to be allocated to Plant Community Types or PCTs for further assessment. As per the Keystone Concept Masterplan BDAR, VZ4a is considered to comprise Planted Vegetation and has not been allocated to a Plant Community Type while VZ3a, VZ5a, VZ5b and VZ5c have been allocated to PCT 1237 which is associated with the community Blue Gum High Forest.

VZ 4a Landscaped Gardens dominate the vegetation of the Current Development Area (See Attached Figure 4 – Current Vegetation Mapping (2023) of the Property). As landscaped garden, it is variable across the site, being planted out according to a landscape plan driven by function, amenity, and an artistic vision. For example, some of the garden beds in the open-air car park only contain *Corymbia maculata* (Spotted Gum) over bare earth, while the artificial gully that formed part of the stormwater management system directly around the buildings was densely planted out with a diverse suite of species and had a more complex structure. Some parts of the natural riparian area near the IBM buildings were also "enriched" with plantings, such as tree ferns and other terrestrial ferns.

The occurrence of PCT 1237 within the Current Development Area comprises:

- 0.08 ha of VZ3a;
- 0.21 ha of VZ5a;
- 0.004 ha (hereafter rounded up to 0.01 ha) of VZ5b; and
- 0.004 ha (hereafter rounded up to 0.01 ha) of VZ5c.

As per the Keystone Concept Masterplan BDAR VZ5b and VZ5c comprise BGHF as listed under the NSW BC Act and EPBC Act, VZ5a comprises BGHF under the NSW BC Act only while VZ3a does not comprise a TEC under either the BC Act or EPBC Act.

It should be noted that while Cumberland Ecology agrees with the selection of PCT 1237 for VZ3a, VZ5a, VZ5b and VZ5c, Cumberland Ecology staff do not agree with Keystone Ecological mapping regarding the splitting of some areas of PCT 1237 into VZ3a and VZ5a. It is the opinion of Cumberland Ecology staff that these two vegetation zones should comprise a single vegetation class (VZ5a) that comprises a degraded form of BGHF.

Descriptions of the Vegetation Zones, as per the Keystone BDAR as well as further analysis of these vegetation zones as the EPBC Act listed Threatened Ecological Community Blue Gum High Forest is provided in Attachment: 'Cumberland Ecology Analysis of EPBC listed communities'. As per the Cumberland Ecology analyses, all four forms of PCT 1237 – VZ3a, VZ5a, VZ5b and VZ5c – are considered to comprise BGHF as listed under the EPBC Act. Of these VZ5b and VZ5c comprise good quality BGHF with substantial native understorey despite localised patches of weeds.

VZ3a and VZ5a comprise highly degraded patches comprising of canopy trees over significant weed infestations. While native understorey is limited to 1-2 scattered individuals, as the legal documentation for BGHF under the EPBC Act does not specify any minimum percentage cover for native species, a precautionary approach has been taken and these vegetation zones are considered to comprise BGHF under the EPBC Act for the purposes of this referral. Areas mapped by Cumberland Ecology as BGHF – Low and BGHF – Scattered Trees (see Attachment Figure 4: Current Vegetation Mapping of the Property). - are also considered to conform to the EPBC listing. It is noted that the occurrence of BGHF as listed under the EPBC Act within the Current Development Area is highly limited with the majority of vegetation occurring within areas to be managed under various VMPs.

The wider Property also contains ~7.25 ha of Sydney Turpentine Ironbark Forest (STIF) in varying condition states. Although STIF does not occur within the Current Development Area, these vegetation zones have nonetheless been assigned to a PCT – PCT 1281 - in the Keystone Concept Masterplan BDAR. An assessment of these vegetation zones as the EPBC Act listed Threatened Ecological Community Turpentine-Ironbark Forest is provided in Attachment: Cumberland Ecology Analysis of EPBC listed communities. As per the Cumberland Ecology analyses, both forms of PCT 1281 – VZ6a and VZ6b – are considered to comprise STIF as listed under the EPBC Act. Areas mapped by Cumberland Ecology as STIF - Moderate and STIF – Weedy (see Attachment Figure 4: Current Vegetation Mapping of the Property) are also considered to conform to the EPBC listing

The distribution of EPBC listed communities within the Property is shown in Attachment Figure 6 – Threatened Ecological communities within the Property.

## 3.3 Heritage

### 3.3.1 Describe any Commonwealth heritage places overseas or other places recognised as having heritage values that apply to the project area.

There are no Commonwealth Heritage places relevant to the project area.

### 3.3.2 Describe any Indigenous heritage values that apply to the project area.

An Aboriginal Archaeological Due Diligence Assessment (DDA) was undertaken by McCardle Cultural Heritage Pty Ltd (2021) as part of the Due Diligence process and in support of Development Applications for the Site. No Aboriginal places have been recorded in the Site that are registered on AHIMS, and no archaeological sites or Potential Archaeological Deposits (PADs) were identified on site.

The project team have commenced discussions with Indigenous social enterprise, Muru Mittigar to assist in consulting with the Dharug people about what they understand about the site and to also help with developing an education piece as part of our project Discovery Centre.

The DDA is attached as 'Attachment 'Aboriginal Archaeological DDA' . Please note that Attachment 'Aboriginal Archaeological DDA' will not be made publicly available due to cultural sensitivity reasons.

## 3.4 Hydrology

### 3.4.1 Describe the hydrology characteristics that apply to the project area and attach any hydrological investigations or surveys if applicable. \*

The site occurs on a steep south facing slope, and is within the upper catchment of Darling Mills Creek. A first order stream, as per the Strahler stream ranking, is mapped within the Property and runs from an existing dam located in the northern parts of the Property towards the south and south-west, before joining Darling Mills Creek approximately 240 metres from the southern site boundary, south-west of the confluence of Darling Mills Creek and Bellamy's Creek. This creek line is vegetated along its whole length and received the stormwater from the prior business park development.

Prior to its development as a business park in the 1980s, the site was used for citrus growing and two dams had been developed above the main creek line. These dams were retained as part of the stormwater management system of the business park. The northern dam comprises a portion of the 10ha earmarked for dedication to NSW State Government for management by Forestry Corporation of NSW, with the southern dam to be retained as part of the future residential development Community lot. Due to the transformation of the orchard to large expanses of impervious surfaces for the IBM business park development, three additional detention basins were also constructed. The retention basins are retained onsite, with . New drainage infrastructure also being constructed including on-site stormwater detention basins and water quality treatment infrastructure within the already disturbed parts of site (existing buildings, car parks and landscaped gardens). Stormwater runoff will be diverted through this drainage infrastructure, treated to water quality best practice targets, detained and ultimately released into the downstream creek in a controlled manner. The treatment and discharge of the water has been modelled for water quality and flood control as part of the consent approval of the site.

Apart from provision of new drainage network outlets as part of the upgrade of the existing perimeter road and for the redevelopment of the previously disturbed portion of the site, there are no works to occur to the existing first and second order streams and dams.

