

Gateway Planning Proposal

25 Ellems Bridge Road, Piora



Site: Lot 2 DP 1170052 &
Lot 1 DP 449328

Our Ref: 04/102
Date: May 2013



Document Control Sheet

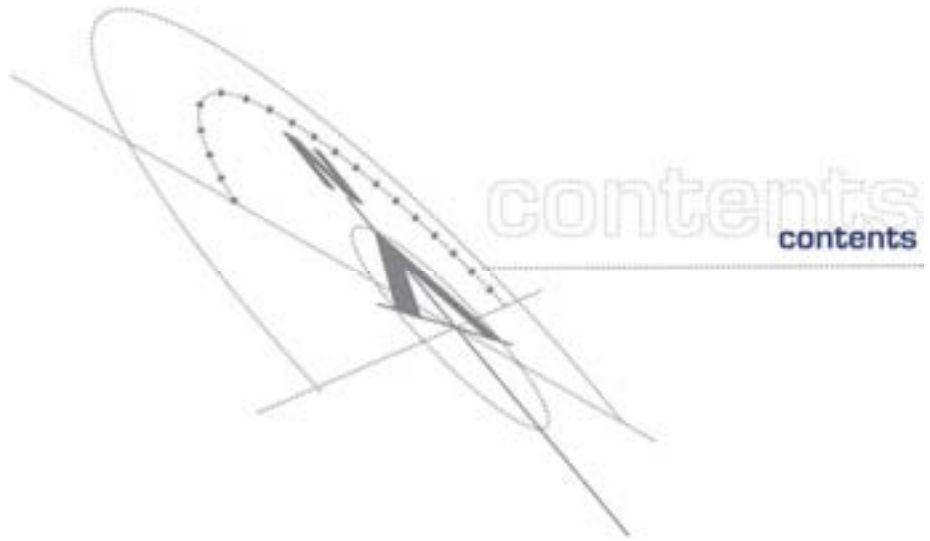
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Document Title:	Gateway Planning Proposal			
Author:	Damian Chapelle			
Project Manager:	Damian Chapelle			
Date of Issue:	29 May 2013			
Job Reference:	04/102			
Project Outline:	This document presents a Planning Proposal to rezone part of the land presently zoned RU1 To R5 in accordance with the RVLEP 2012.			
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USAGE NOTE:

This document was prepared for the exclusive use of S Lane for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.

The information contained in this report is based on independent research undertaken by Newton Denny Chapelle. To the best of our knowledge, it does not contain any false, misleading or incomplete information.



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Attachments

- Attachment 1 – Place Environmental
Ecological and Bushfire Hazard Assessment
Addendum Letter for Assessment (28 South)
- Attachment 2 – BCA Check
On-site Sewage and Wastewater Management Report
- Attachment 3 – Newton Denny Chapelle
Stormwater Management Plan
- Attachment 4 – Deposited Plans
- Attachment 5 – Richmond Valley Council Pre-lodgement Correspondence
- Attachment 6 – Newton Denny Chapelle
Traffic Impact Assessment
- Attachment 7 – LUCRA
Newton Denny Chapelle
- Attachment 8 – Richmond Valley Council Correspondence (22 October 2008, 12 October 2009, 19 March 2012, 7 May 2012, 11 April 2013 & 14 May 2013)
- Attachment 9 – AHIMS
- Attachment 10 – NSW DPI, NSW RFS, NSW DoP, NSW RTA & NSW DNR Objections
- Attachment 11 – Richmond Valley Council Report
- Attachment 12 – Section 117: Direction 1.3 – Mining, Petroleum Production and Extractive Industries
 - Mineral Resource Audit of Richmond
 - SEPP (Mining, Petroleum Production and Extractive Industries) 2007 Clause 13

EXECUTIVE SUMMARY

1. Background

Newton Denny Chapelle has been engaged by *Mr S Lane* to prepare a Planning Proposal for land identified in the below **Table 1**, being 25 Ellems Bridge Road, Piora.

This Planning Proposal has been completed in accordance with the Department of Planning & Infrastructure's guide to preparing Planning Proposals. A Gateway determination under Section 56 of the Environmental Planning and Assessment Act is sought.

As shown in **Plate 1**, the subject lands are currently zoned under the Richmond Valley Local Environmental Plan 2012 as a combination of:

- RU1 – Primary Production
- E2 – Environmental Conservation

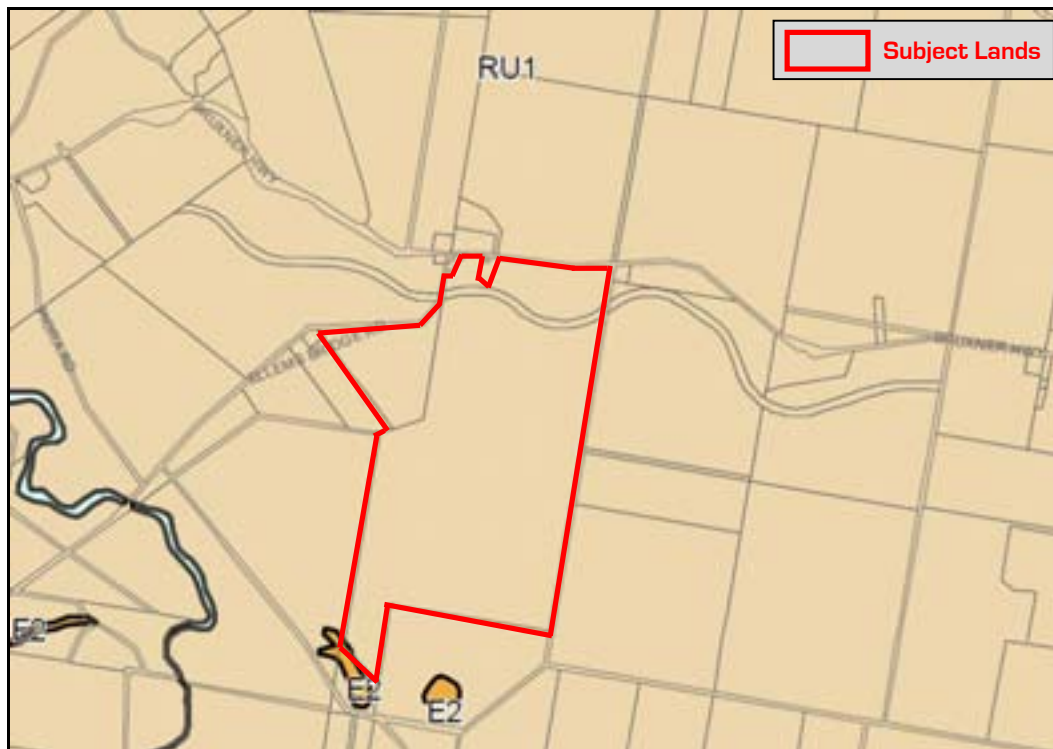


Plate 1: Current land zoning under the Richmond Valley LEP 2012 (Source Richmond Valley Council)

As presented in **Plan 3** – Proposed Zoning Plan, the purpose of the planning proposal is to rezone part of the land presently zoned RU1 – Primary Production to R5 – Large Lot Residential in accordance with the provisions of the Richmond Valley Local Environmental Plan 2012. The area of land proposed for rezoning is currently zoned RU1. The E2 zoned land on the property will be retained as per its current mapped location.

For the purpose of this Planning Proposal, a conceptual lot layout has been presented in the enclosed **Plans 4 & 5**. Proposed Lot 7 in the subdivision layout previously presented to Council in **Plan 5**, dated 6.03.13 has now been consolidated into proposed Lot 8 on the revised **Plan 5**, dated 27.05.13.

Whilst the technical assessments supporting this Planning Proposal have been prepared based on an original conceptual subdivision lot layout comprising 32 lots, the findings of those reports still apply to and cover the revised proposal of 31 lots.

The subject lands located at 25 Ellems Bridge Road, Piora are located on the corner of the Bruxner Highway and Ellems Bridge Road as identified on **Plan 1** – Locality Plan and also within the below **Plate 2**. **Plate 3** provides a visual illustration of the subject lands.

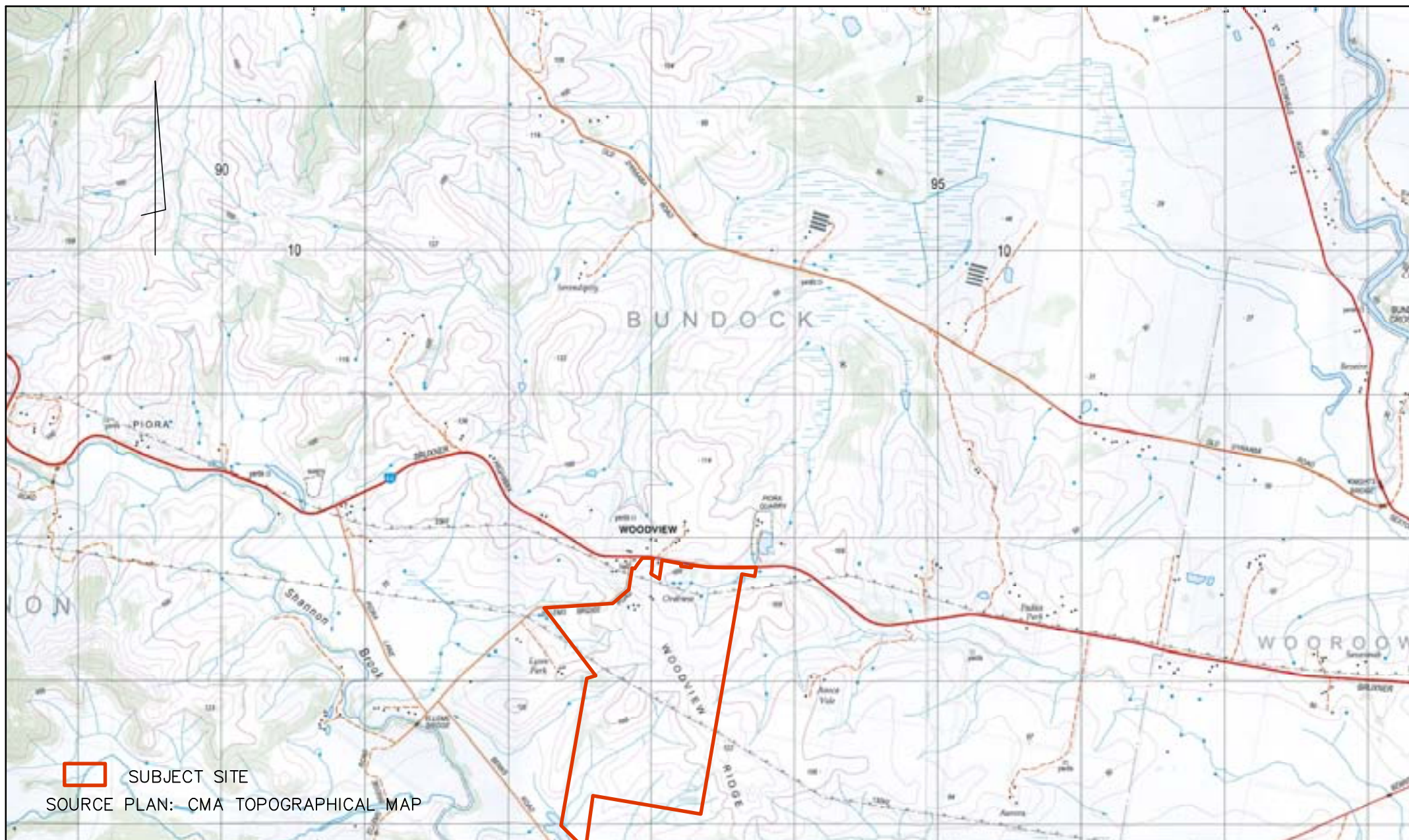
The lands subject to this Planning Proposal are as follows in **Table 1**:

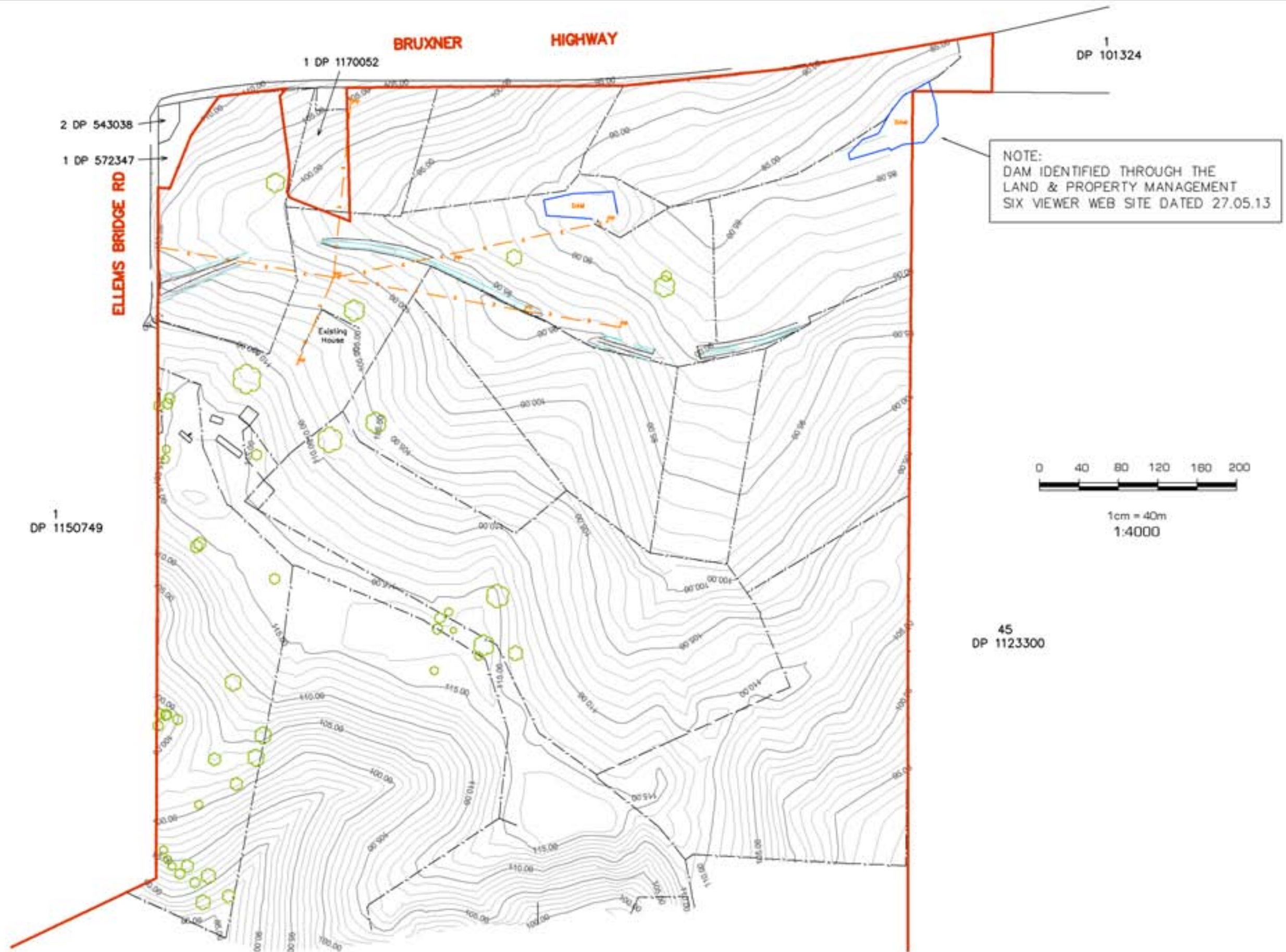
Table 1: Lands Subject to the Planning Proposal

Property Address	Property Description
25 Ellems Bridge Road, Piora	Lot 2 DP 1170052 Lot 1 DP 449328

Note: Land previously identified as Lot 2 DP 572347 now comprises a new Lot and DP number due to a boundary adjustment being approved and subsequently registered. Accordingly, previous Lot 2 DP 572347 is now known as Lot 2 DP 1170052.

Both Deposited Plans can be found within **Attachment 4** of this report.





Client :

S LANE
25 ELLEMS BRIDGE ROAD
PIORA

NDC
Newton Denny Chapelle
Consulting Surveyors & Planners
Email: office@newtondennychapelle.com.au

Lismore
First Floor Molesworth House
186 Molesworth St. Lismore 2480
T: 66 221011 F: 66 224088
Casino
100 Barker St. Casino 2470
T & F : 66 625000

Amendments :

Date	Changes
27.05.13	Dam added

Project :
PLAN 2
CONTOUR PLAN
LOT 2 DP 1170052 & LOT 1 DP 449328
ELLEMS BRIDGE ROAD PIORA

Date: 27.05.13
Scale 1:4000
Ref No. 04/102U



Plate 2: 25 Ellems Bridge Road, Piora.

Plate 3 illustrates the subject land and immediate surrounds within an aerial photo.



Plate 3: Aerial photo of subject land.

The lands, in part, have been previously examined for their potential for rural residential subdivision development as part of the Richmond River Rural Residential Development Strategy. Such assessments were undertaken during the preparation of a previous rezoning application prepared for the land.

The previously submitted rezoning application to Richmond Valley Council in relation to the abovementioned land was subject to a report to Council's Ordinary Meeting of Tuesday, 19 September 2006 at which it was resolved:

2006/648 **RESOLVED** that Council:

1. Council notify the Department of Planning under Section 54(4) of the Environmental Planning and Assessment Act 1979 of Council's decision to prepare a draft Local Environmental Plan;
2. Draft Richmond River Local Environmental Plan 1992 (Amendment No. 34) as published within this report be adopted for the purposes of obtaining a Section 65 Certificate to enable its public exhibition;
3. Council notifies the Director-General of its decision and to advise that a local environmental study will not be required;
4. Council request the Director-General to issue a "Written Authorisation to Exercise Delegation" with respect to assuming the Director-General's delegations in issuing a Section 65 Certificate and Section 69 Report;
5. Council undertake the necessary statutory requirements to consult and publicly exhibit the Draft LEP Amendment along with any supplementary information or material;
6. Where no objections are received during the public exhibition of the draft LEP Amendment and no further alterations are required, beyond deleting the word draft and the advisory notes and correcting typographical errors, the General Manager be granted delegated authority to submit the LEP Amendment to the Parliamentary Counsel for an opinion and to submit a report under Section 69 of the Act to request the Minister make the plan.

2006-648 **Resolved that** the above recommendation be adopted.
(Councillors Mustow/Sullivan)

Attachment 11 contains the full report to Council which illustrates Council's endorsement of the rezoning. Despite Council's resolution, this Gateway Proposal is lodged with Council due to the introduction of legislation which supersedes the previous processing regime for LEP amendments.

This planning proposal should be read in conjunction with the accompanying technical reports from the following project team members:

Discipline	Consultant
Town Planning Surveying Engineering (Traffic & Stormwater)	Newton Denny Chapelle
Ecological & Bushfire	PLACE Environmental/28 South
On-Site Wastewater	BCA Check
Noise Assessment	Tim Fitzroy & Associates
Cultural Heritage	AHIMS

2. Addressing Previous Information Requests

This Planning Proposal reflects the previously lodged Rezoning Submission to Richmond Valley Council. As the previous application was assessed by Council and government agencies, a review of correspondence is deemed to be relevant.

This Planning Proposal addresses the matters previously raised by relevant Government agencies including the NSW DPI, NSW RFS, NSW DoP, NSW RTA, NSW DNR, and further concerns raised by Richmond Valley Council. The respective Government agency correspondence for NSW DPI, NSW RFS, NSW DoP, NSW RTA and NSW DNR referred to in the below **Table 1.2** can be found within **Attachment 10** of this document. Richmond Valley Council correspondence can be found in **Attachment 8**.

The below table identifies the relevant sections within this documentation where the respective Government agency and Council queries have been addressed:

Table 1.2 – Government Agency Queries Index

Component	Comment
Ecological Assessment Report (Prepared by Place Environmental & 28 South)	Refer to Attachment 1 of this report.
On-Site Sewage Considerations Report (Prepared by BCA Check)	Refer to Attachment 2 of this report
Stormwater Management Report (Prepared by Newton Denny Chapelle)	Refer to Attachment 3 of this report
Traffic Impact Assessment (Prepared by Newton Denny Chapelle)	Refer to Attachment 6 of this report
Noise Impact Report (Prepared by Tim Fitzroy & Associates)	Refer to Attachment 7 of this report. This Noise Impact Report is contained within the LUCRA document.
Matters raised by relevant Government Departments	Matters raised by relevant Government departments are addressed throughout this Planning Proposal in the manner provided below. <u>NSW DoP</u> Information has been provided within this document addressing those matters raised by the Department of Planning (31/10/06) pertaining to supply and take up/development of lots in Stage 1 and nature of constraints in Stage 1 (<i>refer</i>

	<i>Part 3 - Section B Clause 5</i>), cultural heritage (<i>refer Part 3 - Section C Clause 9.d. Archaeology</i>), the consideration of the utilisation of a common effluent disposal system (<i>refer Part 3 - Section D Clause 11.a. Sewer</i>), and the impact of additional traffic accessing the Bruxner Highway and infrastructure changes needed (<i>refer Attachment 6 Traffic Impact Assessment</i>). NSW DPI Those matters raised by the NSW DPI dated 10 January 2007 (but signed and dated 12 January 2007) are addressed in the following way: <i>Mineral Resource Issues</i> – Reference should be made to Attachment 7 Section 1.1.3 – Extractive Industry of the LUCRA. <i>Fisheries Issues</i> – Reference should be made to Attachment 7 Section 1.2. <i>Agricultural Issues</i> – Of specific agricultural issues raised, the following comments are provided: i. The Traffic Impact Statement (Section 6.0) found in Attachment 6 of this Planning Proposal addresses the 'increased traffic' issue; ii. The LUCRA (Section 1.2 (b)) found in Attachment 7 provides a land use conflict assessment between the proposed rural residential subdivision and the identified meat chicken farm to the south. The assessment demonstrates that the proposed rural living and the meat chicken farm can co-exist; iii. Potential impacts from adjoining agricultural properties have been considered with a 50 metre grazing buffer setback provided where required as illustrated on LUCRA Plan 2. Reference should be made to Section 1.1.1 of the LUCRA provided in Attachment 7 of the Planning Proposal with respect to agricultural cattle grazing. <i>Forestry Issues</i> – The proposal raises no issues for the Forests NSW Division of the NSW DPI.
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	<u>NSW RFS</u> Reference should be made to <i>Part 3 - Section C Clause 9.b. Bushfire</i> of this report and Attachment 1. <u>NSW RTA</u> Reference should be made to Attachment 6 of this report which contains a Traffic Impact Assessment prepared by Newton Denny Chapelle. Note: In respect to issues relating to road traffic noise as being a potential source of conflict with the proposed rural residential development reference should be made to Attachment 7 of this report which contains a Noise Impact Report as an attachment to the LUCRA document. Issues relating to the impact of additional traffic accessing the Bruxner Highway and any infrastructure changes needed as raised by DoP (31/10/06) are addressed in the Traffic Impact Assessment contained within Attachment 6. <u>NSW DNR</u> The NSW Department of Natural Resources correspondence dated 11th January 2007 stated that "the subject site, in principle, is an area that appears best suited for rural residential use in that it is directed away from higher value land such as high quality agricultural land and areas containing sensitive environmental assets as well as being within a serviceable distance to Casino. It is acknowledged that the remaining vegetation does not appear to be of particularly high value except in its role as local remnants". DNR raised concerns over the proposed subdivision design layout and the first and second order streams draining through the site to the north-east. The on-site sewage considerations report prepared by BCA Check (contained within Attachment 2) does acknowledge these watercourses in their on-site sewage management limitations plan in the context of the subdivision layout, and have nominated the required buffer setbacks for future on-site wastewater disposal areas to ensure no water quality impacts are created. As these concerns mirror those raised by the NSW DPI under "Fisheries Issues" reference should also be made to Attachment 7 Section 1.2.
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	DNR also raised concerns that some of the allotments fall within the 500 metre buffer for the Woodview/Piora Quarry located to the north. Reference should be made to Attachment 7 Section 1.1.3 which provides a land use conflict assessment between the quarry and the proposed rural residential development. To assist in complying with the 500 metre required quarry buffer, previously proposed Lot 7 within the development (Plan 5, dated 6.03.13) has now been consolidated into proposed Lot 8 as per the revised Plan 5, dated 27.05.13. The dwelling envelope within Lot 8 will be sited outside of the 500 metre buffer line illustrated on Plan 5.
Matters Raised by Richmond Valley Council dated: 22 October 2008 12 October 2009 19 March 2012 7 May 2012 11 April 2013 14 May 2013	Information is provided immediately below this table addressing correspondence previously issued by Richmond Valley Council.

Richmond Valley Council Correspondence Dated 22 October 2008

In response to Richmond Valley Council correspondence dated 22 October 2008, the following is provided:

1. 'Black Spot' Funding

It is acknowledged that the cost of the Ellems Bridge Road intersection upgrade is to be borne wholly by the owner or developer.

2. Section 94 Contributions

It is acknowledged that a Section 94 contribution plan is not proposed for this area and any recouping of developer expenditure or planning agreement will be structured by the proponent at the Development Application stage.

3. Supply & Demand

Supply and demand justification has been provided within this Planning Proposal as explained in **Table 1.2** of this report. **Table 1.2** identifies that the relevant information can be found in *Part 3 Section B Clause 5* of this document.

4. Issues raised by Government Agencies

The issues raised previously by various Government agencies including NSW DPI, NSW RFS, NSW DOP, NSW RTA, & NSW DNR have been addressed within this Planning Proposal as indicated in Table 1.2 of this document.

Concerning the NSW DPI, information in response to mineral resource issues can be found in Section 1.1.3 – Extractive Industry (Woodview/Piora Quarry) of **Attachment 7**.

Information can be found within Section 1.2 of **Attachment 7** – LUCRA that addresses the NSW DPI Fisheries issues.

Of the specific agricultural issues raised by NSW DPI, the following comments are provided:

- i. The Traffic Impact Statement (Section 6.0) found in **Attachment 6** of this Planning Proposal addresses the 'increased traffic' issue;
- ii. The LUCRA (Section 1.2 (b)) found in **Attachment 7** provides a land use conflict assessment between the proposed rural residential subdivision and the identified meat chicken farm to the south. The assessment demonstrates that the proposed rural living and the meat chicken farm can co-exist;
- iii. Potential impacts from adjoining agricultural properties have been considered with a 50 metre grazing buffer setback provided where required as illustrated on **LUCRA Plan 2**. Reference should be made to Section 1.1.1 of the LUCRA provided in **Attachment 7** of the Planning Proposal with respect to agricultural cattle grazing.

The issues raised by the Department of Natural Resources dated 11 January 2007 have been addressed within this Planning Proposal as indicated in **Table 1.2** of this document.

In regards to the Woodview/Piora Quarry being recognised within NSW DPI resource assessment 2004 as a regionally significant quarry, reference should be made to Section 1.1.3 of **Attachment 7** which provides a LUCRA to justify the proposed rural residential subdivision and the quarry can adequately co-exist without adversely affecting the resource. Part 3 Section B Clause 7 of this Planning Proposal further addresses the Section 117(2) Direction 1.3 applying to the quarry.

Noise buffer distance from the highway has been considered within the Noise Impact Report prepared by Tim Fitzroy & Associates and can be found within Annexure 1 of the LUCRA contained within **Attachment 7** of this Planning Proposal. The Noise Impact Report provides two (2) options in this regard being:

Option 1 – All dwellings are setback a minimum of 140 metres from the road edge of Bruxner Highway for noise attenuation to comply with the ‘New residential land use developments affected by freeway/arterial traffic noise’ without the need for noise mitigation measures, **OR**

Option 2 – This option is to provide a minimum 20 metre building setback from the Bruxner Highway to dwellings (to meet on-site wastewater management constraints) ensuring that the residences are designed with living and bedroom areas placed furthest from the road. The building must be designed to achieve a “Weighted Sound Reduction Index (Rw) of 32.

Richmond Valley Council Correspondence Dated 12 October 2009

In response to Richmond Valley Council correspondence dated 12 October 2009 the following comments are provided:

1. RTA Matters

Reference should be made to the Traffic Impact Assessment contained within **Attachment 6** of this Planning Proposal.

2. RRDS – Supply & Demand

Justification pertaining to supply and take up/development of lots can be found in *Part 3 - Section B Clause 5* of this Planning Proposal document. In addition to the provided justification, in respect to Council statement that *“The Rural Residential Development Strategy indicates preference will always be granted to rezoning proposals received that adjoin and augment existing and established release areas rather than creating newer rural residential areas where services and facilities are deficient”*, we acknowledge the Department of Natural Resources comment in their correspondence dated 11 January 2007 that the subject site is *“within a serviceable distance to Casino”*.

All services at cost to the proponent will be put in place prior to the operation of the subdivision development.

3. Present Rezoning Application as Planning Proposal

The previous rezoning application is now presented to Council in the format of a 'Gateway Determination' ie. Planning Proposal.

4. Noise Impact Report & Slope

Council comment is noted. However, the Noise Impact Report contained within **Annexure 1** of the LUCRA contained within **Attachment 7** of this Planning Proposal provides **two (2)** options in this regard being:

Option 1 – All dwellings are setback a minimum of 140 metres from the road edge of Bruxner Highway for noise attenuation to comply with the 'New residential land use developments affected by freeway/arterial traffic noise' without the need for noise mitigation measures, **OR**

Option 2 – This option is to provide a minimum 20 metre building setback from the Bruxner Highway to dwellings (to meet on-site wastewater management constraints) ensuring that the residences are designed with living and bedroom areas placed furthest from the road. The building must be designed to achieve a "Weighted Sound Reduction Index (Rw) of 32.

It is pertinent to note that the Noise Impact Report offers two (2) options and does not restrict future dwellings to be setback 140 metres from the Bruxner Highway. This recommendation accords with the proposed subdivision layout.

The Noise Impact Report took into account site constraints prior to offering the recommendations including the recommended setback buffer area, whilst wastewater requirements were also considered as evidenced in the description of Option 2 ie. *"to meet onsite wastewater management constraints."* Section 3 of the noise report acknowledges the wastewater report prepared by BCA Check.

Slopes were taken into account within the on-site wastewater management assessment prepared by BCA Check for wastewater disposal fields, and the bushfire assessment prepared by PLACE for future dwelling sites. Therefore, during the site analysis process, potential slope constraints were considered to derive the proposal conceptual lot layout. Dwelling envelopes will be able to be sited to comply with wastewater disposal field setbacks as required at the Development Application stage.

To further assist in the assessment process, a **Site Analysis Plan** has been presented within this Planning Proposal. The proposed conceptual subdivision is in response to the site analysis and associated constraints.

Richmond Valley Council Correspondence Dated 19 March 2012

In response to Richmond Valley Council correspondence dated 19 March 2012 the following comments are provided:

1. RRDS – Supply & Demand

Supply and demand justification has been provided within this Planning Proposal as indicated in **Table 1.2** of this report. **Table 1.2** explains that this information can be found in *Part 3 Section B Clause 5*. This information provides justification as to why consideration should be forthcoming for this development within the Piora area.

As provided above in comment to RVC correspondence dated 12 October 2009 in respect to Council statement that *“The Rural Residential Development Strategy indicates preference will always be granted to rezoning proposals received that adjoin and augment existing and established release areas rather than creating newer rural residential areas where services and facilities are deficient”*, we acknowledge the Department of Natural Resources comment in their correspondence dated 11 January 2007 that the subject site is *“within a serviceable distance to Casino”*.

All services at cost to the proponent will be put in place prior to the operation of the subdivision development.

Richmond Valley Council Correspondence Dated 7 May 2012

In response to Richmond Valley Council correspondence dated 7 May 2013, the previous rezoning application has now been reworked and presented to Council in the format of a Planning Proposal.

As explained within this Executive Summary: Section 2 (including Table 1.2), all matters previously raised by Richmond Valley Council and relevant Government Agencies have been considered and satisfactorily addressed within this Planning Proposal documentation.

Richmond Valley Council Correspondence Dated 11 April 2013

In response to Richmond Valley Council correspondence dated 11 April 2013, Part 1 'Proposal Objective' of the Planning Proposal document explains the intended effect of the proposed LEP amendment whilst Part 3 provides justification for making the new plan.

This Planning Proposal has been prepared to successfully present as a 'standalone' document to explain all matters and justification pertaining to the proposal. All matters previously raised by Richmond Valley Council and relevant Government Agencies have been considered and satisfactorily addressed within this Planning Proposal documentation as indicated within this Executive Summary: Section 2 (including **Table 1.2**).

The following comments are provided to address Council's inadequacies:

1. Table 3 – Direction 117 (page 19)

The Direction 117 table (Table 3 – Direction 117) of this Planning Proposal document has been updated to acknowledge the significant quarry resource located across the Bruxner Highway and known as Woodview/Piora Quarry.

