EPBC Referral: Response to Commonwealth Government's RFI (Preliminary Documentation)

Williams Park Estate, 65 Williams Road Thurgoona NSW

Report prepared for:

Blueprint Planning & Development Pt Ltd

by

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1. RFI Appendix B – RFI Summary Table

Table 1: Summary of the RFI points being addressed by this document, and where the information can be found in this report or supporting documents

RFI Reference Number	Description of Information Sought	Information Provided (Y/N)	Proponent/Consultant Comments	Location in Preliminary Documentation
1.1 Impact on Sloane's Froglet	a) Estimate of national population of the Sloane's Froglet.	Y	Discussed at stakeholder meeting and information provided in this report.	**Section 3** – this report
1.2 Cumulative impact from local development	b) Analysis of the cumulative impact on Sloane's Froglet of this and other known developments in the Albury-Thurgoona area.	Y	Discussed at stakeholder meeting and information provided in this report.	**Section 4** – this report
1.3 Impact of Cats	Assess the impact from cats on Regent Honeyeater and Sloane's Froglet.	Y	Discussed at stakeholder meeting and information provided in this report.	**Sections 5** and **8.4** – this report
2. Offsets (Sloanes Froglet)	a) Calculate quantum of impact on Sloane's Froglet habitat using the EPBC Offset Assessment Guide.	Y	Completed using EPBC policy and spreadsheet	**Section 6** – this report
	b) Demonstrate that proposed offset area(s) meet: - Offset obligations using EPBC guide. - requirements of EPBC Act Environmental Offsets Policy.	Y	Completed using EPBC policy and spreadsheet	**Section 6** – this report
	c) Include offset calculation spreadsheet in preliminary documentation.	Y	Included in Section 5, and two appendices.	**Section 6** – Offsets summarised in this report **Appendix 14.2 –** spreadsheet **Appendix 14.4** – justification of figures used in calculator
3.1 Management Plans (CEMP)	a) Provide CEMP and relevant sub-plans. Identify all measures relevant to managing potential impacts to Sloane's Froglet and Regent Honeyeater.	Y*	CEMP and some sub-plans are in development. Consent from Council is conditional on these plans being finalised. Impact management is outlined in detail in the project BDAR.	**Section 8** – this report outlines CEMP contents (commitments) **BDAR** (in referral docs) **SWMP** (in referral docs) **Open Space Plan** (in referral docs)

RFI Reference Number	Description of Information Sought	Information Provided (Y/N)	Proponent/Consultant Comments	Location in Preliminary Documentation
3.2 Sloane's Froglet Management Plan	SFMP to include information regarding design and ongoing management across the estate, including: • Management objectives/intended outcomes. • Details of habitat areas and movement corridors being provided/constructed. • Measures to minimise impacts from humans (e.g. speed limits, barriers, street lighting, signage etc.). • Monitoring program. • Triggers and actions to achieve intended outcomes.	Y*	SFMP is in development. Consent is conditional on Council and DCCEEW approval of this plan.	**Section 8.3** – this report outlines key components of SFMP.
3.3 Cat Containment Plan	Identify proposed measures to minimise impact on Regent Honeyeater and Sloane's Froglet from predation by cats.		Information included in this report. Discussed at stakeholder meeting and Council happy to incorporate on title agreements and local laws enforcement activities.	**Section 8.4** – this report
4. Statutory Documents	a) Demonstrate that the proposed action will not be inconsistent with relevant Recovery Plans and Threat Abatement Plans.		Discussed at stakeholder meeting. Council and NSW DCCEEW sign-off indicated their consent.	**Section 9** – this report
	b) Demonstrate that the assessment of impacts and mitigation measures has had regard to the relevant Conservation Advice.		Discussed at stakeholder meeting. Council and NSW DCCEEW sign-off indicated their consent.	**Section 9** – this report
5. Ecologically Sustainable Development	Describe how the proposed action meets the principles of ecologically sustainable development (as defined in section 3A of the EPBC Act).		Information included in this report. Some aspects discussed as part of stakeholder meeting.	**Section 10** – this report
6. Economic and Social Impacts	Provide details of economic and social impacts of the proposed action, including: • Projected economic costs and benefits.		Information included in this report. Some aspects discussed as part of stakeholder meeting. Council suggests much of this detail is available in the	**Section 11** – this report

RFI Reference Number	Description of Information Sought	Information Provided (Y/N)	Proponent/Consultant Comments	Location in Preliminary Documentation
	• Employment opportunities to be generated through each development phase. • Benefits to the wider community. • Impacts on food security, food miles, or potential displaced infrastructure. • Potential for conflict with existing local uses, including the Defence Department's Wirlinga Storage Ammunition Depot.		Thurgoona Link Road EPBC referral and project documentation.	

* Some documents in development or to be produced (prior to construction) as a condition of development approval

2. Introduction

The Proponent is proposing a housing subdivision development for the property located at 65 Williams Road Thurgoona, NSW. The site was assessed as part of a Test of Significance (ToS) (in 2021-2023) and a Biodiversity Development Assessment Report (BDAR) between 2023 and 2025, both of which were made available to the Commonwealth (and the public) via the EPBC Act referral submission process. The BDAR is a comprehensive report that gives due consideration to the potential environmental impacts from the proposed development, determines the likely impacts for threatened species and communities, and where required, proposes avoidance and mitigation actions to reduce these impacts, as well as appropriate species and/or ecosystem offsets to compensate for losses where avoidance and mitigation is unable to protect against all potential impacts.

The BDAR assessed the potential for significant impacts to be incurred by all significant matters (under the Commonwealth EPBC Act and the NSW BC Act) deemed to be present or likely to be present on the development site. That is, whether they be present/resident, or just likely to be regular visitors to the site. It was determined (via a Commonwealth Government Significant Impact Criteria Assessment) that there was potential for a significant impact to be made to the local population of Sloane's Froglet (*Crinia sloanei*) because of the development construction and the ongoing operation of the area as a housing estate. It was on this basis that a referral was made to the Commonwealth Environment Minister to determine if the development was a 'controlled action' and would therefore require further consideration prior to granting development approval.

The Sloane's Froglet is listed as Endangered under the EPBC Act and was first listed nationally in July 2019. The listing stemmed from Dr Alexandra Knight's PhD work on the species, and was supported by further assessment into the species' status and its vulnerability to extinction via the standard public consultation and assessment process, which was overseen by the Threatened Species Scientific Committee (TSSC) (Knight 2015). Prior to its national listing, Sloane's Froglet was listed as vulnerable under the NSW *Threatened Species Conservation Act 1995*. It is now listed as endangered under the *Biodiversity Conservation Act 2016* (BC Act). After its Commonwealth listing, a Conservation Advice document was developed to guide the efforts to help the species recover.

Thurgoona is known as containing the stronghold (core) population of Sloane's Froglet in Australia, and being an area that is undergoing rapid urbanisation to cater to regional growth, the potential impacts from human development are increasingly scrutinised to ensure local development needs are not met at the detriment of the species and its important Thurgoona populations, and to ensure development is not threatening the ongoing viability of the species at the local and national scales.