Overflow from the northern dam is currently piped into the head of the first order stream, and the southern dam feeds into the creek line via a concrete spillway. The banks of the watercourse have been constructed and shored up in parts with stacked sandstone where necessary (such as near crossings).

## 4. Impacts and mitigation

### 4.1 Impact details

#### Potential Matters of National Environmental Significance (MNES) relevant to your proposed action area.

EPBC Act section	Controlling provision	Impacted	Reviewed
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	Yes	Yes
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes



### 4.1.1 World Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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#### 4.1.1.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \*

No

#### 4.1.1.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \*

No World Heritage place occurs in or near the project area.

### 4.1.2 National Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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#### 4.1.2.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \*

No

#### 4.1.2.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \*

No National Heritage place occurs in or near the project area.

### 4.1.3 Ramsar Wetland

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

**4.1.3.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.3.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \***

No Ramsar Wetlands occur in or near the project area.

**4.1.4 Threatened Species and Ecological Communities**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

**Threatened species**

Direct impact	Indirect impact	Species
No	No	Acacia bynoeana
No	No	Acacia pubescens
No	No	Allocasuarina glareicola
No	No	Anthochaera phrygia
No	No	Botaurus poiciloptilus
No	No	Calidris ferruginea
Yes	Yes	Callocephalon fimbriatum
Yes	Yes	Calyptorhynchus lathami lathami
No	No	Chalinolobus dwyeri
Yes		Climacteris picumnus victoriae
No	No	Cryptostylis hunteriana
No	No	Darwinia biflora
No	No	Dasyornis brachypterus
Yes	Yes	Dasyurus maculatus maculatus (SE mainland population)
No	No	Erythrorchis radiatus

Direct impact	Indirect impact	Species
No	No	Falco hypoleucos
No	No	Genoplesium baueri
No	No	Grantiella picta
No	No	Heleioporus australiacus
Yes	Yes	Hirundapus caudacutus
No	No	Hoplocephalus bungaroides
No	No	Isoodon obesulus obesulus
No	No	Lasiopetalum joyceae
No	No	Lathamus discolor
Yes		Leucopogon exolasius
No	No	Litoria aurea
No	No	Macquaria australasica
No	No	Melaleuca biconvexa
No	No	Melaleuca deanei
Yes		Melanodryas cucullata cucullata
No	No	Mixophyes balbus
Yes		Neophema chrysostris
No	No	Notamacropus parma
No	No	Numenius madagascariensis
No	No	Persicaria elatior
No	No	Persoonia hirsuta
No	No	Petauroides volans
No	No	Petaurus australis australis
No	No	Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)
No	No	Pimelea curviflora var. curviflora
No	No	Pimelea spicata
No	No	Pomaderris brunnea
Yes	Yes	Pommerhelix duralensis
No	No	Prototroctes maraena
No	No	Pseudomys novaehollandiae
Yes	No	Pteropus poliocephalus
No	No	Pycnoptilus floccosus
No	Yes	Rhizanthella slateri
No	Yes	Rhodamnia rubescens
No	No	Rhodomyrtus psidioides

Direct impact	Indirect impact	Species
No	No	Rostratula australis
Yes		Stagonopleura guttata
Yes	No	Syzygium paniculatum
No	No	Thesium australe

### Ecological communities

Direct impact	Indirect impact	Ecological community
Yes	Yes	Blue Gum High Forest of the Sydney Basin Bioregion
No	No	Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion
No	No	Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland
No	No	Coastal Upland Swamps in the Sydney Basin Bioregion
No	No	Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion
No	No	River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria
No	No	Shale Sandstone Transition Forest of the Sydney Basin Bioregion
No	Yes	Turpentine-Ironbark Forest of the Sydney Basin Bioregion
No	No	Western Sydney Dry Rainforest and Moist Woodland on Shale

#### 4.1.4.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \*

Yes

#### 4.1.4.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. \*

Each of the candidate threatened species and threatened ecological communities were explored by consideration of their habitat requirements, the distribution of BioNet species records through time and space within 10 km of the site, the distribution of the community as shown by credible mapping, and the presence of suitable habitat elements on site. This information was used to help form a judgement as to the likelihood of the entity to occur on the Property, and thus the potential for the proposal to result in a direct or indirect impact on that entity (see attached "Threatened fauna spp - impact table.pdf", "Threatened flora spp - impact table.pdf", and "TEC - impact table.pdf"). This analysis established that the proposal has the potential to impose an impact of some kind on 6 fauna species, 1 flora species, and 2 threatened ecological communities. A brief summary is provided for each impacted entity below.

It should be noted that the Current Development Area and wider Property are not considered to comprise habitat for the Koala and therefore no direct or indirect impacts on this entity are considered likely to occur. An analysis of the potential of the Property to comprise suitable habitat for the Koala is provided in Attachment 'Cumberland Ecology Analysis of Potential Koala Habitat within Coonara Property'

#### **FAUNA**

***Pommerhelix duralensis* Dural Land Snail** - potential direct and indirect impact.

A total of 18 individuals of this species were detected on site during survey. Suitable habitat was identified and mapped by species expert Dr Stephanie Clark, totaling 12.81ha across the entire lot. Additional realised and potential habitat also occurs in the adjacent State Forest.

Analysis of the survey results indicate that this species occurs in suitable habitat at a density of at least 8 individuals per hectare. Clearing works within the Current Development Area will clear ~0.31 ha of habitat for this species.

Indirect impacts are restricted to the sandstone retaining wall to the east of the multi-storey car park. The removal of the wall and multi-storey carpark will reduce the extent of existing shading, thereby potentially resulting in increased exposure of habitats. No other indirect impacts are considered likely to occur.

The distribution of the observations of this species, the realised and potential habitat on site, and the areas directly impacted by the proposal are summarised in the Attachment Concept Masterplan BDAR at Figure 26 (page 90) and the Attachment Demolition BDAR at Figure 15 (page 91).

***Callocephalon fimbriatum* Gang-gang Cockatoo** - potential direct and indirect impacts.

Suitable potential foraging habitat occurs in the Property and in the Current Development Area, and there is a reasonable chance that this species may occur in that habitat from time to time. This conclusion is supported by the recent observation (2019) of this species in the adjacent Cumberland State Forest. Therefore, direct impacts are predicted to occur based on removal of ~2.45 ha of potential foraging habitat to be removed from the Current Development Area.

Indirect impact has the potential to occur in the retained vegetation surrounding the development footprint. These are primarily edge effects such as weed incursions, light, and noise.

***Dasyurus maculatus maculatus Spotted-tailed Quoll (SE mainland population)*** - potential direct and indirect impact.

This species prefers large tracts of well-connected bushland and dens beneath rocky outcrops or in hollow-bearing trees and logs. This species is a generalist predator, and will forage on any available prey or even scavenge on carrion. Therefore, all vegetated parts that provides habitat for potential prey species represents potential foraging habitat for this species. However, small-medium sized mammals (both terrestrial and arboreal) are favoured and so the intact bushland in the southern part of the Property provides the most suitable habitat for the Spotted-tailed Quoll. This part of the Property also supports potential den habitat in hollow trees and hollow logs.