In response to the Section 117 Direction 1.3, a LUCRA has been prepared with respect to the Woodview/Piora Quarry which demonstrates that the proposed rural residential subdivision is able to co-exist with the quarry. Accordingly, the proposed rural residential subdivision is not considered to result in future sterilisation of the identified regional resource. The LUCRA can be found within **Attachment 7** of this document with Section 1.1.3 of it specifically addressing the quarry. Buffer distances to the quarry have been observed and addressed within the LUCRA to a distance of 1km.

Buffer distances to the Bruxner Highway for future dwellings of the estate have been observed and addressed as per comment provided above against RVC correspondence dated 12 October 2009 (Point 4 – Noise Impact Report & Slope). Potential impacts from haulage vehicles on the Bruxner Highway from quarry operations have further been observed and addressed within Section 1.1.3 of the LUCRA in **Attachment 7**.

2. The Council Resolution of 2006 and Statutory Requirements.

Consistent with Council's letter of 11 April 2013, our Client concurs with the fact Council adopted at its Ordinary Meeting of 19 September 2009 to make the LEP amendment.

It is acknowledged that the LEP was not finalised and as such the LEP amendment is now required to adhere to the Gateway provisions of the Act. We note the statutory requirements placed on Council to assess the proposal, and also highlight the fact the application has already been robustly assessed and exhibited, thereby promoting the progression of this Planning Proposal to Gateway.

3. SEPP 44 – Koala Habitat Protection

State Environmental Planning Policy No. 44 has been addressed within *Part 3 Section B Clause 6* and also within the Ecological Assessment contained within **Attachment 1**.

Email correspondence from 28 South dated 31 May 2013, as contained with **Attachment 1** provides *"in May 2012 the koala was listed as a Vulnerable species under the EPBC Act. I have considered the potential impacts of the proposed development against the EPBC Act Significant Impact Guidelines 1.1 and the Interim Koala Referral Advice for Proponents. I have found that there is no requirement to make a controlled action referral for the proposed Project in regard to impacts on the koala or any other Matter of National Environmental Significance"*.

4. SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 – has been addressed within *Part 3 Section B Clause 6* of this Planning Proposal.

The Guidelines enable a preliminary investigation to utilise readily available information such as consultation with agencies, aerial photo interpretation, oral history and other sources of historic land use data to establish the land use history of the site. Once a site history has been established the Guidelines require a comparison of the historical land uses with those listed at Table 1 of the Guideline to determine whether it is "likely" or "unlikely" that contamination has occurred on the site.

Under the circumstances, it is unlikely that any contamination has occurred on the site, and accordingly the provisions of SEPP 55 are not triggered in the subject circumstances.

However, further SEPP 55 soil sampling may be undertaken within each lot at the Development Application stage.

Richmond Valley Council Correspondence Dated 14 May 2013

In response to Richmond Valley Council correspondence dated 14 May 2013, the following response is provided.

1. **Ministerial Directive 1.3 – Mining, Petroleum Production and Extractive Industries**

This Planning Proposal documentation acknowledges the Ministerial Directive 1.3 as per Table 3 – Direction 117 located in *Part 3 Section B Clause 7* of this report, with information provided immediately below that table addressing Directive 1.3. Accordingly, a LUCRA has been prepared with respect to the Woodview/Piora Quarry which demonstrates that the proposed rural residential subdivision is able to co-exist with the quarry. The LUCRA can be found within **Attachment 7** of this document with Section 1.1.3 of it specifically addressing the quarry.

2. **Standalone Document**

This Planning Proposal presents as a ‘standalone’ document to explain all matters and justification pertaining to the proposal. All matters previously raised by Richmond Valley Council and relevant Government Agencies have been considered and satisfactorily addressed as indicated within this Executive Summary: Section 2 (including Table 1.2).

3. **Internal Referral – Environmental Health**

i. 140 metre setback from Bruxner Highway

The 140 metre setback from dwellings to the Bruxner Highway is not the sole option for future development as assessed within the Noise Impact Report contained in **Annexure 1** of the LUCRA found within **Attachment 7** of this Planning Proposal. **Two (2)** options are available.

Despite Option 1 requiring a 140 metre setback from dwellings to the Bruxner Highway, Option 2 allows a minimum 20 metre building setback from the Bruxner Highway to dwellings (to meet on-site wastewater management constraints) ensuring that the residences are designed with living and bedroom areas placed furthest from the road. The building must be designed to achieve a "Weighted Sound Reduction Index (Rw) of 32.

Each lot therefore has capacity to comply with the 20 metre setback requirement for dwellings from the Bruxner Highway as per Option 2.

ii. 1,000 metre buffer from Woodview/Piora Quarry

The 1,000 metre buffer from Woodview/Piora Quarry has been observed within Part 3 Section B Clause 7 of this Planning Proposal relating to 117 directions.

Due to the subject site being located within the 1,000 metre buffer zone, a LUCRA has been prepared with respect to the Woodview/Piora Quarry which demonstrates that the proposed rural residential subdivision is able to co-exist with the quarry. The LUCRA found within **Attachment 7** of this report also observes the 1,000 metre buffer for blasting operations.

iii. Lot 7 constrained due to dam setback & 140 metre setback

Proposed Lot 7 in the subdivision layout previously presented in **Plan 5**, dated 6.03.13 has now been consolidated into proposed Lot 8 on the revised **Plan 5**, dated 27.05.13.

iv. Shallow bedrock

The shallow bedrock constraint has been observed within the On-site Sewage Considerations Report contained within **Attachment 2** of this Planning Proposal. The report states *"Shallow weathered bedrock was encountered in bore holes on some allotments and was unpredictable in location, however, where this occurred suitable land application areas were established on the allotment with soil depth in excess of 1m. It is likely that several alternate land application areas will be available on*

each of the allotments due to the large size of the holdings. Soils were stonier and shallower on ridges.”

Despite the shallow bedrock observation, the wastewater report concludes *“our investigations have revealed that it is possible to provide safe wastewater management systems on the proposed allotments”*.

It is acknowledged in Council letter that these issues are more likely to be dealt with at the subdivision stage.

v. *Setback, soil, localised flooding concerns, SEPP 55*

Setbacks

Setbacks have been considered as discussed above within this Section 2 of the Executive Summary. The proposed subdivision layout will enable the adoption of **Option 2** of the Noise Impact Report which requires a setback of 20 metres from the edge of the Bruxner Highway to dwellings. This setback takes into account and permits the siting of on-site effluent disposal fields within the lots.

On-site wastewater field setbacks from dams (100 metres) and gullies (40 metres) have been observed within the wastewater report (**Attachment 2**) and can be appropriately sited within the confines of each lot noting that previously proposed Lot 7 has now been consolidated into proposed Lot 8. The location of the disposal fields for each lot are illustrated on the **‘On-site Sewage Management Limitations Plan’** within that report.

Soil

Soils have been considered within the On-Site Sewage Considerations Report prepared by BCA Check contained in **Attachment 2** of this report. To enable the future construction of the on-site effluent disposal systems, Section 4.1 of the attached wastewater report provides recommended site and soil works.

Localised Flooding

The site is not recognised as having flooding constraints with higher order waterways, but rather has overland flow paths from sloping terrain. An assessment of local catchments that directly impact through the site has been undertaken and it identifies that local catchment overland flows are in the order of 4.4m³/s to 6.1m³/s. The depth of such flows [via Mannings equation] are quite shallow being between 235mm to 315mm respectively. Where the local overland flow paths combine at the north-east corner of the development, peak flows of 12.4m³/s and flow depths of nominally 600mm occur. Adopting a V shaped flow path cross-sectional profile, peak flow widths range between 15m to 20m wide. Such flow widths can be readily incorporated through the allotments leaving substantial land areas for dwelling construction, accordingly localised drainage flows/flooding is not identified as a significant constraint to the subdivision. Details of the catchment calculations demonstrating the above are included within **Attachment 3**.

SEPP 55

State Environmental Planning Policy No. 55 – has been observed and addressed within *Part 3 Section B Clause 6* of this Planning Proposal.

The Guidelines enable a preliminary investigation to utilise readily available information such as consultation with agencies, aerial photo interpretation, oral history and other sources of historic land use data to establish the land use history of the site. Under the circumstances, it is unlikely that any contamination has occurred on the site, and accordingly the provisions of SEPP 55 are not triggered in the subject circumstances.

However, additional contamination assessment/reporting can be undertaken at the development application stage specifically targeting pesticides, fertilisers, other chemical/petrol/oil storage.

Section 117 Direction

This Planning Proposal observes the Ministerial Directive 1.3 as per *Part 3 Section B Clause 7* of this report. Information addressing the

'Implications for Planning' within the Mineral Resource Audit (Richmond Valley LGA) can be found immediately below Table 3 of this report within *Part 3 Section B Clause 7*.

Information addressing the NSW DPI 'Mineral Resource Issues' dated 10 January 2007 (although signed and dated 12 January 2007) can be found within Section 1.1.3 of the LUCRA contained within **Attachment 7** of this report.

Part 1 Proposal Objective

The objective of this proposal is to enable the future rural residential development of part of the northern portion of the subject land through the rezoning of the land to R5 – Large Lot Residential as illustrated in **Plan 3** – Proposed Zoning Plan. The remainder of the site will be retained as RU1 – Primary Production and E2 – Environmental Conservation.

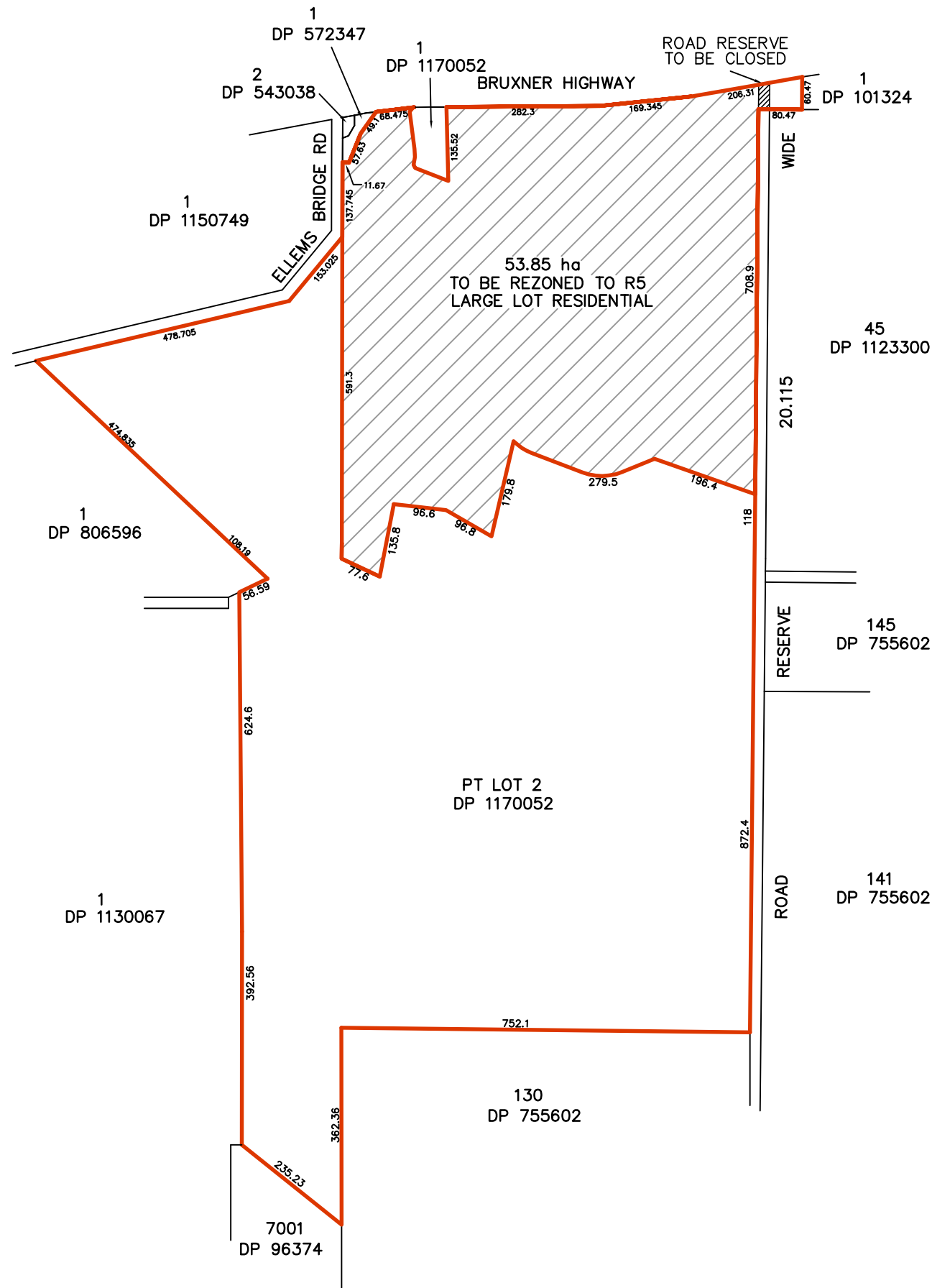
Aims of Planning Proposal

The aims of the Planning Proposal are outlined below:

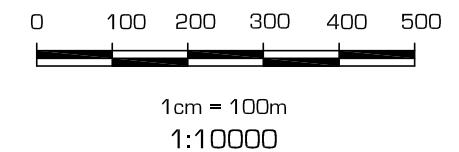
- 1. To increase the rural residential lot yield within the Western Sector of the Casino/Rural Catchment District (as identified within the Richmond River Rural Residential Development Strategy) of the Richmond Valley LGA with an expected yield of 31 lots including residual Lot 27.*
- 2. Make efficient use of rural land for rural residential purposes whilst providing for the retention of agricultural grazing pursuits within the larger residual Lot 27 containing a proposed land area of 111.4 hectares (subject to final survey);*
- 3. Provide land conducive for well designed rural residential housing;*
- 4. Protection of the environmental attribute Diamond “D” Lagoon within the retained E2 – Environmental Conservation zone.*

The rezoning of the land to provide for the introduction of the R5 – Large Lot Residential zone permits the following development options.

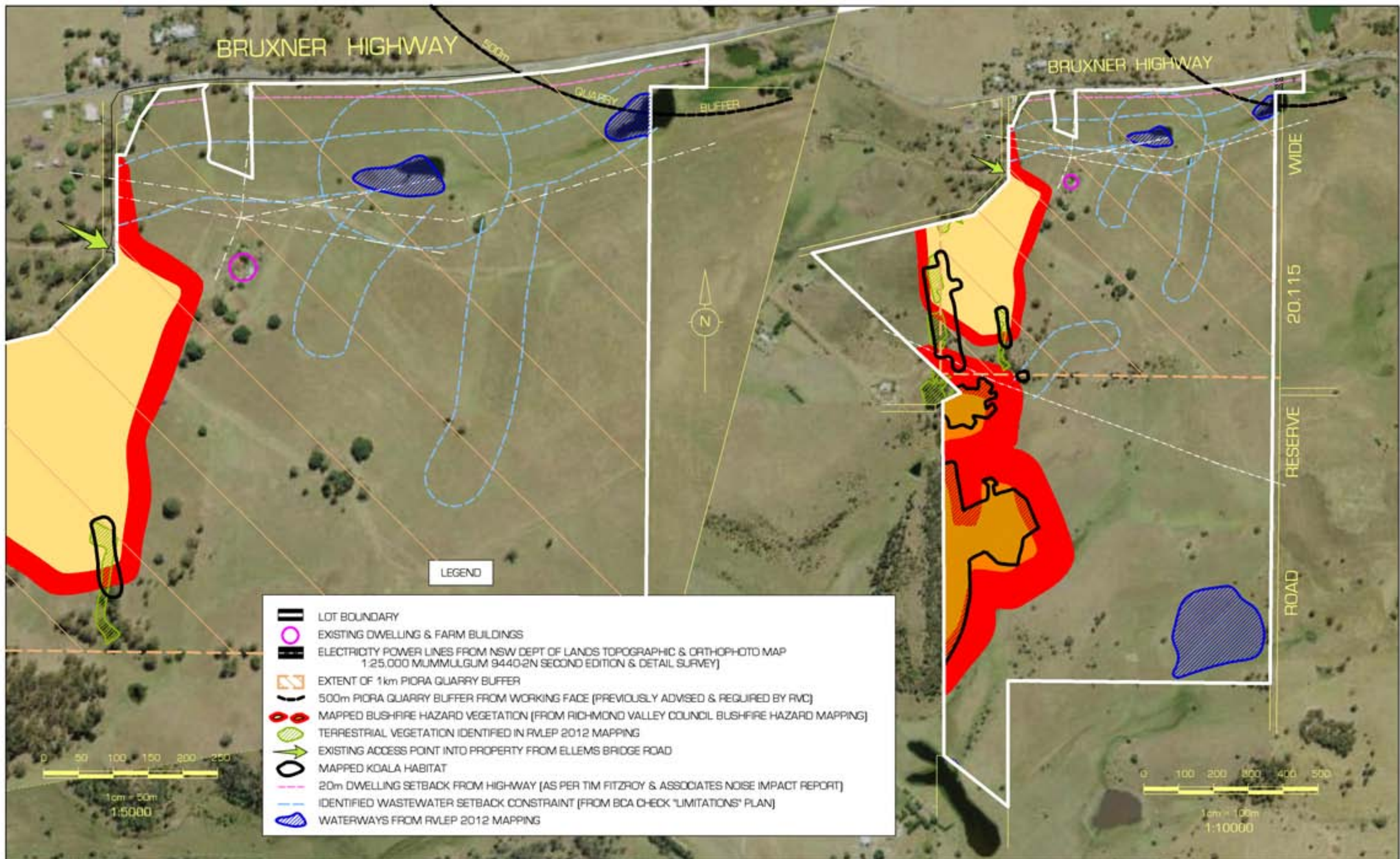
- 1. A subdivision creating a mixture of densities (1 hectare – 3.88 hectares excluding residue Lot 27) in a Torrens Title lot rural residential estate;*
- 2. An expected yield of 31 lots including residual Lot 27.*
- 3. Excluding the residue, an average lot size of 1.63 hectares;*
- 4. Protection of the environmental attribute Diamond “D” Lagoon within the retained E2 – Environmental Conservation zone*
- 5. Retention of agricultural pursuits within the large residual Lot 27 within a proposed land area of 111.4 hectares;*



Note
All dimensions and areas are approximate only,
and are subject to survey and Council approval.
Dimensions have been rounded to the nearest
0.1 metres.
The boundaries shown on this plan should not
be used for final detailed engineers design.



Client : S LANE 25 ELLEMS BRIDGE ROAD PIORA	 Newton Denny Chapelle Consulting Surveyors & Planners Email: office@newtondennychapelle.com.au	Lismore First Floor Molesworth House 186 Molesworth St. Lismore 2480 T: 66 221011 F: 66 224088 Casino 100 Barker St. Casino 2470 T & F : 66 625000	Amendments :		Project : PLAN 3 PROPOSED ZONING PLAN LOT 2 DP 1170052 & LOT 1 DP 449328 ELLEMS BRIDGE ROAD PIORA	Date: 6.03.13 Scale 1:10000 Ref No. 04/102T
			Date	Changes		



Client:

S LANE
25 ELLEMS BRIDGE ROAD
PIORA

NDC
Newton Denny Chapelle
Consulting Surveyors & Planners

Lismore
First Floor Molesworth House
186 Molesworth St. Lismore 2480
T: 66 221011 F: 66 224088
Casino
100 Barker St. Casino 2470
T: 66 22 00 0000

Amendments:

Date	Changes

Project:

SITE ANALYSIS PLAN
LOT 2 DP 1170052 & LOT 1 DP 449328
ELLEMS BRIDGE ROAD PIORA

Date: 6.03.13
Scale 1:5000 & 1:10000 @ A3
Ref No. 04/102T

For the purpose of this Planning Proposal, a conceptual lot layout has been presented in the enclosed **Plans 4 & 5**.

Proposed Lot 7 in the subdivision layout previously presented in **Plan 5**, dated 6.03.13 has now been consolidated into proposed Lot 8 on the revised **Plan 5**, dated 27.05.13.

The “**Site Analysis Plan**” contained within this Planning Proposal document has been prepared to identify opportunities and constraints relating to the proposed subdivision layout. The plan illustrates the following components deemed relevant to the subdivision:

- Lot boundary;
- Existing dwelling and farm buildings;
- Electricity powerlines (identified from Newton Denny Chapelle detail survey and also NSW Dept. Of Lands Topographic & Orthophoto map 1:25,000 Mummulgum 9440-2N Second Edition);
- Extent of 1km Piora land use separation buffer (Section 117 Directive 1.3);
- 500 metre Piora Quarry buffer from working face (as previously advised by RVC);
- Mapped bushfire hazard vegetation (RVC mapping);
- Terrestrial vegetation and Koala habitat vegetation (taken from RVLEP 2012 Terrestrial Biodiversity Map and Richmond Valley Koala Habitat Atlas 2008);
- Existing access point into the property from Ellems Bridge Road;
- 20 metre dwelling setback requirement from Bruxner Highway (as required by Tim Fitzroy & Associates Noise Impact Report);
- Identified wastewater setback constraints (taken from BCA Check 'Limitations' Plan);
- Waterways mapped from RVLEP 2012.

The proposed subdivision layout has had regard to the above constraints. Based on the preliminary site analysis undertaken, the proposed lot layout is deemed appropriate and acceptable in respect to the opportunities and constraints presented by the subject land.

Under the Richmond Valley LEP 2012, the subject land is not mapped as:

- containing a heritage item;
- being located within a drinking water catchment; or
- containing land identified as a landslide risk.

Part 2 Explanation of Provisions

The subject lands forming this Planning Proposal are currently zoned part RU1 – Primary Production and E2 – Environmental Conservation under the Richmond Valley Local Environmental Plan (RVLEP) 2012 as previously illustrated within **Plate 1** and reproduced below in **Plate 4**.

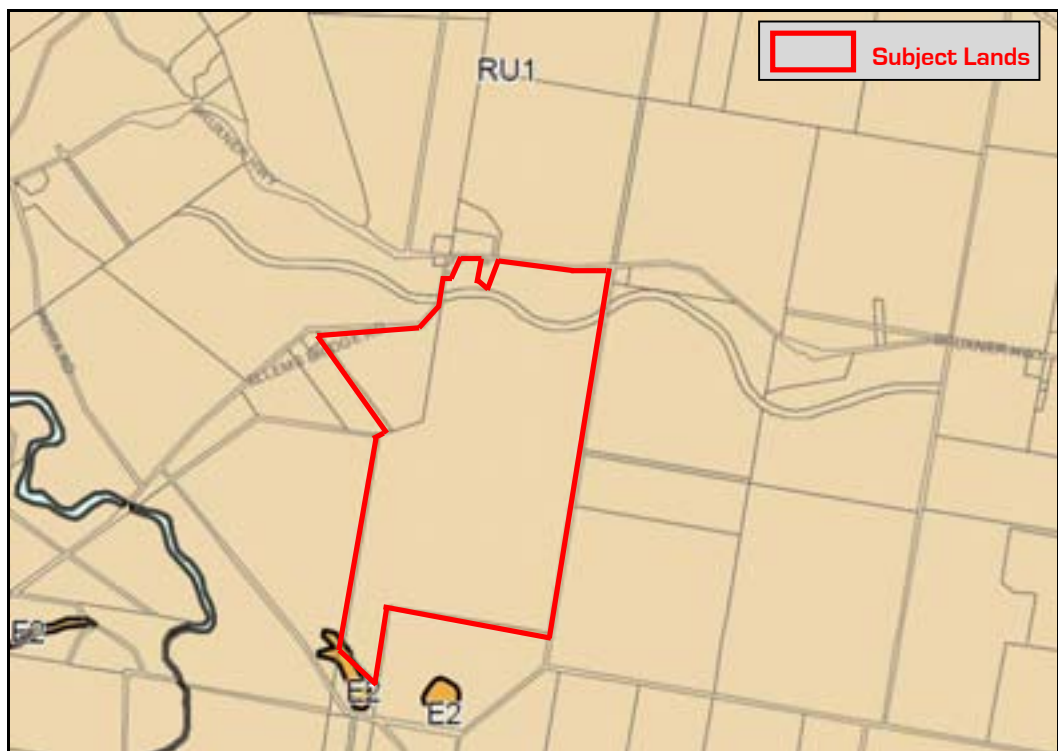


Plate 4: Current land zoning under the Richmond Valley LEP 2012 (Source: Richmond Valley Council)

Given that the Richmond Valley LEP 2012 has already formally commenced operation, the following amendments are required to the Richmond Valley LEP 2012 to enable the subdivision and development of the subject land for rural residential purposes.

- **Acid Sulphate Soils Map** – No change.
- **Wetlands Map, Riparian Land and Waterways Map** – No change.
- **Drinking Water Catchment Map** – No change.
- **Dwelling Opportunity Map** – Remove proposed R5 zoned land.
- **Heritage Map** – No change.
- **Height of Buildings Map** – No change.
- **Key Sites Map** – No change.
- **Land Application Map** – No change.
- **Land Reservation Acquisition Map** – No change.
- **Lot Size Map (Sheet LSZ-002)** – Application of a 1 hectare minimum lot size for the area of land proposed to be zoned R5 (excluding the residual Lot 27) of which will be indicated on the Lot Size Map as 'Y' – 1 hectare.
- **Land Zoning Map (Sheet LZN-002)** – Application of an R5 – Large Lot Residential Zone (Refer **Plan 3**) to that area of land proposed to be zoned R5.
- **Terrestrial Biodiversity Map** – No change.
- **Landslide Risk Map** – No change.

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Richmond River Shire Council 'Rural Residential Development Strategy (March 1999)' identifies the subject lands within Figure 2.3b being a 'Detailed Plan of Suitable Rural Residential Land in the Western Sector of the Casino/Rural Catchment District' of which is reproduced below in **Plate 5**.

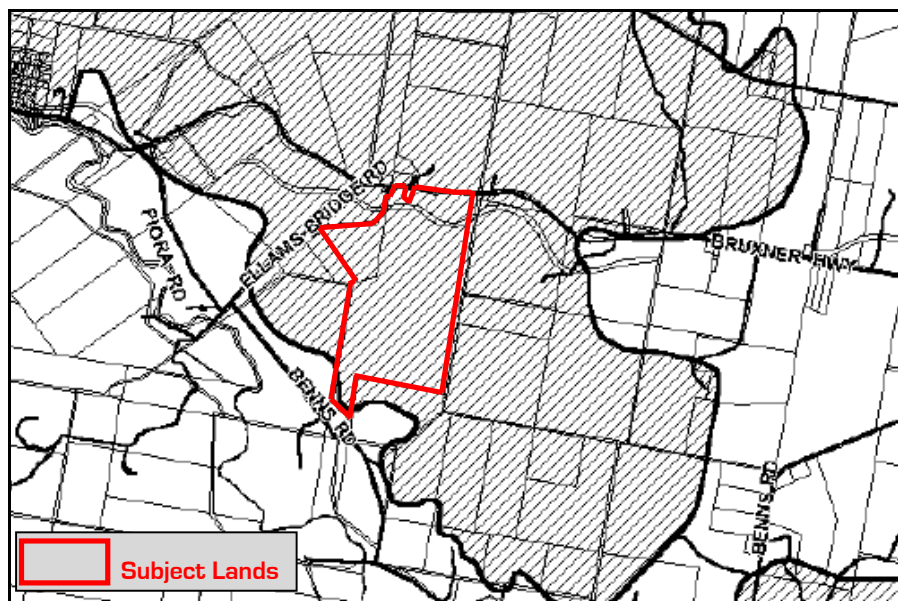


Plate 5: The subject land identified within the Richmond River Shire Council 'Rural Residential Development Strategy (March 1999)' (Source Richmond River Shire Council 'Rural Residential Development Strategy (March 1999)')

The planning proposal is also a result of a previous rezoning submission made to Richmond Valley Council with its initial lodgement being 20 July, 2005 and has been subject to a number of revisions to address various matters raised by Government Departments. Version 'C' (Dated August 2009) was the most recent rezoning submission lodged (prior to Gateway Determinations) and was prepared to address matters raised by:

- Richmond Valley Council;
- NSW Department of Planning (now Department of Planning & Infrastructure);

- NSW Department of Primary Industries;
- NSW Rural Fire Service;
- NSW Roads and Traffic Authority;
- NSW Department of Natural Resources.

The previous studies undertaken to formulate this Planning Proposal are outlined in the Executive Summary (together with the company responsible for completing that assessment).

The Executive Summary of this report indicates where within this documentation those Government Agency concerns have been addressed together with previous concerns raised by Richmond Valley Council.

This Planning Proposal is further in response to a report to Council's Ordinary Meeting of Tuesday, 19 September 2006 in which it resolved to proceed with the rezoning proposal.

19 September 2006 Meeting

The report to Council's Ordinary Meeting of 19 September 2009 recommended that:

- 1. Council notify the Department of Planning under Section 54(4) of the Environmental Planning and Assessment Act 1979 of Council's decision to prepare a draft Local Environmental Plan;*
- 2. Draft Richmond River Local Environmental Plan 1992 (Amendment No. 34) as published within this report be adopted for the purposes of obtaining a Section 65 Certificate to enable its public exhibition;*
- 3. Council notifies the Director-General of its decision and to advise that a local environmental study will not be required;*
- 4. Council request the Director-General to issue a "Written Authorisation to Exercise Delegation" with respect to assuming the Director-General's delegations in issuing a Section 65 Certificate and Section 69 Report;*
- 5. Council undertake the necessary statutory requirements to consult and publicly exhibit the Draft LEP Amendment along with any supplementary information or material;*
- 6. Where no objections are received during the public exhibition of the draft LEP Amendment and no further alterations are required, beyond deleting the word draft and the advisory notes and correcting typographical errors, the General Manager be granted delegated authority to submit the LEP Amendment to the Parliamentary Counsel for an opinion and to submit a report under Section 69 of the Act to request the Minister make the plan.*

Council wrote to the NSW Department of Planning in correspondence 11 October 2006 advising, pursuant to Section 54(4) of the Environmental Planning and Assessment Act 1979, of the Council's decision to prepare a draft local environmental plan ('LEP') to rezone Lot 1 DP 449328 and part Lot 2 DP 572347, 25 Ellems Bridge Road, Piora from Rural 1(b1) Secondary Agricultural land to Rural Residential 1(c) zone.

Note: Land previously identified as Lot 2 DP 572347 now comprises a new Lot and DP number due to a boundary adjustment being approved and subsequently registered. Accordingly, previous Lot 2 DP 572347 is now known as Lot 2 DP 1170052.

The following response was provided from the NSW Department of Planning in correspondence dated 31/10/06:

"While I have determined that an environmental study is not required in the preparation of the draft LEP, Council should ensure the following information is exhibited along with any other relevant documentation to support the draft LEP:

- *The supply and take up/development of lots in Stage 1;*
- *Any Stage 1 sites which are constrained and the nature of those constraints;*
- *A Staging Plan for the whole release area;*
- *Any areas or items with heritage or cultural significance;*
- *The impact of additional traffic accessing the Bruxner Highway and any infrastructure changes needed."*

Table 1.2 within the Executive Summary of this report identifies where within this documentation information can be found addressing those matters previously raised by the Department of Planning (31/10/06).

The Rural Residential Development Strategy is discussed further under Section 5 of this Planning Proposal.

All previous matters raised by relevant Government departments (including Council) have been addressed within previous rezoning submissions to Council and are also addressed again throughout this Planning Proposal as indicated within the Executive Summary of this report.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. In order for a Development Application to be considered for the subdivision and development of the land for rural residential purposes it is necessary to first amend the planning framework applying to the land – particularly those elements of the Richmond Valley Local Environmental Plan 2012 relating to land zoning and subdivision (minimum lot size).

3. Is there a community benefit?

The community benefit associated with the development will be found in the provision of additional housing to service the future population needs of the Richmond Valley LGA. The topography of the site, together with the proposed size and dimensions of the lots will enable a variety of housing designs to be adopted.

The rezoning of the site would provide a net community benefit as the rezoning will contribute to both the State Government and Local Council housing targets set by the Far North Coast Regional Strategy further to meeting the desired 60/40 target of single to medium density housing.

Section B – Relationship to Strategic Planning Framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The applicable regional strategy is the Far North Coast Regional Strategy (FNCRS) which was adopted in December 2006. This strategy consolidates and builds on previous planning work, including the Northern Rivers Regional Strategy and local council settlement strategies.

Section 7 of the Far North Coast Regional Strategy (FNCRS) identifies that rural residential development will continue as a housing choice for people in the region. The FNCRS further advises that for land in the non-coastal area, rural residential land release will occur in accordance with existing local rural strategies. As advised in Part 3, the subject site is located within the Richmond

Valley Shire Council Rural Residential Development Strategy 1999 and therefore comments in relation to the strategy are provided below under Point 5 inclusive of land release.