Although Sloane's Froglet is the primary species this report is focussing on, and was also the sole Matter of National Environmental Significance (MNES) for which the development was referred for via the EPBC Act referral, the Commonwealth's request for information (RFI) also noted that the EPBC Act listed Regent Honeyeater (*Anthochaera Phrygia*) is another MNES which needs to be addressed in the RFI response report. The Commonwealth DCCEEW's main concern is around the potential for impacts from domestic cat predation on this bird species, which is listed as Critically Endangered under the EPBC Act. Important habitat is mapped for the Regent Honeyeater along Williams Road and other bushland areas in the local and surrounding area. Despite the mapped habitat experiencing very little impact from works associated with the subdivision, indirect impacts such as cat predation was not thoroughly addressed in the BDAR, and more detail on addressing this threat is provided in this RFI response report.

Based on the information provided to the Commonwealth DCCEEW in the EPBC Act referral, the Department required additional information to allow them to make an appropriately informed decision on the impacts of the proposed development upon MNES, specifically Sloane's Froglet and Regent Honeyeater. The Department also requested further information on other issues and aspects of the development, to ensure they were fully informed. The full DCCEEW request for further information (RFI) document is available at **Appendix 1**, and the items in the RFI are addressed in this report, or by the existing or proposed supporting reports/documents, several of which are still in development (such as the CEMP and Sloane's Froglet Management Plan).

The RFI Summary Table (**Table 1**) above, also lists in order the key points that were outlined in the Commonwealth's RFI letter, and describes whether information is being provided to address the RFI issue, consultant comments (where necessary), as well as the location of the information in this report (or other supporting documentation) to assist readers to quickly access certain parts of the response. The following sections of this RFI response report addresses each of the key RFI information requirements in order, and also provided additional supporting information where required.

3. Estimate of a national population of Sloane's Froglet

The Commonwealth Government have requested an estimate be made of the population of Sloane's Froglet in Australia. However, there is no population estimate for Sloane's Froglet which has been made publicly available since the species' nomination and listing in 2019. The 2019 listing explains that records for Sloane's Froglet north of Dubbo NSW are likely to be a misidentification of other Crinia species, and that the species now appears to be restricted to a very small area around Albury (Thurgoona), Howlong and Corowa, with disjunct populations in Wangaratta, Chiltern, Lake Charm and near Cobram. Since 2000, 95% of Sloane's Froglet detections have been from the three stronghold areas in Albury-Thurgoona, Howlong and Corowa (Threatened Species Scientific Committee (TSSC) 2019). Unfortunately, the was no estimate of national population size in the species' 2019 listing or the Conservation Advice, but significant evidence is available to show that a contraction in the area of occupancy / distribution for the species has occurred in the past few decades (Threatened Species Scientific Committee (TSSC) 2019). This contraction was also confirmed verbally by subject matter expert Dr David Hunter at a stakeholder meeting in October 2025.

According to the Sloane's Froglet profile on the NSW Office of Environment & Heritage website, which was last updated on 14 October 2024, Sloane's Froglet is recorded across widely scattered sites in the floodplain areas of the Murray-Darling Basin, with the stronghold being from the Riverina and South Western Slopes bioregions in the southern parts of the basin. However, it goes on to state that it has not been recorded recently in the northern part of its range in NSW. Furthermore, in some sites where it was previously recorded in the southern areas, the frog has not been detected during more recent surveys (NSW Government 2024b). The page goes on to report that the low number of sites where the frogs exist, a tendency for low numbers of recorded individuals at sites and low detection rate from regional surveys all indicate that a "*moderately low number of individuals exist*" and that "*the apparent loss from previous recorded sites and decline in recording rates indicate it is not just a rare species, but there has been a reduction in population size and range*" (NSW Government 2024b).

According to the Sloane's Froglet TSSC determination, comparisons between *Crinia sloanei* and the similar *C. parasignifera* detection ratios have dropped from 33% *C. sloanei* (4 of 12) in the period 1977-86, down to 5% for *C. sloanei* (or only 17 of 339 detections were *C. sloanei*). This is despite no apparent increase in *C. parasignifera* numbers over that period (NSW Government & NSW Scientific Committee 2008). This gives some insight into the state of the population, regarding a seemingly measurable

declining trend in population numbers and overall reduction caused by non-detection of previous populations at a number of sites. Unfortunately, it does not provide insight into the likely former population size nor the current estimated population size for Sloane's Froglet nationally or for various stronghold populations.

It seems clear that a steep retraction in distribution has occurred in NSW and nationally. However, contemporary insights into the current population of the species, either nationally and for separate populations, is somewhat lacking, despite recent increased conservation efforts and/or improved understanding of the species following additional survey efforts. To address this population size information gap, a meeting was held between key stakeholders, including Albury City Council (ACC) environmental and planning staff, and subject matter experts from NSW DCCEEW, including Dr David Hunter and Claire Coulson. The meeting was held on 13 October 2025, and included ecologists from Red-Gum Environmental Consulting Pty Ltd (Red-Gum), subject matter experts from NSW DCCEEW, environmental and planning staff from Albury City Council, estate designers from EDM and representatives for the Albury Conservation Company. Key outcomes of discussions in terms of a population estimate for Sloane's Froglet were:

- In terms of what the national population trends are: "*There has clearly been very significant declines in Sloane's numbers of the past 30-50 years. There have been a couple of developments in the last couple years – developments that are being investigated further that may change how we think about Sloane's status nationally. Sloanes have been found much further west than we previously knew. This was a very interesting finding, and quite unusual given the number of surveys that have been done. It's a reflection of the point that until you do targeted research, you never know what you'll find*" (Dr David Hunter (DH) – NSW DCCEEW).
- "*Victoria has the majority of the known Sloane's distribution. Until we know what's going on in Victoria, it is difficult to accurately assess the national status*" (DH).
- Regarding the local population of Sloane's Froglet: "*Sloane's is inherently very dynamic and numbers fluctuate depending on rainfall patterns, and probably other things as well. It is thought that fungus is not likely to be a key issue as it is for other frogs. This inherent variability is not necessarily reflective of status and security. There are some unknowns in this area with regards to distribution along the weir and closer to the Murray. Thurgoona is going through a massive change in land use, very rapidly. What has been shown is that the Guidelines, when implemented well, is resulting in a good outcome with regards to wetlands, occupation and breeding in those areas. Ensuring management is in place to keep (augmented) wetlands in good condition is the key*" (DH).
- In terms of the Thurgoona population trends: "*We don't really know how it's all playing out to be honest. We know the wetlands work (they get populated by Sloane's Froglet post development), but time will tell. It is very difficult to answer what's the relative difference between how many Sloane's there were prior to, and after, development; but we can one-hundred percent say that there has been a substantial amount of removal of quality breeding habitat*" (DH).
- In response to whether the augmented wetlands are successful: "*The wetlands developments that were built according to the (Sloane's Froglet) wetland guidelines are relatively new. Less than 10 years old. In ten years' time after they get built, we'll know more about their long-term success*" (Nerilee Kerslake – Albury City Council, Natural Areas Team Leader).
- In terms of whether the wetland design guidelines are considered to be effective: "*We can say with high degree of confidence that if the Guidelines had not been implemented, there would have been a big reduction (in the local Sloane's Froglet population). Habitat has certainly*

reduced (due to development), and we can provide a baseline about that. It is tricky to provide a baseline on (population) numbers, which really needs to be looked at in regards to 10-year averages (due to the frog's cryptic nature). Stormwater wetland design guidelines have clearly made a difference" (DH).