The direct impact to potential foraging habitat for this species - albeit of a marginal nature will occur in the removal of ~2.45 ha of potential habitat from the Current Development Area. However, 2.14ha or ~87.5% of the vegetation to be removed comprises landscaped gardens. Only poor quality habitats are provided by the planted garden beds due to their relatively young age (planting began in the 1980s), unusual species mix (dominated by species out of their geographic and ecological range), highly simplified structure (in many cases being crowded thin trees over bare ground), and lack of specific habitat features (such as hollows).

Indirect impact has the potential to occur in the retained vegetation surrounding the development footprint. These are primarily edge effects such as weed incursions, light, and noise.

***Pteropus poliocephalus Grey-headed Flying-fox*** - potential direct impact.

This species was recorded foraging in the development area and in the adjacent habitats during survey. Potential foraging habitat occurs in all of the suitable trees in the natural vegetation, planted gardens, and intermediate edge habitats across the Property. The direct impact to potential foraging habitat for this species will occur in the removal of ~2.45 ha of potential habitat from the Current Development Area.

***Calyptorhynchus lathami lathami Glossy Black-Cockatoo*** - potential direct and indirect impact.

This species is a specialist forager on the seeds within the fruiting cones produced by *Allocasuarina* trees. Five (5) *Allocasuarina* trees, which provide potential foraging habitat for this species are proposed be removed from the Current Development Area. None of the hollow-bearing trees recorded within the development area are of a type or size suitable as potential nesting habitat, therefore there will be no potential direct habitat to potential breeding habitat.

Indirect impact has the potential to occur in the retained vegetation surrounding the development footprint. These are primarily edge effects such as weed incursions, light, and noise.

***Hirundapus caudacutus White-throated Needle-tail*** - potential direct and indirect impact.

Suitable potential roosting habitat occurs on the Property in the trees, but particularly the trees in vegetation with a dense canopy, such as in riparian habitats, and there is a reasonable chance that this species may occur in that habitat on occasion. These riparian areas occur outside the Current Development Area. Therefore, none of the riparian vegetation will be removed and so direct impacts to potential habitat will not occur in those locations. However, there is the potential for direct impact to potential roosting habitat arising from the removal of trees within the development area. There is the potential for indirect impacts to those areas of potential habitat adjacent to the development footprint, where they will likely experience indirect short-term impacts during construction from noise, increased activity, dust, and increased exposure to sun and wind.

## **FLORA**

***Syzygium paniculatum Magenta Lilly Pilly*** - potential direct impact.

A total of 19 individuals of this species were recorded across the Property, and all were restricted to the garden beds (Vegetation Zone 4a). Of these only one occurs within the Current Development Area. The works will result in a direct impact i.e removal of the small tree in a garden bed near the southern-most entry from Coonara Avenue.

## **ECOLOGICAL COMMUNITIES**

Details regarding the Threatened Ecological Communities on site are in the Attached Concept Masterplan BDAR. The definition of Vegetation Zones across the Property are detailed at Table 7 Vegetation Zone Details (pages 33-36), their distribution is shown at Figure 8 Vegetation Zones and vegetation plots in relation to the footprint (page 17), and the footprint in relation to these Vegetation Zones is shown in Figure 21 Vegetation Zones and TECs, Figure 22 Vegetation Zones and TECs - detail northern end, and Figure 23 Vegetation Zones and TECs - detail southern end (pages 53-55).

***Blue Gum High Forest of the Sydney Basin Bioregion*** - potential direct and indirect impact.

The impact of the proposed Concept footprint to BGHF as assessed by Keystone is illustrated in the attached Concept Masterplan BDAR at Figure 27 Detail of proposed impacts to BGHF (page 99).

As outlined in the Additional Analysis by Cumberland Ecology (see Attachment Cumberland Ecology Analysis of EPBC listed communities), despite the findings of the Keystone BDAR, VZ3a is considered to comprise BGHF under the EPBC Act as a precautionary measure. Based on the Cumberland Ecology findings, direct impact will occur to a total of 0.31 ha of BGHF that is considered equivalent to the Critically Endangered Ecological Community comprising approximately:

- 0.08 ha of Vegetation Zone 3a that is located on batters and spoil;
- 0.21 ha of Vegetation Zone 5a, located on a partially landscaped and highly modified tongue of land that intrudes into the northern open-air car park
- 0.01ha of Vegetation Zone 5b, located at the edges of drainage infrastructure at the southern edge of the development area
- 0.01ha of Vegetation Zone 5c, located at the edges of drainage infrastructure at the eastern edge of the development area

Indirect impact (edge effects) may occur to the BGHF associated with the riparian habitats, alongside the eastern and southern boundaries of the development.

***Turpentine-Ironbark Forest of the Sydney Basin Bioregion - potential indirect impact.***

Indirect impact (edge effects) may occur to the patch of Vegetation Zone 6b at the south eastern corner of the footprint

**4.1.4.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? \***

No

**4.1.4.6 Describe why you do not consider this to be a Significant Impact. \***

A complete response to this question for the 9 subject MNES is provided in the attached "MNES Impact Assessments", with a brief summary below for each.

**ECOLOGICAL COMMUNITIES**

***Blue Gum High Forest of the Sydney Basin Bioregion***

The area of potential direct impact is small. The assessment of the likelihood of imposing a Serious and Irreversible Impact (SAIL) to BGHF (see Section 9 of BDAR) demonstrated that the impact to such a small area is unlikely to threaten the continued existence of the community on site, in the local area, or at any relevant scale. While the SAIL assessment in the BDAR did not include occurrences of VZ3a, the direct impact from the addition of this vegetation zone is only 0.08 ha and does not significantly alter the SAIL assessments conducted.

On the Property, ~5.19 (includes VZ3a) ha - or 94% of the occurrence of BGHF – has been avoided and will be retained and managed for conservation either under a Vegetation Management Plans for various development applications or within the reserved lands transferred to the NSW Government and managed by the NSW Forestry Corporation.

The potential for indirect impacts in the post-development landscape is similar to that in the pre-development landscape. However, the conservation management response will be more proactive and directed under an approved management plan, where the major threat - weeds - will be actively managed.

***Turpentine-Ironbark Forest of the Sydney Basin Bioregion***

There will be no direct impact in the project area on Turpentine-Ironbark Forest identified on site. The potential for indirect impacts in the post-development landscape is similar to that in the pre-development landscape. However, the conservation management response will be more proactive and directed under an approved management plan, where the major threat - weeds - will be actively managed.

**FAUNA**

***Pommerhelix duralensis Dural Land Snail***

Expert habitat analysis identified 12.81ha of suitable habitat across the Property. During survey, individuals were also observed in the adjacent Cumberland SF and suitable uninterrupted habitat extends well beyond the Property, probably occupying up to 301ha. Thus, the local population is likely to be much larger than 102 that is estimated to be sustained by the 12.81ha of habitat on the Property.