5. *Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes. The Planning Proposal is consistent with the Richmond River Council Rural Residential Development Strategy as discussed below.

Richmond River Council Rural Residential Development Strategy 1999

The Richmond River Council Rural Residential Development Strategy 1999 (RRDS) has been prepared to satisfy Clause 20 (Part 2, Division 4) of the North Coast Regional Environmental Plan 1988 (NCREP). The Strategy identifies preferred lands that are suitable for rural housing as required by Clause 20(3) of the NCREP which:

- (a) are physically capable of supporting rural housing, and*
- (b) are close to existing settlements which already have services and community facilities, or can otherwise be efficiently and economically serviced, and*
- (c) are physically suitable for septic effluent disposal, and*
- (d) are not required or likely to be required for future urban expansion of existing settlements, and*
- (e) do not comprise prime crop or pasture land, and*
- (f) are not subject to significant environmental hazards, and*
- (g) are not of significant value for the conservation of wildlife.*

The Western Sector of the Casino/Rural Catchment District contained within the RRDS identifies the subject land as being available rural residential land based on the required selection criteria for the identification of such land.

The Conclusion of Section 2.4.3i. of the RRDS provides the following commentary concerning the Western Sector of the Casino/Rural Catchment District locality relevant to this application.

It is considered that the identified Potential Rural Residential lands within the Casino/Rural Catchment have more than adequate access to a broad range of essential social services. A comprehensive public transportation system creates linkages to education, health and community services as well as open space and recreation located within the town centre. Many extension services, particularly for the aged provide mobile services to both the town centre and surrounding areas.

The proposed rezoning of the subject land is situated within the area identified within the RRDS for closer rural settlement. In particular, the subject land contains inherent qualities rendering the land suitable for rural residential purposes. Accordingly, it is these qualities which have resulted in Council identifying the land for future rural residential development.

The conceptual subdivision design incorporates lot sizes (exclusive of residue) ranging from 1ha to 3.88ha with an average lot size of 1.63ha. Each proposed lot is capable of accommodating an individual on-site effluent management system without detrimentally impacting the environment or amenity of the area. To this end, an on-site sewage considerations report has been prepared for the subdivision by BCA Check and concludes *"This report provides preliminary investigations relating to the suitability of the proposed allotments for on-site disposal of effluent. Our investigations have revealed that it is possible to provide safe wastewater management systems on the proposed allotments as discussed. All site and soil limitations have been addressed to minimise any detrimental impacts on the environment or the amenity of the area."* This report can be found in **Attachment 2** of this Planning Proposal.

The preferred development theme for the subject land is "residential enclave" with each lot being freehold title.

Stage 1 Allotment Supply and Take Up Justification to Proceed with the Western Sector of Casino/Rural Catchment District

The Western Sector of the Casino/Rural Catchment District is not a Stage 1 release area within the Strategy. As the Strategy was adopted in 1999, it is now approximately 13 years old. It is requested that the northern portion of the subject land (as shown on **Plan 3**) be considered for rezoning now to R5 – Large Lot Residential for the following reasons:

- The lead time for determination of the rezoning process, the preparation and determination of a subsequent Development Application and for the construction of the subdivision post consent, is likely to take several years. This means that no dwellings would likely be built for at least 2-3 years, therefore it is contended timely to lodge this Planning Proposal now.
- In response to Council's correspondence dated 22 October 2008 with respect to the release of the Piora area for rural residential development:
 - Council has previously provided a supporting response dated 11 October 2006 to the Director-General (as contained within **Attachment 8** of this document) relating to the release of the Piora Area and stated *"Due to the above elements and the comparatively unconstrained characteristics of the land subject of the rezoning application located at 25 Ellems Bridge Road, Council supports the processing of the subject rezoning as submitted"*
 - Council's previous acknowledgement upon review of the minutes of the ordinary meeting of the Richmond Valley Council (Tuesday, 19 September 2006) that the *"application for rezoning of Lot 1 DP 449328 and Part Lot 2 on DP 572347, Parish of Bundock is consistent with the provisions of the Richmond River Rural Residential Development Strategy 1999"*.
 - Council has adopted an Urban Land Release Strategy that identifies land on the Bruxner Highway for future release and as such the creation of rural residential allotments will provide further impetus to the opening of the urban land and supply of planned community facilities. In this respect, the Piora area is located in closer proximity to the urban release areas than the Stage 1 release areas within the RRDS which are still to be developed in the north-west of Casino.
 - Approval of rural residential development in this area will provide an alternative location and supply of such land and will increase competition and choice in the market. This is again enforced in Council's correspondence contained within **Attachment 8** which provides *"Due to the difficulties in identifying suitable land within the*

Stage 1 area of the Rural Residential Development Strategy, it is noted that the lack of competition for rural residential lots is steadily driving the allotment prices up beyond what would be assessed as affordable levels, particularly for first home or young buyers. With the possibility of additional choices in terms of location being available for this form of development, it is expected that this type of allotment will then become more affordable”;

- Council has already acknowledged in correspondence dated 11 October 2006 that *“it is Council’s position as illustrated through the support of the rezoning submission to now include the Piora area for rural residential release”*.
- Council’s general support in terms of timing of release of the Piora area as evidenced in correspondence contained within **Attachment 8** (which is in part summarised above) which considers the supply and take up/development of lots in Stage 1 of the Rural Residential Development Strategy.

Furthermore, it is considered that through the various technical assessments completed in respect to the subdivision, the site is environmentally and physically suited to future rural residential development and is capable of being serviced in an economical manner.

It is considered that this Planning Proposal is consistent with the objectives of the RRDS and the proposal is a viable rural residential development site.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal is generally consistent with applicable State Environmental Planning Policies as detailed within Table 2 below.

Table 2 – Review of SEPP’s

State Environmental Planning Policy	Compliance	Comments
SEPP 1 Development Standards.	Not Applicable.	
SEPP 2 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 20.	Repealed.	

State Environmental Planning Policy	Compliance	Comments
SEPP 3 Castlereagh Liquid Waste Depot. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development.	Not Applicable.	
SEPP 5 Housing for Older People with a Disability. Replaced by Seniors Living SEPP.	Repealed.	
SEPP 6 Number of Storeys in a Building.	Not Applicable.	
SEPP 7 Port Kembla Coal Loader. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 8 Surplus Public Land. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 9 Group Homes. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 10 Retention of Low Cost Rental Accommodation.	Not Applicable.	
SEPP 11 Traffic Generating Developments. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 12 Public Housing (dwelling houses). Repealed by SEPP 53	Repealed.	
SEPP 13 Sydney Heliport. Repealed by Sydney REP 26.	Repealed.	
SEPP 14 Coastal Wetlands.	Not Applicable.	No SEPP 14 Wetland on the site.
SEPP 15 Multiple Occupancy of Rural Land. Repealed by SEPP 42. SEPP 15 Rural Land-Sharing Communities.	Not Applicable.	
SEPP 16 Tertiary Institutions. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 17 Design of Buildings In Certain Business Centres.	Did not Proceed.	
SEPP 18 Public Housing.	Did not proceed.	
SEPP 19 Bushland in Urban Areas.	Not Applicable.	
SEPP 20 Minimum Standards for Residential Flat Buildings. Replaced by SEPP 53.	Repealed.	
SEPP 21 Caravan Parks.	Not Applicable.	
SEPP 22 Shops and Commercial Premises.	Not Applicable.	
SEPP 23	Not allocated.	
SEPP 24 State Roads by SEPP 53.	Did not proceed.	
SEPP 26 Littoral Rainforests.	Not Applicable.	

State Environmental Planning Policy	Compliance	Comments
SEPP 27 Prison Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 28 Town Houses & Villa Houses. Repealed by SEPP 25 Amendment 4.	Repealed.	
SEPP 29 Western Sydney Recreation Area.	Not Applicable.	
SEPP 30 Intensive Agriculture	Not Applicable.	
SEPP 31 Sydney (Kingsford Smith) Airport. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not Applicable.	
SEPP 33 Hazardous & Offensive Development.	Applicable.	Refer to comments within the LUCRA within Attachment 7 which takes into consideration Woodview/Piora Quarry located across the Bruxner Highway.
SEPP 34 Major Employment Generating Industrial Development. Repealed by Major projects SEPP.	Repealed.	
SEPP 35 Maintenance Dredging of Tidal Waterways. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 36 Manufactured Home Estates.	Not Applicable.	
SEPP 37 Continued Mines & Extractive Industries Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	
SEPP 38 Olympic games & Related Projects. Repealed by Major Projects SEPP.	Repealed.	
SEPP 39 Split Island Bird Habitat.	Not Applicable.	
SEPP 40 Sewerage Works.	Did not proceed.	
SEPP 41 Casino/Entertainment Complex.	Not Applicable.	
SEPP 42 Multiple Occupancy & Rural Land.	Repealed by SEPP 15.	
SEPP 43 New Southern Railway. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 44 Koala Habitat Protection.	Applicable.	Refer to comments below this table to SEPP 44.
SEPP 45 Permissibility of Mining. Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	
SEPP 46 Protection & Management of Native Vegetation. Repealed by Native Vegetation Conservation Act 1997.	Repealed.	
SEPP 47 Moore Park Showground.	Not Applicable.	

State Environmental Planning Policy	Compliance	Comments
SEPP 48 Major Putrescible Landfill Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 49 Tourism Accommodation in Private Homes.	Draft only.	
SEPP 50 Canal Estate Development.	Not Applicable.	
SEPP 51 Eastern Distributor. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	Not Applicable.	
SEPP 53 Metropolitan Residential Development	Not Applicable.	
SEPP 54 Northside Storage Tunnel. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 55 Remediation of Land.	Complies.	Refer to comments below this table to SEPP 55.
SEPP 56 Sydney Harbour Foreshores & Tributaries. Repealed by Major Projects SEPP Amendment.	Repealed.	
SEPP 58 Protecting Sydney's Water Supply. Repealed by Drinking Water Catchments REP No 1.	Repealed.	
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable.	
SEPP 60 Exempt & Complying Development.	Not Applicable.	
SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 62 Sustainable Aquaculture.	Not Applicable.	
SEPP 63 Major Transport Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 64 Advertising & Signage.	Not Applicable.	
SEPP 65 Design Quality of Residential Flat Buildings.	Not Applicable.	
SEPP 66 Integration of Land Use & Transport. Draft.	Not Applicable.	
SEPP 67 Macquarie Generation Industrial Development Strategy. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 68	Not allocated.	
SEPP 69 Major Electricity Supply Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 70 Affordable Housing (Revised Schemes).	Not Applicable.	
SEPP 71 Coastal Protection	Not Applicable.	

State Environmental Planning Policy	Compliance	Comments
SEPP 72 Linear Telecommunications Development - Broadband. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 73 Kosciuszko Ski Resorts Repealed by SEPP Kosciuszko National Park – Alpine Resorts.	Repealed.	
SEPP 74 Newcastle Port & Employment Lands Repealed by Major Projects SEPP.	Repealed.	
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable.	
SEPP (ARTC Rail Infrastructure) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Sydney Metropolitan Water Supply) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Development on Kurnell Peninsula) 2005	Not Applicable.	
SEPP (Major Projects) 2005	Not Applicable.	
SEPP (Sydney Regional Growth Centres) 2006	Not applicable.	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable. Complies.	Refer to information immediately below this table addressing the SEPP and also comments within the LUCRA within Attachment 7 which takes into consideration Woodview/ Piora Quarry located across the Bruxner Highway.
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not Applicable.	
SEPP (Infrastructure) 2007	Not Applicable	In addressing Clause 104 – Traffic Generating Development, the development does not seek to create 50 lots thereby being below the threshold in Column 3 to the Table in Schedule 3.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable.	
SEPP (Rural Lands) 2008	Applicable.	Refer to comments immediately below this table addressing SEPP (Rural Lands)
SEPP – North Coast Regional Environmental Plan 1988 (NCREP)-	Not Applicable.	This document does not apply to the Richmond Valley LGA by virtue of Clause 1.9(2) of the Richmond Valley LEP 2012.
NCREP clause 45A – Plan Preparation – flood liable land A Draft LEP should not rezone flood liable land zoned, inter alia,	Consistent.	The site is not located within a mapped flood planning area by virtue of the

State Environmental Planning Policy	Compliance	Comments
open space unless consistent with an adopted floodplain risk management plan.		Richmond Valley LEP 2012. Previous investigations with respect to on-site wastewater have not identified flooding as a particular constraint to the proposed rural subdivision. The assessment indicated that the site was not subject to flooding (Refer Attachment 2). Localised flooding potential as raised by Richmond Valley Council have been addressed within the Executive Summary Section 2.
NCREP Plan Preparation – servicing urban areas Draft LEPs should ensure that ensuing development will make economic use of existing services.	Consistent.	All normal services applicable for rural residential living are currently available to the site. It is noted the site already supports an existing rural dwelling.

The planning proposal is considered to be consistent with relevant State Environmental Planning Policies (SEPPs), including the following:

SEPP 44 – Koala Habitat Protection

State Environmental Planning Policy No. 44 (SEPP 44) encourages the conservation and management of natural vegetation areas that provide habitat for Koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core Koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of Koalas and their habitat.

The Richmond Valley Koala Habitat Atlas (2008) identifies some areas adjacent to the western property boundary as containing primary and secondary Koala habitat.

Notwithstanding the identified mapping, on 8 March 2009 Place Environmental conducted a site inspection to ensure that the findings of the original

assessment (June 2005) remained valid. The original PLACE report and the revised assessment are both contained within **Attachment 1**.

The June 2005 report prepared by Place provided that *"The Site supports a small number of Forest red gums (Eucalyptus tereticornis) (a recognised Koala feed tree). Although scat surveys failed to find signs of recent Koala usage, Koalas are likely to persist in the wider locality and may move through the Site on rare occasions."* State Environmental Planning Policy 44 (Koala Habitat Protection) was discussed in Appendix 4 of the PLACE report and provided the following results:

1.0 Is the land within a local government area identified in Schedule 1 of the policy?

Yes. The site is situated within the Richmond Valley LGA.

2.0 Does the land contain potential Koala habitat?

Yes, the site supports the primary Koala feed tree Forest Red Gum (*Eucalyptus tereticornis*) and is within an area currently used by Koalas.

3.0 Do Schedule 2 species comprise greater than 15% of species in the upper and lower strata of the tree component?

Forest Red Gum comprises significantly less than 15% of species in the upper and lower strata of the tree component.

4.0 Is the land core Koala Habitat?

N/A.

5.0 Is a Plan of Management required?

There is no requirement to prepare a Koala plan of management.

Email correspondence from 28 South dated 31 May 2013 as contained within **Attachment 1** provides *"in May 2012 the koala was listed as a Vulnerable species under the EPBC Act. I have considered the potential impacts of the proposed development against the EPBC Act Significant Impact Guidelines 1.1 and the Interim Koala Referral Advice for Proponents. I have found that there is no requirement to make a controlled action referral for the proposed Project in regard to impacts on the koala or any other Matter of National Environmental Significance"*.

SEPP 55 – Remediation of Land

SEPP 55 introduced State wide planning controls for the remediation of contaminated land. The policy states that in preparing a local environmental plan, a planning authority must consider whether:

- the land is contaminated;
- and if so, if the land would be suitable for all purposes for which land in the zone is concerned;
- or if the land requires remediation to make it suitable for any purpose for which land in the zone is concerned.

The Guidelines enable a preliminary investigation to utilise readily available information such as consultation with agencies, aerial photo interpretation, oral history and other sources of historic land use data to establish the land use history of the site. Once a site history has been established the Guidelines require a comparison of the historical land uses with those listed at Table 1 of the Guideline to determine whether it is “likely” or “unlikely” that contamination has occurred on the site.

To establish a comprehensive land use history of the subject site the following has been undertaken:

- a review of the historical development of the locality;
- aerial photo interpretation; and
- oral history from individuals associated with the locality.

Mr Sid Lane has owned the subject property for approximately 20 years. The farm has been in the family for 3 generations (Circa 1930). The original owner was Sid Lane’s grandfather. The site has only ever been used for cattle grazing in association with a dairy farm and for ancillary residential purposes. Dairying has been undertaken on the adjoining properties. There are no cattle tick dip sites on or within 200m of the area subject to rezoning.

Under the circumstances, it is unlikely that any contamination has occurred on the site, and accordingly the provisions of SEPP 55 are not triggered in the subject circumstances.

Should Council require, further SEPP 55 soil sampling may be undertaken within each lot at the Development Application stage targeting possible past use of pesticides, fertiliser, other chemical and/or oil/petrol storage.

SEPP Rural Lands

This SEPP provides for the protection of agricultural land that is of State or Regional significance. The subject land is mapped as containing both “Other Rural Lands” being the predominant class and also “Regionally Significant Farmland”. It is noted that the area proposed for rezoning to R5 – Large Lot Residential is classified as “Other Rural Lands” and not “Regionally Significant Farmland”. The Regionally Significant Farmland will remain within the residue lot and will continue to be used for rural grazing activities.

The SEPP contains specific provisions that relate to the assessment of Development Applications over rural land. While no specific provisions apply to the rezoning of land, it is considered that the proposed zoning is generally consistent with the rural planning principles identified in the SEPP, whilst the proposal is unlikely to result in significant impacts on existing agricultural land use in the locality.

The SEPP contains the following rural planning principles:

- a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.*
- b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.*
- c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development*
- d) in planning for rural lands, to balance the social, economic and environmental interests of the community.*
- e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.*
- f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.*
- g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.*
- h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The proximity of the land to existing residents, combined with the opportunity to afford buffer setbacks to lots adjoining grazing land will reduce the potential for future land use conflicts pursuant to the Richmond Valley Development Control Plan and the “Living and Working in Rural Areas Handbook” published at the time by the NSW Department of Primary Industries.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The aims of this policy are “to provide for the proper management and development of resources and to facilitate the orderly economic use and development of land containing mineral, petroleum and extractive resources”.

Clause 13 of the SEPP requires a compatibility test be undertaken by Council planners when assessing any proposed development in the vicinity of existing mines, quarries and petroleum production facilities or resources identified as being of state or regional significance. A copy of Clause 13 of the SEPP has been reproduced in **Attachment 12**.

Sub-clause [2] of the SEPP provides:

[2] Before determining an application to which this clause applies, the consent authority must:

(a) consider:

- (i) the existing uses and approved uses of land in the vicinity of the development, and*
- (ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
- (iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*

(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and

(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).

In response to Sub-clause (2)(a) provisions, a LUCRA has been prepared and contained within **Attachment 7** which considers the potential for land use conflict between the proposed rural residential subdivision and land uses located both within 1km and outside of 1km of the proposed development footprint. A land use located within the 1km buffer is the Woodview/Piora Quarry operations.

The LUCRA identifies ways in which the surrounding land uses may be incompatible with the proposed rural residential subdivision and where appropriate mitigation measures are proposed ie. implementation of a cattle grazing buffer to the proposed lots from adjoining grazing land use.

Upon completion of the LUCRA, it is considered that the proposed rural residential subdivision can appropriately co-exist with the identified surrounding land uses whilst not having adverse impact on current or future extraction activities [including blasting] associated with the operations of the Woodview/Piora Quarry.

In response to Sub-clause (2)(b), the public benefits of the proposed rural residential subdivision (as highlighted in Part 3 Section A Clause 3 of this report and also within Part 3 Section C Clause 10) and those relating to the quarry operations and surrounding land uses will continue to be recognised, given the identified land uses are capable of adequately co-existing with no sterilisation of the resource envisaged as demonstrated in the LUCRA.

Concerning Sub-clause (2)(c), the LUCRA identifies appropriate mitigation measures to avoid potential land use incompatibility ie. implementation of a cattle grazing buffer to the proposed lots from adjoining grazing land use.

7. *Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?*

Directions made under Section 117 of the *Environmental Planning and Assessment Act 1979*, issued on 1 July 2009, which are relevant to the Site, are identified and addressed in **Table 3**, below.

Table 3 – Direction 117

Direction No.	Objective/ Application	Consideration
No. 1.2 – Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	Complies. This Planning Proposal does not seek to rezone rural zoned land to a residential, business, industrial, village or tourist zone.
No. 1.3 – Mining, Petroleum Production and Extractive Industries	To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Applicable. Richmond River LGA Section 117(2) Direction 1.3 applies to the site. This direction relates to Woodview/Piora Quarry located across the Bruxner Highway. The relevant Section 117 direction documentation is contained within Attachment 12 of this Planning Proposal. Further reference should be made immediately below this Table 3 which provides information addressing the Section 117(2) direction.
No. 1.5 – Rural Lands	A Planning Proposal must be consistent with the Rural Planning Principles listed in <i>SEPP Rural Lands</i>. A planning may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Department of Planning that the provisions of the Planning Proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objectives of this direction; (ii) identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites), and is approved by the Director-General of the Department of Planning.	Complies. The subject site is identified for future rural residential subdivision within the Richmond Valley Shire Council Rural Residential Development Strategy 1999.
No. 4.3 – Flood Prone Land	To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual, 2005.	Complies. The subject land proposed for rezoning to R5 is not identified as being subject to flood inundation.

	To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	
No. 4.4 - Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. To encourage sound management of bush fire prone areas.	Complies. The subject site is mapped as bushfire prone land. Regard should be made to the commentary on bushfire within Part C of this Planning Proposal.
No. 5.1 - Implementation of Regional Strategies	Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.	Complies. Section 7 of the Far North Coast Regional Strategy (FNCRS) identifies that rural residential development will continue as a housing choice for people in the region. The FNCRS further advises that for land in the non-coastal area, rural residential land release will occur in accordance with existing local rural strategies. As advised, the subject site is located within the Richmond River Council Rural Residential Development Strategy (RRDS) 1999. Accordingly, the proposal is considered to be consistent with the provisions of the FNCRS. Justification concerning supply and take up of the lots in the RRDS can be found within Part 3 Section B Clause 5 of this report.
No. 5.3 - Farmland of State and Regional Significance on the NSW Far North Coast	To ensure that the best agricultural land will be available for current and future generations to grow food and fibre. To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning. To reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.	Complies. The site proposed to be rezoned is mapped as containing both "Other Rural Lands" being the predominant class and also "Regionally Significant Farmland". It is noted that the area proposed for rezoning to R5 - Large Lot Residential is classified as "Other Rural Lands" and <u>not</u> "Regionally Significant Farmland". The Regionally Significant Farmland will remain within the residue lot and will continue to be used for rural grazing activities.

Section 117 Direction 1.3 – Mining, Petroleum Production and Extractive Industries

This information has been prepared following a review of the Mineral Resource Audit (Richmond Valley LGA) prepared by J.W. Brownlow and the Section 117 *Direction 1.3 – Mining, Petroleum Production and Extractive Industries* document itself. These documents can be found in **Attachment 12** of this report.

Direction 1.3 applies to Woodview/Piora Quarry located across the Bruxner Highway and is identified as a regional resource.

Name: Woodview/Piora Quarry

Operator: Richmond Valley Council

Commodity: Course aggregate

Rock Type: Basalt

Status: Operating – continuous

Comment: Resource approximately 1.75M tonnes. Potential to produce 30,000 – 40,000 tonnes per annum for over 40 years.

The objective of this direction is to “*ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.*” Having regard to the information provided below, the extractive resource operations of the Woodview/Piora Quarry will not be adversely compromised by the proposed rezoning.

Direction 1.3 – Mining, Petroleum Production and Extractive Industries was issued on 19 July 2007 and requires Council to consult with NSW Department of Trade & Investment, Regional Infrastructure and Services, Resources & Energy Division when preparing Local Environmental Plans that may restrict or prohibit the potential development of mineral, coal, petroleum and extractive resources. The purpose of the direction is to prevent the unnecessary loss of access to important mineral, petroleum and extractive resources due to inappropriate zoning.

The previous G28 – Coal, other Minerals, Petroleum and Extractive Resources under Section 117 (2) of the Environmental Planning and Assessment Act 1979 was amended in September 2005 and was further amended on 19 July 2007 and reissued as Direction 1.3 – Mining Petroleum Production and Extractive Industries.

The Mineral Resource Audit (Richmond Valley Council LGA) also provides that a new State Environmental Planning Policy (SEPP) was introduced in February 2007. The SEPP Mining, Petroleum Production and Extractive Industries (2007) *“aims to provide for the proper management and development of resources and to facilitate the orderly economic use and development of land containing mineral, petroleum and extractive resources.”*

The SEPP requires a compatibility test be undertaken by Council planners when assessing any proposed development in the vicinity of existing mines, quarries and petroleum production facilities or resources identified as being of state or regional significance.

As Woodview/Piora Quarry located across the Bruxner Highway is identified as a regional resource, SEPP Mining, Petroleum Production and Extractive Industries (2007) has been considered and addressed within *Part 3 – Section B Clause 6* of this report. Compatibility of the proposed rural residential subdivision with the Woodview/Piora Quarry has been demonstrated within the LUCRA contained within **Attachment 7** of this report.

In response to Direction 1.3 and in particular Sub-clause 4(c), as the subject site **is located within the 1,000 metre buffer** distance to the quarry (ie. ‘transition area’), a LUCRA has been prepared with respect to the Quarry which demonstrates that the proposed rural residential subdivision is able to co-exist with the quarry. This LUCRA is located within **Attachment 7** of this Planning Proposal. Accordingly, the proposed rural residential subdivision is not considered to result in future sterilisation of the identified regional resource of Woodview/Piora Quarry.

This Planning Proposal does not propose to change a land use zone under the Richmond Valley LEP 2012 that would prohibit the quarrying of Woodview/Piora Quarry.

Consideration of “Implications for Planning” from the Mineral Resources Audit (Richmond Valley LGA)

NSW Trade & Investment recommends that Council adopt the following strategies regarding mineral resources and the potential for new discoveries:

1. Operating mines and quarries should be protected from sterilisation or hindrance by encroachment of incompatible adjacent development.
2. Known resources and areas of identified high mineral potential should not be unnecessarily sterilised by inappropriate zoning or development.
3. Access to land for mineral exploration and possible development should be maintained over as much of the planning area as possible.

In response to the three [3] strategy points, the following comments are provided:

1. The operation of the Woodview/Piora Quarry will be protected from sterilisation or encroachment by incompatible land uses. In this respect, a LUCRA has been prepared with respect to the Quarry (**Attachment 7**) which demonstrates that the proposed rural residential subdivision is able to co-exist with the quarry.
2. The known resources of Woodview/Piora Quarry will not be unnecessarily sterilised by the proposed rezoning of part of the subject land to R5 – Large Lot Residential Zone. The LUCRA prepared demonstrates that the proposed rural residential subdivision and the operations of the quarry can adequately co-exist therefore not leading to sterilisation of the identified resource.
3. The land proposed to be rezoned under this Planning Proposal is only identified as being within a *transition area* which is an area adjacent to identified resource areas.

Accordingly, the rezoning of the subject land as proposed will not lead to a restriction of access into the areas identified as either an *identified resource*

area [ie. containing active mineral, petroleum and/or extractive operations and/or identified resources] or *potential resource area* [containing potential mineral, petroleum and/or extractive resources].

It is considered that this Planning Proposal will be referred to NSW Trade & Investment, and as per the Mineral Resources Audit, *"It should be noted however, that the identification of an area by NSW Trade & Investment does not preclude zoning changes, nor does it mean that NSW Trade & Investment will necessarily oppose any zoning change or proposed development within these areas."*

Therefore, based upon the information submitted above in response to the *Section 117 Direction 1.3*, the extractive resource of the Woodview/Piora Quarry will not be adversely compromised by the proposed rezoning as presented within this Planning Proposal.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal involves changing the Local Environmental Plan for the identified land to enable one or more Development Applications to be considered to subdivide the land for rural residential purposes.

An Ecological Assessment of the area subject to rezoning was completed by PLACE (June 2005) as part of the previous rezoning application prepared and submitted to Council. PLACE undertook a revised assessment (dated 31 March 2009) for the subdivision layout. Both the original and revised assessment are found within **Attachment 1** of this Planning Proposal which provide a description of the site findings.

The PLACE assessment provides that the baseline ecological assessment found that the site did not support any:

- Endangered or Vulnerable plant species:

- Endangered Ecological Communities;
- Endangered Populations or Declared Critical Habitat.

The assessment did find that various fig trees were considered to be of local ecological significance and landscape value.

Section 5A assessments have been prepared for threatened frugivores which could utilise the fig trees. Accordingly Section 5A assessments for the following were undertaken:

- Coxen's fig-parrot;
- Rose-crowned fruit-dove;
- Wompoo fruit-dove;
- Superb fruit-dove; and
- Barred cuckoo-shrike.

EPBC Act and Atlas of New South Wales Wildlife database searches were also undertaken.

A Section 5A assessment for the Koala was also undertaken.

In summary, the PLACE assessment *"found that the proposed development would not cause a significant impact on these species, and that there would be no requirement to submit a Species Impact Statement with the Development Application."*

Both the original and revised Ecological Assessment can be found within **Attachment 1** together with a supporting addendum letter prepared by 28 South.

9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

a. Contamination

SEPP 55 has been addressed in the above Section B [Sub-clause 6]. The current land owner Mr Sid Lane has owned the subject property for approximately 20 years whilst the farm has been in the family for 3 generations [Circa 1930], with

the original owner being Sid Lane's grandfather. The site has only ever been used for cattle grazing in association with a dairy farm and for ancillary residential purposes. Dairying has been undertaken on the adjoining properties. There are no cattle tick dip sites on or within 200m of the area subject to rezoning.

Under the circumstances, it is unlikely that any contamination has occurred on the site, and accordingly the provisions of SEPP 55 are not triggered in the subject circumstances.

b. Bushfire

Bushfire prone lands mapping provided by Richmond Valley Council indicates land within the site's western portion being mapped as bushfire prone land (see **Plate 8**). Notwithstanding the bushfire mapping, the majority of the land area is located free of any mapped vegetation hazard or associated hazard buffer.

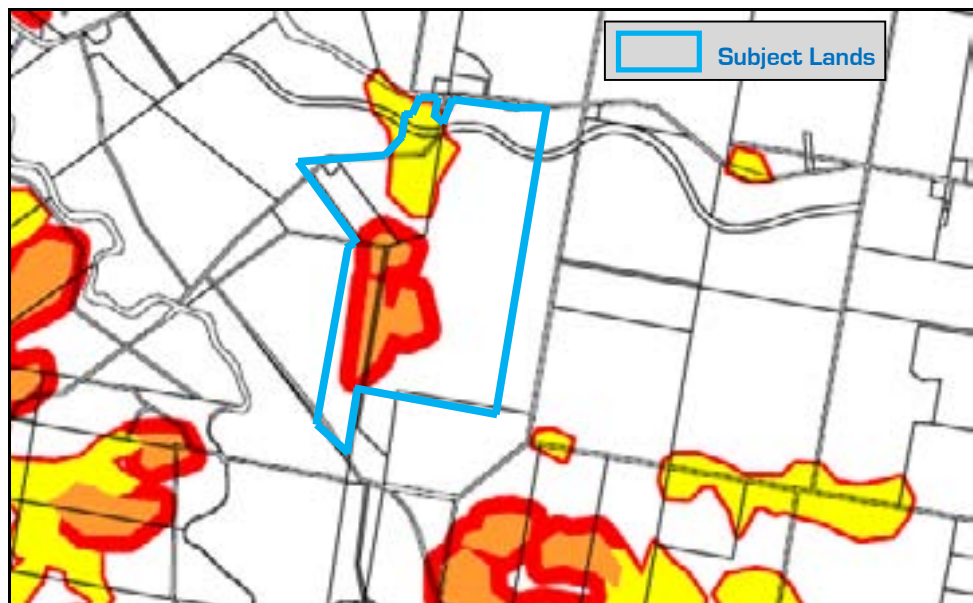


Plate 8: Richmond Valley Council Bushfire Mapping.

A preliminary bushfire hazard assessment has been completed by PLACE Environmental as provided within **Attachment 1** of this report. A summary of recommendations are as follows:

Assess Compliance with Planning for Bushfire Protection 2006

The broad-scale bushfire hazard map shows that bushfire threat extends across Ellems Bridge road into the Site (refer Figure 3 of original report). However, it should be noted that sclerophyll vegetation is in fact restricted to the western side of Ellems Bridge Road. Recommendations contained in the following discussion are consistent with those outlined in PBP 2006.

Asset Protection Zones

Only proposed Lots 1, 2, 30 & 31 are within 100m of this bushfire hazard, and so subject to bushfire threat. There is no requirement to consider the provisions of PBP 2006 in regard to the remaining lots any further. It is recommended that the local fire control officer be consulted in regard to these calculations as it is considered that site circumstances would allow a relaxation of the calculated protection measures.