- When discussing the guidelines: "*The stormwater wetland design guidelines are an evidence-based impact mitigation measure for these developments, they are in place for the very reason to minimise impacts to Sloane's Froglet*" (DH). Claire Coulson (CC) (NSW DCCEEW) expressed a willingness to discuss how the guidelines are applied for NSW developments directly with the Commonwealth DCCEEW or the EPBC Officer, as they are keen to better work together around this issue.

According to subject matter expert Dr David Hunter, and other contributors from the meeting listed above, with respect to Sloane's Froglet population trends and habitat restoration efforts, it was determined that:

- It is not possible to provide a clear estimate of the Sloane's Froglet population nationally, and difficult to provide localised population estimates.
- It is not possible to provide a clear estimate of the population in Victoria - where most of the Sloane's population is located – especially given the recent development of the discovery of Sloane's much further west (than previously known), as well as the unknowns in the distribution locally (near Thurgoona) such as near Lake Hume and along the Murray River.
- Additionally, the population is naturally very dynamic and dependent on seasons (rainfall), and potentially other issues (unlikely to be overly sensitivity to fungus, however – although this is discussed further below). This inherent variability means snapshots in time are not necessarily reflective of the species' true status and security. Long-term monitoring is required.
- Thurgoona is undergoing a very significant and rapid change in land use. This was a key factor in triggering the need to develop evidence-based stormwater wetland design guidelines. These guidelines are the main way developments are offsetting their impacts, through providing quality augmented habitats (offsets).
- Sloane's Froglet habitat has certainly reduced in Thurgoona. However, we cannot currently provide an indication on whether population numbers have also reduced along with that habitat retraction.
- Can certainly say that the Sloane's Froglet Stormwater Wetland Design Guidelines, when implemented well, are having a good outcome with regards to these areas being re-populated and Sloane's Froglets breeding in these wetlands.
- Ensuring good management is in place to keep those augmented wetlands in good condition is the key; and that if they were not implemented to the guidelines standards, there would have been a much more substantial reduction in local population numbers.
- The statutory planning process for Albury and Thurgoona has included the establishment over a long period of time of a large estate of connected environmental lands. The protection and management of these lands as key biodiversity corridors, along with the enforced application of the Sloane's Froglet Stormwater Wetland Design Guidelines for wetland construction in developments that have Sloane's Froglet or have potential habitat, have been key features for the protection of the long-term future of Sloanes Froglet locally, as well as other threatened species in the local area.
- Evidence suggests that these guideline-designed augmented wetlands are successfully creating and protecting habitat for Sloane's Froglet, with numerous examples of the species repopulating these areas and also successfully breeding in these wetlands across the region.

4. Analysis of the cumulative impact of development on Sloane's Froglet of this and other known developments in the Thurgoona-Albury area

4.1 Threats to Sloane's Froglet

The main threats to Sloane's Froglet are habitat loss through agricultural impacts, land clearing and development; habitat degradation from agriculture and urbanisation (including chemical use); changes to natural watering and flood regimes; disease (Chytrid Fungus)(discussed further below); predation by introduced species such as cats and foxes; and the combined impacts from climate change, including more and extended droughts and changes to water seasonality (NSW Government & NSW Scientific Committee 2008; Threatened Species Scientific Committee (TSSC) 2019). Plague Minnow (*Gambusia holbrooki*), which is a failed biocontrol agent for mosquito control, is specifically mentioned by Charles Sturt University as an invasive species which is posing a threat to Sloane's Froglet (Charles Sturt University 2025).

As of 2008, Chytrid Fungus (*Batrachochytrium dendrobatidis*), which is an infectious disease known to be impacting numerous frog species in Australia, had not been recorded in *C. sloanei*, but was known to infect four other Crinia species in Western Australia (cited in NSW Government & NSW Scientific Committee 2008). This lack of Chytrid cases has been more recently published (claimed) in the Threatened Species Index, which is a database of thousands of threatened species monitoring projects, with its listing for *C. sloanei* as 'Chytrid non-impacted' (Commonwealth Government 2024). However, according to the Conservation Advice for *C. sloanei*, Chytrid has been detected in Sloane's Froglet, with tests in 2011 of 14 individuals at Thurgoona and Corowa revealing that 10 were positive for the disease, which is considered a high infection rate (Threatened Species Scientific Committee (TSSC) 2019). Mortality rates from the disease are unknown, but it should be assumed that Chytrid fungus is a threat to the species until shown otherwise.

During discussions with Dr David Hunter it was suggested that Chytrid Fungus doesn't seem to be having a devastating impact on Sloane's Froglet at this stage. Nevertheless, as per the precautionary principle, there is to be significant emphasis placed on implementing best-practice Chytrid Fungus management protocols throughout the site preparation and estate construction process, and this is to be built into the development's CEMP and accompanying plans. This will ensure that all equipment and machinery arrives on site in a clean state (after being decontaminated via appropriate methods), and any machinery that has recently been working in dams, creeks, wetlands or other frog habitats is to be thoroughly hot-washed and sprayed with an appropriate decontaminate such as Phytoclean or another product registered for the treatment of Chytrid Fungus.

Additionally, during discussions with David Hunter, it was flagged that the impact of predation by cats was not known. Strategies such as cat curfews were confirmed as being important for species such as Regent Honey Eater and Squirrel Gliders, but it was suggested that it should not be highlighted as an important strategy for Sloane's Froglet. In part due to the inherent nature of frog's population to be geared toward handling a certain level of predation naturally.

4.2 Impact of local development on Sloane's Froglet in Albury-Thurgoona areas

Albury-Wodonga was earmarked as a growth area during the 1970s under the Whitlam government in a push for greater decentralisation of Australia's population. The region was also one of the potential locations for Australia's capital in the early 1900s, in recognition of its location between Melbourne and Sydney, before Canberra was selected in 1908 as the nation's capital (Commonwealth of Australia 1903). In 1972, the Albury-Wodonga Development Corporation (AWDC) was established as part of the National Growth Centre Project, to manage and develop suitable land with the aim of growing the Albury-Wodonga region to 300,000 people by the year 2000 (Pennay 2005). Although it fell short of the 1970 targets set by Gough Whitlam, the region has grown rapidly since the decentralisation policy was introduced. Since the 1970s, development of land in Albury-Wodonga has continued to grow, which is reflected by the Albury-Wodonga population growing (roughly doubling) from approximately 50-55,000 in 1970)to 97,973 at the 2021 Census, and projections for 2025 suggesting the current population to be around 101-104,000 (Albury City 2024; population.com.au 2025).

Thurgoona has been a particularly important growth corridor for the greater Albury area in the past two or three decades, as the availability of developable land in central Albury became scarcer and increasingly constrained by geographical barriers and tightening planning controls. With geographical barriers (waterways, hills and bushland areas) limiting growth to Albury's south, west and north-west, Thurgoona has been officially recognised as the key development corridor for Albury, and its planned development is supported and being guided by the 'Thurgoona-Wirlinga Precinct Structure Plan 2013' (adopted in 2012 and currently under review since 2022). The Plan acts as the blueprint that directs land use, urban design and provision of infrastructure to cater for development needs while ensuring a sustainable vision for the Thurgoona-Wirlinga area is achieved (Albury City 2025; RPS Australia East P/L 2013).