The total area of habitat to be directly impacted within the Current Development Area is ~0.31ha and it is considered that this is a small loss in the context of the available habitat remaining on and around the development area.

This species has been successfully relocated for other projects by Dr Clark, and a similar relocation protocol has been applied under consent for the Demolition Stage works. It is proposed to repeat this relocation strategy for impacted habitat arising from the Concept Stage.

These actions will result in an avoidance of direct impact to individuals that may be in the footprint. Additional amelioration will be delivered by the enrichment of retained habitat under community title.

The proposal is unlikely to result in significant impact as the population is unlikely to experience a long-term decrease or reduce its area of occupancy. Its habitat will not be fragmented in any significant way, and the habitat in and around the edges of the car parks is unlikely to be critical to its survival. The redevelopment is not likely to introduce invasive species or disease. The retention and enrichment of the majority of its habitat is likely to be of benefit to its breeding cycle and contribute to its recovery.

***Callocephalon fimbriatum Gang-gang Cockatoo***

This species was not detected during survey; this assessment is based on the impact to potential habitat only.

Critical habitat elements for this species include appropriate nest sites and good foraging habitat. It breeds in montane areas, so only foraging habitat is of relevance.

The variety of native species available in both the native gardens and natural bushland would be of value to this species. However, garden habitat is superabundant in the local area and the loss of such habitat from the development area is not likely to result in a significant adverse impact on this species. The natural bushland within the Property will be retained and managed for conservation.

***Dasyurus maculatus maculatus Spotted-tailed Quoll (SE mainland population)***

This species was not detected during survey; this assessment is based on the impact to potential habitat only.

Critical elements of habitat for this species includes den sites and the availability of prey. The Current Development Area is devoid of suitable denning habitat and supports poor quality habitat for its prey species in the car park garden beds and weedy edges. By contrast, the adjoining uninterrupted natural bushland in the wider Property that will be retained has a complex structure, many large hollow trees and large hollow logs, and good habitat for prey species.

***Pteropus poliocephalus Grey-headed Flying-fox***

During survey, this species was detected foraging on Sydney Blue Gums in the Property and beyond in Cumberland State Forest.

Critical habitat elements for this species include suitable camp sites; the availability of food throughout the year and across the landscape; the availability of water; and the availability of sufficient refugia during drought and extreme heat.

The site provides only foraging resources (mainly from late winter to summer) and water. The majority of the trees in the landscaped gardens (but particularly in the car parks) are unlikely to provide high quality forage due to their poor growing conditions and stunted growth. By contrast, the bushland vegetation in the wider Property (outside the Current Development Area) contains an abundance of mature trees that provide high quality forage across the same seasons. The dams will also be retained. This habitat retention is within the context of the large connected areas of reserved habitat external to the site. Thus while the area of available foraging habitat will be temporarily reduced, the types of resources available will remain, including the habitat of highest value.

The scale of the loss of foraging habitat is not considered likely to impose a significant impact on this highly mobile species.

***Calyptorhynchus lathami lathami Glossy Black-Cockatoo***

This species was not detected during survey; this assessment is based on the impact to potential habitat only. By definition therefore, the site cannot be considered as supporting an important population.

Critical habitat elements for this species include appropriate nest sites and good foraging habitat. The development will require the removal of only 5 potential feed trees and no potential nest trees. Such small scale habitat loss cannot be considered likely to result in a significant adverse impact on this species.

***Hirundapus caudacutus White-throated Needletail***

This species was not detected during survey; this assessment is based on the impact to potential habitat only.

The site provides potential habitat for occasional tree roosting. The loss or modification of potential habitat within the development area is a very small scale loss for this highly mobile species and is unlikely to result in a significant impact.

There is no evidence that it supports an ecologically significant proportion of the population. Records of this species are generally of groups flying and foraging overhead; Although this species may roost in the Sydney area as part of its non-breeding spring-summer migration, there is no evidence to suggest that the habitat is of critical importance to this particular life-cycle stage of this species. Roosting habitat is common on site and in its vicinity;

The potential habitat is not at the limit of the range of this species, being present in coastal and inland eastern Australia from the Northern Territory to Tasmania and beyond Australia north to Siberia; and BirdLife International (<http://datazone.birdlife.org/species/factsheet/white-throated-needletail-hirundapus-caudacutus>) reports that the population trend for this species is stable.

**FLORA**

***Syzygium paniculatum Magenta Lilly Pilly***

The single individual within the Current Development Area is restricted to a planted garden and represented by horticultural specimens and their progeny. The Recovery Plan (OEH 2012) recognises that plants in cultivation should be excluded from "all actions related to the conservation of the species in the wild". The Sydney metapopulation is centred on the coastal habitats around Botany Bay, and the distribution of records across the suburbs away from these natural populations is a reflection of its popularity in horticulture, not its natural distribution. The Property is distant from these known natural populations and their habitats; the removal of horticultural specimens and their artificial habitat in a landscaped garden is unlikely to impact on the broader Sydney populations. The constructed habitats available cannot be considered to be critical to the survival of this species and the assemblage of garden specimens cannot be regarded as an important population. Thus their removal is considered not to impose a significant impact on the species.

**4.1.4.7 Do you think your proposed action is a controlled action? \***

No

**4.1.4.9 Please elaborate why you do not think your proposed action is a controlled action. \***

None of the impacts on MNES are considered of a type or scale sufficient to qualify as a controlled action. This is due to a number of factors:

- Early assessment of the ecological values of the whole Property and subsequent identification of ecological constraints to the development footprint.
- Careful avoidance of impact by concentration of the development in the already-developed part of the site. The losses of vegetation are therefore generally restricted to garden areas that provide poor habitat for threatened species.
- Long-term studies of the biodiversity on and around the development area provide a high level of confidence regarding the known distribution and abundance of threatened species.
- Footprint extent and design has been iterative and responsive to any additional biodiversity concerns e.g. Powerful Owl habitat protection through redesign of the perimeter road, additional northern buffer applied to new Powerful Owl summer roost resulted in a footprint redesign and loss of yield in the northern section of the development.
- Of the 6 fauna species that constitute MNES, only 2 have been recorded on site; the other 4 are considered only because of the presence of potential habitat.
- The 2 fauna species of MNES recorded on site are the Grey-headed Flying-fox and Dural Land Snail. Potential impacts to these species are not considered to be significant:
  - The Grey-headed Flying-fox may only use the site as warm season foraging habitat and such foraging habitat is common and secure across the remainder of the bushland on the Property, in the adjacent State Forest, and elsewhere. Critical habitat elements for this species are not present (such as camp sites and winter forage) and are therefore not impacted by the proposal.
  - The Dural Land Snail has been found on the Property and the response has been to engage the species expert to identify suitable habitat, assist in the preparation of mitigation strategies, and to implement those strategies.
- The 1 flora species of MNES recorded on site is *Syzygium paniculatum*, which was planted as part of the landscape treatment for the original IBM office complex. This is a very popular species in horticulture and from unknown provenance. The recovery plan recognises that plants in cultivation should be excluded from “all actions related to the conservation of the species in the wild” and so it follows that the removal of a small number of planted specimens is unlikely to impose a significant impact on this species.
- The site supports 2 Critically Endangered Communities:
  - Blue Gum High Forest. A total of ~5.49 ha of BGHF in various condition states (note this includes areas mapped as VZ3a by Keystone) has been mapped within the Property. Direct impacts will occur to ~0.02ha of good condition BGHF around proposed drainage infrastructure and to ~0.29 ha of weedy/degraded BGHF in the northern parts of the Current Development Area. This comprises ~5.5% of the extent of BGHF within the Property. In the wider locality, this comprises ~ 0.04% of the current extent of the community, and it is located on a edges of within a larger patch of mapped BGHF of more than 60 hectares, when the extension into Cumberland State Forest is considered. Although this is likely to be an overestimate, it is within a relatively intact and large area of bushland in an urban matrix and 94% of the BGHF on site will be conserved and managed for conservation.
  - Turpentine-Ironbark Forest. The Property supports at least 7.25 hectares of STIF. The development does not impinge directly on any STIF and potential indirect impacts are easily controlled by the implementation of an approved VMP