***Proposed Lot 1** is located downslope (effective slope of 0-50) of a Eucalypt forest community (the current structure is akin to woodland but could regenerate to forest). The fire weather area (North Coast) is 80. Utilising Table 3.4 (Appendix 3 of PBP 2006) a level 1 construction standard (AS3959:1999) can be adopted for the dwelling if it is located more than 35m from the fire threat. As noted, this should be taken from the western edge of Ellems Bridge Road. The bushfire attack assessor calculation is provided as **Attachment 4**.*

***Proposed Lot 2** is located across slope from the Eucalypt forest community fire threat. Utilising Table 3.4 (Appendix 3 of PBP 2006) a level 1 construction standard can be adopted for the dwelling if it is located more than 35m from the fire threat. As noted, this should be taken from the western edge of Ellems Bridge Road. If the dwelling can be positioned more than 100m from the fire threat then there is no requirement to adopt a bushfire construction standard.*

*The lower slopes of **Proposed Lot 30** adjoin Category 2 vegetation. However, there is sufficient room to accommodate a dwelling on the higher slopes of this lot where there is greater than 100m clearance to all areas of bushfire threat. If this measure is adopted there is no requirement to adopt a construction standard under AS3959: 1999.*

The northern portions of **Proposed Lot 31** adjoin a small outlier of vegetation which (under extreme bushfire conditions) could be considered a component of the larger remnant to the west. However, the building envelope would be logically positioned in the broader southern portions of this lot where there is greater than 100m clearance to all areas of bushfire threat. If this measure is adopted there is no requirement to adopt a construction standard under AS3959: 1999. In regard to the Acceptable Solutions it is noted that:

- (i) APZ's comply with Appendix 2/3 of PBP;
- (ii) APZ's are wholly accommodated within the Subject Site;
- (iii) APZ's are located on land with slopes of less than 180.

Public Roads

The performance requirement and acceptable solutions for internal roads are met.

Property Access

The performance requirement and acceptable solutions for property access are met.

Fire Trails

There is no proposal to provide fire trails as part of this development.

Services – Water, electricity and gas

(a) Water Supply

Proposed Lot 1 will need to be provided with a dedicated 20,000l dedicated bushfire fighting water supply tank. The following features are also required:

- a suitable connection for fire fighting purposes is made available and located within the IPA and away from the structure. A 65mm Storz outlet with a gate or Ball valve is provided.
- gate or Ball valve and pipes are adequate for water flow and are metal rather than plastic.

- *underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied within 4 metres of the access hole.*
- *above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected. Plastic tanks are not used. Tanks on the hazard side of a building are provided with adequate shielding for the protection of fire fighters.*
- *all above ground water pipes external to the building are metal including and up to any taps. Pumps are shielded.*

*Such tanks will also be required for **Proposed Lots 2, 30 and 31** if the required 100m setback from adjoining bushfire hazards cannot be achieved [refer APZ discussion above].*

(b) Electricity

*In regard to electricity services it is recommended that the following be adopted as conditions of approval if overhead electrical transmission lines are to be provided for **Proposed Lot 1** and for **Proposed Lots 2, 30 and 31** if the required 100m setback from adjoining bushfire hazards cannot be achieved [refer APZ discussion above].*

- *lines are installed with short pole spacing (30 metres); and*
- *no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).*

(c) Gas services (if required)

*In regard to gas services (if required) it is recommended that the following be adopted as conditions of approval for **Proposed Lot 1** and for **Proposed Lots 2, 30 and 31** if the required 100m setback from adjoining bushfire hazards cannot be achieved [refer APZ discussion above].*

- *reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.*

- *all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.*
- *if gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal.*
- *polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.*

c. Buffer Areas (Land Use Conflict)

The introduction of rural residential land uses within a rural area interface may contribute to the creation of conflicting land use issues. Issues commonly raised include offensive noise from farm machinery and cattle, hours of farm activities and spray drift associated with intensive horticulture, and noise from quarry operations etc.

As evidenced through the minutes of the ordinary meeting of the Richmond Valley Council and as reported to Council 19 September 2006, in response to whether the LEP amendment No. 34 (being the proposed rezoning application) will be compatible/complimentary with surrounding land uses the report states *"Yes. The LEP will be compatible and complimentary to the surrounding land uses. The site was chosen for its locational attributes when preparing the Rural Residential Strategy"*.

The North Coast REP, the Far North Coast Regional Strategy and the Northern Rivers Catchment Action Plan require that risk of land use conflict with key resources and rural production be assessed and addressed in future land use change decisions.

To assess and address the potential of land use conflict from the proposed rural residential development with surrounding key resources, rural production an assessment of land uses within 1 km of the subject site has been undertaken in accordance with the North Coast Living and Working in Rural Areas handbook. The LUCRA has assessed the risk from the proposed development and buffers required to reduce the risk of future land use conflict impacts.

The full LUCRA is contained in **Attachment 7** of this report and demonstrates that the proposed rural residential subdivision and surrounding land uses can co-exist. No surrounding land use prohibits the subdivision as proposed, nor is it considered that the subdivision will prohibit the continuance of any surrounding land uses.

d. Archaeology

During the previous rezoning process undertaken, Council received a verbal request from the Department of Planning requesting details of any areas of heritage or cultural significance and this request was forwarded to Newton Denny Chapelle on Council letterhead dated 6 March 2007. The matter to be addressed concerned “any areas or items with heritage or cultural significance”.

Place Environmental were engaged to undertake an AHIMS assessment with respect to Aboriginal objects and Aboriginal places registered with the NSW Department of Environment and Climate Change relating to Lots 2 DP 572347 and Lot 1 DP 449328. **Note:** *Lot 2 DP 572347 is now described as Lot 2 DP 1170052 following boundary adjustment being registered.*

A search of the DECC Aboriginal Heritage Information Management System (AHIMS) showed that no Aboriginal objects and Aboriginal places were recorded in or near the above location. Reference should be made to **Attachment 9** which contains the AHIMS documentation.

Council have previously acknowledged as evidenced in the ‘minutes of the ordinary meeting of the Richmond Valley Council (Tuesday, 19 September 2006) that *“there are no known items of environmental and indigenous heritage within the subject lands”*.

The Richmond Valley LEP 2012 mapping does not identify the subject land as containing a heritage item.

e. Landscape and Visual Value

The landscape and visual character of the locality is rural. The predominant land uses comprise cattle grazing activities, scattered remnant trees, stands of vegetation, scattered rural dwellings and associated farm outbuildings and

structures. An operational quarry (Woodview/Piora Quarry) exists on the opposite (northern) side of the Bruxner Highway, with an Animal Establishment (Poultry Farm) located to the south on Lots 128 & 129 DP 755602 of which are located in excess of 1.5km from the proposed rural residential development.

Due to the fact that the area is identified as being potentially available rural residential land, the landscape and visual character of the locality will likely be substantially transformed when land is rezoned and developed for rural residential purposes. Cleared grazing land will be transformed and characterised by dwelling houses and associated domestic buildings/structures on rural residential lots with domestic type landscaping.

The subject land is not considered to be highly sensitive or significant in the local visual context.

The size of the conceptual lots is such that there is substantial land available for site landscaping (including domestic gardens and planting of larger trees) in a similar manner to other rural residential estates within the Shire.

f. Topography

Plan 2 – Contour Plan illustrates the general topographical features of that part of the subject property that is subject to this Planning Proposal, with detailed contours provided by a site survey completed by Newton Denny Chapelle.

Site gradients range from 5% to 15%. Ground levels on the site range between RL 85m and RL 110m. The proposed dwelling sites will be located on land with levels greater than RL 90m to 110m and the site slopes are not prohibitive to the construction of future dwellings, associated driveways or effluent disposal areas.

g. Soil Landscapes

During the preparation of the on-site sewage considerations report in relation to the subdivision, BCA Check carried out soil tests on the subject land including 31 machine augured boreholes to 1.0m depth. The site investigations indicate shallow to moderately deep clay based soils. Shallow weathered bedrock was encountered in bore holes on some allotments and was unpredictable in

location, however, where this occurred suitable land application areas were established on the allotment with soil depth in excess of 1m. It is likely that several alternate land application areas will be available on each of the allotments due to the large size of the holdings. Soils were stonier and shallower on ridges.

Generally up to 300mm of brown-black clay loam overlies 300-600mm of brown to dark-brown clay. This layer overlies a weathering front of strongly weathered bedrock.

Lots 1, 2, 17, 18 & 19 indicated a Sandy Podzolic classification comprising brown sandy loam topsoils overlying brown medium clays. At a depth of 400mm most sites were classified as Category 6 medium to heavy clay soils.

The soil landscape is not considered to prohibit the development of the site for rural residential purposes. In this regard, the assessment concludes *"This report provides preliminary investigations relating to the suitability of the proposed allotments for on-site disposal of effluent. Our investigations have revealed that it is possible to provide safe wastewater management systems on the proposed allotments as discussed. All site and soil limitations have been addressed to minimise any detrimental impacts on the environment or the amenity of the area."*

h. Stormwater Drainage and Water Quality

A revised Stormwater Management Plan (SMP) has been prepared by Newton Denny Chapelle and is contained at **Attachment 3** to this report.

The SMP identifies that the implementation of the following measures will result in achieving the stormwater and sensitive urban design objective of minimising impacts of development on the natural water cycle. Measures to be adopted include:

- (a) Installation of rainwater tanks;*
- (b) Provision of grass buffers to the main gully flow path;*
- (c) Swales in road reserves where grades permit;*
- (d) Retention of the large existing farm dam;*

- (e) Utilisation of water saving devices within dwellings;*
- (f) Implement erosion and sediment controls during construction.*

10. How has the Planning Proposal adequately addressed any social and economic effects?

The rezoning of more land for rural residential purposes will have positive social and economic effects. In particular, the development of the land for housing will assist in meeting regional dwelling targets. As outlined in Section 3 of this report, the community benefit associated with the development will be found in the provision of additional housing to service the future population needs of the Richmond Valley LGA.

The additional following social and economic benefits will be provided:

- **Creation of local employment opportunities through new jobs and multiplier effect on the local economy** – The construction of the subdivision and future dwelling houses will provide an increase in local employment opportunities that will have flow-through effects through tradespeople to suppliers and capacity for increased retail expenditure.
- **Increase in housing supply and choice** – The creation of thirty one (31) lots will permit the construction of 30 additional dwellings which may be either owner occupied or leased thereby contributing to the housing stock of Casino and surrounding districts.
- **Demand for community services in the locality** – It is envisaged that the future residential occupation of any lots created will increase the demand for services in the locality by virtue of the resultant increase in population. However, the development site is readily accessible and proximate to the Town of Casino that contains a diverse range of community facilities as well as retail, administrative, education, health, sporting, open space and public transport services.

Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the Planning Proposal?

a. Sewer

The subject site does not have connection to Council's reticulated sewer supply.

BCA Check prepared a revised "On-site Sewage Considerations Report" for the proposed rezoning having regard to the proposed conceptual subdivision layout. This report is contained within **Attachment 2** of this document.

The assessment reveals that it is possible to provide safe wastewater management systems on the proposed allotments for on-site disposal of effluent. All site and soil limitations have been addressed to minimise any detrimental impacts on the environment or the amenity of the area.

In response to the Department of Planning's previous correspondence dated 31 October 2006 relating to the utilisation of a common effluent disposal system, it is submitted that individual wastewater systems are proposed for each allotment with appropriate technical wastewater assessment undertaken by BCA Check with respect to providing adequate and suitable buffers to water bodies to prevent degradation of in-stream water quality. Accordingly, based on the technical assessment undertaken by BCA Check and attached to this report, no adverse environmental impacts are envisaged with specific reference to the integrity and quality associated with any in-stream waterways.

b. Water

Reticulated water services are not available in the locality. Under the circumstances, water storage tanks will be provided to each future dwelling house in order to harvest roof water as the primary means of providing a domestic potable water supply.

c. Electricity Supply

The subject land is connected to a reticulated electricity supply. Consultation will be undertaken with the relevant authority to ensure power supply is adequate to meet the needs of the development at cost to the proponent.

d. Telecommunications

The subject land is currently connected to telecommunication supply. Consultation will be undertaken with the relevant authority to ensure telecommunication capacity is adequate to meet the needs of the development at cost to the proponent.

e. Roads

The rezoning of part of the subject land to enable the future rural residential subdivision and use will, upon occupation of any new dwelling on any lot so created, result in an increase in vehicle movements in the locality.

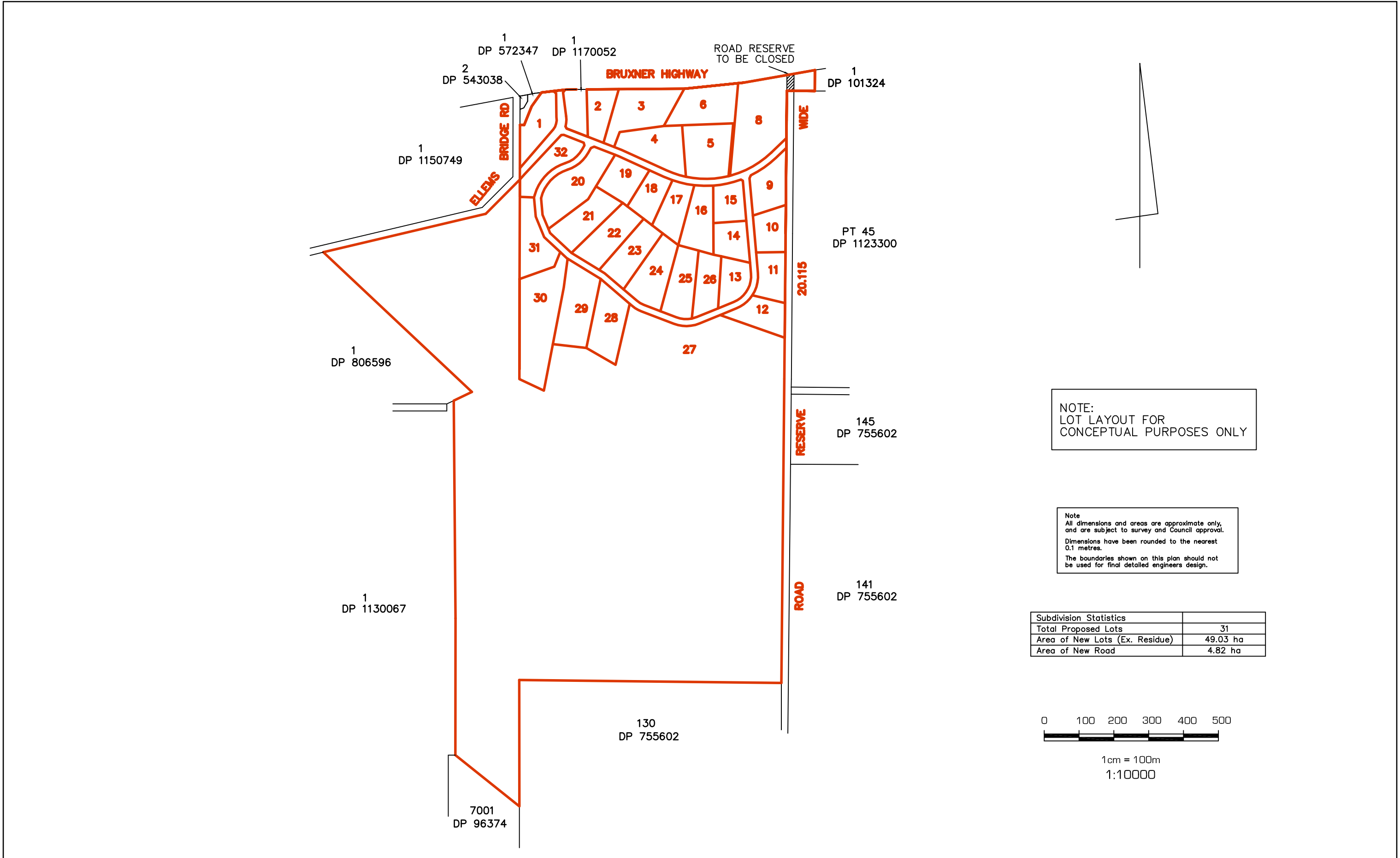
Having regard to the conceptual subdivision layout containing 31 lots, it is estimated that a total of 279 daily vehicle movements will be generated once all lots are developed and occupied. This figure has been calculated using the figure of 9 daily vehicle trips/dwelling [RTA Guide to Traffic Generating Developments].

It is recommended that the road network in any future development of the residual parcel to the south and/or the adjoining parcel to the east be designed such that they connect to and integrate with the roads identified in the conceptual subdivision layout presented on **Plans 4 & 5**.

Further reference should be made to the Traffic Impact Assessment contained within **Attachment 6** of this report. This assessment addresses those concerns previously raised by the NSW RTA [9/1/07] and further concerns raised by NSW DPI [12/1/07] regarding increased traffic movements and the risk of collisions with dairy cattle crossing the road as part of routine farm management arrangements.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

This section of the Planning Proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination.



Client :
S LANE
25 ELLEMS BRIDGE ROAD
PIORA


Newton Denny Chapelle
Consulting Surveyors & Planners
Email: office@newtondennychapelle.com.au

Lismore
First Floor Molesworth House
186 Molesworth St. Lismore 2480
T: 66 221011 F: 66 224088
Casino
100 Barker St. Casino 2470
T & F : 66 625000

Amendments :		
	Date	Changes
U	28.05.13	LOT 7 REMOVED

Project :
PLAN 4
PROPOSED SUBDIVISION LAYOUT
LOT 2 DP 1170052 & LOT 1 DP 449328
ELLEMS BRIDGE ROAD PIORA

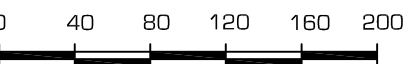
Date: 27.05.13
Scale 1:10000
Ref No. 04/102U

NOTE:
LOT LAYOUT FOR
CONCEPTUAL PURPOSES ONLY

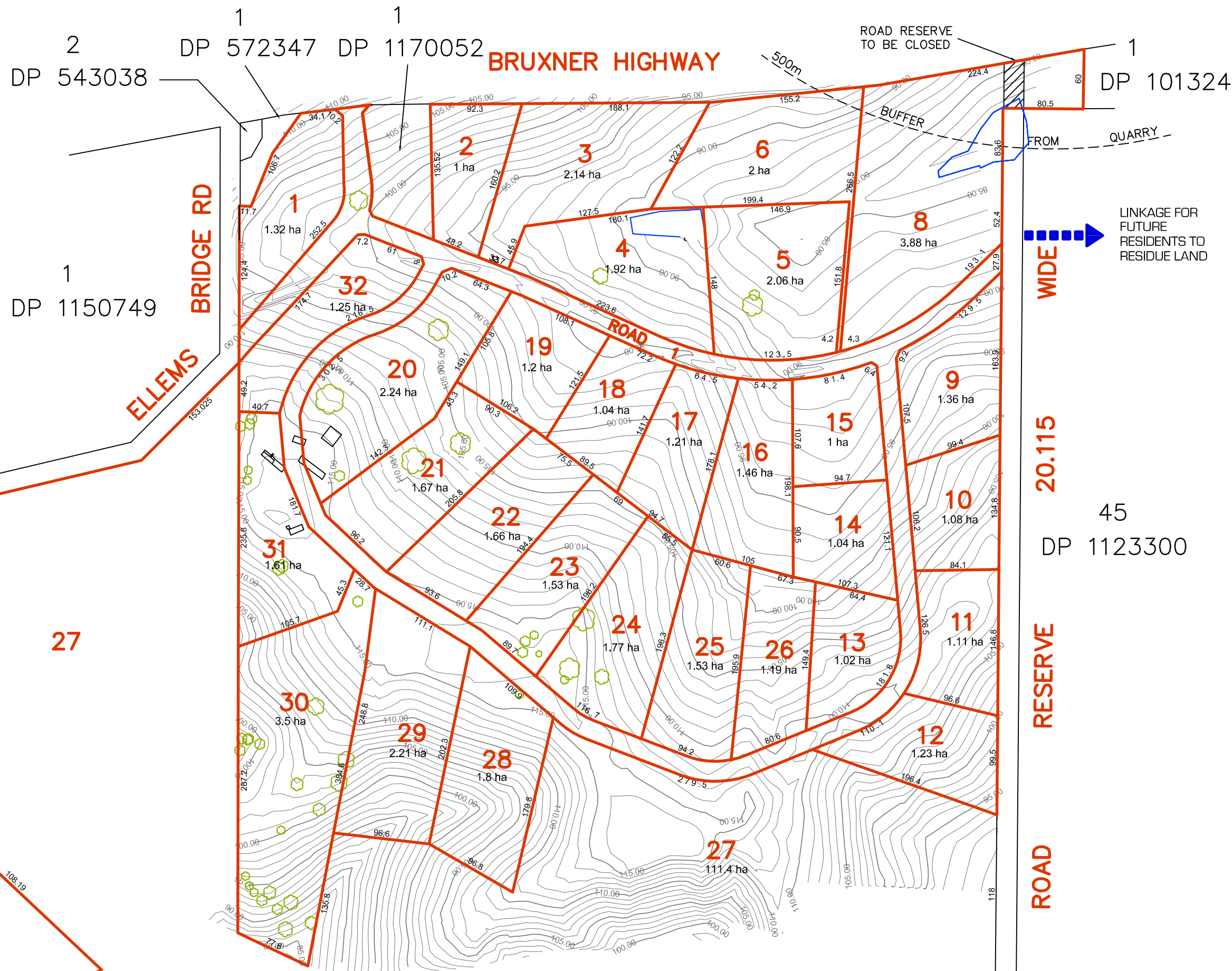
PREVIOUSLY PROPOSED LOT 7
HAS NOW BEEN REMOVED FROM
PROPOSED SUBDIVISION LAYOUT
DUE TO SITE CONSTRAINTS

Note
All dimensions and areas are approximate only,
and are subject to survey and Council approval.
Dimensions have been rounded to the nearest
0.1 metres.
The boundaries shown on this plan should not
be used for final detailed engineers design.

Subdivision Statistics	
Total Proposed Lots	31
Area of New Lots (Ex. Residue)	49.03 ha
Area of New Road	4.82 ha



1cm = 40m
1:4000



Client :
S LANE
25 ELLEMS BRIDGE ROAD
PIORA

NDC
Newton Denny Chapelle
Consulting Surveyors & Planners
Email: office@newtondennychapelle.com.au

Lismore
First Floor Molesworth House
186 Molesworth St. Lismore 2480
T: 66 221011 F: 66 224088
Casino
100 Barker St. Casino 2470
T & F : 66 625000

Amendments :		
U	27.05.13	LOT 7 REMOVED & DAM SHOWN

Project :
PLAN 5
PROPOSED SUBDIVISION LAYOUT & CONTOURS
LOT 2 DP 1170052 & LOT 1 DP 449328
ELLEMS BRIDGE ROAD PIORA

Date: 27.05.13
Scale 1: 4000
Ref No. 04/102U

Part 4 – Community Consultation

In accordance with *A Guide to Preparing Local Environmental Plans* (Department of Planning, 2009) the Gateway Determination will specify the community consultation that must be undertaken on the Planning Proposal.

Conclusion

As outlined above, the objective of this proposal is to enable the future rural residential development of part of the northern portion of the subject land through the rezoning of the land to R5 – Large Lot Residential as illustrated in **Plan 3 – Proposed Zoning Plan**. The remainder of the site will be retained as RU1 – Primary Production and E2 – Environmental Conservation.

The proposed LEP Amendment may be justified on the following grounds:

1. The Planning Proposal demonstrates compliance with relevant local, regional and state plans and policies;
2. The development proposed can be adequately serviced with all necessary infrastructure services including the provision of vehicular access;
3. The planning opportunities and constraints presented by the subject land are such that will facilitate future subdivision and development for rural residential purposes in a manner that is not detrimental to the natural or man-made environment;
4. The future development of the land will satisfy the demand for quality dwellings in a rural area.

It is recommended that the Richmond Valley Local Environmental Plan 2012 be amended so that the nominated area of Lot 2 DP 1170052 and Lot 1 DP 449328 are zoned rural residential under an “R5 Large Lot Residential” zone with the balance zoning of the land retained as “RU1 – Primary Production” and “E2 – Environmental Conservation.”



DAMIAN CHAPELLE

Town Planner. BTP CPP

Date: 29 May 2013

ATTACHMENT 1

**Ecological Report
Place Environmental**



31st May 2013

Luke Fittock

Newton Denny Chapelle

By Email: lfittock@newtondennychapelle.com.au

Dear Luke

RE: PROPOSED DEVELOPMENT, 25 ELLEMS BRIDGE ROAD, PIORA

I understand that you are proposing to submit a development application for a proposed rural residential subdivision at 25 Ellems Bridge Road, Piora (**Attachment 1**). In 2009 (while a Director at PLACE Design Group) I coordinated an ecological assessment report for a proposed development at the Subject Site. I have reviewed that ecological assessment, and the current site conditions in context of the 2009 assessment. I confirm that the site conditions described, and impacts and mitigation measures outlined in the 2009 report are directly relevant to the development currently proposed.

If you have any further questions in regard to this matter, please give me a call.

Regards

A handwritten signature in dark ink, appearing to be "W. Moffitt", enclosed within a large, loopy oval shape.

Wayne Moffitt

Director, 28 South Environmental

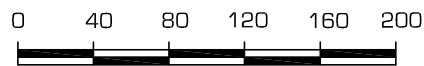


Attachment 1 Proposed Development

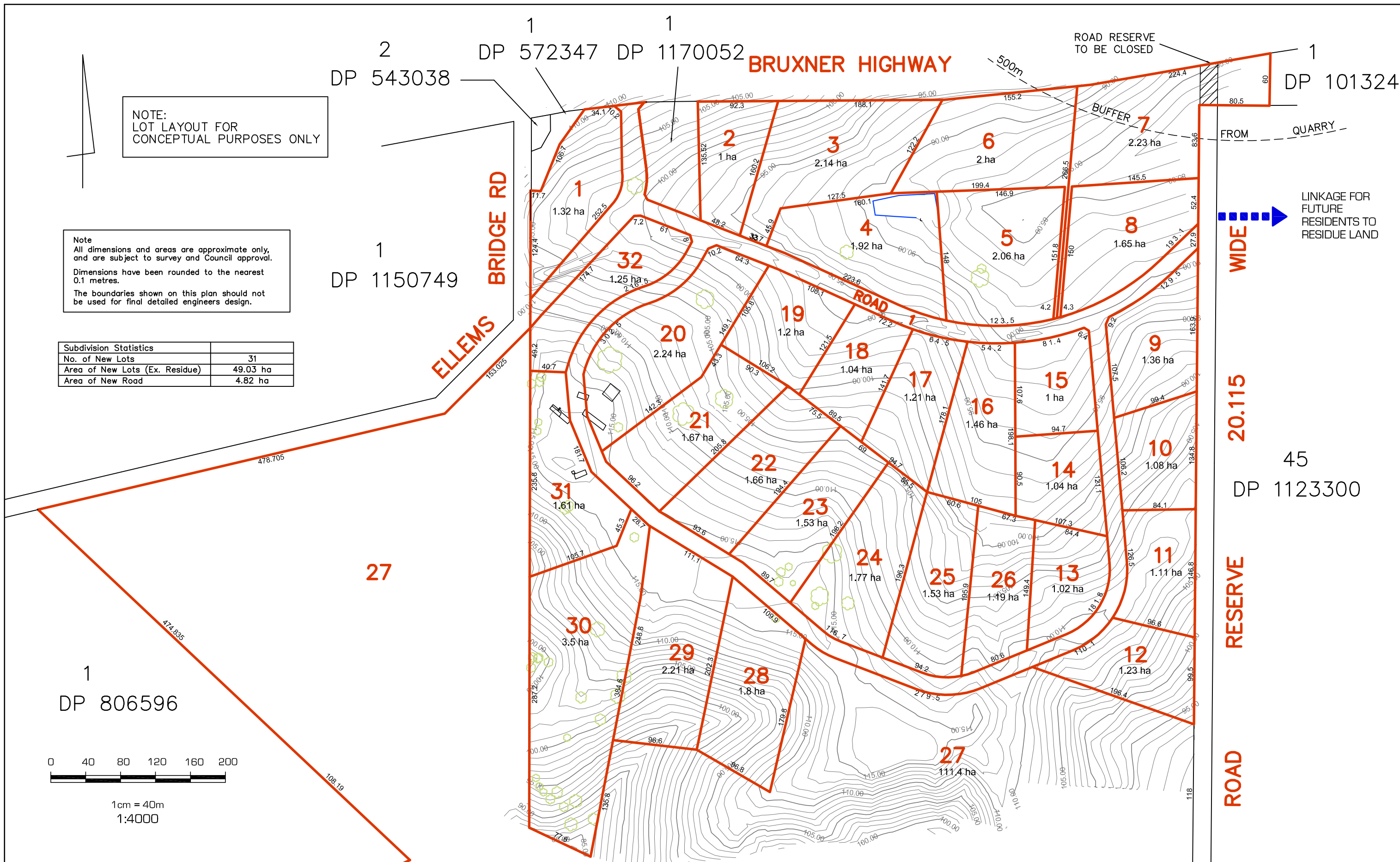
NOTE:
LOT LAYOUT FOR
CONCEPTUAL PURPOSES ONLY

Note
All dimensions and areas are approximate only,
and are subject to survey and Council approval.
Dimensions have been rounded to the nearest
0.1 metres.
The boundaries shown on this plan should not
be used for final detailed engineers design.

Subdivision Statistics	
No. of New Lots	31
Area of New Lots (Ex. Residue)	49.03 ha
Area of New Road	4.82 ha



1cm = 40m
1:4000



Client : S LANE 25 ELLEMS BRIDGE ROAD PIORA	 Newton Denny Chapelle Consulting Surveyors & Planners Email: office@newtondennychapelle.com.au	Lismore First Floor Molesworth House 186 Molesworth St. Lismore 2480 T: 66 221011 F: 66 224088 Casino 100 Barker St. Casino 2470 T & F : 66 625000	Amendments : <table><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>															Project : PLAN 5 PROPOSED SUBDIVISION LAYOUT & CONTOURS LOT 2 DP 1170052 & LOT 1 DP 449328 ELLEMS BRIDGE ROAD PIORA Date: 6.03.13 Scale 1: 4000 Ref No. 04/102T

Luke Fittock

From: Wayne Moffitt (28 South) [wayne@28south.com.au]
Sent: Friday, 31 May 2013 2:46 PM
To: Luke Fittock
Cc: wayneat28south@gmail.com
Subject: Sid Lane - EPBC Act and Koalas

Luke, in May 2012 the koala was listed as a Vulnerable species under the EPBC Act. I have considered the potential impacts of the proposed development against the EPBC Act Significant Impact Guidelines 1.1 and the Interim Koala Referral Advice for Proponents. I have found that there is no requirement to make a controlled action referral for the proposed Project in regard to impacts on the koala or any other Matter of National Environmental Significance.

Regards

Wayne

Wayne Moffitt
Director, 28 South Environmental
M: 0417 672 227
P: (07) 33242489
E: wayne@28south.com.au



PLACE

PLANNING
DESIGN
ENVIRONMENT

31 March 2009

Peter Williams

Newton Denny Chapelle

By Email: pwilliams@newtondennychapelle.com.au

Dear Peter

RE: PROPOSED RURAL RESIDENTIAL DEVELOPMENT – WOODVIEW RIDGE (SID LANE)

As requested, I have considered your amended development layout in light of my original ecological assessment and bushfire management report submitted in April 2005. I note two major amendments to the development proposal:

- (i) A realignment of Ellems Bridge Road to create an intersection with the Bruxner Highway some 100m further to the east; and
- (ii) A larger development footprint and increased lot yield.

On March 8 2009 I conducted a site inspection to ensure that the findings of my original assessment remained valid. I can confirm that there has been no significant change to the Site's ecological values or to its threat from bushfire.

There has however been amendments to:

- (i) Section 5A of the Environmental Planning and Assessment Act (the test of significance to determine whether there is a requirement for a Species Impact Statement to accompany a Development Application (the test now considering seven rather than eight main factors);
- (ii) The schedules of the Threatened Species Conservation Act (1995) – there being a significant number of additional species, communities and key threatening processes added since April 2005;
- (iii) The schedules of the Environment Protection and Biodiversity Conservation Act – there being a significant number of additional Matters of National Environmental Significance being added since April 2005; and
- (iv) Repeal of Planning for Bushfire Protection 2001 and replacement with Planning for Bushfire Protection 2006.

All of these matters now require reconsideration. Attached is a supplementary vegetation plan showing the identification of trees in the recently incorporated southern development area.

Reassess Compliance with the Threatened Species Conservation Act

The baseline ecological assessment found that the Site did not support any Endangered or Vulnerable plant species; Endangered Ecological Communities; Endangered Populations or Declared Critical Habitat. However, the various fig trees (species identified in Figure 2 of the baseline assessment) were considered to be of local ecological significance and landscape value.