Thurgoona has been recognised as one of three Sloane's Froglet population strongholds that remain in Australia (NSW Government & NSW Scientific Committee 2008; Threatened Species Scientific Committee (TSSC) 2019). Interestingly, and likely a significant factor in the requirement for the review, the Thurgoona-Wirlinga Precinct Structure Plan makes no mention of Sloane's Froglet or how development in the area can be done in a manner that limits impacts to this endangered species. With rapid urban and industrial growth in the area, remnant wetlands and grassy migrational routes which often lie on relatively flat, developable areas are regularly impacted and either completely lost, or are being degraded, leading to habitat loss and fragmentation (separation) of previously connected habitats. However, quantification of the extent of these losses and changes is difficult to find in the relevant literature.

Conservation efforts locally (and nationally) have scaled up with the realisation of the species' threatened status, and especially since the species' endangered listing in NSW and again after its listing under the EPBC Act in 2019. Since then, considerable efforts have been made to study the habitat requirements of Sloane's Froglet, and a significant step forward was the development of the Sloane's Froglet Stormwater Wetland Design Guidelines, which provides clear guidelines about how to cater for habitat requirements in the urban planning process. As a result, developments have increasingly been encouraged (or forced via development approval processes) to adopt appropriate stormwater and grassy swale designs in new developments where Sloane's Froglet are present or where viable habitat is being impacted (Knight 2024); (Knight 2014); (Spiire 2017).

There is anecdotal evidence of success being achieved through these urban design principles, with claims that many sites are able to maintain healthy populations of the frog after developments are completed. There are also results from monitoring studies for a number of constructed wetlands (including those on the local CSU campus which hosts large populations) showing that Sloane's Froglet are actively populating these new wetlands and are completing their breeding cycles successfully (Charles Sturt University 2025). The 2019-20 Save our Species (SOS) Sloane's Froglet Report Card also declares that wetland creations in Thurgoona are producing documented frog use and that success has been achieved with creating and enhancing wetland breeding habitats for Sloane's Froglet (NSW Government 2020b). This was also confirmed verbally by Dr David Hunter.

The recent NSW Save Our Species (SOS) report card for Sloane's Froglet goes on to say that indications show that the local population at Thurgoona remains strong and is "large and relatively robust" with numerous colonies successfully breeding, and there is evidence that creating and enhancing Sloane's Froglet habitats as part of urban design and approvals processes are achieving the desired results (NSW Government 2020b). However, the methodology upon which these claims are made are lacking in the SOS and no references are provided for sources of further information. Nevertheless, the report goes on to say the "Rate of breeding habitat creation and improvement is greater than habitat loss due to urban development" (NSW Government 2020b). However again, no data, research methodology or references for a study to support this statement was provided in the report.

Given the limited information on population and effectiveness of remediation efforts, and the sometimes conflicting reports for distribution and extent of recovery for the species, to ascertain the extent of past (and planned) local development in potential Sloane's Froglet habitat areas, as well as to discuss the success of recent efforts to protect the species and provide augmented habitat through urban design processes, a meeting was arranged between Red-Gum ecologists, stakeholders, ACC representatives, and subject matter experts for Sloane's Froglet from the NSW DCCEEW. The key findings that came out of discussions in terms of answering this RFI question are summarised below (see also **Section 2**):

- "*It is very difficult to answer what the relative difference is between how many Sloane's Froglet there were there prior to and after development; but we can one-hundred percent say that there has been a substantial amount of removal of quality breeding habitat*" (DH).
- "*Thurgoona is going through a massive change in land use, very rapidly. What has been shown is that the (Sloane' Froglet Stormwater Wetland Design) Guidelines, when implemented well, is resulting in a good outcome with regards to wetlands, occupation and breeding in those areas*" (DH).
- "*We can say with high degree of confidence that if the Guidelines had not been implemented, there would have been a big reduction in population. Habitat has certainly reduced, and we can provide a baseline about that (if required). It is tricky to provide a baseline on (population) numbers, which really needs to be looked at in regard to 10-year averages. The stormwater wetland guidelines have clearly made a difference for the species*" (DH).
- "*Ensuring good management in place to keep those wetlands in good condition is the key and that if not implemented to the Guidelines (standards of designs), there would have been a much more substantial reduction in population*" (DH).
- According to NSW DCCEEW representatives, the existing network of environmental land in Albury that provides the (broader scale) connectivity between the wetland basins and the proven success of the Guidelines is worthwhile highlighting more in the (RFI) response document.

4.3 Impact being incurred by this development

As part of the BDAR assessment, according to field surveys (as well as previous surveys as part of the ToS) it is estimated that there are 50-100 adult Sloane's Froglets across the subject land (subdivision site including immediate surrounding areas, not all of which are being directly impacted). Where development is occurring, it is predicted that impacts to 10-20 mature Sloane's Froglets are possible from construction works (from works impacting dams including the loss of one dam). However, mitigation measures are proposed to significantly reduce this number, and significant additional habitat is being provided as part of the development, including the creation of four new stormwater detention basins, and a very large wetland in the far south-east part of the development (Sloane's Froglet offset site), as well as a chain-of-ponds style habitat to replace the lost east-west migrational corridor that is to be developed through the current significantly disturbed farmland. All of the habitats being constructed are to be designed with Sloane's Froglet habitat in mind, and the main wetland in the south-eastern corner of the development is being constructed to fully meet Sloane's Froglet wetland habitat requirements (fully designed according to the Guidelines).

The one dam being lost as a result of the development is a low habitat-value dam with no emergent vegetation, little surrounding vegetation, poor water quality (high turbidity and nutrient levels) and significant disturbance and soil compaction from livestock pugging. Despite this, there were Sloane's Froglets heard calling from the dam on one occasion during the winter frog surveys. The remaining dams also contained calling Sloane's Froglets, however these farm dams have low quality habitat similar to the dam being lost, with the exception of two higher quality dams, one south of Williams Road just west of the proposed link road between the southern and northern development blocks which has some emergent vegetation (Cumbungi), and the large dam just north of Williams Road, across the road from the Thurgoona Training Academy, which has a grassy swale area where overflows drain out of the dam, and numerous Sloane's Froglets were identified in there. These dams are being retained, re-shaped to suit their future use as stormwater detention basins, and built to accommodate Sloane's Froglet habitat requirements as much as possible.

To reduce the risk of impact (and loss) to Sloane's Froglet adults, all works on current farm dams will be undertaken when dams are dry or have very low water levels. The issue of translocations was raised with subject matter expert Dr David Hunter and the advice received was that these actions are not required for the conservation of Sloane's Froglet. He went on to say that "*In terms of salvaging/removing/relocating Sloane's during construction, we do not advocate/recommend this as a mitigation action, for the same reason that it isn't necessary for the conservation of Sloane's (Froglet)"* (21/10/2025, personal communication). Therefore, there are no plans to salvage or translocate frogs as part of project construction, however a contingency has been completed including mapping of suitable translocation areas, IF the Commonwealth DCCEEW suggests this plan of action is required (see **Map 2** in **Appendix 3** for protected dams for translocations). Other works in the general development area are to be undertaken outside of the Sloane's Froglet breeding season, to reduce the risk of physical impacts to migrating frogs when they are occupying grasslands and drainage lines in the development site. With these measures in place, impacts to the 10-20 mature froglets predicted to be present should be minimised significantly.