**4.1.4.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. \***

Measures to avoid and ameliorate impacts are detailed in Table 15 of the Concept Masterplan BDAR (attached, see pages 110 to 112).

***Impacts avoided***

- The location of the development footprint has been chosen as a result of a long and iterative process of ecological constraints assessment, starting in 2014. The broad ecological parameters of the site were identified early and used to identify an appropriate APZ, and a series of Masterplans drawn up. As surveys have continued, the Masterplan has been modified to suit new information. Many of the modifications are small adjustments, but are manifested most obviously in changes to the road design, deletion of a proposed soccer field, and the APZ arrangement:
- The perimeter road has to be widened to accommodate two-way traffic and emergency vehicles. This has been designed so that the outer kerb alignment / levels are generally retained with the expanded road footprint extending inwards to the already developed area, rather than out into the natural forested parts.
- The widening of the perimeter road in the vicinity of the south eastern corner would have had direct impacts on the upslope patch of STIF, the realised habitat of the Dural Land Snail within that patch, and potentially compromised the tree that had been used as a nest tree in the past by the Powerful Owl. Therefore, the road design was entirely reconfigured so that – other than resurfacing works – this corner of the roadway is to remain as is; the major carriageway is instead located outside of the STIF.
- The soccer field has been deleted, which will remove potential noise and activity disturbances to Powerful Owl breeding and roosting habitat, as well as further pressure to widen the perimeter road and entry bridge to accommodate buses.
- The APZ has been applied from the outer edge of important vegetation inwards to the existing developed areas. This will ensure the protection of the important vegetation, preferencing biodiversity over yield.
- Impact avoidance has also been incorporated into the works plan in the event that the Powerful Owls return to the site to breed. Although the resident pair has nested in Cumberland SF for the last several years, recommended buffers and other contingency



controls are in place.

- Re-use and retrofitting of existing stormwater infrastructure has been achieved where possible, and all other new basins have been located within the development footprint. The stormwater management system has been designed to deliver suitable detention and runoff rates, and water quality targets for the receiving creek network.
- Most recently, the footprint was amended and the yield reduced in the northern end of the development in response to a new sighting of the Powerful Owl using dense weedy vegetation in a drain as a summer roost site. The proposed APZ was lifted from this weedy drain and a 50m wide habitat buffer applied.
- This highly constrained approach in the design phase has resulted in the least direct impact to natural vegetation. Only a small area of Blue Gum High Forest is impacted. The vast majority of the high value naturally-occurring vegetation – all of the STIF and 94% of the BGHF - is not directly impacted by the proposed works.

#### **Impacts ameliorated**

- Habitat retention and management. The BGHF and STIF to be retained in the Community Lot will be managed for conservation under an approved VMP (see attached "Concept VMP\_Rev04.pdf"); the rest will be dedicated to Forestry Corporation with a similar objective and under a similar plan (see attached Forestry Area 1VMP\_20230222.pdf). Any impacts to BGHF and STIF are considered to be negligible and more than offset by the retention and conservation strategy.
- Supervision. To ameliorate potential fauna impacts during works, the Project Ecologist will undertake pre-clearing surveys and supervise the removal of all vegetation.
- Powerful Owl. Breeding activity of the owls is being closely monitored, so that ameliorative measures can be triggered if breeding activity is detected within the 100 metre buffer distance from a works area. These controls are based on expert advice from Dr Stephen Ambrose, and are centred around rescheduling works outside of the breeding season and outside of times of day most likely to disturb breeding birds or their young. No conflicts with breeding activity by the Powerful Owls have been experienced during the demolition works.
- Dural Land Snail. A pre-clearing relocation protocol will be implemented in suitable habitat under the supervision of Dr Clark prior to works, in order to prevent the loss of individuals. An exhaustive search under optimum conditions will be undertaken and all individuals will be collected and relocated to the closest suitable and secure habitat on the subject land and/or in Cumberland SF. This protocol has been implemented successfully for this species by Dr Clark as an ameliorative measure for the Demolition Stage on the Property and in other locations (e.g. Halcrows Road Cattai).
- Pet Control. During occupation, controls will be incorporated into the Community Management Statement that will prevent domestic pets wandering into the bushland and disturbing or killing native fauna.

#### **4.1.4.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. \***

The following sets of offsets to the identified impacts will be implemented:

- Formal retirement of biodiversity credits as detailed in the NSW development consent for the Demolition DA (see "Consent Conditions Extracts re Biodiversity Offsetting.pdf", page 1) and supported by the Biodiversity Assessment Method Calculations provided in the previous BDAR prepared for the Demolition Stage, being -
  - 57 PCT 1237 ecosystem credits - like-for-like option only, sourced from IBRA subregions Cumberland, Burratorang, Pittwater, Sydney Cataract, Wollemi, and Wyong, or any IBRA subregion within 100km of the outer edge of the impacted site
  - 8 Ninox strenua Powerful Owl species credits - like-for-like option only, sourced from anywhere in NSW
  - 17 Pommerhelix duralensis Dural Land Snail species credits - like-for-like option only, sourced from anywhere in NSW
  - Myotis macropus Southern Myotis species credits - like-for-like option only, sourced from anywhere in NSW
- Formal retirement of biodiversity credits as detailed in the NSW development consent for Concept Masterplan DA (see "Consent Conditions Extracts re Biodiversity Offsetting.pdf", page 2) and supported by the Biodiversity Assessment Method Calculations provided in Appendix 1 of the Concept Stage BDAR (page 130) dated 16th June 2022, being -
  - 19 PCT 1237 ecosystem credits - like-for-like option only, sourced from IBRA subregions Cumberland, Burratorang, Pittwater, Sydney Cataract, Wollemi, and Wyong, or any IBRA subregion within 100km of the outer edge of the impacted site
  - 9 Cercartetus nanus Eastern Pygmy Possum species credits - like-for-like option only, sourced from anywhere in NSW
  - 11 Chalanolobus dwyeri Large-eared Pied Bat species credits - like-for-like option only, sourced from anywhere in NSW
  - 9 Myotis macropus Southern Myotis species credits - like-for-like option only, sourced from anywhere in NSW
  - 4 Ninox strenua Powerful Owl species credits - like-for-like option only, sourced from anywhere in NSW
  - 10 Pommerhelix duralensis Dural Land Snail species credits - like-for-like option only, sourced from anywhere in NSW
- Dedication of approximately 10 hectares of bushland to Forestry Corporation for long term conservation management of its constituent uninterrupted tracts of Turpentine-Ironbark Forest and Blue Gum High Forest.