Upon reflection it is considered that Section 5A assessments should have been prepared for threatened frugivores which could utilise these trees. Section 5A assessments for

Coxen's fig parrot; the Rose-crowned fruit dove; Wompoo fruit-dove; Superb fruit-dove and Barred cuckoo shrike are provided in **ATTACHMENT 1**. Updated EPBC Act and Atlas of New South Wales Wildlife database searches are provided as **ATTACHMENTS 2 & 3**.

The amended lot layout also draws in scattered sclerophyll trees in the Site's south which could be used by Koalas. A Section 5A assessment for the Koala is provided in **ATTACHMENT 1**.

In summary it was found that the proposed development would not cause a significant impact on these species, and that there would be no requirement to submit a Species Impact Statement with the Development Application.

Reassess Compliance with the Environment Protection and Biodiversity Conservation Act

With reference to the EPBC Act Significance Criteria it is re-affirmed that the proposed development will not cause a significant impact on a Matter of National Environmental Significance. There is no requirement to refer the proposed development to the Commonwealth Department of Environment Water Heritage and the Arts to determine "controlled action" status.

Assess Compliance with Planning for Bushfire Protection 2006

The broad-scale bushfire hazard map shows that bushfire threat extends across Ellems Bridge road into the Site (refer Figure 3 of original report). However it should be noted that sclerophyll vegetation is in fact restricted to the western side of Ellems Bridge Road. Recommendations contained in the following discussion are consistent with those outlined in PBP 2006.

Asset Protection Zones

Only proposed Lots 1, 2, 30 and 31 are within 100m of this bushfire hazard, and so subject to bushfire threat. There is no requirement to consider the provisions of PBP 2006 in regard to the

remaining lots any further. It is recommended that the local fire control officer be consulted in regard to these calculations as it is considered that site circumstances would allow a relaxation of the calculated protection measures.

Proposed Lot 1 is located downslope (effective slope of 0-5^o) of a Eucalypt forest community (the current structure is akin to woodland but could regenerate to forest). The fire weather area (North Coast) is 80. Utilising Table 3.4 (Appendix 3 of PBP 2006) a level 1 construction standard (AS3959:1999) can be adopted for the dwelling if it is located more than 35m from the fire threat. As noted, this should be taken from the western edge of Ellems Bridge Road. The bushfire attack assessor calculation is provided as **ATTACHMENT 4**.

Proposed Lot 2 is located across slope from the Eucalypt forest community fire threat. Utilising Table 3.4 (Appendix 3 of PBP 2006) a level 1 construction standard can be adopted for the dwelling if it is located more than 35m from the fire threat. As noted, this should be taken from the western edge of Ellems Bridge Road. If the dwelling can be positioned more than 100m from the fire threat then there is no requirement to adopt a bushfire construction standard.

The lower slopes of **Proposed Lot 30** adjoin Category 2 vegetation. However, there is sufficient room to accommodate a dwelling on the higher slopes of this lot where there is greater than 100m clearance to all areas of bushfire threat. If this measure is adopted there is no requirement to adopt a construction standard under AS3959: 1999.

The northern portions of **Proposed Lot 31** adjoin a small outlier of vegetation which (under extreme bushfire conditions) could be considered a component of the larger remnant to the west. However, the building envelope would be logically positioned in the broader southern portions of this lot where there is greater than 100m clearance to all areas of bushfire threat. If this measure is adopted there is no requirement to adopt a construction standard under AS3959: 1999.

In regard to the Acceptable Solutions it is noted that:

- (i) APZ's comply with Appendix 2/3 of PBP
- (ii) APZ's are wholly accommodated within the Subject Site;

- (iii) APZ's are located on land with slopes of less than 18°.

Public Roads

The performance requirement and acceptable solutions for internal roads are met.

Property Access

The performance requirement and acceptable solutions for property access are met.

Fire Trails

There is no proposal to provide fire trails as part of this development.

Services – Water, electricity and gas

(a) Water Supply

Proposed Lot 1 will need to be provided with a dedicated 20 000l dedicated bushfire fighting water supply tank. The following features are also required:

- a suitable connection for fire fighting purposes is made available and located within the IPA and away from the structure. A 65mm Storz outlet with a gate or Ball valve is provided.

- gate or Ball valve and pipes are adequate for water flow and are metal rather than plastic.
- underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied within 4 metres of the access hole.
- above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected. Plastic tanks are not used. Tanks on the hazard side of a building are provided with adequate shielding for the protection of fire fighters.
- all above ground water pipes external to the building are metal including and up to any taps. Pumps are shielded.

Such tanks will also be required for **Proposed Lots 2, 30 and 31** if the required 100m setback from adjoining bushfire hazards cannot be achieved (refer APZ discussion above).

(b) Electricity

In regard to electricity services it is recommended that the following be adopted as conditions of approval if overhead electrical transmission lines are to be provided for **Proposed Lot 1** and for **Proposed Lots 2, 30 and 31** if the required 100m setback from adjoining bushfire hazards cannot be achieved (refer APZ discussion above).

- lines are installed with short pole spacing (30 metres); and
- no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).

(c) Gas services (if required)

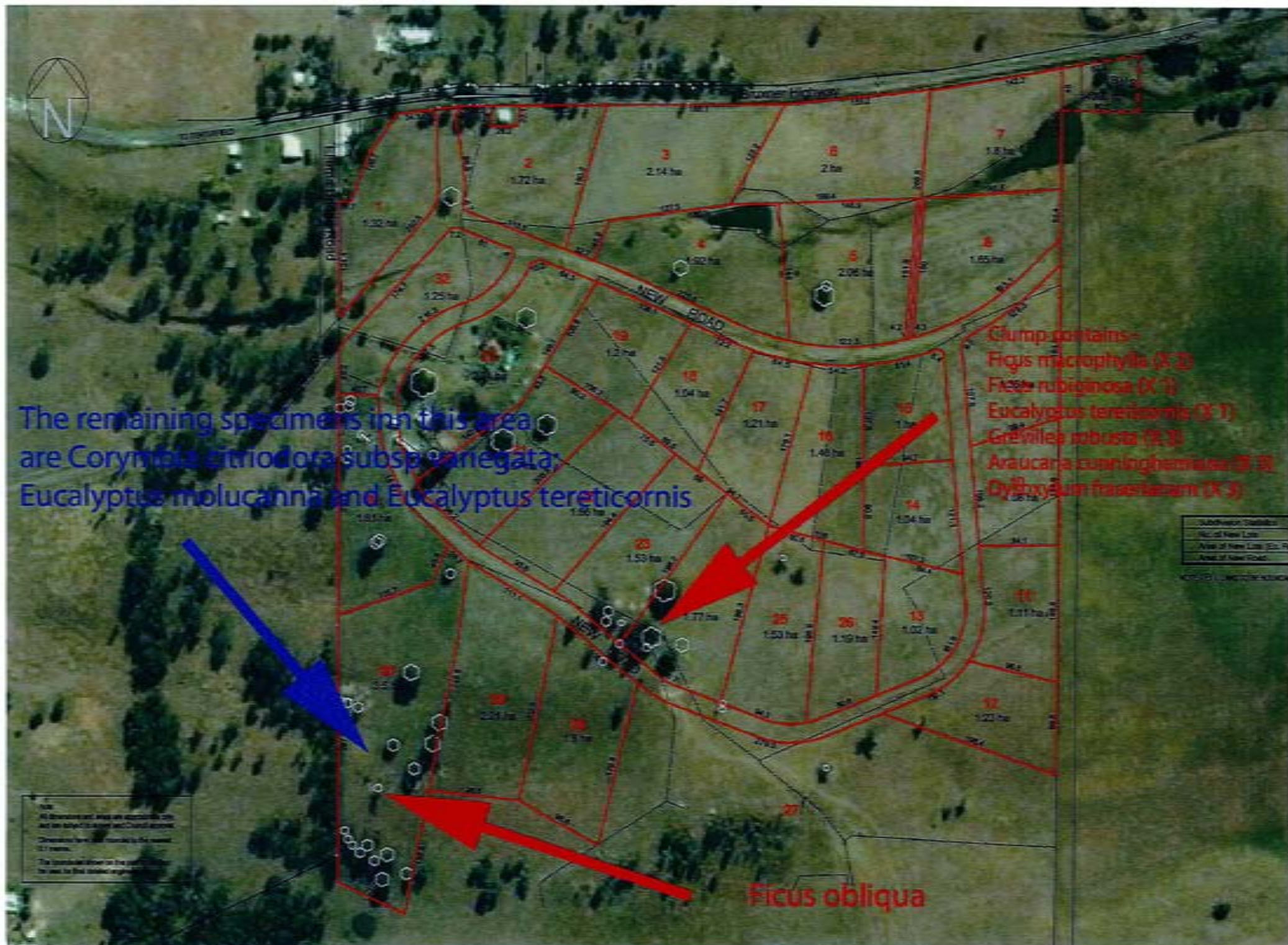
In regard to gas services (if required) it is recommended that the following be adopted as conditions of approval for **Proposed Lot 1** and for **Proposed Lots 2, 30 and 31** if the required 100m setback from adjoining bushfire hazards cannot be achieved (refer APZ discussion above).

- reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.
- if gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal.
- polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized 'W' followed by a cursive 'M' and a long, sweeping horizontal stroke.

Wayne Moffitt
Director, Manager of Environmental Services



ATTACHMENT 1 SECTION 5A ASSESSMENTS

SECTION 5A ASSESSMENT FOR THE WOMPOO FRUIT DOVE (*PTILINOPUS MAGNIFICUS*)

BRISBANE | SYDNEY | GOLD COAST | SUNSHINE COAST | TOWNSVILLE | SHANGHAI | SHENZHEN | FUJI | DUBAI

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Wompoo Fruit-dove
Image: David Cowen
© David Cowen

threatened species

species, populations & ecological communities of NSW

Wompoo Fruit-dove - profile

Scientific name: *Ptilinopus magnificus*
Conservation status in NSW: **Vulnerable**

Description

A large and dramatically beautiful rainforest pigeon, almost twice the size of other coloured fruit-doves. It is up to 56 cm long, with a pale grey head shading into rich green back and wings. There is a broken yellow band across each wing. The breast and belly are plum-purple and the underparts are yellow.

Location and habitat

Distribution

Occurs along the coast and coastal ranges from the Hunter River in NSW to Cape York Peninsula. It is rare south of Coffs Harbour. Three subspecies are recognised, with the most southerly in NSW and south-eastern Queensland. It used to occur in the Illawarra, though there are no recent records.

Habitat and ecology

- Occurs in, or near rainforest, low elevation moist eucalypt forest and brush box forests.
- Feeds on a diverse range of tree and vine fruits and is locally nomadic - following ripening fruit; some of its feed trees rely on species such as the this to distribute their seeds.
- Feeds alone, or in loose flocks at any height in the canopy.
- Despite its plumage, can be remarkably cryptic as it feeds, with the call and falling fruit being an indication of its presence.
- The nest is a typical pigeon nest - a flimsy platform of sticks on a thin branch or a palm frond, often over water, usually 3 - 10 m above the ground.
- Breeds in spring and early summer; a single white egg is laid.
- Most often seen in mature forests, but also found in remnant and regenerating rainforest.
- Aspects of its behaviour such as social behaviour and structure, movements and breeding biology have not been well-studied.

Regional information

This species is found in the following catchment management authority regions. Click on a region name to see more details about the distribution, vegetation types and habitat preference of the species in that region.

- [Border Rivers/Gwydir](#)
- [Hunter/Central Rivers](#)
- [Northern Rivers](#)

Threats

- Clearing, fragmentation and weed invasion of low to mid-elevation rainforest due to coastal development and grazing.
- Logging and roading in moist eucalypt forest with well-developed rainforest understorey.
- Burning, which reduces remnant rainforest habitat patches.

Recovery strategies

Priority actions are the specific, practical things that must be done to recover a threatened species, population or ecological community. The Department of Environment and Conservation has identified **18 priority actions** to help recover the Wompoo Fruit-dove in New South Wales.

What needs to be done to recover this species?

- Plant locally-occurring fruit-bearing trees and shrubs.
- Protect remnant rainforest patches during burning-off activities.
- Retain forested corridors that link east to west migration routes.
- Encourage and initiate weed control programs.
- Protect known and potential food trees.
- Protect rainforest and moist forest habitat.
- Initiate and support rainforest regeneration projects.

References

- Higgins, P. and Davies, S. (eds.) (1996). Handbook of Australian, New Zealand and Antarctic Birds Volume 3: Snipe to Pigeons. Oxford University

Species profile

- Regional information:
 - [Border Rivers/Gwydir](#)
 - [Hunter/Central Rivers](#)
 - [Northern Rivers](#)
- Detailed distribution map
 - See a map of recorded locations of this species, on the [Sicklet website](#).
- Related information
 - [Food trees with fleshy fruits \(PDF - 137KB\)](#)



General area where this species is found in NSW

Press, Melbourne.

- NPWS (2000). *Threatened Species of the Lower North Coast of New South Wales*. NPWS, Sydney.
- NPWS (2002). *Threatened Species of the Upper North Coast of NSW: Fauna*. NPWS, Coffs Harbour.
- Pizzey, G. and Knight, F. (2003). *The Field Guide to the Birds of Australia* 7th Edition. Menkhorst, P. (ed). HarperCollins.

Copyright | Environment | Threatened Species | Wompoo Fruit-dove

16/07/2008 10:14:11 AM

Part	Query	Response
a	in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	A species profile for the Wompoo fruit dove precedes this analysis. The Wompoo fruit dove was not recorded during surveys nor are there proximate records in the Atlas of New South Wales Wildlife for this locality. Nonetheless, the Wompoo fruit dove is a nomadic species which ranges widely through the region. Isolated paddock fig trees are important stepping stones between areas of more contiguous habitat. The proposed development will remove a single Small-leaved fig from the northern portions of the Site. This relatively young specimen (which is an epiphyte on a Eucalypt stump) will not at this point in its development be producing significant crops of fruit, and is considered unlikely to be a critical stepping stone tree in this landscape (noting that there are a number of proximate fig trees to be retained). The loss of this tree is unlikely to significantly affect this species. Establishment of buildings with glass windows and doors (reflective surfaces) represent a minor threat to this species. The proposed development is considered unlikely to have an adverse effect on the lifecycle of this species such that a viable local population would be placed at risk of extinction.
b	in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.	Not applicable – the Wompoo fruit dove population in this locality is not listed as an endangered population.
c	in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	Not applicable – the Wompoo fruit dove is not an endangered ecological community.
	(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or	NA
	(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,	NA

d	in relation to the habitat of a threatened species, population or ecological community:	
	(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and	Refer response to Part (a)
	(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and	The proposed development will create only a very minor threat to the movement of this species through the landscape. It will not cause fragmentation or isolation of habitat.
	(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species population or ecological community in the locality.	Refer response to Part (a)
e	Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)	There is no declared critical habitat in this locality.
f	Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	The proposed development is consistent with the threat abatement plan for this species. http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_profile.aspx?id=10707
g	Whether the action proposed constitutes or is part of a threatening process or is likely to result in the operation of, increase the impact of, a key threatening process.	The proposed development will result in the loss of a very small area of native vegetation, and is thus (in a very remote nature) analogous with the Clearing of Native Vegetation KTP.

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Rose-crowned Fruit-dove
Image: Joel Winter
© DEC

threatened species

species, populations & ecological communities of NSW

Rose-crowned Fruit-dove - profile

Scientific name: *Phainopepla nitens*
Conservation status in NSW: **Vulnerable**

Description

Rose-crowned Fruit-doves are small, colourful rainforest pigeons to 24 cm in length. Males have a rose crown edged with yellow, and the head and breast are blue-grey, spotted white. The upper parts are grey-green, the tail-tip yellow and the abdomen are orange. Females are mostly grey-green. The call is a loud, explosive, repeated 'hookcoo' which becomes faster and on declining notes as a rapid 'cooooooocooooo'.

Location and habitat

Distribution

Coast and ranges of eastern NSW and Queensland, from Newcastle to Cape York. Vagrants are occasionally found further south to Victoria.

Habitat and ecology

- Rose-crowned Fruit-doves occur mainly in sub-tropical and dry rainforest and occasionally in moist eucalypt forest and swamp forest, where fruit is plentiful.
- They are shy pigeons, not easy to see amongst the foliage, and are more often heard than seen.
- They feed entirely on fruit from vines, shrubs, large trees and palms, and are thought to be locally nomadic as they follow the ripening of fruits.
- Some populations are migratory in response to food availability - numbers in north-east NSW increase during spring and summer then decline in April or May.

Regional information

This species is found in the following catchment management authority regions. Click on a region name to see more details about the distribution, vegetation types and habitat preference of the species in that region.

- [Hawkesbury/Nepean](#)
- [Hunter/Central Rivers](#)
- [Northern Rivers](#)

Threats

- Clearing and fragmentation of low to mid-elevation rainforest.
- Logging and roading in moist eucalypt forest with well-developed rainforest understorey.
- Burning of remnant rainforest habitat.
- Invasion of habitat by introduced weed species
- Removal of Camphor Laurel food source without appropriate mitigation measures.

Recovery strategies

Priority actions are the specific, practical things that must be done to recover a threatened species, population or ecological community. The Department of Environment and Conservation has identified **19 priority actions** to help recover the Rose-crowned Fruit-dove in New South Wales.

What needs to be done to recover this species?

- Support local Landcare groups.
- Protect remnant rainforest patches during burning off activities.
- Retain forested corridors that link north-south and east-west migration routes.
- Encourage and initiate weed control programs.
- Ensure Camphor Laurel removal is accompanied by replacement with local native laurel species.
- Protect known and potential food trees.
- Protect remnant stands of rainforest and moist forest from clearing or development.
- Initiate and support rainforest regeneration projects.

References

- NPWS (2000). Threatened Species of the Lower North Coast of New South



General area where this species is found in NSW

Wales. NPWS, Sydney.

- NPWS (2002). Threatened Species of the Upper North Coast of NSW: Fauna. NPWS, Coffs Harbour.
- Pizzey, G. and Knight, F. (2003). The Field Guide to the Birds of Australia 7th Edition. Menkhorst, P. (ed). HarperCollins.

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Last updated: 05/04/2008

SECTION 5A ASSESSMENT FOR THE ROSE-CROWNED FRUIT DOVE (PTILINOPUS REGINA)

Part	Query	Response
a	in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	A species profile for the Rose-crowned fruit dove precedes this analysis. The Rose-crowned fruit dove was not recorded during surveys but there are proximate records in the Atlas of New South Wales Wildlife for this locality. The Site's fig trees are likely to provide habitat for this species. The proposed development will remove a single Small-leaved fig from the northern portions of the Site. This relatively young specimen (which is an epiphyte on a Eucalypt stump) will not at this point in its development be producing significant crops of fruit, and is considered unlikely to be a critical stepping stone tree in this landscape (noting that there are a number of proximate fig trees to be retained). The loss of this tree is unlikely to significantly affect this species. Establishment of buildings with glass windows and doors (reflective surfaces) represent a minor threat to this species. The proposed development is considered unlikely to have an adverse effect on the lifecycle of this species such that a viable local population would be placed at risk of extinction.
b	in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.	Not applicable – the Rose-crowned fruit dove population in this locality is not listed as an endangered population.
c	in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	Not applicable – the Rose-crowned fruit dove is not an endangered ecological community.
	(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or	NA
	(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.	NA
d	in relation to the habitat of a threatened species, population or ecological community:	

	(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and	Refer response to Part (a)
	(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and	The proposed development will create only a very minor threat to the movement of this species through the landscape. It will not cause fragmentation or isolation of habitat.
	(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species population or ecological community in the locality.	Refer response to Part (a)
e	Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)	There is no declared critical habitat in this locality.
f	Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	The proposed development is consistent with the threat abatement plan for this species. http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_profile.aspx?id=10708
g	Whether the action proposed constitutes or is part of a threatening process or is likely to result in the operation of, increase the impact of, a key threatening process.	The proposed development will result in the loss of a very small area of native vegetation, and is thus (in a very remote nature) analogous with the Clearing of Native Vegetation KTP.

SECTION 5A ASSESSMENT FOR THE SUPERB FRUIT DOVE (PTILINOPUS SUPERBUS)

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species, populations & ecological communities of NSW

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Superb Fruit-dove

- Species profile**
 - Regional information:
 - [Hawkesbury/Nepean](#)
 - [Hunter/Central Rivers](#)
 - [Northern Rivers](#)
 - [Southern Rivers](#)
- Detailed distribution map**
 - See a map of recorded locations of this species, on the [Biodiversity](#) website.



Superb Fruit-dove - profile

Scientific name: *Ptilinopus superbis*
Conservation status in NSW: [Vulnerable](#)

Description

The Superb Fruit-dove is a small pigeon, approximately 24 cm in length. The male is brightly coloured, with golden-green upperparts, a brilliant orange-vermillion neck, and a rich purple crown. The tail is short and tipped with white. The throat and breast are grey with a lilac tinge, and a broad black band on the lower breast separates the grey breast from the creamy-white belly and green flanks. The female is light green on the back, has a small purple spot on the crown, and no dark breast band. The call is a distinctive cooing, rising in pitch and volume to a loud and clear 'whoop, whoop'. Also gives a low 'oom' in a steady sequence.

Location and habitat

Distribution

The Superb Fruit-dove occurs principally from north-eastern in Queensland to north-eastern NSW. It is much less common further south, where it is largely confined to pockets of suitable habitat as far south as Moruya. There are records of vagrants as far south as eastern Victoria and Tasmania.

Habitat and ecology

- Inhabits rainforest and similar closed forests where it forages high in the canopy, eating the fruits of many tree species such as figs and palms. It may also forage in eucalypt or acacia woodland where there are fruit-bearing trees.
- Part of the population is migratory or nomadic. There are records of single birds flying into lighted windows and lighthouses, indicating that birds travel at night. At least some of the population, particularly young birds, moves south through Sydney, especially in autumn.
- Breeding takes place from September to January. The nest is a structure of fine interlocked forked twigs, giving a stronger structure than its flimsy appearance would suggest, and is usually 5-30 metres up in rainforest and rainforest edge tree and shrub species.
- The male incubates the single egg by day, the female incubates at night.

Regional information

This species is found in the following catchment management authority regions. Click on a region name to see more details about the distribution, vegetation types and habitat preference of the species in that region.

- [Hawkesbury/Nepean](#)
- [Hunter/Central Rivers](#)
- [Northern Rivers](#)
- [Southern Rivers](#)

Threats

- Clearing and degradation of rainforest remnants.

Recovery strategies

Priority actions are the specific, practical things that must be done to recover a threatened species, population or ecological community. The Department of Environment and Conservation has identified [16 priority actions](#) to help recover the Superb Fruit-dove in New South Wales.

What needs to be done to recover this species?

- Retain and protect rainforest remnants.

References

- Higgins, P. and Davies, S. (eds.) (1996). Handbook of Australian, New Zealand and Antarctic Birds Volume 3: Snipe to Pigeons. Oxford University Press, Melbourne.
- Pizzey, G. and Knight, F. (2003). The Field Guide to the Birds of Australia 7th Edition. Menkhorst, P. (ed). HarperCollins.


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Part	Query	Response
a	in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	A species profile for the Superb fruit dove precedes this analysis. The Superb fruit dove was not recorded during surveys nor are there proximate records in the Atlas of New South Wales Wildlife for this locality. Nonetheless, the Superb fruit dove is a nomadic species which ranges widely through the region. Isolated paddock fig trees are important stepping stones between areas of more contiguous habitat. The proposed development will remove a single Small-leaved fig from the northern portions of the Site. This relatively young specimen (which is an epiphyte on a Eucalypt stump) will not at this point in its development be producing significant crops of fruit, and is considered unlikely to be a critical stepping stone tree in this landscape (noting that there are a number of proximate fig trees to be retained). The loss of this tree is unlikely to significantly affect this species. Establishment of buildings with glass windows and doors (reflective surfaces) represent a minor threat to this species. The proposed development is considered unlikely to have an adverse effect on the lifecycle of this species such that a viable local population would be placed at risk of extinction.
b	in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.	Not applicable – the Superb fruit dove population in this locality is not listed as an endangered population.
c	in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	Not applicable – the Superb fruit dove is not an endangered ecological community.
	(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or	NA
	(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,	NA
d	in relation to the habitat of a threatened species,	

	population or ecological community:	
	(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and	Refer response to Part (a)
	(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and	The proposed development will create only a very minor threat to the movement of this species through the landscape. It will not cause fragmentation or isolation of habitat.
	(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species population or ecological community in the locality.	Refer response to Part (a)
e	Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)	There is no declared critical habitat in this locality.
f	Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	The proposed development is consistent with the threat abatement plan for this species. http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_profile.aspx?id=10709
g	Whether the action proposed constitutes or is part of a threatening process or is likely to result in the operation of, increase the impact of, a key threatening process.	The proposed development will result in the loss of a very small area of native vegetation, and is thus (in a very remote nature) analogous with the Clearing of Native Vegetation KTP.

SECTION 5A ASSESSMENT FOR THE BARRED CUCKOO SHRIKE (*CORACINA LINEATA*)

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Barred Cuckoo-shrike

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 - [Regional information:](#)
 - [Northern Rivers](#)
- [Detailed distribution map](#)
 - [See a map of recorded locations of this species, on the BioNet website.](#)



Barred Cuckoo-shrike - profile

Scientific name: *Coracina lineata*
Conservation status in NSW: [Vulnerable](#)

Description

The Barred Cuckoo-Shrike is a medium-sized bird to 25 cm long. It is dark grey above and under the chin, with a front barred with strong horizontal stripes of white and very dark grey. A darker stripe runs from the base of the bill through the pale yellow eye.

Location and habitat

Distribution

Coastal eastern Australia from Cape York to the Manning River in NSW. Barred Cuckoo-shrikes are generally uncommon in their range, and are rare in NSW.

Habitat and ecology

- Rainforest, eucalypt forests and woodlands, clearings in secondary growth, swamp woodlands and timber along watercourses. They are usually seen in pairs or small flocks foraging among foliage of trees for insects and fruit. They are active birds, frequently moving from tree to tree.
-

Regional information

This species is found in the following catchment management authority regions. Click on a region name to see more details about the distribution, vegetation types and habitat preference of the species in that region.

- [Northern Rivers](#)

Threats

- Reduction of habitat, particularly rainforest, due to clearing for agriculture, development and timber harvesting.

Recovery strategies

Priority actions are the specific, practical things that must be done to recover a threatened species, population or ecological community. The Department of Environment and Conservation has identified [2 priority actions](#) to help recover the Barred Cuckoo-shrike in New South Wales.

What needs to be done to recover this species?

- Retain areas of native forest.
- Retain forest corridors particularly along roads and watercourses.
- Retain individual native fruit-bearing trees as feed trees.
- Initiate and support rainforest regeneration.
- Plant feed trees, including figs and other rainforest fruit trees.



Listen to this threatened species
(Click twice)



Barred Cuckoo-shrike
 Image: E.J. Whitbourne
 © Australian Museum

Part	Query	Response
a	in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	A species profile for the Barred-cuckoo shrike precedes this analysis. The Barred-cuckoo shrike was not recorded during surveys nor are there proximate records in the Atlas of New South Wales Wildlife for this locality. Nonetheless, the Barred-cuckoo shrike is a nomadic species which ranges widely through the region. Isolated paddock fig trees are important stepping stones between areas of more contiguous habitat. The proposed development will remove a single Small-leaved fig from the northern portions of the Site. This relatively young specimen (which is an epiphyte on a Eucalypt stump) will not at this point in its development be producing significant crops of fruit, and is considered unlikely to be a critical stepping stone tree in this landscape (noting that there are a number of proximate fig trees to be retained). The loss of this tree is unlikely to significantly affect this species. Establishment of buildings with glass windows and doors (reflective surfaces) represent a minor threat to this species. The proposed development is considered unlikely to have an adverse effect on the lifecycle of this species such that a viable local population would be placed at risk of extinction.
b	in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.	Not applicable – the Barred cuckoo-shrike population in this locality is not listed as an endangered population.
c	in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	Not applicable – the Barred cuckoo-shrike is not an endangered ecological community.
	(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or	NA
	(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.	NA
d	in relation to the habitat of a threatened species,	

	population or ecological community:	
	(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and	Refer response to Part (a)
	(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and	The proposed works will not affect habitat which may be providing a stepping stone for this species' movement in the locality.
	(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species population or ecological community in the locality.	Refer response to Part (a)
e	Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)	There is no declared critical habitat in this locality.
f	Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	The proposed development is consistent with the threat abatement plan for this species. http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_profile.aspx?id=10176
g	Whether the action proposed constitutes or is part of a threatening process or is likely to result in the operation of, increase the impact of, a key threatening process.	The proposed development will result in the loss of a very small area of native vegetation, and is thus (in a very remote nature) analogous with the Clearing of Native Vegetation KTP.

SECTION 5A ASSESSMENT FOR THE COXENS FIG PARROT (*CYCLOPSITTA DIOPHAMA COXENI*)

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Double-eyed Fig-Parrot

Species profile

Regional information:

Northern Rivers

Detailed distribution map

See a map of recorded locations of this species, on the BioNet website.

Related information

Double-eyed fig parrot: recovery plan (PDF: 554KB)

Double-eyed fig parrot: species profile (PDF: 299KB)

Food trees with fleshy fruits (PDF: 157KB)

Old growth forests (PDF: 218KB)

General area where this species is found in NSW

Double-eyed Fig-Parrot - profile

Scientific name: *Cyclopsitta diophthalma coxeni*

Conservation status in NSW: **Endangered**

National conservation status: **Endangered**

Description

Double-eyed Fig-Parrots, also known as Coxen's Fig-Parrots, are small, dumpy, green parrots with very short tails. The wings are blue-edged and appear to be set well back in flight. At rest there are two obvious red spots on the back. The head has distinctive red and blue markings with a prominent blue forehead in the adults. They can be distinguished from small lorikeets by their short tail and lack of underwing colour.

Location and habitat

Distribution

Limited to about five populations scattered between Bundaberg in Queensland and the Hastings River in NSW. The total number is thought to be less than 200 birds which makes it one of Australia's most endangered birds.

Habitat and ecology

- Usually recorded from drier rainforests and adjacent wetter eucalypt forest but rarely seen due to its small size and cryptic habits. Also found in the wetter lowland rainforests that are now largely cleared in NSW.
- The bird shows a decided preference for fig trees, but also feeds on other fruiting rainforest species.

Regional information

This species is found in the following catchment management authority regions. Click on a region name to see more details about the distribution, vegetation types and habitat preference of the species in that region.

- [Northern Rivers](#)

Threats

- Clearing of rainforest and fig trees on farms.
- Dissection of habitat corridors by development and roads.
- Logging or clearing of eucalypt forest adjacent to rainforest.
- Illegal bird trapping and egg collection

Recovery strategies

Priority actions are the specific, practical things that must be done to recover a threatened species, population or ecological community. The Department of Environment and Conservation has identified **27 priority actions** to help recover the Double-eyed Fig-Parrot in New South Wales.

What needs to be done to recover this species?

- Retain and protect areas of rainforest and adjoining wet eucalypt forest.
- Preserve remnant large fig trees on farmland.
- Contribute to the replacement of habitat by planting appropriate fig trees on farms.
- Become involved in community surveys for the Double-eyed Fig-Parrot and report all sightings immediately to the DEC.
- Report suspected illegal bird trapping and egg collecting to the DEC.

References

- NPWS (2002). Threatened Species of the Upper North Coast of NSW: Fauna. NPWS, Coffs Harbour.
- NSW National Parks and Wildlife Service (2002) Double-eyed fig parrot Recovery Plan. NSW NPWS, Hurstville NSW.

Illustration: Double-eyed Fig-Parrot
Image: Sally Elmer with technical assistance from John Young
© Sally Elmer

Part	Query	Response
a	in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	A species profile for Coxens fig parrot precedes this analysis. Coxens fig parrot was not recorded during surveys nor are there proximate records in the Atlas of New South Wales Wildlife for this locality. Nonetheless, despite being exceptionally rare in the region Coxens fig parrot would need to be considered a possible occurrence based on the presence of its preferred habitat (lowland fig trees – which are used during winter movement to the coastal lowlands). The proposed development will remove a single Small-leaved fig from the northern portions of the Site. This relatively young specimen (which is an epiphyte on a Eucalypt stump) will not at this point in its development be producing significant crops of fruit, and is considered unlikely to be a critical stepping stone tree in this landscape (noting that there are a number of proximate fig trees to be retained). The loss of this tree is unlikely to significantly affect this species. Establishment of buildings with glass windows and doors (reflective surfaces) represent a minor threat to this species. The proposed development is considered unlikely to have an adverse effect on the lifecycle of this species such that a viable local population would be placed at risk of extinction.
b	in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.	Not applicable – the Coxens fig parrot population in this locality is not listed as an endangered population.
c	in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	Not applicable – Coxens fig parrot is not an endangered ecological community.
	(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or	NA
	(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,	NA

d	in relation to the habitat of a threatened species, population or ecological community:	
	(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and	Refer response to Part (a)
	(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and	The proposed works will not affect habitat which may be providing a stepping stone for this species' movement in the locality.
	(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species population or ecological community in the locality.	Refer response to Part (a)
e	Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)	There is no declared critical habitat in this locality.
f	Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	The proposed development is consistent with the threat abatement plan for this species. http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_profile.aspx?id=10176
g	Whether the action proposed constitutes or is part of a threatening process or is likely to result in the operation of, increase the impact of, a key threatening process.	The proposed development will result in the loss of a very small area of native vegetation, and is thus (in a very remote nature) analogous with the Clearing of Native Vegetation KTP.