There are some impacts (loss) being made to the migrational routes of Sloane's Froglet as a result of the development. Sloane's Froglet are known to migrate widely and are not always limited by the presence of waterways or areas of native vegetation, with highly disturbed areas such as roadside drains, paddocks, crops and grassed areas also frequently used (Charles Sturt University 2025). This was shown to be the case with this development, with frogs detected in cropped paddocks well away

from dams and creeks on several occasions during their winter movement period. The development is blocking future movement of frogs along the shallow drainage lines through the main southern and northern development blocks. However, designs have made provisions to protect existing migrational routes along Williams Road (which will be a conservation reserve), and a new chain-of-ponds habitat linkage (see **Map 6** in **Appendix 3**) is being constructed to provide for migrational movements from east to west along the development's southern boundary.

4.4 Cumulative impacts from development at the local level

From a cumulative impact perspective, based on the provided information above which demonstrates the known impacts from all major developments in the Albury-Thurgoona area, in addition to predicted impacts from the Williams Road development, it is clear that Sloane's Froglet habitat, including breeding habitat and migrational movement corridors, have been lost and degraded across the local area. Importantly though, with the recognition of the increasingly threatened status of Sloane's Froglet as well as appreciation of Thurgoona as being one of three remaining strongholds for the species, far greater consideration has recently been given to development impacts upon Sloane's Froglet. Furthermore, stakeholders are increasingly including custom habitat enhancement activities as part of developments (many are a requirement of development approval), are avoiding impacts to Sloanes' breeding and foraging habitat where possible, and are providing for connectivity between habitats within and between development areas where developments are impacting known populations or areas with potential Sloane's' Froglet habitat.

Once impact avoidance and minimisation efforts for developments have been maximised to the greatest extent possible (while still providing feasible development opportunities), where impacts are unavoidable for the species, residual impacts are assessed and appropriate offsets are being established as a condition of development approval. Offsets are sometimes in the form of species credit purchases through the BOS (which effectively pay to secure Sloane's Froglet habitat elsewhere), or are established through creation of on-site or off-site offset areas (managed under an agreement or stewardship process), or there is a combination of both approaches to offset development impacts. As such, an assessment of the cumulative impacts of development upon Sloane's Froglet in the local area also must factor in the cumulative benefits from offset efforts. A full gain and loss assessment would therefore be highly complex and difficult to achieve.

Despite gains from the implementation of the Guidelines and augmented habitat construction, as well as efforts to avoid and minimise impacts to the species habitats, local planners and subject matter experts acknowledge that there have been considerable losses for Sloane's Froglet habitat (wetland breeding habitat and some connecting movement corridors/migrational habitat) in the local area over the past decade or so. Furthermore, quantifying the cumulative losses would prove difficult given the nature of intermittent development, and the relatively poor historic understanding of Sloane's Froglet habitat prior to more recent efforts to understand where these areas are situated. However, the strategic forward-planning of Council, including the development of the Thurgoona-Wirlinga Precinct Structure Plan and the establishment of the robust environmental lands network to protect connectivity for Sloane's Froglet and a number of other mobile threatened species at the local scale, has all contributed to minimising impacts to Sloane's Froglet habitat and population numbers.

5. Impact of domestic cats on Sloane's Froglet and Regent Honeyeater

At the October stakeholder meeting, Dr David Hunter suggested that the impacts of cat predation on Sloane's Froglet is not well studied, but that it may well be greater than we think. Furthermore, how much this predation does or may contribute to population regulation (or depletion) is also poorly understood. The Sloane's Froglet population (like most frog species) are geared to tolerating a certain level of predation; they are indeed a popular prey item, for snakes, cats, birds, some mammals. But answering what the significance of that predation is, especially in terms of isolating the impacts of cat predation from other predation levels, is problematic. Dr Hunter went on to say he would not emphasise cat predation as a significant risk for Sloane's Froglet, but it certainly would be for Regent Honeyeater and Squirrel Gliders, both of which we know are present in the local area, and cat curfews would be useful to help protect these species.

The original Thurgoona-Wirlinga Precinct Structure Plan 2013 (currently under review) mapped a number of biodiversity corridors (mostly E3 environmental conservation zones) in the local area, and it is these areas where roaming domestic cats pose a major threat to biodiversity. However, the plan had no specific information on cat predation, besides two brief mentions of 'pet invasion' in the potential land use conflicts section, but there was a distinct lack of information or proposed action around biodiversity loss from cat predation (Albury City 2025). The plans proposed for the Williams Park Estate includes cat ownership restrictions, with a cat curfew to be imposed via on-title covenants. More details on how this approach will work is available in **Section 6.4**, and cat containment will also feature in the forthcoming Sloane's Froglet Management Plan.

Assessing the potential impact of cat predation if no controls are put in place is challenging, however it is well-known that domestic cats do pose a significant risk, and domestic cats also become stray or 'feral' cats, especially where suburbs are peri-urban or where they border larger natural areas, which fuels the broader problem of cat predation of native fauna in Australia. The ecological impact of roaming domestic cats is still significant, even when 'feral' cats are excluded from analyses, as studies show that even well-fed domesticated cats hunt prey on occasion or regularly. For instance, a Canberra study from 1995 using radio-telemetry showed that domestic cats have potentially very large 'home ranges' where they predate, and that prey items deposited by cats at their owners' residences (which would likely be a limited part of their full predation body-count) during the 12-month study totalled 1,961 prey items for the 10 suburban and seven domestic farm cats in the study (Barratt 1995). Indeed, in another study (albeit from overseas) it was revealed that 82% of domestic cat prey items were not returned home, supporting the assumption that the figure in the Canberra study was just a small representation of the cats' actual predatory impacts on fauna in the study (Seymour 2020).

The impact of domestic cats upon Sloane's Froglet and Regent Honeyeater (and other fauna species including Squirrel Gliders and woodland bird species) is to be managed through imposing a compulsory cat curfew on the entire Williams Park Estate. A cat curfew is an environmental impact prevention measure which is imposed on residential areas to control the impact of nocturnal predation in these areas, with the intention of reducing fatalities and injuries to native fauna, especially small mammals, reptiles, amphibians and birds. There may also be associated benefits of discouraging cat ownership for some residents if a cat curfew applies to a land title. There are examples of other estates in the local area that have enforced these cat restrictions. Brooklyn fields is one local example of a housing estate that has this cat containment agreement in place. Council claims that it is currently difficult to police from a compliance perspective, but it is something Council are pushing for in all new

subdivisions, particularly in the Thurgoona-Wirlinga area in recognition of the importance of protecting environmental lands corridors.

Despite a cat curfew to be imposed, there is potential for some cat predation through the estate from accidental breaches of the cat curfew, or from instances of intentional non-compliance with the restrictions, or accidental non-compliance from insufficient knowledge among residents about the rules that are imposed. However, it is expected that compliance levels will be reasonably high as they appear to be in similar local subdivisions, and this small level of predation will be unlikely to contribute to a significant impact for Sloane's Froglet, Regent Honeyeater, Squirrel Glider, or other local fauna species that may occasionally be targeted by roaming cats. Despite the fact that there are some unknowns around the exact (quantifiable) degree of effectiveness of cat curfews, what is known is that having the curfew in place will substantially reduce the predation risks in the short, medium and long-term for local fauna and threatened species. Furthermore, introduction of the cat curfew was supported by both Council and NSW DCCEEW at the October stakeholder meeting.