#### **4.1.5 Migratory Species**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Species
No	No	Actitis hypoleucos
No	No	Apus pacificus
No	No	Calidris acuminata
No	No	Calidris ferruginea
No	No	Calidris melanotos
No	No	Cuculus optatus
No	No	Gallinago hardwickii
Yes	Yes	Hirundapus caudacutus
No	Yes	Monarcha melanopsis
No	No	Motacilla flava
No	Yes	Myiagra cyanoleuca
No	No	Numenius madagascariensis
No	Yes	Rhipidura rufifrons
No	No	Symposiachrus trivirgatus
No	No	Tringa nebularia

**4.1.5.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

Yes

**4.1.5.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. \***

Each of the Migratory-listed species was explored by consideration of their habitat requirements, the distribution of BioNet records through time and space within 10 km of the site, and the presence of suitable habitat elements on site. This information was used to help form a judgement as to the likelihood of the species to occur on site, and thus the potential for the proposal to result in a direct or indirect impact on that species (see attached "Migratory spp - impact table.pdf"). This analysis established that the proposal has the potential to impose an impact of some kind on four species: Rhipidura rufifrons Rufous Fantail, Monarcha melanopsis Black-faced Monarch, Myiagra cyanoleuca Satin Flycatcher, and Hirundapus caudacutus White-throated Needletail.

*Rhipidura rufifrons* Rufous Fantail - potential indirect impact.

Suitable potential habitat occurs on the Property in the riparian vegetation and there is a reasonable chance that this species may occur in that habitat from time to time. None of the riparian vegetation will be removed and so direct impacts to potential habitat will not occur. However, those areas of potential habitat adjacent to the development footprint will likely experience indirect short-term impacts during construction from noise, increased activity, dust, and increased exposure to sun and wind.

*Monarcha melanopsis* Black-faced Monarch - potential indirect impact.

Suitable potential habitat occurs on the Property in the riparian vegetation and there is a reasonable chance that this species may occur in that habitat from time to time. None of the riparian vegetation will be removed and so direct impacts to potential habitat will not occur. However, those areas of potential habitat adjacent to the development footprint will likely experience indirect short-term impacts during construction from noise, increased activity, dust, and increased exposure to sun and wind.

*Myiagra cyanoleuca* Satin Flycatcher - potential indirect impact.

Suitable potential habitat occurs on the Property in the riparian vegetation and there is a reasonable chance that this species may occur in that habitat from time to time. None of the riparian vegetation will be removed and so direct impacts to potential habitat will not occur. However, those areas of potential habitat adjacent to the development footprint will likely experience indirect short-term impacts during construction from noise, increased activity, dust, and increased exposure to sun and wind.

*Hirundapus caudacutus* White-throated Needletail - potential direct and indirect impact.

Suitable potential roosting habitat occurs on the Property in the trees, but particularly the trees in vegetation with a dense canopy, such as in riparian habitats, and there is a reasonable chance that this species may occur in that habitat on occasion. None of the riparian vegetation will be removed and so direct impacts to potential habitat will not occur in those locations. However, there is the potential for direct impact to potential roosting habitat arising from the removal of trees within the development area. There is the potential for indirect impacts to those areas of potential habitat adjacent to the development footprint, where they will likely experience indirect short-term impacts during construction from noise, increased activity, dust, and increased exposure to sun and wind.

#### 4.1.5.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? \*

No

#### 4.1.5.6 Describe why you do not consider this to be a Significant Impact. \*

##### *Rhipidura rufifrons* Rufous Fantail

The area of potential habitat that will be modified by the proposal cannot be regarded as important habitat for the species:

- There is no evidence that it supports an ecologically significant proportion of the population - it has not been observed on the Property;
- Although this species may nest in the Sydney area as part of its spring-summer breeding migration, there is no evidence to suggest that the habitats on the Property are of critical importance to this particular life-cycle stage of this species - it has not been observed on the Property;
- The potential habitat is not at the limit of the range of this species, being present in coastal eastern Australia from Cape York to South Australia; and
- While BirdLife International (<http://datazone.birdlife.org/species/factsheet/rufous-fantail-rhipidura-rufifrons>) reports that the population trend for this species appears to be decreasing, the decline is not believed to be sufficiently rapid to approach the thresholds for Vulnerable under the population trend or size criteria, and therefore the species is evaluated as "Least Concern".

##### *Monarcha melanopsis* Black-faced Monarch

The area of potential habitat that will be modified by the proposal cannot be regarded as important habitat for the species:

- There is no evidence that it supports an ecologically significant proportion of the population - it has not been observed on the Property;
- Although this species may nest in the Sydney area as part of its spring-summer breeding migration, there is no evidence to suggest that the habitats within the Property are of critical importance to this particular life-cycle stage of this species - it has not been observed on the Property;
- The potential habitat is not at the limit of the range of this species, being present in coastal eastern Australia from north Queensland to Victoria and beyond Australia in Papua New Guinea; and
- BirdLife International (<http://datazone.birdlife.org/species/factsheet/black-faced-monarch-monarcha-melanopsis>) reports that the population trend for this species is stable.

##### *Myiagra cyanoleuca* Satin Flycatcher

The area of potential habitat that will be modified by the proposal cannot be regarded as important habitat for the species:

- There is no evidence that it supports an ecologically significant proportion of the population - it has not been observed on or even close to the Property;
- Although this species may nest in the Sydney area as part of its spring-summer breeding migration, there is no evidence to suggest that the habitats within the Property are of critical importance to this particular life-cycle stage of this species - it has not been observed on or even close to the Property;
- The potential habitat is not at the limit of the range of this species, being present in coastal eastern Australia from north Queensland to Tasmania and beyond Australia in Papua New Guinea; and
- While BirdLife International (<http://datazone.birdlife.org/species/factsheet/satin-flycatcher-myiagra-cyanoleuca>) reports that the population trend for this species appears to be decreasing, the decline is not believed to be sufficiently rapid to approach the thresholds for Vulnerable under the population trend or size criteria, and therefore the species is evaluated as "Least Concern".