SECTION 5A ASSESSMENT FOR THE KOALA (PHASCOLARCTOS CINEREUS)

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Image: Ross Bennett
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Koala
Image: Shane Rummig
© Shane Rummig



Koala
Image: Shane Rummig
© Shane Rummig



General area where this species is found in NSW

threatened species

species, populations & ecological communities of NSW

Koala - profile

Scientific name: *Phascolarctos cinereus*
Conservation status in NSW: **Vulnerable**

Description

The Koala is an arboreal marsupial with fur ranging from grey to brown above, and is white below. It has large furry ears, a prominent black nose and no tail. It spends most of its time in trees and has long, sharp claws, adapted for climbing. Adult males weigh 6 - 12 kg and adult females weigh 5 - 8 kg. During breeding, males advertise with loud snarling coughs and bellows.

Location and habitat

Distribution

The Koala has a fragmented distribution throughout eastern Australia from north-east Queensland to the Eyre Peninsula in South Australia. In NSW it mainly occurs on the central and north coasts with some populations in the western region. It was historically abundant on the south coast of NSW, but now occurs in sparse and possibly disjunct populations. Koalas are also known from several sites on the southern tablelands.

Habitat and ecology

- Inhabit eucalypt woodlands and forests.
- Feed on the foliage of more than 70 eucalypt species and 30 non-eucalypt species, but in any one area will select preferred browse species.
- Inactive for most of the day, feeding and moving mostly at night.
- Spend most of their time in trees, but will descend and traverse open ground to move between trees.
- Home range size varies with quality of habitat, ranging from less than two ha to several hundred hectares in size.
- Generally solitary, but have complex social hierarchies based on a dominant male with a territory overlapping several females and sub-ordinate males on the periphery.
- Females breed at two years of age and produce one young per year.

Regional information

This species is found in the following catchment management authority regions. Click on a region name to see more details about the distribution, vegetation types and habitat preference of the species in that region.

- [Border Rivers/Gwydir](#)
- [Central West](#)
- [Hawkesbury/Nepean](#)
- [Hunter/Central Rivers](#)
- [Lachlan](#)
- [Murrumbidgee](#)
- [Namoi](#)
- [Northern Rivers](#)
- [Southern Rivers](#)
- [Sydney Metro](#)
- [Western](#)

Threats

- Loss, modification and fragmentation of habitat.
- Predation by feral and domestic dogs.
- Intense fires that scorch or kill the tree canopy.
- Road-kills.

Recovery strategies

Priority actions are the specific, practical things that must be done to recover a threatened species, population or ecological community. The Department of Environment and Conservation has identified **53 priority actions** to help recover the Koala in New South Wales.

What needs to be done to recover this species?

- Undertake feral predator control.
- Apply low intensity, mosaic pattern fuel reduction burns in or adjacent to

Koala habitat.

- Retain suitable habitat, especially areas dominated by preferred feed-tree species.
- Identify road-kill blackspots and erect warning signs, reduce speed limits or provide safe crossing points to reduce Koala fatalities.
- Protect populations close to urban areas from attacks by domestic dogs.
- Revegetate with suitable feed tree species and develop habitat corridors between populations.

References

- Martin R.W. and Handasyde K.A. (1995). Koala (pp. 196-8) in Strahan, R. (ed.), *The Australian Museum Complete Book of Australian Mammals*. Angus & Robertson, Sydney.
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Part	Query	Response
a	in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	A species profile for the Koala precedes this analysis. Koalas were not recorded during the survey but there are many records from the locality, and it is considered a likely occurrence. Sclerophyll vegetation in the Site's south will be of greatest significance, although Koalas could traverse the northern portions of the Site on occasions. It should be noted that this area supports only very low densities of the primary Koala feed tree Forest red gum (<i>Eucalyptus tereticornis</i>). The proposed development will not remove forage habitat for this species but could cause minor disruption to movement. With reference to aerial photography provided in the baseline assessment (which remains current and relevant to this assessment) the proposed development is not within an area likely to be of importance for regional movement. Vegetation to the Site's west being of greater significance in this regard as it would appear to facilitate movement between scattered vegetation to the north and Hogarth range to the south (this being a very tenuous linkage). The proposed development is considered unlikely to have an adverse effect on the lifecycle of this species such that a viable local population would be placed at risk of extinction.
b	in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.	Not applicable – the Koala population in this locality is not listed as an endangered population.
c	in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	Not applicable – the Koala is not an endangered ecological community.
	(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or	NA
	(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.	NA

d	in relation to the habitat of a threatened species, population or ecological community:	
	(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and	Refer response to Part (a)
	(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and	The proposed works will not affect habitat which may be providing a stepping stone for this species' movement in the locality.
	(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species population or ecological community in the locality.	Refer response to Part (a)
e	Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)	There is no declared critical habitat in this locality.
f	Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	The proposed development is consistent with the threat abatement plan for this species.
g	Whether the action proposed constitutes or is part of a threatening process or is likely to result in the operation of, increase the impact of, a key threatening process.	The proposed development will result in the loss of a very small area of native vegetation, and is thus (in a very remote nature) analogous with the Clearing of Native Vegetation KTP.

ATTACHMENT 2

EPBC SEARCH



Australian Government
Department of the Environment, Water, Heritage and the Arts

Protected Matters Search Tool

You are here: [Environment Home](#) > [EPBC Act](#) > [Search](#)

15 March 2009 22:16

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Information on the coverage of this report and qualifications on data supporting this report are contained in the [caveat](#) at the end of the report.

You may wish to print this report for reference before moving to other pages or websites.

The Australian Natural Resources Atlas at <http://www.environment.gov.au/atlas> may provide further environmental information relevant to your selected area. Information about the EPBC Act including significance guidelines, forms and application process details can be found at <http://www.environment.gov.au/epbc/assessmentsapprovals/index.html>

Search Type: Area
Buffer: 5 km
Coordinates: -28.74554,152.81986, -29.01281,152.81986, -29.01281,153.08536, -28.74554,153.08536



Report Contents: [Summary](#)
[Details](#)
• [Matters of NES](#)
• [Other matters protected by the EPBC Act](#)
• [Extra Information](#)
[Caveat](#)
[Acknowledgments](#)



This map may contain data which are
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Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the Administrative Guidelines on Significance - see

<http://www.environment.gov.au/epbc/assessmentsapprovals/guidelines/index.html>.

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Significance: (Ramsar Sites)	None
Commonwealth Marine Areas:	None
Threatened Ecological Communities:	1

Threatened Species:	33
Migratory Species:	16

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place and the heritage values of a place on the Register of the National Estate. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage/index.html>.

Please note that the current dataset on Commonwealth land is not complete. Further information on Commonwealth land would need to be obtained from relevant sources including Commonwealth agencies, local agencies, and land tenure maps.

A permit may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species. Information on EPBC Act permit requirements and application forms can be found at <http://www.environment.gov.au/epbc/permits/index.html>.

Commonwealth Lands:	3
Commonwealth Heritage Places:	None
Places on the RNE:	5
Listed Marine Species:	14
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	5
Other Commonwealth Reserves:	None
Regional Forest Agreements:	1

Details

Matters of National Environmental Significance

Threatened Ecological Communities [Dataset Information]	Status	Type of Presence
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community may occur within area
Threatened Species [Dataset Information]	Status	Type of Presence
Birds		
Anthochaera phrygia Regent Honeyeater	Endangered	Species or species habitat likely to occur within area
Cyclopsitta diophthalma coxeni Coxen's Fig-Parrot	Endangered	Species or species habitat likely to occur within area
Lathamus discolor	Endangered	Species or species habitat likely to occur

Swift Parrot	within area
<i>Rostratula australis</i> Australian Painted Snipe	Vulnerable Species or species habitat may occur within area
<i>Turnix melanogaster</i> Black-breasted Button-quail	Vulnerable Species or species habitat likely to occur within area
Frogs	
<i>Mixophyes fleayi</i> Fleay's Frog	Endangered Species or species habitat likely to occur within area
<i>Mixophyes iteratus</i> Southern Barred Frog, Giant Barred Frog	Endangered Species or species habitat likely to occur within area
Mammals	
<i>Chalinolobus dwyeri</i> Large-eared Pied Bat, Large Pied Bat	Vulnerable Species or species habitat may occur within area
<i>Dasyurus maculatus maculatus</i> (SE mainland population) Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)	Endangered Species or species habitat may occur within area
<i>Petrogale penicillata</i> Brush-tailed Rock-wallaby	Vulnerable Species or species habitat may occur within area
<i>Potorous tridactylus tridactylus</i> Long-nosed Potoroo (SE mainland)	Vulnerable Species or species habitat may occur within area
<i>Pseudomys orals</i> Hastings River Mouse	Endangered Species or species habitat likely to occur within area
<i>Pteropus poliocephalus</i> Grey-headed Flying-fox	Vulnerable Roosting known to occur within area
Reptiles	
<i>Coeranoscincus reticulatus</i> Three-toed Snake-tooth Skink	Vulnerable Species or species habitat may occur within area
Plants	
<i>Arthraxon hispidus</i> Hairy-joint Grass	Vulnerable Species or species habitat likely to occur within area
<i>Bosistoa selwynii</i> Heart-leaved Bosistoa	Vulnerable Species or species habitat likely to occur within area
<i>Bosistoa transversa</i> Three-leaved Bosistoa	Vulnerable Species or species habitat likely to occur within area
<i>Bulbophyllum globuliforme</i> Miniature Moss-orchid	Vulnerable Species or species habitat likely to occur within area
<i>Clematis fawcettii</i> Stream Clematis	Vulnerable Species or species habitat likely to occur within area
<i>Corchorus cunninghamii</i> Native Jute	Endangered Species or species habitat likely to occur within area
<i>Cryptocarya foetida</i> Stinking Cryptocarya, Stinking Laurel	Vulnerable Migration route likely to occur within area
<i>Cryptostylis hunteriana</i> Leafless Tongue-orchid	Vulnerable Species or species habitat may occur within area
<i>Desmodium acanthocladum</i> Thorny Pea	Vulnerable Species or species habitat likely to occur within area
<i>Eucalyptus glauca</i> Slaty Red Gum	Vulnerable Species or species habitat likely to occur within area
<i>Grevillea quadricauda</i>	Vulnerable Species or species habitat likely to occur within area
<i>Hibbertia marginata</i>	Vulnerable Species or species habitat likely to occur within area
<i>Marsdenia longiloba</i> Clear Milkvine	Vulnerable Species or species habitat likely to occur within area

[*Owenia cepiodora*](#)
Onionwood, Bog Onion, Onion Cedar

[*Persicaria elatior*](#)
Knotweed

[*Sophora fraseri*](#)

[*Taeniophyllum muelleri*](#)
Minute Orchid, Ribbon-root Orchid

[*Tinospora tinoporoides*](#)
Arrow-head Vine

[*Tylophora woollii*](#)

Migratory Species [[Dataset Information](#)]

Migratory Terrestrial Species

Birds

[*Cyclopsitta diophthalma coxeni*](#)
Coxen's Fig-Parrot

[*Haliaeetus leucogaster*](#)
White-bellied Sea-Eagle

[*Hirundapus caudacutus*](#)
White-throated Needletail

[*Merops ornatus*](#)
Rainbow Bee-eater

[*Monarcha melanopsis*](#)
Black-faced Monarch

[*Monarcha trivirgatus*](#)
Spectacled Monarch

[*Myiagra cyanoleuca*](#)
Satin Flycatcher

[*Rhipidura rufifrons*](#)
Rufous Fantail

[*Xanthomyza phrygia*](#)
Regent Honeyeater

Migratory Wetland Species

Birds

[*Ardea alba*](#)
Great Egret, White Egret

[*Ardea ibis*](#)
Cattle Egret

[*Gallinago hardwickii*](#)
Latham's Snipe, Japanese Snipe

[*Rostratula benghalensis s. lat.*](#)
Painted Snipe

Migratory Marine Birds

[*Apus pacificus*](#)
Fork-tailed Swift

[*Ardea alba*](#)
Great Egret, White Egret

[*Ardea ibis*](#)
Cattle Egret

Other Matters Protected by the EPBC Act

Listed Marine Species [[Dataset Information](#)]

Birds

[*Anseranas semipalmata*](#)

Vulnerable Species or species habitat likely to occur within area

Vulnerable Species or species habitat likely to occur within area

Vulnerable Species or species habitat likely to occur within area

Vulnerable Species or species habitat likely to occur within area

Vulnerable Species or species habitat likely to occur within area

Endangered Species or species habitat likely to occur within area

Status Type of Presence

Migratory Species or species habitat likely to occur within area

Migratory Species or species habitat likely to occur within area

Migratory Species or species habitat may occur within area

Migratory Species or species habitat may occur within area

Migratory Breeding may occur within area

Migratory Breeding likely to occur within area

Migratory Breeding likely to occur within area

Migratory Breeding may occur within area

Migratory Species or species habitat likely to occur within area

Migratory Species or species habitat may occur within area

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Migratory Species or species habitat may occur within area

Migratory Species or species habitat may occur within area

Migratory Species or species habitat may occur within area

Migratory Species or species habitat may occur within area

Status Type of Presence

Listed - Species or species habitat may occur within

Magpie Goose	overfly marine area	area
<i>Apus pacificus</i> Fork-tailed Swift	Listed - overfly marine area	Species or species habitat may occur within area
<i>Ardea alba</i> Great Egret, White Egret	Listed - overfly marine area	Species or species habitat may occur within area
<i>Ardea ibis</i> Cattle Egret	Listed - overfly marine area	Species or species habitat may occur within area
<i>Gallinago hardwickii</i> Latham's Snipe, Japanese Snipe	Listed - overfly marine area	Species or species habitat may occur within area
<i>Haliaeetus leucogaster</i> White-bellied Sea-Eagle	Listed	Species or species habitat likely to occur within area
<i>Hirundapus caudacutus</i> White-throated Needletail	Listed - overfly marine area	Species or species habitat may occur within area
<i>Lathamus discolor</i> Swift Parrot	Listed - overfly marine area	Species or species habitat likely to occur within area
<i>Merops ornatus</i> Rainbow Bee-eater	Listed - overfly marine area	Species or species habitat may occur within area
<i>Monarcha melanopsis</i> Black-faced Monarch	Listed - overfly marine area	Breeding may occur within area
<i>Monarcha trivirgatus</i> Spectacled Monarch	Listed - overfly marine area	Breeding likely to occur within area
<i>Myiagra cyanoleuca</i> Satin Flycatcher	Listed - overfly marine area	Breeding likely to occur within area
<i>Rhipidura rufifrons</i> Rufous Fantail	Listed - overfly marine area	Breeding may occur within area
<i>Rostratula benghalensis s. lat.</i> Painted Snipe	Listed - overfly marine area	Species or species habitat may occur within area

Commonwealth Lands [[Dataset Information](#)]

Communications, Information Technology and the Arts - Australian Postal Corporation

Communications, Information Technology and the Arts - Telstra Corporation Limited

Defence

Places on the RNE [[Dataset Information](#)]

Note that not all Indigenous sites may be listed.

Historic

[CBC Bank \(Former\) Including Residence and Stables NSW](#)

[Casino Courthouse NSW](#)

[Casino Post Office Group NSW](#)

[Casino Post Office NSW](#)

[Dyraaba Station and Outbuildings NSW](#)

Extra Information

State and Territory Reserves [[Dataset Information](#)]

Bungabbee Nature Reserve, NSW

Hogarth Range Nature Reserve, NSW

Mallanganee National Park, NSW

Mucklewee Mountain Nature Reserve, NSW

Richmond Range National Park, NSW

Regional Forest Agreements [[Dataset Information](#)]

Note that all RFA areas including those still under consideration have been included.

Upper North East NSW RFA, New South Wales

Caveat

The information presented in this report has been provided by a range of data sources as [acknowledged](#) at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the *Environment Protection and Biodiversity Conservation Act 1999*. It holds mapped locations of World Heritage and Register of National Estate properties, Wetlands of International Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under "type of presence". For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Only selected species covered by the [migratory](#) and [marine](#) provisions of the Act have been mapped.

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as [extinct or considered as vagrants](#)
- some species and ecological communities that have only recently been listed
- [some terrestrial species](#) that overfly the Commonwealth marine area
- migratory species that are very [widespread, vagrant, or only occur in small numbers](#).

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites;
- seals which have only been mapped for breeding sites near the Australian continent.

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgments

This database has been compiled from a range of data sources. The Department acknowledges the following custodians who have contributed valuable data and advice:

- [New South Wales National Parks and Wildlife Service](#)
- [Department of Sustainability and Environment, Victoria](#)
- [Department of Primary Industries, Water and Environment, Tasmania](#)
- [Department of Environment and Heritage, South Australia Planning SA](#)
- [Parks and Wildlife Commission of the Northern Territory](#)
- [Environmental Protection Agency, Queensland](#)
- [Birds Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- [Natural history museums of Australia](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Atherton and Canberra](#)
- [University of New England](#)
- Other groups and individuals

ANUCLIM Version 1.8, [Centre for Resource and Environmental Studies, Australian National University](#) was used extensively for the production of draft maps of species distribution. Environment Australia is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Last updated: Thursday, 20-Nov-2008 14:17:56 EST

[Department of the Environment, Water, Heritage and the Arts](#)

GPO Box 787 Canberra ACT 2601 Australia

Telephone: +61 (0)2 6274 1111

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ATTACHMENT 3 NPWS SEARCH



NSW National Parks & Wildlife Service

atlas of nsw wildlife


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Search Results

Your selection: Flora, threatened species, Selected Area - 152.81986,-29.01281,153.08536,-28.74554
returned a total of 43 records of 13 species.

Report generated on 15/03/2009 - 21:19 (Data valid to 08/03/2009)

[view map](#)
[search again](#)
[clear selection](#)
[search again](#)
[clear selection](#)

Choose up to 3 species to map.

** Exotic (non-native) species*

Plants	Map	Scientific Name	Common Name	Legal Status	Count	Info
Cyperaceae	☐	Cyperus aquatilis	Water Nutgrass	E1	1	
Fabaceae (Faboideae)	☐	Desmodium acanthocladum	Thorny Pea	V	2	
	☐	Sophora fraseri	Brush Sophora	V	2	
Fabaceae (Mimosoideae)	☐	Archidendron hendersonii	White Lace Flower	V	1	
Lamiaceae	☐	Prostanthera palustris	Swamp Mint-bush	V	1	
Lythraceae	☐	Rotala tripartita		E1	1	
Myrtaceae	☐	Eucalyptus glaucina	Slaty Red Gum	V	16	
	☐	Gossia fragrantissima	Sweet Myrtle	E1	4	
	☐	Melaleuca irbyana	Weeping Paperbark	E1	7	
Phyllanthaceae	☐	Phyllanthus microcladus	Brush Sauropus	E1	2	
Polygalaceae	☐	Polygala linariifolia	Native Milkwort	E1	3	
Proteaceae	☐	Grevillea hilliana	White Silky Oak/Yiel Yiel	E1	1	
Rubiaceae	☐	Hedyotis galioides	Sweet False Galium	E1	2	

** Exotic (non-native) species*

Choose up to 3 species to map.

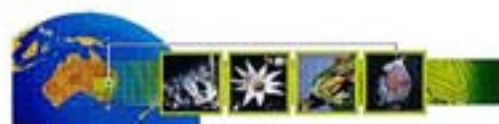
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NSW National Parks & Wildlife Service atlas of nsw wildlife


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Search Results

Your selection: Fauna, threatened species, Selected Area - 152.81986,-29.01281,153.08536,-28.74540
returned a total of 395 records of 39 species.

Report generated on 15/03/2009 - 21:22 (Data valid to 08/03/2009)

[view map](#)
[search again](#)
[clear selection](#)

Choose up to 3 species to map.

* Exotic (non-native) species

Aves	Map	Scientific Name	Common Name	Legal Status	Count	Info
Acanthizidae						
	☐	Dasyornis brachypterus	Eastern Bristlebird	E1	3	
Accipitridae						
	☐	Lophoictinia isura	Square-tailed Kite	V	1	
Anatidae						
	☐	Oxyura australis	Blue-billed Duck	V	6	
	☐	Stictonetta naevosa	Freckled Duck	V	13	
Anseranatidae						
	☐	Anseranas semipalmata	Magpie Goose	V	10	
Ardeidae						
	☐	Botaurus poiciloptilus	Australasian Bittern	V	1	
	☐	Ixobrychus flavicollis	Black Bittern	V	1	
Atrichornithidae						
	☐	Atrichornis rufescens	Rufous Scrub-bird	V	13	
Cacatuidae						
	☐	Calyptorhynchus banksii	Red-tailed Black-Cockatoo	V	1	
	☐	Calyptorhynchus lathami	Glossy Black-Cockatoo	V	3	
Ciconiidae						
	☐	Ephippiorhynchus asiaticus	Black-necked Stork	E1	182	
Columbidae						
	☐	Ptilinopus regina	Rose-crowned Fruit-Dove	V	7	
Dicruridae						
	☐	Monarcha leucotis	White-eared Monarch	V	1	
Jacaniidae						
	☐	Irediparra gallinacea	Comb-crested Jacana	V	27	
Menuridae						
	☐	Menura alberti	Albert's Lyrebird	V	13	
Phaethontidae						
	☐	Phaethon rubricauda	Red-tailed Tropicbird	V	1	
Pomatostomidae						
	☐	Pomatostomus temporalis temporalis	Grey-crowned Babbler (eastern subspecies)	V	1	
Psittacidae						
	☐	Lathamus discolor	Swift Parrot	E1	1	
Rallidae						
	☐	Amaurornis olivaceus	Bush-hen	V	1	
Scolopacidae						
	☐	Limosa limosa	Black-tailed Godwit	V	1	

Strigidae	☐ Ninox strenua	Powerful Owl	V	1	
Turnicidae	☐ Turnix maculosa	Red-backed Button-quail	V	2	
Tytonidae	☐ Tyto capensis	Grass Owl	V	1	
	☐ Tyto novaehollandiae	Masked Owl	V	2	
	☐ Tyto tenebrosa	Sooty Owl	V	1	
Mammalia					
	Map Scientific Name	Common Name	Legal Status	Count	Info
Dasyuridae	☐ Dasyurus maculatus	Spotted-tailed Quoll	V	2	
	☐ Phascogale tapoatafa	Brush-tailed Phascogale	V	3	
Emballonuridae	☐ Saccolaimus flaviventris	Yellow-bellied Sheath-tail-bat	V	2	
Macropodidae	☐ Petrogale penicillata	Brush-tailed Rock-wallaby	E1	2	
Petauridae	☐ Petaurus australis	Yellow-bellied Glider	V	1	
	☐ Petaurus norfolcensis	Squirrel Glider	V	2	
Phascolarctidae	☐ Phascolarctos cinereus	Koala	V	76	
Pteropodidae	☐ Pteropus poliocephalus	Grey-headed Flying-fox	V	1	
Vespertilionidae	☐ Falsistrellus tasmaniensis	Eastern False Pipistrelle	V	1	
	☐ Miniopterus australis	Little Bentwing-bat	V	3	
	☐ Scotanax rueppellii	Greater Broad-nosed Bat	V	1	
Reptilia					
	Map Scientific Name	Common Name	Legal Status	Count	Info
Elapidae	☐ Cacophis harriettae	White-crowned Snake	V	2	
	☐ Hoplocephalus bitorquatus	Pale-headed Snake	V	4	
	☐ Hoplocephalus stephensi	Stephens' Banded Snake	V	1	

* Exotic (non-native) species

Choose up to 3 species to map.

DISCLAIMER: The Atlas of New South Wales Wildlife contains data from a number of sources including government agencies, non-government organisations and private individuals. These data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Find out [more](#) about the Atlas.

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ATTACHMENT 4 BUSHFIRE ATTACK ASSESSOR



BUSHFIRE ATTACK ASSESSMENT REPORT

For Site Located At: **Ellems Bridge Road, Woodview**

Created By: **Web-based Bushfire Attack Assessor Version 2.0**

1. User's Inputs

Local Government Area: **Richmond Valley**

In Alpine Areas: **No**

Vegetation: **Forests**

Effective Slope (degree): **5** (upslope)

Separation Distance (m): **35**

2. Program's Settings

Flame Width (m) : **100**

Flame Angle (degree): **83** (determined by the built-in algorithm)

Flame Temperature (K) : **1090**

Flame Emissivity: **0.95**

Surface Available Fuel Load (t/ha): **20**

Overall Fuel Load (t/ha): **25**

Fire Danger Index: **80** (Fire Weather Area: Far North Coast)

Relative Humidity (%): **25**

Ambient Temperature (K): **308**

Heat of Combustion (kJ/kg): **18600**

Elevation of Receiver (m): **2.81** (determined by the built-in algorithm)

3. Program Outputs

Category of Attack: **Medium**

Level of Construction Required: **Level 1**

Rate of Fire Spread (km/h): **1.36** (Noble et al., 1980)

Fire Intensity (kW/m): **17564**

Transmissivity: **0.795** (Fuss and Hammins, 2002)

Flame Length (m): **11.84** (RFS PBP, 2001)

Radiant Heat Flux (kW/m²): **9.23**

Assessment Date: **31/3/2009**

Assessed By: **Wayne Moffitt**



Orabeiw Estate
Casino

Ecological
Assessment
Report

Prepared for
Newton Denny Chapelle

June 2005

Suite 1 139 Gotha Street
FORTITUDE VALLEY QLD 4006
Telephone 07 3852 3922
Facsimile 07 3852 4766
Web: www.placedesigngroup.com
Email: brisbane@placedesigngroup.com

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1.0 BACKGROUND, SITE PLANNING CONTEXT & PURPOSE OF THIS REPORT

Newton Denny Chapelle is preparing a Development Application for a rural residential subdivision at Woodview Ridge to the west of Casino. The Site is described as Lot 2 DP572347 and is identified as "Available Rural Residential Land" under the Richmond River Shire Rural Residential Development Strategy. Stage 1 of the proposed development (the Investigation Area) is confined to the northern portions of the Site (**FIGURE 1**). **PLATES 1 – 18** show the Investigation Area's broad characteristics. **FIGURE 2** shows a development overlay.

Searches of the NSW National Parks and Wildlife Service Database (DEC 2005a) (**APPENDIX 1**), and Environment Protection & Biodiversity Conservation Act Matters of National Environmental Significance Database (DEH 2005) (**APPENDIX 2**) indicate that a range of significant species and features are known from the wider locality. The Key Habitats and Corridor map for north east New South Wales (DEC 2005b) indicates that the Site supports neither feature.

FIGURE 3 provides an extract of the Richmond Valley bushfire prone land map, which indicates that the western portions of the Site may be subject to bushfire threat.

With these matters in mind, PLACE Environmental has been engaged by Newton Denny Chapelle to prepare an Environmental Management Report which:

- Identifies features of ecological significance on the site, and particularly within the area proposed for development which may affect the nature or extent of development;
- Suggests means of mitigating development impacts;
- Assesses bushfire hazard potential and makes appropriate recommendations; and
- Outlines the methodology and results of our surveys, and discusses compliance with relevant environmental planning regulations.



— Subject Site
0 250 500 750 1000m approx.



— Investigation Area
0 50 100 150 200m approx.

FIGURE 1 LOCALITY AND INVESTIGATION AREA

FIGURE 2 PROPOSED LAYOUT AND ENVIRONMENTAL PROTECTION

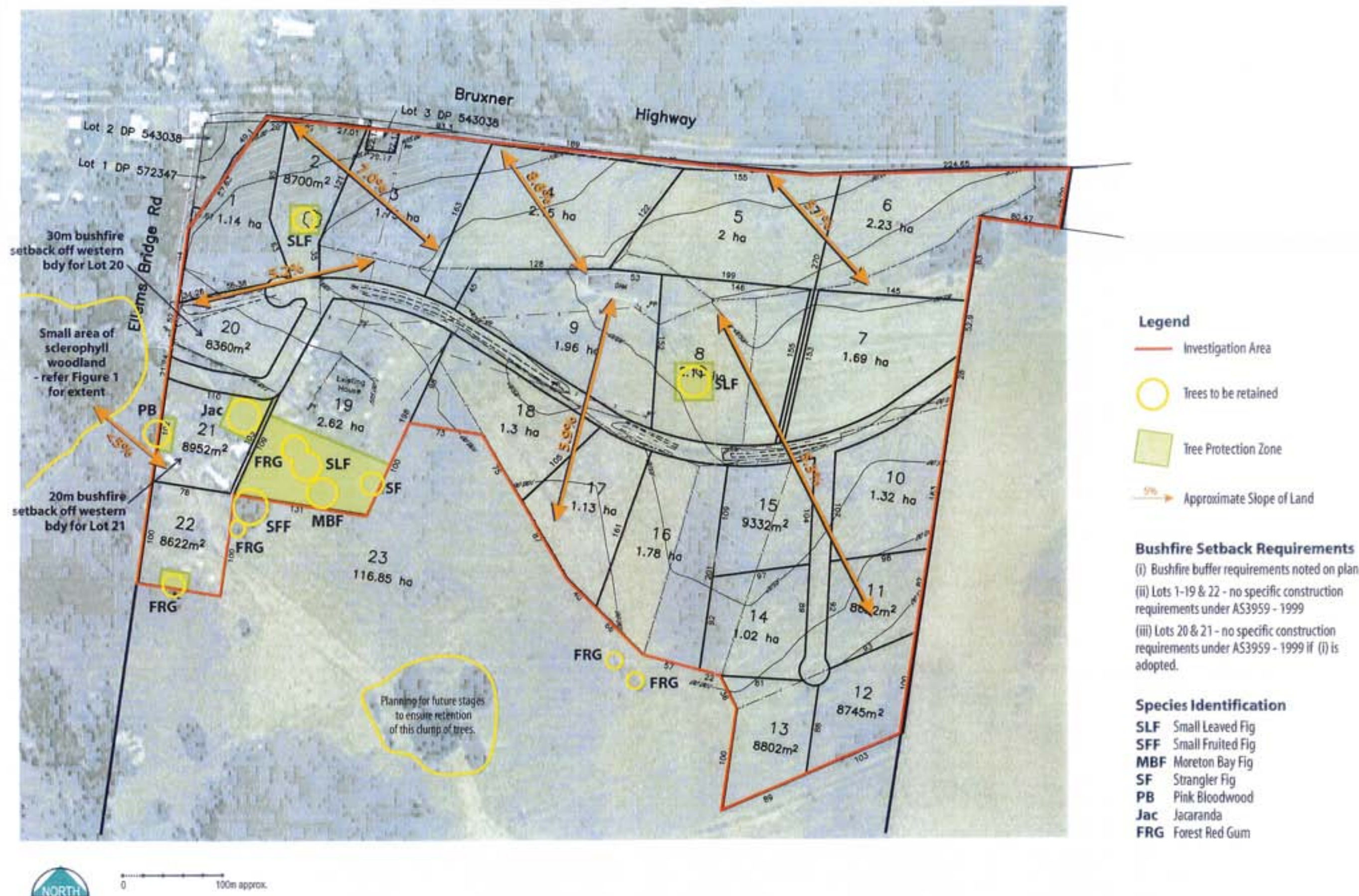
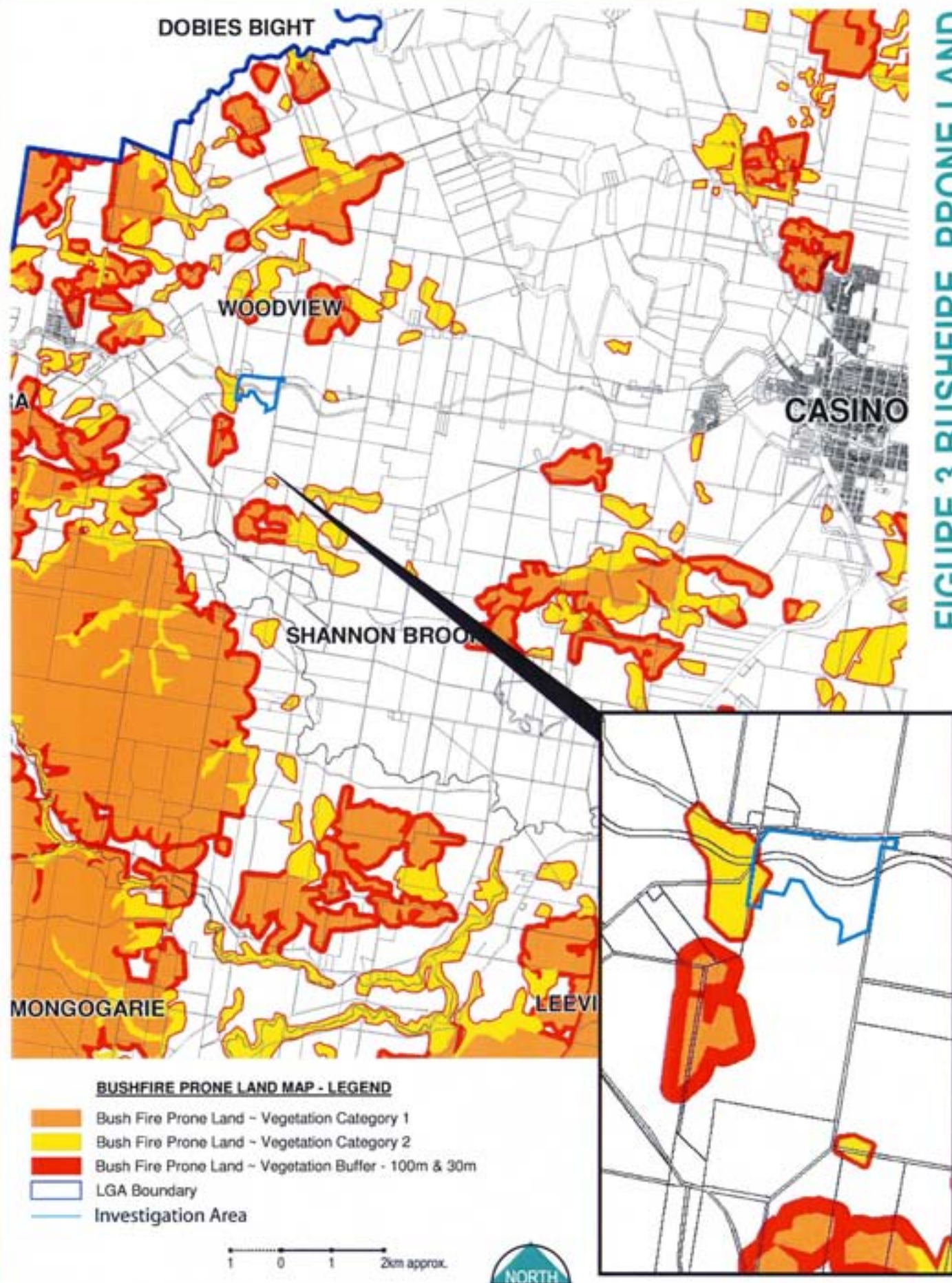


FIGURE 3 BUSHFIRE PRONE LAND



2.0 ECOLOGICAL ASSESSMENT

2.1 METHODOLOGY

2.1.1 Review of Existing Data

Before the commencement of field surveys, the following documents and databases were reviewed to develop a working list of target species and potential management issues.