6. Offset calculations (Sloane's Froglet)

6.1 Technique used for determining Sloane's Froglet habitat and offsets under the NSW BC Act

Sloane's Froglet is a species-credit-species under the Biodiversity Offset Scheme (BOS) in NSW, meaning its habitat must be mapped, assessed and offset through species credits based on the amount of habitat being impacted or lost. As part of the BDAR assessment and report, habitat for Sloane's Froglet across the proposed development area (Subject Land) was assessed as per the BAM method. According to multiple sources, including the NSW species profile, BAM-C, the BioNet Threatened Biodiversity Data Collection (TBDC), and the NSW Survey Guide for Threatened Frogs, Sloane's Froglet habitat includes farm dams, lakes, wetlands, streams/creeks, drainage lines, depressions, wet grasslands and areas which retain water or gather water after rain events, as well as disturbed areas including cleared agricultural land (NSW Government 2020a).

Targeted survey and mapping of the species polygons for Sloane's Froglet (which are essentially the areas of suitable breeding and migrational habitat) followed the methodology outlined in the 'NSW Survey Guide for Threatened Frogs'. Targeted surveys quickly detected frogs in all dams and the main drainage lines, therefore further intense survey effort was not required to the extent required by the BOS guidelines. To map habitat on site, all potential breeding habitats (dams and main creeks) were buffered by 100 metres from the top bank. For the main drainage lines in the paddocks, which is potential migrational habitat, the drainage lines were buffered by a minimum total width of 50 metres, but actual widths of drainage line buffers were more than 75 metres, which are considerably higher than those recommended by the BOS guidelines. The species polygon for Sloane's Froglet and loss areas used for offset calculations are available in **Appendix 3.**

As a result of habitat mapping and overlay of proposed development impact areas (total impact area is 59 hectares), there were 3 species credits for Sloane's Froglet required to offset the direct breeding habitat losses (from 0.19 hectares of dam loss). Because the vast majority of the Subject Land (development area) contained no native vegetation, BAM-C cannot calculate losses for these areas, and prescribed impacts (via the BAM Method) were used to calculate additional credits for the impacts to migrational habitat, which was effectively where development intersected the buffer areas (species

polygon) around the shallow drainage lines which run through the property and the areas around breeding habitat (dams and creeks). In total, of the 59 hectares of impact area, 31 hectares of the area intersected the species polygon (migrational habitat was being impacted or lost). To offset this, an additional two (2) breeding species credits and five (5) (connectivity) species credits were recommended for offsetting these losses. Therefore the BDAR recommended a total of nine (9) species credits for Sloane's Froglet to offset the proposed losses.

It was since raised at the stakeholder meeting by NSW DCCEEW representatives that species credits for Sloane's Froglet are deemed unnecessary, and that the wetland design processes being undertaken using the Guidelines is considered more than sufficient to offset the Sloane's Froglet losses, especially with the other efforts being made to provide Sloane's Froglet habitat in the stormwater basins (retention of 150mm of water during breeding season) and along the chain of ponds linkages, as well as the avoidance and impact minimisation actions being included in the CEMP. The EPBC Contact Officer also suggested that this approach would likely be satisfactory for offsetting the impacts being made for Sloane's Froglet breeding and migrational habitat, but that maps should be supplied to clearly indicate where these areas are located in the development. Nevertheless, efforts have been made below to put the wetland offset through the EPBC offset calculator, to illustrate the extent to which impacts are being offset by the augmented wetland construction.

In addressing the Commonwealth's RFI requests, project mapping was revisited to help determine the appropriateness of impact assessment and offset recommendations that were in the BDAR. After mapping of the development footprint area (total of 59 hectares), mapping of Sloane's Froglet habitat areas in the Subject Land (45.6 hectares), and mapping of where development impact areas overlap with mapped Sloane's Froglet habitat, it was revealed that 31.2 hectares of mapped Sloane's Froglet habitat (mapped species polygons) is being impacted/lost. However, the BDAR and the NSW systems that calculate the offset requirement only recommended two (2) species credits for breeding habitat. An additional seven (7) species credits were added to the offset obligation via prescribed impacts assessment, to account for the inability of the NSW system to account for losses where habitat is not mapped as a vegetation zone (does not contain native vegetation and is thus not a PCT).

It is important to note that the BDAR offset calculations did not factor in the on-site augmented habitats (wetland and basins) being provided via creation of new breeding habitat (new wetland and six stormwater basins) and new migrational habitat, via creation of the east-west chain-of-ponds style habitat linkage which runs along the southern side linking the three dams just west of the development to the main and very large Sloane's Froglet wetland in the south-east corner of the estate footprint (which is being fully designed to meet Sloane's Froglet habitat requirements). The offsets in the BDAR were purely for habitat losses being incurred by the development. The Commonwealth's RFI has requested that offset calculations be developed using EPBC Act guidelines and policies (see below), and the provision of augmented habitat (the main Sloane's Froglet wetland) as an offset site will be included in this assessment, to provide an accurate assessment of losses and offsets being provided (via on-site offsets and via offset credit purchases).

6.2 Quantum of impact on Sloane's Froglet habitat using the EPBC Offset Assessment Guide

The Commonwealth's RFI requested that development impacts and proposed offsets (as recommended in the BDAR) be entered into the EPBC Act offset tool and follow the guidelines and the requirements in the EPBC Act Environmental Offsets Policy, to determine if the proposed offsets in the BDAR are appropriately compensatory for the impacts being caused by development. Like the BDAR and its underlying BAM-C system, it was soon discovered (in discussions with EPBC Act Contact Officer) that the EPBC tool was also unable to accurately calculate impacts and offset obligations due to the majority of the impact area being entirely cleared of native vegetation and significantly disturbed from a long history of agriculture, including intensive cropping.

After a meeting between Red-Gum ecologists and the EPBC Act Contact Officer on 9 September 2025, it was agreed that the EPBC Act offset tool was only appropriate to work out impacts from the dam impacts associated with the development (loss of 0.19 hectares in area) and to generate an offset obligation for those losses, as well as using the tool for the assessment of the offset likely to be achieved with the construction of the main Sloane's Froglet wetland, which is being fully designed to Sloane's Froglet habitat requirements. The figures for these calculations are available below in **Table 2**, but in summary, the offset being provided by the creation of a 2.4 hectare Sloane's Froglet wetland provides significantly more compensation (5045% of breeding habitat losses are being offset) than the small impacts being made to breeding habitat by the development.

During the meeting with EPBC Contact Officer, the difficulty in assessing development impacts to the migrational corridors (which are essentially cropped areas) was discussed, and it was agreed that in light of the EPBC offset tool's inability to calculate impacts and offsets for these areas (along the same reasons the BOS/BAM-C was also incapable), that a map or series of maps showing the post-construction connectivity and habitat features being protected and created as part of the development would be sufficient to show that impacts are being appropriately minimised and offset. **Section 6** provides these maps, which include locations of the main Sloane's Froglet offset site (main wetland) in **Figure 1**, the other new stormwater basins being created in **Figure 6**, the chain-of-ponds connectivity linkage in **Figures 3** to **5**, and how these habitats are all connected in **Figure 7**, which highlights how these features are all integrated across the development with suitable migrational habitat connecting these areas both internally and connect to the other Sloane's Froglet habitat on properties that surround the development.