##### *Hirundapus caudacutus* White-throated Needletail

The area of potential habitat that will be modified by the proposal cannot be regarded as important habitat for the species:

- There is no evidence that it supports an ecologically significant proportion of the population. Records of this species are generally of groups flying and foraging overhead;
- Although this species may roost in the Sydney area as part of its non-breeding spring-summer migration, there is no evidence to suggest that the habitats within the Property are of critical importance to this particular life-cycle stage of this species. Roosting habitat is common on the Property and in its vicinity;
- The potential habitat is not at the limit of the range of this species, being present in coastal and inland eastern Australia from the Northern Territory to Tasmania and beyond Australia north to Siberia; and
- BirdLife International (<http://datazone.birdlife.org/species/factsheet/white-throated-needletail-hirundapus-caudacutus>) reports that the population trend for this species is stable.

**4.1.5.7 Do you think your proposed action is a controlled action? \***

No

**4.1.5.9 Please elaborate why you do not think your proposed action is a controlled action. \***

The losses of potential habitat or the disturbances to potential habitat are at a small scale.

The potential for the presence of each of these species on site is relatively low, and therefore the potential for impacts is also relatively low.

The types of habitats to be directly impacted by the development are largely unsuitable for these species, being dominated by strips of garden beds within open-air car parks or small areas of better-connected habitat that are infested by weed species in the understorey.

The nature of the disturbances to be imposed by the development activity is not unusual for the Property or for urban bushland in general. The site has been continually disturbed since the early 1980s after its transformation from an orchard to a business park and later use for tenants other than IBM. It has been subjected to construction, daily visitation both day and night by hundreds of vehicles and people, lighting of the roadways and continued light spill from the buildings, continuing maintenance and management of the vegetation, and demolition in line with the recent consent. Although it is private property, many local residents and visitors to the adjacent State Forest use the site for recreation (hiking, dog walking, running, cycling, bird watching) and it is also used as a spill over car park for visitors to the adjacent nursery and cafe. The site is also within an urban landscape that also experiences constant 24 hour noise from traffic, aircraft, and surrounding residences.

The projected long-term use of the site is therefore not significantly different to the nature or scale of its current and historical use.

**4.1.5.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. \***

The initial design of the proposal has been driven by the objectives to avoid and mitigate impacts by the concentration of the footprint within that part of the Property that has already been developed. This is explored in detail in the BDAR, and particularly at Section 6, pages 95 to 97.

The development areas are embedded in a matrix of a large patch of bushland in an otherwise urban setting. The retained habitats to be managed in the Community Lot plus those in the bushland to be dedicated to Forestry Corporation, plus those in the adjacent Cumberland State Forest all serve to mitigate the small scale impacts to potential habitats for these species.

The retained habitats are in general of a superior quality to those to be impacted.

**4.1.5.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. \***

While it is not considered to constitute a Controlled Action, offsets have been incorporated into the proposal.

Important areas of vegetation within the development area that are relevant to these species will be retained and managed for conservation under approved Vegetation Management Plans. This includes a patch of STIF (that provides suitable roosting habitat for the White-throated Needletail) and riparian vegetation (suitable for use by the Rufous Fantail, Black-faced Monarch, and Satin Flycatcher). This is an on-site offset.

Landscaped parks and gardens in the development areas will also play a role in offsetting habitat losses. This is an on-site offset.

The approximately 10ha of well-connected bushland comprising two Critically Endangered Ecological Communities is to be dedicated to the Forestry Corporation so that it can be managed for conservation purposes and integrated with the extensive area of bushland in the adjacent Cumberland State Forest. This is a substantial on-site offset.

The NSW Biodiversity Offsets Scheme has been triggered by this proposal, and so biodiversity credits must be retired in order to offset unavoidable impacts. Two offset packages have been approved - one for the initial demolition stage and one for the subsequent concept residential stage. The required biodiversity offsets have been extracted from the Conditions of Consent for each of these Development Applications and provided in the attached "Consent Conditions Extracts re Biodiversity Offsetting.pdf".

Notably, none of the 4 migratory species in question here are species-credit species under the NSW Biodiversity Offsets Scheme, and so the offsets for impacts to their habitats are included in the ecosystem credit obligation.

**4.1.6 Nuclear**

**4.1.6.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.6.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \***

No nuclear facilities occur on or near the project area.

**4.1.7 Commonwealth Marine Area**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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**4.1.7.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.7.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \***

No marine areas occur on or near the project area.

**4.1.8 Great Barrier Reef**

**4.1.8.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.8.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \***

The project area is not near the Great Barrier Reef and the actions proposed will not exacerbate threats to the Great Barrier Reef.

**4.1.9 Water resource in relation to large coal mining development or coal seam gas**

**4.1.9.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.9.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \***

This is a residential development within an urban area of Sydney; it is not related to a coal mining development or coal seam gas exploration or extraction.

**4.1.10 Commonwealth Land**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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**4.1.10.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.10.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \***

There are no Commonwealth lands on or near the project area.

**4.1.11 Commonwealth Heritage Places Overseas**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

**4.1.11.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.11.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. \***

The proposal is within the Sydney urban area.

**4.1.12 Commonwealth or Commonwealth Agency**

**4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? \***

No

## 4.2 Impact summary

### Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

*None*

### Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Threatened Species and Ecological Communities (S18)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth Heritage Places Overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

## 4.3 Alternatives

### 4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? \*

No

### 4.3.8 Describe why alternatives for your proposed action were not possible. \*

There are no feasible alternatives to this proposal.

Prior to this proposed redevelopment, the entire lot was zoned for B7 Business Park. However, it was recognised that rezoning was appropriate in order to at least protect the important natural bushland.

The IBM development was unique - purpose-built to serve the model of an isolated campus-style high-tech facility.

No long-term commercial tenants could be attracted to the site, given its unusual features and location in a residential area. The strategic planning context made residential development in part of the site a desirable objective.

The specialised nature of the IBM facility made it unfeasible to repurpose the existing buildings to residential use.

Therefore, redevelopment of the existing developed footprint was explored, with an early ecological analysis identifying important no-go areas and bushfire hazard analysis identifying the limits to the proximity of the footprint to retained vegetation.

The site is steep, and the resultant civil engineering constraints precluded the retention of the garden beds and open-air car parks.

It is notable that the layout has not been designed to maximise the yield - the housing density is less than that allowable under the zoning – 417 dwellings versus planning approval for up to 600 dwellings. Impacts are restricted to the already highly modified areas that have shortcomings in their value as habitat (e.g. planted gardens dominated by species out of their natural range, trees stunted by poor growing conditions in narrow and shallow beds in open-air car parks).

The proposal is considered to be the best outcome that balances the conservation of important biodiversity with planning and community needs.