- NSW National Parks and Wildlife Service Database (**APPENDIX 1**);
- Environment Protection & Biodiversity Conservation Act Matters of National Environmental Significance Database (**APPENDIX 2**);
- Draft Richmond Regional Vegetation Management Plan maps; and
- Richmond Valley Shire State of the Environment Report.

2.1.2 Field Surveys

Field surveys were conducted on March 12 2005. Tasks completed included; vegetation survey, fauna habitat assessment, assessment of the development's likely impact, and assessment of opportunities to incorporate ameliorative measures. Further details are provided in **APPENDIX 3**.

2.2 THE SITE'S PLANT COMMUNITIES

2.2.1 Historical Patterns of Vegetation and Disturbance

Before settlement, the Site is likely to have supported a mix of Sclerophyll Woodland dominated by Forest red gum (*Eucalyptus tereticornis*), Pink bloodwood (*Corymbia intermedia*) and Broad-leaved apple (*Angophora subvelutina*), and Dry Rainforest containing species such as Hoop pine (*Araucaria cunninghamiana*), Red cedar (*Toona ciliata*) and Figs (*Ficus* spp).

2.2.2 Remnant Vegetation – Composition, Condition and Status

The Investigation Area's original vegetation has been completely cleared and it is now dominated by open pasture (containing a range of common pasture grasses and pasture weeds) and paddock trees (many of which appear to be planted) (**FIGURE 2**). The large paddock trees include; Strangling fig (*Ficus watkinsiana*), Small-leaved fig (*Ficus obliqua*), Moreton bay fig (*Ficus macrophylla*), Small-fruited fig (*Ficus hillii*), Jacaranda (*Jacaranda mimosiifolia*) and Forest red gum (*Eucalyptus tereticornis*). Hoop pine (*Araucaria cunninghamiana*), Red cedar (*Toona ciliata*), Blackbean (*Castanospermum australe*) and Silky oak (*Grevillea robusta*) occur in proximate areas.

With reference to **APPENDIX 3**, no endangered or vulnerable species were recorded from the Site. The overall values of the vegetation are considered low, although the remaining large trees (in particular the mature figs) are of local conservation and landscape value.

2.3 THE SITE'S FAUNA HABITATS & CORRIDORS

2.3.1 Background

Before settlement, this area would have supported a mosaic of continuous forest which allowed relatively uninhibited interaction between species' populations. However, almost all of the original forest has been lost. The ability of animals to persist in such fragmented landscapes shows a great deal of interspecific variation and is dependent on their biological attributes. While the abundance of some species may not change (and the abundance of others actually increase), the majority of species either decline in abundance, forming fragmented (often unviable) distributions throughout their former range. The more sensitive species may become locally extinct.

In such fragmented landscapes, corridors become critical to the long-term survival of populations within otherwise isolated remnants¹. Corridors can take the form of a well-vegetated continuous area (eg a riparian zone) or small (sufficiently proximate) patches of habitat which act as stepping stones. Rather than acting as a conduit for the physical transfer of individuals, effective corridors facilitate genetic exchange by providing a continuum of breeding ranges.

2.3.2 Vertebrate Fauna Values

A fauna habitat assessment was completed during the March 2005 site inspection. While a range of characteristic rural species were recorded, it is acknowledged that the assessment was limited by lack of full fauna survey, season in which surveys were conducted and the single survey period. However, much is known of the area's rural fauna communities, and the likely occurrence of additional species can be predicted with reasonable accuracy.

The Investigation Area contains an ephemeral waterway and two small dams. The waterway and dams could support many of the disturbance-adapted rural amphibians known from the locality (refer Atlas of New South Wales Wildlife records - **APPENDIX 1**). The Atlas of New South Wales Wildlife (DEC 2005a) indicates that there are no known records of endangered or vulnerable amphibians in this locality. Given their known habitat requirements none are considered likely to occur. The Matters of National Environmental Significance database (DEH 2005) (**APPENDIX 2**) indicates that the Giant barred frog and Fleay's barred frog are known from the wider locality and/or are provided with suitable habitat². Surveys indicate that the Site does not provide suitable habitat for these species and that they are unlikely to occur.

¹ For example, they allow recolonisation of the remnant following catastrophic events such as bushfire

² It should be noted that unlike the Atlas of New South Wales Wildlife, the Matters of NES database will list a species based on an actual record and/or the presence of suitable habitat.

Habitat quality for terrestrial reptiles is strongly influenced by attributes such as Leaf litter, fallen logs and debris, tree hollows, suitable prey, decorticated bark and habitats of varying thermal properties (enabling effective thermoregulation). These attributes are most common in undisturbed forest environments. The Site's highly cleared nature indicates that many of the forest-dependent reptiles that would have historically occurred are unlikely to persist. The Atlas of New South Wales Wildlife (DEC 2005a) and Matters of NES database (DEH 2005) indicate that the White-crowned snake, Bar-sided forest skink and Three-toed snake-tooth skink are known from the wider locality. Based on available habitat none of these species are likely to occur at the Site.

The Atlas of New South Wales Wildlife (DEC 2005a) and Matters of NES Database (DEH 2005) indicate that several wetland/fresh meadow-dependent bird species are known from the wider locality (Magpie goose, Black-tailed godwit, Brolga, Black necked stork, Bush hen, Bitterns, Freckled duck, Blue billed duck and Comb-crested jacana). The dams lack significant fringing vegetation (eg Cumbungi) which is required by cryptic species such as the Bitterns and Bush hen. They also lack significant areas of floating lily pads required by the Comb-crested jacana. They may be used on rare occasions by the Magpie goose, Brolga and Black necked stork, although provide marginal habitat compared to the more extensive floodplain swamps which remain in the locality.

Many of the threatened birds known from the locality are considered to be Eucalypt forest dependent species³ (Powerful owl, Barking owl, Masked owl, Sooty owl, Glossy-black cockatoo, Regent honeyeater and Grey-crowned babbler). The Site's historical Eucalypt communities have been completely lost and it is unlikely that the Site now provides significant habitat for these species.

Several rainforest dependent species are known from the locality, including Fruit-doves, Coxen's fig parrot, the Barred cuckoo shrike, Albert's lyrebird, White-eared monarch and Marbled frogmouth. The later three species are generally confined to more intact rainforest and are unlikely to occur at the Site. The former species are known to disperse widely through the landscape foraging on fruiting rainforest species and a variety of exotics. The Site's fig trees could be an important local stepping stone for these species.

Small terrestrial mammals generally occur in greatest diversity and abundance in areas with a complex vegetation structure⁴. Historically, the mixed forests of this locality would have supported a diverse range of species, including; the Bush rat, Yellow-footed antechinus, Brown antechinus, Common dunnart, Common planigale, Spotted-tail quoll, Echidna and Northern brown bandicoot. Loss of the original forest has significantly affected the Site's habitat value for this group, and it is likely that only common rural species such as the Echidna and Northern brown bandicoot persist. It is highly unlikely that endangered or vulnerable species such as the Spotted-tailed quoll or Long-nosed potoroo occur.

Several species of Macropod (including two threatened species) are known from the wider locality. Based on available habitat, the Eastern grey kangaroo and Red-necked wallaby may occur on occasions. The Site's habitats are unsuitable for the more restricted Parma wallaby and Brush-tailed rock wallaby.

³ Noting that they do occasionally use more open sub-optimal habitats.

⁴ Particularly in areas with a dense understorey layer that provides shelter from predators and which offers nesting opportunities.

The Common brushtail possum and Common ringtail possum may persist around the cluster of fig trees in the Site's southwest. They may also use the Site's more scattered trees for dispersal. The Site no longer supports habitats suitable for forest-dependent arboreal mammals such as the Greater glider, Squirrel glider, Feathertail glider or Yellow-bellied glider, and these species are considered unlikely to occur.

The Site supports a small number of Forest red gums (*Eucalyptus tereticornis*) (a recognised Koala feed tree). Although scat surveys failed to find signs of recent Koala usage, Koalas are likely to persist in the wider locality and may move through the Site on rare occasions. State Environmental Planning Policy 44 (Koala Habitat Protection) is discussed in **APPENDIX 4**.

A range of Microchiropteran bats are known from the locality. All species (including the vulnerable Little bent-wing bat) could forage over the site. The fig trees and dams would be particular foci of activity. The site does not contain caves, culverts or other subterranean features that would be used as roost sites by cave-roosting species. It also lacks trees with hollows that would be used by tree-hole roosting species.

The Grey-headed flying fox and Black flying fox are reasonably common and widespread species that will readily use patches of isolated and disturbed habitat. The Site's fig trees could be a forage source for both species. The dams may also be used as watering points. The site appears unlikely to provide roost habitat.

2.3.3 Corridors

The Key Habitats and Corridors map for north east New South Wales shows that a key regional and subregional corridor (associated with Moongarie Creek and its tributaries) is located well to the Site's southwest. It appears unlikely that the Site would make any significant contribution to this corridor.

FIGURE 1 shows that the Site and most of the surrounding properties are almost completely cleared, and that they are unlikely to make a significant contribution to the movement of forest-dependent terrestrial fauna. However, birds and bats are more tolerant of fragmented environments, and can use scattered patches of vegetation as "stepping stones" between more contiguous areas of forest. As discussed in Section 2.3.2 the Site's scattered trees (and in particular fig trees) are likely to be significant in this regard.

3.0 BUSHFIRE HAZARD ASSESSMENT

3.1 LEGISLATIVE BACKGROUND

On 1 August 2002, the *Rural Fires and Environmental Legislation Amendment Act 2002* (Amendment Act 2002) came into force. It changed the Environmental Planning and Assessment Act 1979 (EP&A Act) and Rural Fires Act 1997 (RF Act) to improve the protection of life, property and the environment from bushfire. The Amendment Act 2002 increases the powers of the NSW Rural Fire Service (RFS) in development decisions affecting bushfire prone land and gives legal effect to the Planning for Bushfire Protection guideline (NSW Rural Fire Service and Department of Infrastructure Planning and Natural Resources 2001).

A key component of the new requirements is the Planning for Bushfire Protection guideline (NSW Rural Fire Service and Department of Infrastructure Planning and Natural Resources 2001). This document links with Australian Standard AS 3959 - Construction of Buildings in Bushfire-prone areas.

3.2 ASSESSMENT REQUIREMENTS

If a new development is to occur on bushfire-prone land, one of two new development assessment processes applies depending on the type of development proposed. The two types are:

- 'high risk' development - development that is more vulnerable to bushfire risk and requires a Bush Fire Safety Authority from the RFS. This development becomes 'integrated development' under s91(1) of the EP&A Act.
- other development - development that does not require a BFSA (notably class 1, 2 and 3 buildings).

In accordance with *Planning for Bushfire Protection*, this document defines bushfire-prone areas as those areas:

- within or within 100m of high or medium bushfire hazards; or
- within or within 30m of low bushfire hazards;

In a practical sense, areas identified as being predominantly grasslands can be readily managed and as such are also not to be considered to be bushfire-prone.

3.3 ASSESSMENT METHODOLOGY

All areas in NSW which have been mapped as being of potential bushfire hazard (PBH) need to be assessed to determine appropriate setbacks from areas of fire hazard. In accordance with *Planning for Bushfire Protection* (2001), the following procedure was adopted to assess the development level in order to determine whether the development is bushfire-prone and if so, what setbacks are required:

- (a) Determination of vegetation type and class, as follows:

- (i) identify all vegetation in each direction from the site for a distance of 140m;
 - (ii) Consult *Planning for Bushfire Protection* and determine the appropriate setback for the assessed land use, vegetation group and slope range; and
 - (iii) select the predominant vegetation group (1 to 3) as described in *Planning for Bushfire Protection*.
- (b) Determine the average slope of the land between the Predominant Vegetation Class and the site.
 - (c) Consult Tables A2.2–2.4 in *Planning for Bushfire Protection* and determine the appropriate setback for the assessed land use, vegetation group and slope range.

3.4 ASSESSMENT RESULTS

3.4.1 Vegetation Groups

The Investigation Area and much of the surrounding lands are dominated by low closed pasture grass, which is analogous to Vegetation Group three. Areas to the west (across Ellems Bridge Road) support Eucalypt woodland analogous to Vegetation Group 2. The Site's vegetation characteristics are shown in **PLATES 1 – 18**.

3.4.2 Slope Analysis

The slope analysis is based on the Mummulgum 1: 25 000 mapsheet (9440 -11 – N). Slope categories are shown on **FIGURE 2**.

4.0 ENVIRONMENTAL MANAGEMENT & COMPLIANCE

4.1 Ecology

The Site's most significant ecological (and landscape amenity) features are the large paddock trees. The lot layout has been configured to conserve all of these trees. Building envelopes and effluent disposal fields should also be positioned to minimise impact on the critical root zone (taken as the canopy drip line) of these trees. Planning for future stages (ie services and road alignments) should consider the position of significant trees to the south of this particular stage. Notes are provided on **FIGURE 2**.

4.2 Bushfire

The Site's highly cleared nature negates significant bushfire threat over much of the property, and there is a simple requirement for maintenance of a 20m managed area around each dwelling. Taking a cautious approach, a 30m wide no build zone should be provided in the western portions of Lot 20, and a 10m wide no build zone provided in the west of Lot 21. These measures will ensure that there is no specific construction requirement (AS3959 – 1999) for any of the lots.

4.3 Compliance

4.3.1 State Environmental Planning Policy 44 (Koala Habitat Protection)

There is no requirement for a Koala Plan of Management to accompany the application. Further details are provided in **APPENDIX 4**.

4.3.2 Threatened Species Conservation Act (1995)

Surveys indicate the a range of threatened rainforest birds (Coxen's fig parrot, Wompoo fruit-dove, Rose-crowned fruit dove, Barred cuckoo-shrike) and Megachiropteran bats (Grey-headed flying fox, Black flying fox) may use the Site's fig trees as stepping stones between more contiguous patches of habitat. The Site's dams may also provide a watering point for Megachiropteran and Microchiropteran bats (including the Little bent-wing bat). All of these features will be retained within the proposed layout, and remain relatively accessible (ie there will not be a significant increase in threats to usage). Koalas may also continue to range across the Site on rare occasions. It is considered unlikely that the proposed development represents a significant threat to continued use.

In summary, the proposed development is unlikely to have a significant impact on the local population of any threatened species, population or ecological community, or affect identified critical habitat. There is no requirement for a Species Impact Statement to accompany the application.

4.3.3 Environment Protection & Biodiversity Conservation Act (1999)

The proposed development is unlikely to have a significant impact on any Matter of National Environmental Significance, and there is no requirement to refer the application to the Department of Environment and Heritage for determination of Controlled Action status.

4.3.4 Rural Fires and Environmental Legislation Amendment Act

The Site's highly cleared nature negates significant bushfire threat, and there is no requirement for the provision of bushfire asset protection zones.

References

Department of Environment & Conservation (2005a) "The Atlas of New South Wales Wildlife"
<http://wildlifeatlas.nationalparks.nsw.gov.au/wildlifeatlas/watlas.jsp>

Department of Environment & Conservation (2005b) "Key habitats and corridors in North East New South Wales" <http://maps.nationalparks.nsw.gov.au/keyhabs/default.htm>

Department of Environment & Heritage (2005) "Protected Matters Search Tool"
<http://www.deh.gov.au/erin/ert/epbc/imap/map.html>

PLATES



PLATE 1



PLATE 2



PLATE 3



PLATE 4



PLATE 5



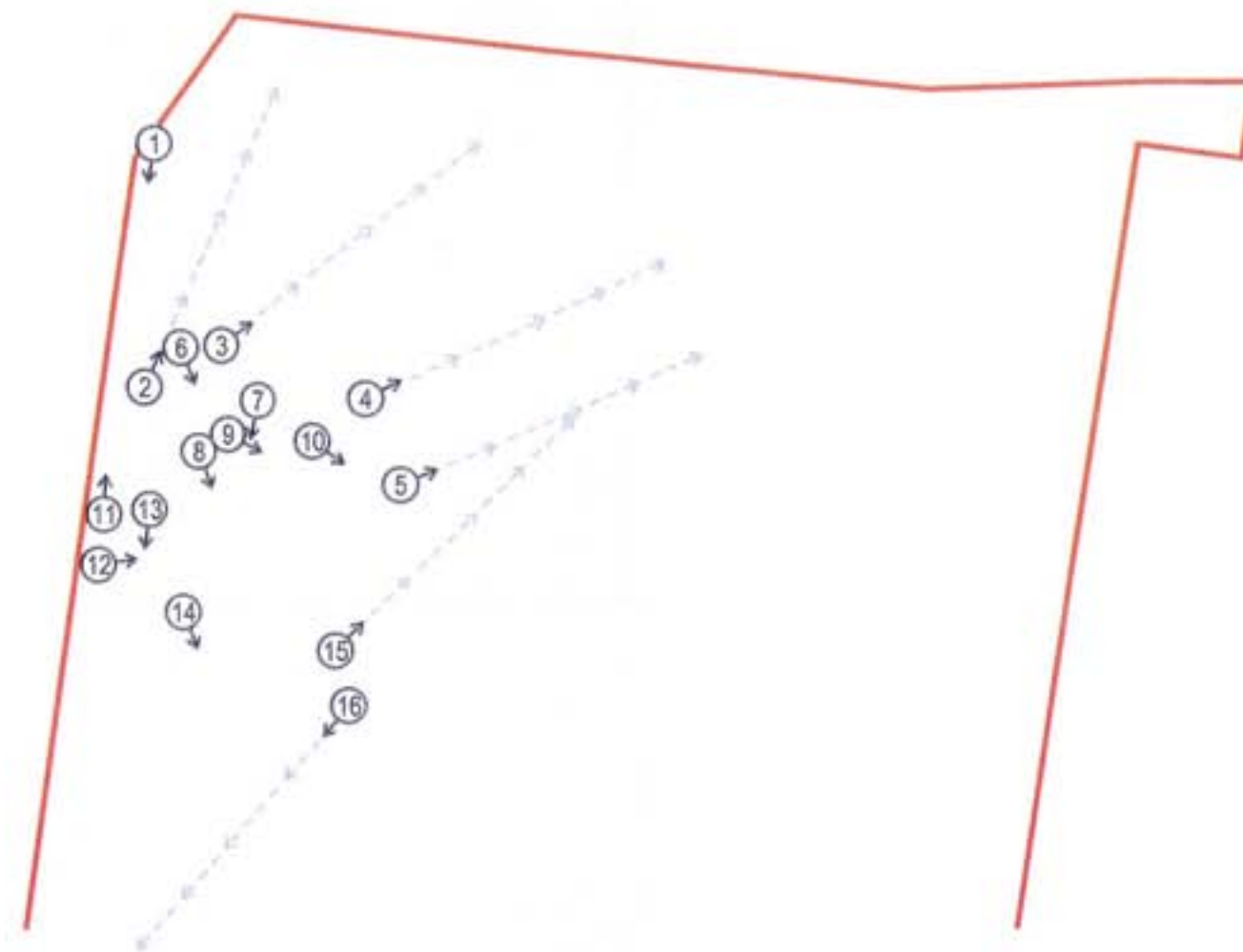
PLATE 6

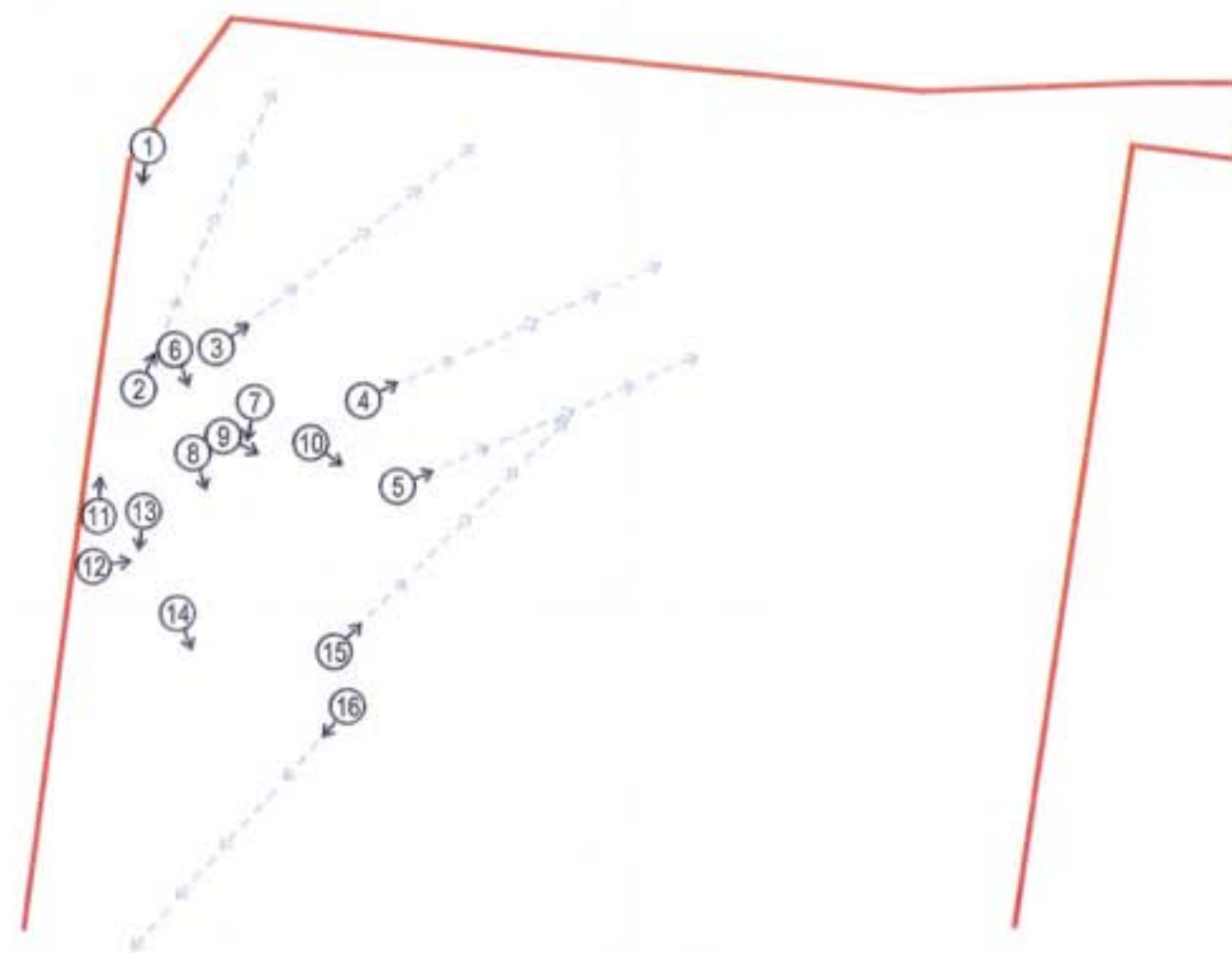


PLATE 7



PLATE 8





APPENDIX 1 NPWS DATA



Search Results

Your selection: Flora, threatened species, Selected Area - 152.77400,-29.01000,153.13600,-28.67700

Report generated on 22/04/2005 - 10:22 (Data valid to 17/04/2005)



Choose up to 3 species to map.

Map	Scientific Name	Common Name	Legal Status	Count	Info
Euphorbiaceae					
☐	Phyllanthus microcladus		E1	2	
Fabaceae (Faboideae)					
☐	Desmodium acanthocladum	Thorny Pea	V	3	
☐	Rhynchosia acuminatissima		V	1	
☐	Sophora fraseri		V	2	
Myrtaceae					
☐	Austromyrtus fragrantissima		E1	1	
☐	Eucalyptus glaucina	Slaty Red Gum	V	9	
☐	Melaleuca irbyana		E1	2	
Polygalaceae					
☐	Polygala linariifolia		E1	1	
Ranunculaceae					
☐	Clematis fawcettii		V	1	
Rubiaceae					
☐	Oldenlandia galioides		E1	1	
Tiliaceae					
☐	Corchorus cunninghamii		E1	1	

Choose up to 3 species to map.

DISCLAIMER: The Atlas of New South Wales Wildlife contains data from a number of sources including government agencies, non-government organisations and private individuals. These data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Find out more about the Atlas.



Search Results

Report generated on 22/04/2005 - 10:16 (Data valid to 17/04/2005)



Choose up to 3 species to map.

Aves	Map	Scientific Name	Common Name	Legal Status	Count Info
Acanthizidae					
		<i>Acanthiza chrysorrhoa</i>	Yellow-rumped Thornbill	P	1
		<i>Acanthiza lineata</i>	Striated Thornbill	P	5
		<i>Acanthiza pusilla</i>	Brown Thornbill	P	8
		<i>Acanthiza reguloides</i>	Buff-rumped Thornbill	P	3
		<i>Gerygone mouki</i>	Brown Gerygone	P	1
		<i>Gerygone olivacea</i>	White-throated Gerygone	P	11
		<i>Sericornis frontalis</i>	White-browed Scrubwren	P	5
		<i>Sericornis magnirostris</i>	Large-billed Scrubwren	P	1
Accipitridae					
		<i>Accipiter fasciatus</i>	Brown Goshawk	P	1
		<i>Accipiter novaehollandiae</i>	Grey Goshawk	P	2
		<i>Aquila audax</i>	Wedge-tailed Eagle	P	2
		<i>Aviceda subcristata</i>	Pacific Baza	P	4
		<i>Circus approximans</i>	Swamp Harrier	P	1
		<i>Circus assimilis</i>	Spotted Harrier	P	2
		<i>Elanus axillaris</i>	Black-shouldered Kite	P	4
		<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	P	4
		<i>Haliastur sphenurus</i>	Whistling Kite	P	4
		<i>Milvus migrans</i>	Black Kite	P	1
Aegothelidae					
		<i>Aegotheles cristatus</i>	Australian Owlet-nightjar	P	16
Alcedinidae					
		<i>Alcedo azurea</i>	Azure Kingfisher	P	1
Anatidae					

	☐	<i>Anas castanea</i>	Chestnut Teal	P	1	
	☐	<i>Anas gracilis</i>	Grey Teal	P	12	
	☐	<i>Anas rhynchotis</i>	Australasian Shoveler	P	6	
	☐	<i>Anas superciliosa</i>	Pacific Black Duck	P	16	
	☐	<i>Aythya australis</i>	Hardhead	P	4	
	☐	<i>Biziura lobata</i>	Musk Duck	P	1	
	☐	<i>Chenonetta jubata</i>	Australian Wood Duck	P	9	
	☐	<i>Cygnus atratus</i>	Black Swan	P	13	
	☐	<i>Dendrocygna arcuata</i>	Wandering Whistling-Duck	P	3	
	☐	<i>Dendrocygna eytoni</i>	Plumed Whistling-Duck	P	1	
	☐	<i>Malacorhynchus membranaceus</i>	Pink-eared Duck	P	6	
	☐	<i>Oxyura australis</i>	Blue-billed Duck	V	2	?
	☐	<i>Stictonetta naevosa</i>	Freckled Duck	V	5	?
Anhingidae						
	☐	<i>Anhinga melanogaster</i>	Darter	P	2	
Anseranatidae						
	☐	<i>Anseranas semipalmata</i>	Magpie Goose	V	8	
Apodidae						
	☐	<i>Hirundapus caudacutus</i>	White-throated Needletail	P	2	
Ardeidae						
	☐	<i>Ardea alba</i>	Great Egret	P	5	
	☐	<i>Ardea ibis</i>	Cattle Egret	P	7	
	☐	<i>Ardea intermedia</i>	Intermediate Egret	P	7	
	☐	<i>Ardea pacifica</i>	White-necked Heron	P	5	
	☐	<i>Egretta garzetta</i>	Little Egret	P	4	
	☐	<i>Egretta novaehollandiae</i>	White-faced Heron	P	8	
	☐	<i>Ixobrychus flavicollis</i>	Black Bittern	V	1	?
	☐	<i>Ixobrychus minutus</i>	Little Bittern	P	2	
Artamidae						
	☐	<i>Artamus leucorhynchus</i>	White-breasted Woodswallow	P	2	
	☐	<i>Cracticus nigrogularis</i>	Pied Butcherbird	P	12	
	☐	<i>Cracticus torquatus</i>	Grey Butcherbird	P	9	
	☐	<i>Gymnorhina tibicen</i>	Australian Magpie	P	21	
	☐	<i>Strepera graculina</i>	Pied Currawong	P	8	
Cacatuidae						
	☐	<i>Calyptorhynchus funereus</i>	Yellow-tailed Black-Cockatoo	P	1	
	☐	<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	V	5	?