6.3 Demonstration to show proposed offsets meet offset obligations and requirements of EPBC Act Environmental Offsets Policy

The BDAR proposes that two (2) species credits or Sloane's Froglet are purchased to offset the loss of the small dam in the main southern section of the estate. It also recommends an additional two (2) breeding species credits and five (5) (connectivity) species credits for offsetting losses to migrational habitat, even though new migrational habitat is being provided via the chain-of-ponds linkage, and significant efforts are being made to protect and manage other major habitat linkages through the site, especially the main corridor along Williams Road. When combined, the BDAR recommended a total of nine (9) species credits for Sloane's Froglet to offset the proposed losses. Offset obligations in the BDAR had not considered the addition of new Sloane's Froglet breeding habitat, in the form of the custom-designed 2.4 hectare Sloane's Froglet habitat in the form of the main wetland in the estate. NSW DCCEW staff and Council have since agreed that credits are not required for Sloane's Froglet impacts, in lieu of the augmented habitats being created to offset impacts to the species on site.

The dam being developed (built over) in the southern section of the development is 0.19 hectares in size, and is considered low quality breeding habitat due to the absence of aquatic vegetation, the bare margins around the dam and the heavy pugging and livestock compaction around the dam edges and adjoining areas. This loss was entered into the EPBC offset calculator to determine what offset size and quality would be required to offset this loss. The new main Sloane's Froglet wetland (2.4 hectares of wetland area) was entered as the offset for the loss of the small farm dam, with a 10-year quality improvement of five (5) points (from a start of 1 to a 10-year score of 6), a quality improvement value which is expected given the habitat construction (high quality Sloane's Froglet habitat) and remediation work planned for the site, as well as ongoing management activities to ensure it is successful and continues to function as intended. The workings of the EPBC offset calculator summary are available in **Table 2** below, **Appendix 2** has the full workings, and the justification for the figures used in the EPBC offset calculator are available in **Appendix 4**.

Table 2: Summary from the EPBC offset calculator to show offsets for the 0.19ha dam

Summary								
						Cost ($)		
	Protected matter attributes	Quantum of impact	Net present value of offset	% of impact offset	Direct offset adequate?	Direct offset ($)	Other compensatory measures ($)	Total ($)
Summary	Birth rate	0				$0.00		$0.00
	Mortality rate	0				$0.00		$0.00
	Number of individuals	0				$0.00		$0.00
	Number of features	0				$0.00		$0.00
	Condition of habitat	0				$0.00		$0.00
	Area of habitat	0.019	0.96	5045.04%	Yes	$0.00	N/A	$0.00
	Area of community	0				$0.00		$0.00
						$0.00	**$0.00**	**$0.00**

It is important to keep in mind that the offset obligation in the BDAR was calculated using the NSW BAM-C system, and has already provided the offset obligation for 9 Sloane's Froglet species credits to replace the small 0.19 ha dam being lost (breeding habitat), as well as to offset some of the connectivity impacts. These have since been deemed unnecessary by NSW approval authorities (ACC and NSW DCCEEW).

The provision of the custom-designed Sloane's Froglet wetland means adequate offsets are being provided for the impacts being caused to Sloane's Froglet, well above the requirement that was determined via the BAM-C calculator and the BOS/BDAR process. To ensure the wetland offset site is effective, the SFMP will outline the ongoing management commitments to ensure the wetland and the surrounding environs continue to function effectively, including a monitoring program to track Sloane's Froglet re-population and ongoing use of the wetland. Furthermore, the impacts in the R1 land have already been offset through the Albury City Council biocertification process as part of the land zoning process, so providing a further offset on this land is adding to the total biodiversity offset values being included as part of the overall development.

7. Wetland and chain of ponds designs

In the RFI, the Commonwealth asked for more detail around the designs and locations of the stormwater wetlands and habitat connections for Sloane's Froglet, above what was provided in the BDAR. The estate's Stormwater Management Plan (SWMP) has been developed and signed off already under the Development Application by Albury City Council, and the designs and SWMP were supplied as part of the original EPBC Act referral submission. It was, however, discovered that the subdivision designs (EDM 2025) were missing a number of pages after they were reduced in size to enable upload onto the EPBC Portal. The full designs have since been sent to the EPBC Act Contact Officer (sent 10/9/2025). A summary of the stormwater assets in the proposed estate are also provided in the figures below to clearly illustrate where these assets are being located.

The location map and cross-section drawings for the main wetland (Sloane's Froglet wetland offset) are provided below in **Figures 1** and **2**. This wetland is being designed to fully adhere to Sloane's Froglet habitat requirements (Guidelines) and will undergo ongoing management to maintain its effectiveness. The location and layout of the chain-of-ponds Sloane's Froglet habitat connection is provided in **Figures 3, 4** and **5**. The other six stormwater detention basins are being designed to achieve stormwater detention in key areas for each development stage, and although not being specifically designed to Sloane's Froglet habitat standards, they will maintain breeding habitat (in the two existing dams), and where the five new stormwater basins are being constructed, they will provide new breeding habitat for Sloane's Froglet by maintaining 150 mm of water during the breeding season, while achieving their main stormwater detention objectives. The locations of the wetland, stormwater detention basins and chain of ponds linkage are available in the catchment plan at **Figure 6**.

All six of the stormwater basins and the wetland are also connected to movement corridor areas (**Figure 7**), the most significant of which is the east-west conservation reserve along Williams Road, and the east-west chain-of-ponds linkage to be constructed along the southern boundary of the estate, and their locations are provided in **Figure 6**. Migrational movements are also available to Sloane's Froglet along the western, northern and eastern boundaries through existing routes beyond the development. The basins and habitat connections provide migrational movement opportunities for Sloane's Froglet to move between the large dams along the western boundary, through the estate's internal connectivity linkages (especially Williams Road and the chain-of-ponds linkage) to the internal detention basins, and through to the main new Sloane's Froglet wetland in the south, with connections

also available to adjoining properties in all directions from the development, and to the major migrational habitats located along Eight Mile Creek to the east, and Seven Mile Creek to the south.

It is important to note that the future Thurgoona Link Road, which has also recently gone through Commonwealth EPBC Act referral and approvals, includes Sloane's Froglet friendly features, including sloped gutters on road verges to allow free migrational movements between the Williams Park Estate and the large movement corridor along Seven Mile Creek to the south of the link road. The road landscaping will also include the Froglet's preferred style of grassy swale design, with minimal additions of trees, facilitating provision of suitable substrate for the species to complete the important migrational movements that form a key part of its lifecycle. These areas, like the augmented habitats and reserves in the Williams Park Estate, will also be managed by Council on a permanent basis with the protection of Sloane's Froglet in mind (i.e. no mowing between March and November).

With the above factors being considered, the proposed housing estate designs have incorporated numerous efforts throughout the iterative and ongoing design process to try to minimise the impacts to MNES to the greatest extent possible, while still providing for a viable residential housing development, and has also factored in mitigation measures and management requirements into the design and construction process (via the CEMP and other supporting documentation) to ensure that MNES and other environmental and biodiversity issues are given due consideration in the planning and development process. Furthermore, the estate designs, BDAR, CEMP and SFMP have or will all receive sign off from approval authorities (Council and NSW DCCEEW), and will be evidence of their satisfaction with the impact avoidance and minimisation measures being proposed.