## 5. Lodgement

### 5.1 Attachments

#### 1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Figure 1. Layout of Referred Area.pdf Figure of layout of Property		No	High
#2.	Document	Figure 2. Location of Development Applications within the Property.pdf Figure of location of development applications		No	High
#3.	Document	Figure 3. Previous Vegetation Mapping (2021).pdf Figure of vegetation mapping		No	High
#4.	Document	Figure 4. Current Vegetation Mapping (2023).pdf Figure of updated vegetation mapping		No	High
#5.	Document	Glossary of Terms.pdf Glossary of terms		No	High
#6.	Document	Self assessment of excluded areas.pdf Assessment document		No	High

#### 1.2.6 Commonwealth or state legislation, planning frameworks or policy documents that are relevant to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Concept Masterplan BDAR.pdf Ecological assessment document		No	High



#2.	Document	Demolition BDAR.pdf Ecological assessment document	No	High
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## 1.2.7 Public consultation regarding the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Aboriginal Archaeological DDA.pdf Aboriginal Archaeological Due diligence assessment			High
#2.	Document	NIAA Correspondence - Mirvac EPBC 2021-8995 (1).pdf Correspondence from National Indigenous Australians Agency		Yes	High
#3.	Document	Summary - Chronology Planning Proposal Consultation Timeline 230223.pdf A chronology of consultation activities related to the proposed development of 55 Coonara Avenue, West Pennant Hills	23/02/2023	No	High

## 1.3.2.18 (Person proposing to take the action) If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	HSE Management Sysytem.pdf Health, Safety and Environment Management System	28/03/2023	No	High
#2.	Document	Planet Positive Zero Waste.pdf Strategy for reaching zero waste by 2030	01/11/2022	No	High
#3.	Document	This Changes Everything Strategy.pdf ESG Strategy	01/11/2022	No	High

## 3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Figure 1. Layout of Referred Area.pdf Figure of layout of Property			High
#2.	Document	Historic Aerial Imagery.pdf Historic Aerial imagery		No	High

## 3.1.2 Existing or proposed uses for the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Figure 5. Location of Vegetation Management Areas within the Property.pdf Figure of vegetation management areas		No	High

## 3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Concept Masterplan BDAR.pdf Ecological assessment document			High
#2.	Document	Recorded Fauna.pdf List of fauna species recorded within the Property		No	High

## 3.2.2 Vegetation within the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Cumberland Ecology Analysis of EPBC listed communities.pdf Analysis of communities against EPBC thresholds		No	High
#2.	Document	Figure 4. Current Vegetation Mapping (2023).pdf Figure of updated vegetation mapping			High
#3.	Document	Figure 6. Threatened Ecological Communities within the Property.pdf Figure of TEC distribution		No	High
#4.	Document				

Historic Aerial Imagery.pdf Historic Aerial imagery	High
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## 3.3.2 Indigenous heritage values that apply to the project area

Type	Name	Date	Sensitivity	Confidence
#1. Document	Aboriginal Archaeological DDA.pdf Aboriginal Archaeological Due diligence assessment		Yes	High

## 4.1.4.2 (Threatened Species and Ecological Communities) Why your action has a direct and/or indirect impact on the identified protected matters

Type	Name	Date	Sensitivity	Confidence
#1. Document	Concept Masterplan BDAR.pdf Ecological assessment document			High
#2. Document	Cumberland Ecology Analysis of EPBC listed communities.pdf Analysis of communities against EPBC thresholds			High
#3. Document	Cumberland Ecology Analysis of Potential Koala Habitat within Coonara Property.pdf Analysis of Koala habitat		No	High
#4. Document	Demolition BDAR.pdf Ecological assessment document			High
#5. Document	TEC impact table.pdf Impact table for threatened ecological communities.	13/03/2023	No	High
#6. Document	Threatened fauna spp - impact table.pdf Impact table for threatened fauna species.	16/03/2023	No	High
#7. Document	Threatened flora spp - impact table.pdf Impact table for threatened flora species.	15/03/2023	No	High

## 4.1.4.6 (Threatened Species and Ecological Communities) Why you do not consider the direct and/or indirect impact to be a Significant Impact

Type	Name	Date	Sensitivity	Confidence
#1. Document	MNES Impact Assessments.pdf Assessments against Significant Impact Guidelines		No	High

## 4.1.4.10 (Threatened Species and Ecological Communities) Avoidance or mitigation measures proposed for this action

Type	Name	Date	Sensitivity	Confidence
#1. Document	Concept Masterplan BDAR.pdf Ecological assessment document			High
#2. Document	Concept VMP_Rev04.pdf Vegetation Management Plan for retained native vegetation within the development area.	16/02/2023	No	High
#3. Document	Forestry Area 1VMP_20230222.pdf Vegetation Management Plan for the bushland dedicated to Forestry.	22/02/2023	No	High

## 4.1.4.11 (Threatened Species and Ecological Communities) Proposed offsets relevant to avoidance or mitigation measures

Type	Name	Date	Sensitivity	Confidence
#1. Document	Consent Conditions Extracts re Biodiversity Offsetting.pdf Sets of conditions re biodiversity offsetting, extracted from consents for the demolition stage and concept development stage.	08/03/2023	No	High

## 4.1.5.2 (Migratory Species) Why your action has a direct and/or indirect impact on the identified protected matters

Type	Name	Date	Sensitivity	Confidence
#1. Document	Migratory spp - impact table.pdf Impact table for migratory species		No	High

## 4.1.5.11 (Migratory Species) Proposed offsets relevant to avoidance or mitigation measures

Type	Name	Date	Sensitivity	Confidence
#1. Document	Consent Conditions Extracts re Biodiversity Offsetting.pdf Sets of conditions re biodiversity offsetting, extracted from consents for the demolition stage and concept development stage.	09/03/2023	No	High

## 5.2 Declarations

### ✔ Completed Referring party's declaration

The Referring party is the person preparing the information in this referral.

ABN/ACN 14106144647

Organisation name Cumberland Ecology

Organisation address PO Box 2474, Carlingford Court, NSW 2118

Representative's name Gitanjali Katrak

Representative's job title Senior Project Manager/Ecologist

Phone 02 9868 1933

Email gitanjali.katrak@cumberlandecology.com.au

Address

- Check this box to indicate you have read the referral form. \*
- I would like to receive notifications and track the referral progress through the EPBC portal. \*
- By checking this box, I, **Gitanjali Katrak of Cumberland Ecology**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. \*
- I would like to receive notifications and track the referral progress through the EPBC portal. \*

### ✔ Completed Person proposing to take the action's declaration

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN/ACN 72001069245

Organisation name MIRVAC PROJECTS PTY LTD

Organisation address Level 28, 200 George Street, Sydney 2000 NSW

Representative's name Emma Ellis

Representative's job title Project Director

Phone 02 9080 8000

Email Emma.Ellis@mirvac.com

Address Level 28, 200 George Street, Sydney, 2000

- Check this box to indicate you have read the referral form. \*
- I would like to receive notifications and track the referral progress through the EPBC portal. \*
- I, **Emma Ellis of MIRVAC PROJECTS PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. \*
- I would like to receive notifications and track the referral progress through the EPBC portal. \*

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### Completed Proposed designated proponent's declaration

The Proposed designated proponent is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

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Same as Person proposing to take the action information.

- Check this box to indicate you have read the referral form. \*
- I would like to receive notifications and track the referral progress through the EPBC portal. \*
- I, **Emma Ellis of MIRVAC PROJECTS PTY LTD**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. \*
- I would like to receive notifications and track the referral progress through the EPBC portal. \*