	└ Eolophus roseicapillus	Galah	P	4	
Campephagidae					
	└ Coracina lineata	Barred Cuckoo-shrike	V	1	
	└ Coracina maxima	Ground Cuckoo-shrike	P	1	
	└ Coracina novaehollandiae	Black-faced Cuckoo-shrike	P	10	
	└ Coracina papuensis	White-bellied Cuckoo-shrike	P	1	
	└ Coracina tenuirostris	Cicadabird	P	10	
	└ Lalage leucomela	Varied Triller	P	1	
Caprimulgidae					
	└ Eurostopodus mystacalis	White-throated Nightjar	P	6	
Centropodidae					
	└ Centropus phasianinus	Pheasant Coucal	P	2	
Charadriidae					
	└ Euseyonis melanops	Black-fronted Dotterel	P	2	
	└ Erythronys cinctus	Red-kneed Dotterel	P	4	
	└ Vanellus miles	Masked Lapwing	P	15	
Ciconiidae					
	└ Ephippiorhynchus asiaticus	Black-necked Stork	E1	21	
Climacteridae					
	└ Climacteris picumnus	Brown Treecreeper	V	1	
	└ Cormobates leucophaeus	White-throated Treecreeper	P	13	
Columbidae					
	└ Chalcophaps indica	Emerald Dove	P	3	
	└ Columba leucomela	White-headed Pigeon	P	3	
	└ Columba livia	Rock Dove	U	2	
	└ Geopelia humeralis	Bar-shouldered Dove	P	3	
	└ Geopelia placida	Peaceful Dove	P	1	
	└ Leucosarcia melanoleuca	Wonga Pigeon	P	6	
	└ Macropygia amboinensis	Brown Cuckoo-Dove	P	8	
	└ Ocyphaps lophotes	Crested Pigeon	P	2	
	└ Ptilinopus magnificus	Wompoo Fruit-Dove	V	2	
	└ Streptopelia chinensis	Spotted Turtle-Dove	U	2	
Coraciidae					
	└ Eurystomus orientalis	Dollarbird	P	1	
Corvidae					
	└ Corvus coronoides	Australian Raven	P	2	
	└ Corvus orru	Torresian Crow	P	11	
Cuculidae					

	└ Cacomantis flabelliformis	Fan-tailed Cuckoo	P	2	
	└ Chalcites lucidus	Shining Bronze-Cuckoo	P	1	
	└ Chalcites minutillus	Little Bronze-Cuckoo	P	4	☹
	└ Eudynamys orientalis	Pacific Koel	P	1	
	└ Scythrops novaehollandiae	Channel-billed Cuckoo	P	1	
Dicaeidae					
	└ Dicaeum hirundinaceum	Mistletoebird	P	5	
Dicruridae					
	└ Dicrurus bracteatus	Spangled Drongo	P	7	
	└ Grallina cyanoleuca	Magpie-lark	P	11	
	└ Monarcha leucotis	White-eared Monarch	V	2	☹
	└ Monarcha melanopsis	Black-faced Monarch	P	1	
	└ Monarcha trivirgatus	Spectacled Monarch	P	3	
	└ Myiagra inquieta	Restless Flycatcher	P	1	
	└ Myiagra rubecula	Leaden Flycatcher	P	3	
	└ Rhipidura albiscapa	Grey Fantail	P	10	
	└ Rhipidura leucophrys	Willie Wagtail	P	6	
Estrildidae					
	└ Lonchura castaneothorax	Chestnut-breasted Mannikin	P	2	
	└ Lonchura punctulata	Nutmeg Mannikin	U	1	
	└ Neochmia modesta	Plum-headed Finch	P	1	
	└ Neochmia temporalis	Red-browed Finch	P	5	
	└ Taeniopygia bichenovii	Double-barred Finch	P	1	
Eupetidae					
	└ Cinclosoma punctatum	Spotted Quail-thrush	P	2	
	└ Psophodes olivaceus	Eastern Whipbird	P	7	
Falconidae					
	└ Falco berigora	Brown Falcon	P	1	
	└ Falco cenchroides	Nankeen Kestrel	P	2	
	└ Falco longipennis	Australian Hobby	P	1	
Halcyonidae					
	└ Dacelo novaeguineae	Laughing Kookaburra	P	12	
	└ Todiramphus macleayi	Forest Kingfisher	P	2	☹
	└ Todiramphus sanctus	Sacred Kingfisher	P	2	
Hirundinidae					
	└ Hirundo neoxena	Welcome Swallow	P	6	
	└ Petrochelidon ariel	Fairy Martin	P	2	
	└ Petrochelidon	Tree Martin	P	4	

	└─ nigricans				
Jacaniidae	└─ Irediparra gallinacea	Comb-crested Jacana	V	21	
Laridae	└─ Chlidonias hybridus	Whiskered Tern	P	5	
	└─ Chlidonias leucopterus	White-winged Black Tern	P	1	
Maluridae	└─ Malurus cyaneus	Superb Fairy-wren	P	7	
	└─ Malurus lamberti	Variegated Fairy-wren	P	2	
	└─ Malurus melanocephalus	Red-backed Fairy-wren	P	1	
Meliphagidae	└─ Acanthorhynchus tenuirostris	Eastern Spinebill	P	4	
	└─ Entomyzon cyanotis	Blue-faced Honeyeater	P	6	
	└─ Lichenostomus chrysops	Yellow-faced Honeyeater	P	12	
	└─ Lichmera indistincta	Brown Honeyeater	P	4	
	└─ Manorina melanocephala	Noisy Miner	P	10	
	└─ Meliphaga lewinii	Lewin's Honeyeater	P	8	
	└─ Melithreptus albobularis	White-throated Honeyeater	P	9	
	└─ Melithreptus lunatus	White-naped Honeyeater	P	3	
	└─ Myzomela sanguinolenta	Scarlet Honeyeater	P	8	
	└─ Philemon citreogularis	Little Friarbird	P	1	
	└─ Philemon corniculatus	Noisy Friarbird	P	8	
	└─ Xanthomyza phrygia	Regent Honeyeater	E1	1	
Menuridae	└─ Menura alberti	Albert's Lyrebird	V	1	
Meropidae	└─ Merops ornatus	Rainbow Bee-eater	P	10	
Neosittidae	└─ Daphoenositta chrysoptera	Varied Sittella	P	3	
Oriolidae	└─ Oriolus sagittatus	Olive-backed Oriole	P	3	
	└─ Sphecotheres vieilloti	Australasian Figbird	P	5	
Orthonychidae	└─ Orthonyx temminckii	Logrunner	P	1	
Pachycephalidae	└─ Colluricincla harmonica	Grey Shrike-thrush	P	13	

	┌ Falcunculus frontatus	Eastern Shrike-tit	P	1	
	┌ Pachycephala pectoralis	Golden Whistler	P	3	
	┌ Pachycephala rufiventris	Rufous Whistler	P	8	
Pardalotidae					
	┌ Pardalotus punctatus	Spotted Pardalote	P	7	
	┌ Pardalotus striatus	Striated Pardalote	P	11	
Pelecanidae					
	┌ Pelecanus conspicillatus	Australian Pelican	P	3	
Petroicidae					
	┌ Eopsaltria australis	Eastern Yellow Robin	P	10	
	┌ Microeca fascians	Jacky Winter	P	4	
	┌ Petroica goodenovii	Red-capped Robin	P	1	
	┌ Tregellasia capito	Pale-yellow Robin	P	1	?
Phaethontidae					
	┌ Phaethon rubricauda	Red-tailed Tropicbird	V	1	?
Phalacrocoracidae					
	┌ Phalacrocorax carbo	Great Cormorant	P	2	
	┌ Phalacrocorax melanoleucos	Little Pied Cormorant	P	4	
	┌ Phalacrocorax sulcirostris	Little Black Cormorant	P	5	
	┌ Phalacrocorax varius	Pied Cormorant	P	1	
Pittidae					
	┌ Pitta versicolor	Noisy Pitta	P	2	
Podargidae					
	┌ Podargus strigoides	Tawny Frogmouth	P	5	
Podicipedidae					
	┌ Poliocephalus poliocephalus	Hoary-headed Grebe	P	1	
	┌ Tachybaptus novaehollandiae	Australasian Grebe	P	7	
Pomatostomidae					
	┌ Pomatostomus temporalis temporalis	Grey-crowned Babbler (eastern subsp.)	V	1	
Psittacidae					
	┌ Alisterus scapularis	Australian King-Parrot	P	4	
	┌ Glossopsitta concinna	Musk Lorikeet	P	1	?
	┌ Glossopsitta pusilla	Little Lorikeet	P	1	
	┌ Platycercus adscitus	White Cheeked Rosella	P	1	
	┌ Platycercus adscitus eximius	Eastern Rosella	P	7	
	┌ Platycercus elegans	Crimson Rosella	P	3	
	Trichoglossus	Scaly-breasted			

	☐ chlorolepidotus	Lorikeet	P	6	
	☐ Trichoglossus haematodus	Rainbow Lorikeet	P	13	
Rallidae					
	☐ Amaurornis olivaceus	Bush-hen	V	1	
	☐ Fulica atra	Eurasian Coot	P	10	
	☐ Gallinula tenebrosa	Dusky Moorhen	P	9	
	☐ Porphyrio porphyrio	Purple Swamphen	P	13	
	☐ Porzana fluminea	Australian Spotted Crake	P	1	
	☐ Porzana tabuensis	Spotless Crake	P	3	
Recurvirostridae					
	☐ Himantopus himantopus	Black-winged Stilt	P	12	
Scolopacidae					
	☐ Calidris acuminata	Sharp-tailed Sandpiper	P	2	
	☐ Calidris melanotos	Pectoral Sandpiper	P	3	
	☐ Gallinago hardwickii	Latham's Snipe	P	5	
	☐ Limosa limosa	Black-tailed Godwit	V	1	?
	☐ Numenius minutus	Little Curlew	P	2	
	☐ Philomachus pugnax	Ruff	P	2	
	☐ Tringa glareola	Wood Sandpiper	P	5	
	☐ Tringa nebularia	Common Greenshank	P	1	
	☐ Tringa stagnatilis	Marsh Sandpiper	P	2	
Strigidae					
	☐ Ninox boobook	Southern Boobook	P	9	
	☐ Ninox connivens	Barking Owl	V	1	
	☐ Ninox strenua	Powerful Owl	V	11	?
Sturnidae					
	☐ Acridotheres tristis	Common Myna	U	5	
	☐ Sturnus vulgaris	Common Starling	U	3	
Sylviidae					
	☐ Acrocephalus australis	Australian Reed-Warbler	P	4	
	☐ Cisticola exilis	Golden-headed Cisticola	P	4	
	☐ Megalurus gramineus	Little Grassbird	P	1	
	☐ Megalurus timoriensis	Tawny Grassbird	P	1	
Threskiornithidae					
	☐ Platalea flavipes	Yellow-billed Spoonbill	P	3	
	☐ Platalea regia	Royal Spoonbill	P	9	
	☐ Plegadis falcinellus	Glossy Ibis	P	19	
	☐ Threskiornis molucca	Australian White Ibis	P	8	

	☐	<i>Threskiornis spinicollis</i>	Straw-necked Ibis	P	13	
Turnicidae						
	☐	<i>Turnix maculosa</i>	Red-backed Button-quail	P	2	
	☐	<i>Turnix pyrrhothorax</i>	Red-chested Button-quail	P	1	
	☐	<i>Turnix varia</i>	Painted Button-quail	P	1	
Tytonidae						
	☐	<i>Tyto alba</i>	Barn Owl	P	2	
	☐	<i>Tyto capensis</i>	Grass Owl	V	1	
	☐	<i>Tyto novaehollandiae</i>	Masked Owl	V	3	
	☐	<i>Tyto tenebricosa</i>	Sooty Owl	V	4	
Zosteropidae						
	☐	<i>Zosterops lateralis</i>	Silvereye	P	5	

Amphibia Map Scientific Name Common Name Legal Status Count Info

Hylidae

☐	<i>Litoria caerulea</i>	Green Tree Frog	P	6	
☐	<i>Litoria dentata</i>	Keferstein's Tree Frog	P	2	
☐	<i>Litoria fallax</i>	Eastern Dwarf Tree Frog	P	4	
☐	<i>Litoria gracilentia</i>	Dainty Tree Frog	P	2	
☐	<i>Litoria latopalmata</i>	Broad-palmed Frog	P	4	
☐	<i>Litoria lesueuri</i>	Lesueur's Frog	P	2	
☐	<i>Litoria pearsoniana</i>	Pearson's Green Tree Frog	P	1	
☐	<i>Litoria peronii</i>	Peron's Tree Frog	P	4	
☐	<i>Litoria phyllochroa</i>	Green Stream Frog	P	1	
☐	<i>Litoria tyleri</i>	Tyler's Tree Frog	P	1	

Myobatrachidae

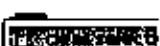
☐	<i>Crinia signifera</i>	Common Eastern Froglet	P	2	
☐	<i>Limnodynastes ornatus</i>	Ornate Burrowing Frog	P	2	
☐	<i>Limnodynastes peronii</i>	Striped Marsh Frog	P	4	
☐	<i>Limnodynastes tasmaniensis</i>	Spotted Marsh Frog	P	2	
☐	<i>Mixophyes fasciolatus</i>	Great Barred Frog	P	7	
☐	<i>Pseudophryne coriacea</i>	Red-backed Toadlet	P	14	

Mammalia Map Scientific Name Common Name Legal Status Count Info

Acrobatidae

☐	<i>Acrobates pygmaeus</i>	Feathertail Glider	P	3	
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Canidae

	☐ <i>Canis lupus</i>	Dingo, domestic dog	U	2	
	☐ <i>Vulpes vulpes</i>	Fox	U	24	
Dasyuridae					
	☐ <i>Antechinus flavipes</i>	Yellow-footed Antechinus	P	7	
	☐ <i>Antechinus</i> sp.	Unidentified Antechinus	P	4	
	☐ <i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V	1	
	☐ <i>Phascogale tapoatafa</i>	Brush-tailed Phascogale	V	3	
	☐ <i>Sminthopsis murina</i>	Common Dunnart	P	1	
Felidae					
	☐ <i>Felis catus</i>	Cat	U	2	
Leporidae					
	☐ <i>Lepus capensis</i>	Brown Hare	U	1	
	☐ <i>Oryctolagus cuniculus</i>	Rabbit	U	2	
Macropodidae					
	☐ <i>Macropus giganteus</i>	Eastern Grey Kangaroo	P	1	
	☐ <i>Macropus parma</i>	Parma Wallaby	V	1	
	☐ <i>Macropus rufogriseus</i>	Red-necked Wallaby	P	2	
	☐ <i>Petrogale penicillata</i>	Brush-tailed Rock-wallaby	E1	2	
Molossidae					
	☐ <i>Nyctinomus australis</i>	White-striped Freetail-bat	P	2	
Muridae					
	☐ <i>Hydromys chrysogaster</i>	Water-rat	P	1	
	☐ <i>Melomys</i> sp.	Unidentified Melomys	P	1	
	☐ <i>Rattus fuscipes</i>	Bush Rat	P	8	
	☐ <i>Rattus</i> sp.	rat	P	7	
Ornithorhynchidae					
	☐ <i>Ornithorhynchus anatinus</i>	Platypus	P	5	
Peramelidae					
	☐ <i>Perameles nasuta</i>	Long-nosed Bandicoot	P	5	
Petauridae					
	☐ <i>Petaurus australis</i>	Yellow-bellied Glider	V	5	
	☐ <i>Petaurus breviceps</i>	Sugar Glider	P	25	
	☐ <i>Petaurus norfolcensis</i>	Squirrel Glider	V	1	
Phalangeridae					
	☐ <i>Trichosurus caninus</i>	Mountain Brushtail Possum	P	4	
	☐ <i>Trichosurus</i> sp.	brushtail possum	P	1	
	☐ <i>Trichosurus vulpecula</i>	Common Brushtail Possum	P	6	

Phascolarctidae					
☐	Phascolarctos cinereus	Koala	V	5	
Potoroidae					
☐	Potorous tridactylus	Long-nosed Potoroo	V	1	
Pseudocheiridae					
☐	Petauroides volans	Greater Glider	P	17	
☐	Pseudocheirus peregrinus	Common Ringtail Possum	P	1	
Pteropodidae					
☐	Pteropus poliocephalus	Grey-headed Flying-fox	V	5	
Tachyglossidae					
☐	Tachyglossus aculeatus	Short-beaked Echidna	P	5	
Vespertilionidae					
☐	Chalinolobus gouldii	Gould's Wattled Bat	P	2	
☐	Miniopterus australis	Little Bentwing-bat	V	2	
☐	Nyctophilus gouldi	Gould's Long-eared Bat	P	1	
Reptilia	Map	Scientific Name	Common Name	Legal Status	Count Info
Agamidae					
☐	Hypsilurus spinipes	Southern Forest Dragon	P	1	
☐	Physignathus lesueurii	Eastern Water Dragon	P	2	
☐	Pogona barbata	Eastern Bearded Dragon	P	1	
Boidae					
☐	Morelia spilota variegata	Carpet Python	P	2	
Chelidae					
☐	Elseya latisternum	Saw-shelled Turtle	P	1	
Colubridae					
☐	Dendrelaphis punctulata	Green Tree Snake	P	3	
Elapidae					
☐	Cacophis harriettae	White-crowned Snake	V	1	
☐	Pseudechis porphyriacus	Red-bellied Black Snake	P	9	
☐	Pseudonaja textilis	Eastern Brown Snake	P	1	
☐	Rhinoplocephalus nigrescens	Small-eyed Snake	P	1	
Pygopodidae					
☐	Lialis burtonis	Burton's Snake-lizard	P	3	
Scincidae					
☐	Anomalopus verreauxii	Three-clawed Worm-skink	P	2	

☐	Cryptoblepharus virgatus	Cream-striped Shinning-skink	P	5	
☐	Eulamprus martini	Dark Barsided Skink	P	1	
☐	Eulamprus tenuis	Bar-sided Forest-skink	P	2	
☐	Lampropholis delicata	Dark-flecked Garden Sunskink	P	7	
☐	Saiphos equalis	Yellow-bellied Three-toed Skink	P	3	
Typhlopidae					
☐	Ramphotyphlops proximus	Proximus Blind Snake	P	2	
☐	Ramphotyphlops wiedii	Brown-snouted Blind Snake	P	2	
Varanidae					
☐	Varanus varius	Lace Monitor	P	3	

Choose up to 3 species to map.

DISCLAIMER: The Atlas of New South Wales Wildlife contains data from a number of sources including government agencies, non-government organisations and private individuals. These data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Find out more about the Atlas.



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APPENDIX 2 EPBC DATA



Protected Matters Search Tool

You are here: DEH Home > EPBC Act > Search

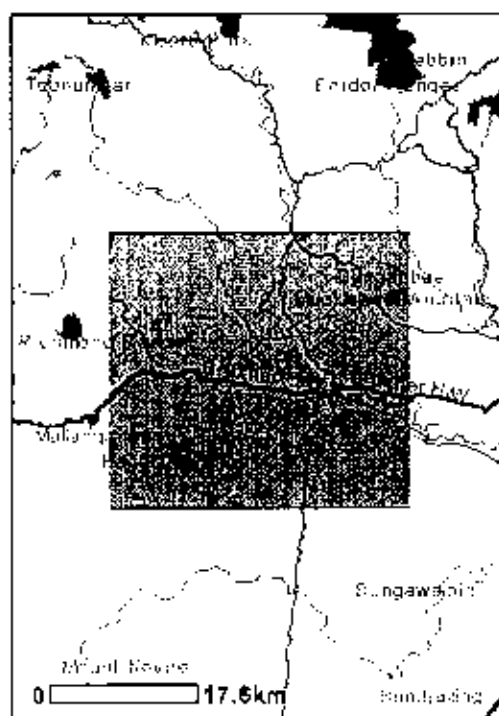
22 April 2005 10:08

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

You may wish to print this report for reference before moving to other pages or websites.

The Australian Natural Resources Atlas at <http://www.environment.gov.au/atlas> may provide further environmental information relevant to your selected area. Information about the EPBC Act including significance guidelines, forms and application process details can be found at <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>



Search Type: Area
Buffer: 10 km
Coordinates: -28.6771,152.7743, -29.0107,152.7743, -29.0107,153.1366, -28.677,153.1366



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the Administrative Guidelines on Significance - see <http://www.deh.gov.au/epbc/assessmentsapprovals/guidelines/index.html>.

World Heritage Properties:	1
National Heritage Places:	None
Wetlands of International Significance: (Ramsar Sites)	1
Commonwealth Marine Areas:	None
Threatened Ecological Communities:	None
Threatened Species:	40
Migratory Species:	10

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place and the heritage values of a place on the Register of the National Estate. Information on the new heritage laws can be found at <http://www.deh.gov.au/heritage/index.html>.

Please note that the current dataset on Commonwealth land is not complete. Further information on Commonwealth land would need to be obtained from relevant sources including Commonwealth agencies, local agencies, and land tenure maps.

A permit may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species. Information on EPBC Act permit requirements and application forms can be found at <http://www.deh.gov.au/epbc/permits/index.html>.

Commonwealth Lands:	4
Commonwealth Heritage Places:	None
Places on the RNE:	4
Listed Marine Species:	14

Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	7
Other Commonwealth Reserves:	None
Regional Forest Agreements:	1

Details

Matters of National Environmental Significance

World Heritage Properties [Dataset Information]

Central Eastern Rainforest Reserves (Focal Peak Group) NSW

Wetlands of International Significance [Dataset Information]
(Ramsar Sites)

LITTLE LLANGOTHLIN NATURE RESERV Within same catchment as Ramsar site

Threatened Species [Dataset Information]

Status

Type of Presence

Birds

Cyclopsitta diophthalma coxeni
Coxen's Fig-Parrot

Endangered Species or species habitat likely to occur within area

Lathamus discolor
Swift Parrot

Endangered Species or species habitat may occur within area

Poephila cincta cincta
Black-throated Finch (southern)

Endangered Species or species habitat likely to occur within area

Rostratula australis
Australian Painted Snipe

Vulnerable Species or species habitat may occur within area

Turnix melanogaster
Black-breasted Button-quail

Vulnerable Species or species habitat likely to occur within area

Xanthomyza phrygia
Regent Honeyeater

Endangered Species or species habitat likely to occur within area

Frogs

Mixophyes fleayi *
Fleay's Frog

Endangered Species or species habitat likely to occur within area

Mixophyes iteratus *
Southern Barred Frog, Giant Barred Frog

Endangered Species or species habitat likely to occur within area

Mammals

Chalinolobus dwyeri

Vulnerable Species or species habitat may

Large-eared Pied Bat, Large Pied Bat		occur within area
<i>Dasyurus maculatus maculatus</i> (SE mainland population)	Endangered	Species or species habitat likely to occur within area
Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)		
<i>Petrogale penicillata</i>	Vulnerable	Species or species habitat may occur within area
Brush-tailed Rock-wallaby		
<i>Potorous tridactylus tridactylus</i>	Vulnerable	Species or species habitat may occur within area
Long-nosed Potoroo (SE mainland)		
<i>Pseudomys oralis</i>	Endangered	Species or species habitat likely to occur within area
Hastings River Mouse		
<i>Pteropus poliocephalus</i>	Vulnerable	Species or species habitat likely to occur within area
Grey-headed Flying-fox		
Reptiles		
<i>Coeranoscincus reticulatus</i> *	Vulnerable	Species or species habitat may occur within area
Three-toed Snake-tooth Skink		
Plants		
<i>Arthraxon hispidus</i>	Vulnerable	Species or species habitat likely to occur within area
Hairy-joint Grass		
<i>Austromyrtus fragrantissima</i>	Endangered	Species or species habitat likely to occur within area
Scale Myrtle, Sweet Myrtle		
<i>Bosistoa selwynii</i>	Vulnerable	Species or species habitat likely to occur within area
Heart-leaved Bosistoa		
<i>Bosistoa transversa</i>	Vulnerable	Species or species habitat likely to occur within area
Three-leaved Bosistoa		
<i>Bulbophyllum globuliforme</i>	Vulnerable	Species or species habitat likely to occur within area
Miniature Moss-orchid		
<i>Clematis fawcettii</i> *	Vulnerable	Species or species habitat likely to occur within area
Stream Clematis		
<i>Corchorus cunninghamii</i>	Endangered	Species or species habitat likely to occur within area
Native Jute		
<i>Cryptostylis hunteriana</i>	Vulnerable	Species or species habitat may occur within area
Leafless Tongue-orchid		
<i>Davidsonia</i> sp. <i>Mullumbimby-Currumbin</i> Ck (A.G.Floyd 1595)	Endangered	Species or species habitat likely to occur within area
<i>Desmodium acanthopcladum</i>	Vulnerable	Species or species habitat likely to occur within area
Thorny Pea		
<i>Eucalyptus glaucina</i>	Vulnerable	Species or species habitat likely to occur within area
Slaty Red Gum		
<i>Grevillea quadricauda</i>	Vulnerable	Species or species habitat likely to occur within area
<i>Hibbertia marginata</i>	Vulnerable	Species or species habitat likely to occur within area
<i>Hicksbeachia pinnatifolia</i>	Vulnerable	Species or species habitat likely to occur within area
Monkey Nut, Bopple Nut, Red Bopple, Red Bopple Nut, Red Nut, Beef Nut, Red Apple Nut, Red Boppel Nut, Ivory Silky Oak		

<i>Macadamia tetraphylla</i> Rough-shelled Bush Nut, Macadamia Nut, Rough-shelled Macadamia, Rough-leaved Queensland Nut	Vulnerable	Species or species habitat likely to occur within area
<i>Marsdenia longiloba</i> Clear Milkvine	Vulnerable	Species or species habitat likely to occur within area
<i>Ochrosia moorei</i> Southern Ochrosia	Endangered	Species or species habitat likely to occur within area
<i>Owenia cepiodora</i> Onionwood, Bog Onion, Onion Cedar	Vulnerable	Species or species habitat likely to occur within area
<i>Persicaria elatior</i> Knotweed	Vulnerable	Species or species habitat likely to occur within area
<i>Rapanea</i> sp. <i>Richmond River</i> (J.H.Maiden & J.L.Boorman NSW 26751) Purple-leaf Muttonwood, Lismore Muttonwood	Endangered	Species or species habitat likely to occur within area
<i>Sarcophilus hartmannii</i> Waxy Sarcophilus, Blue Knob Orchid	Vulnerable	Species or species habitat likely to occur within area
<i>Sophora fraseri</i>	Vulnerable	Species or species habitat likely to occur within area
<i>Syzygium hodgkinsoniae</i> Smooth-bark Rose Apple, Red Lilly Pilly	Vulnerable	Species or species habitat likely to occur within area
<i>Tinospora tinosporoides</i> Arrow-head Vine	Vulnerable	Species or species habitat likely to occur within area
<i>Tylophora woolfsii</i>	Endangered	Species or species habitat likely to occur within area

Migratory Species [[Dataset Information](#)]

Migratory Terrestrial Species

Birds

<i>Cyclopsitta diophthalma coxeni</i> Coxen's Fig-Parrot	Migratory	Species or species habitat likely to occur within area
<i>Haliaeetus leucogaster</i> White-bellied Sea-Eagle	Migratory	Species or species habitat likely to occur within area
<i>Hirundapus caudacutus</i> White-throated Needletail	Migratory	Species or species habitat may occur within area
<i>Monarcha melanopsis</i> Black-faced Monarch	Migratory	Breeding may occur within area
<i>Monarcha trivirgatus</i> Spectacled Monarch	Migratory	Breeding likely to occur within area
<i>Myiagra cyanoleuca</i> Satin Flycatcher	Migratory	Breeding likely to occur within area
<i>Rhipidura rufifrons</i> Rufous Fantail	Migratory	Breeding may occur within area
<i>Xanthomyza phrygia</i> Regent Honeyeater	Migratory	Species or species habitat likely to occur within area

Migratory Wetland Species

Birds

<i>Gallinago hardwickii</i>	Migratory	Species or species habitat may
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Latham's Snipe, Japanese Snipe

occur within area

Rostratula benghalensis s. lat.

Migratory

Species or species habitat may
occur within area

Painted Snipe

Other Matters Protected by the EPBC Act

Listed Marine Species [Dataset Information]

Status

Type of Presence

Birds

Anseranas semipalmata

Magpie Goose

Listed -
overfly
marine
area

Species or species habitat may occur
within area

Apus pacificus

Fork-tailed Swift

Listed -
overfly
marine
area

Species or species habitat may occur
within area

Ardea alba

Great Egret, White Egret

Listed -
overfly
marine
area

Breeding likely to occur within area

Ardea ibis

Cattle Egret

Listed -
overfly
marine
area

Breeding likely to occur within area

Gallinago hardwickii

Latham's Snipe, Japanese Snipe

Listed -
overfly
marine
area

Species or species habitat may occur
within area

Haliaeetus leucogaster

White-bellied Sea-Eagle

Listed

Species or species habitat likely to
occur within area

Hirundapus caudacutus

White-throated Needletail

Listed -
overfly
marine
area

Species or species habitat may occur
within area

Lathamus discolor

Swift Parrot

Listed -
overfly
marine
area

Species or species habitat may occur
within area

Merops ornatus

Rainbow Bee-eater

Listed -
overfly
marine
area

Species or species habitat may occur
within area

Monarcha melanopsis

Black-faced Monarch

Listed -
overfly
marine
area

Breeding may occur within area

Monarcha trivirgatus

Spectacled Monarch

Listed -
overfly
marine
area

Breeding likely to occur within area

Myiagra cyanoleuca

Satin Flycatcher

Listed -
overfly
marine

Breeding likely to occur within area

Rhipidura rufifrons
Rufous Fantail

area

Listed - Breeding may occur within area
overfly
marine
area

Rostratula benghalensis s. lat.
Painted Snipe

Listed - Species or species habitat may occur
overfly within area
marine
area

Commonwealth Lands [[Dataset Information](#)]

Communications, Information Technology and
the Arts - Australian Postal Corporation

Communications, Information Technology and
the Arts - Telstra Corporation Limited

Defence

Unknown

Places on the RNE [[Dataset Information](#)]

Note that not all Indigenous sites may be listed.

Historic

Casino Post Office [NSW](#)

Dyraaba [Station and Outbuildings NSW](#)

Killarney Homestead, Including Kitchen Block And Garden [NSW](#)

Indigenous

Nimbin Rocks Area [NSW](#)

Extra Information

State and Territory Reserves [[Dataset Information](#)]

Bungabbee Nature Reserve, [NSW](#)

Bungawalbin National Park, [NSW](#)

Hogarth Range Nature Reserve, [NSW](#)

Mallanganee National Park, [NSW](#)

Mount Pikapene National Park, [NSW](#)

Mucklewee Mountain Nature Reserve, [NSW](#)

Richmond Range National Park, [NSW](#)

Regional Forest Agreements [[Dataset Information](#)]

Note that all RFA areas including those still under consideration have been included.

Upper North East NSW RFA, New South Wales

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the *Environment Protection and Biodiversity Conservation Act 1999*. It holds mapped locations of World Heritage and Register of National Estate properties, Wetlands of

International Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under "type of presence". For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Only selected species covered by the migratory and marine provisions of the Act have been mapped.

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites;
- seals which have only been mapped for breeding sites near the Australian continent.

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgments

This database has been compiled from a range of data sources. Environment Australia acknowledges the following custodians who have contributed valuable data and advice:

- New South Wales National Parks and Wildlife Service
- Department of Sustainability and Environment, Victoria
- Department of Primary Industries, Water and Environment, Tasmania
- Department of Environment and Heritage, South Australia Planning SA
- Parks and Wildlife Commission of the Northern Territory

- Environmental Protection Agency, Queensland
- Birds Australia
- Australian Bird and Bat Banding Scheme
- Australian National Wildlife Collection
- Natural history museums of Australia
- Queensland Herbarium
- National Herbarium of NSW
- Royal Botanic Gardens and National Herbarium of Victoria
- Tasmanian Herbarium
- State Herbarium of South Australia
- Northern Territory Herbarium
- Western Australian Herbarium
- Australian National Herbarium, Atherton and Canberra
- University of New England
- Other groups and individuals

ANUCLIM Version 1.8, Centre for Resource and Environmental Studies, Australian National University was used extensively for the production of draft maps of species distribution. Environment Australia is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Last updated:

Department of the Environment and Heritage
GPO Box 787 Canberra ACT 2601 Australia
Telephone: +61 (0)2 6274 1111

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APPENDIX 3

SITE ASSESSMENT METHODOLOGY

Vegetation Survey

The following tasks were completed during the specific vegetation survey:

- Designating plant communities based on the methodology set out by Walker & Hopkins (1990);
- Assigning vegetation communities to Richmond Regional Vegetation Management Plan forest types;
- Conducting searches for significant plants and plant communities (as listed by the EPBC Act and TSC Act);
- Compiling a plant species list; and
- Assessing the condition of the vegetation relative to its likely original floristic structure and composition.

Fauna Survey

A fauna habitat assessment⁵ was conducted to determine the site's habitat values. Specific searches were conducted for the following features:

- Areas with a dense understorey which are favoured by small terrestrial mammals;
- Wetlands, streams and other features of importance for aquatic and semi-aquatic fauna;
- Caves, culverts, trees containing large and small hollows and other similar structures. Such features are used as roost or nest sites by a range of species;
- Typically prominent nests of Raptors;
- Specific feed tree species (ie Forest red gum for Koalas) and signs of activity (scats, chewed seed cones etc);
- Insect and blossom producing habitats; and
- Rainforest habitats.

⁵ Habitats occupied by the various threatened species are outlined in the National Parks & Wildlife Service Threatened Species Profiles and in habitat summaries on the Wildlife Atlas. Reference was also made to a wide range of standard texts.

APPENDIX 4 SEPP 44 ASSESSMENT

1.0 Is the land within a local government area identified in Schedule 1 of the policy?

Yes. The site is situated within the Richmond Valley LGA.

2.0 Does the land contain potential Koala habitat?

Yes, the site supports the primary Koala feed tree Forest red gum (*Eucalyptus tereticornis*) and is within an area currently used by Koalas.

3.0 Do Schedule 2 species comprise greater than 15% of species in the upper and lower strata of the tree component?

Forest red gum comprises significantly less than 15% of species in the upper and lower strata of the tree component.

4.0 Is the land core Koala Habitat?

NA

5.0 Is a Plan of Management required?

There is no requirement to prepare a Koala plan of management.