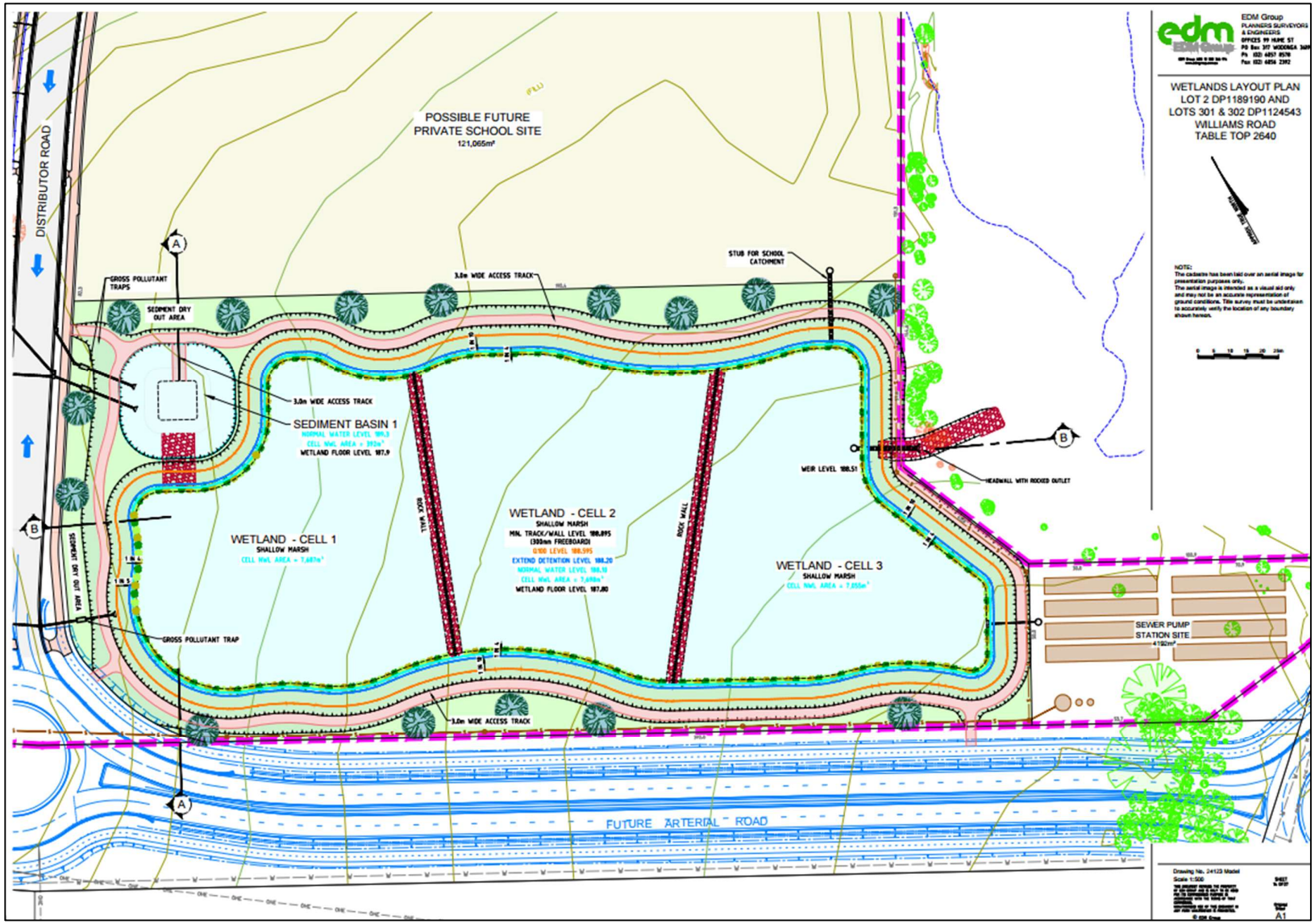

Figure 1: The main Sloane's Froglet wetland being constructed to Sloane's Froglet habitat requirements (Source: EDM SWMP 2025)

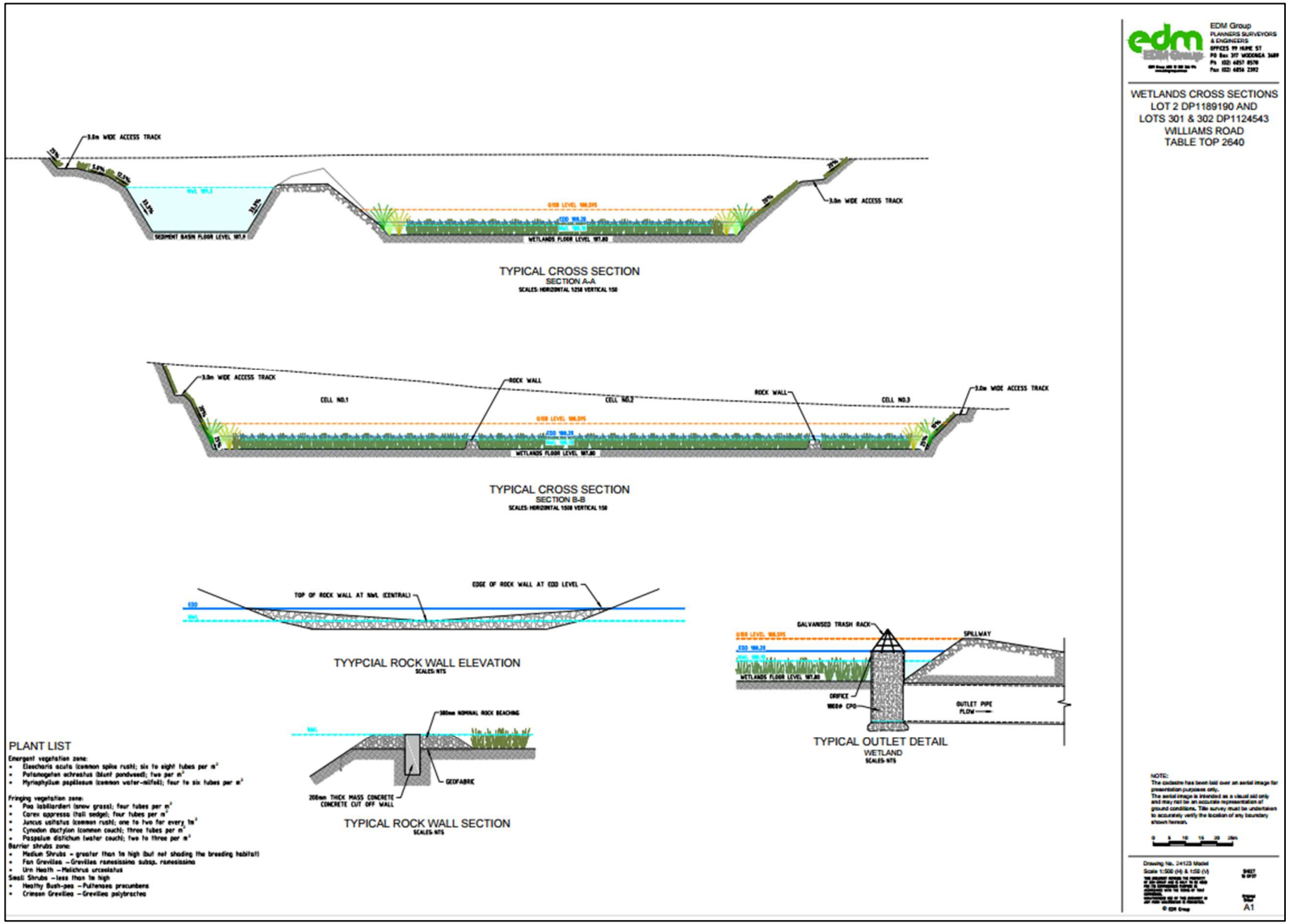

Figure 2: Typical cross-sections of the main Sloane's Froglet Wetland (Source: EDM SWMP 2025)

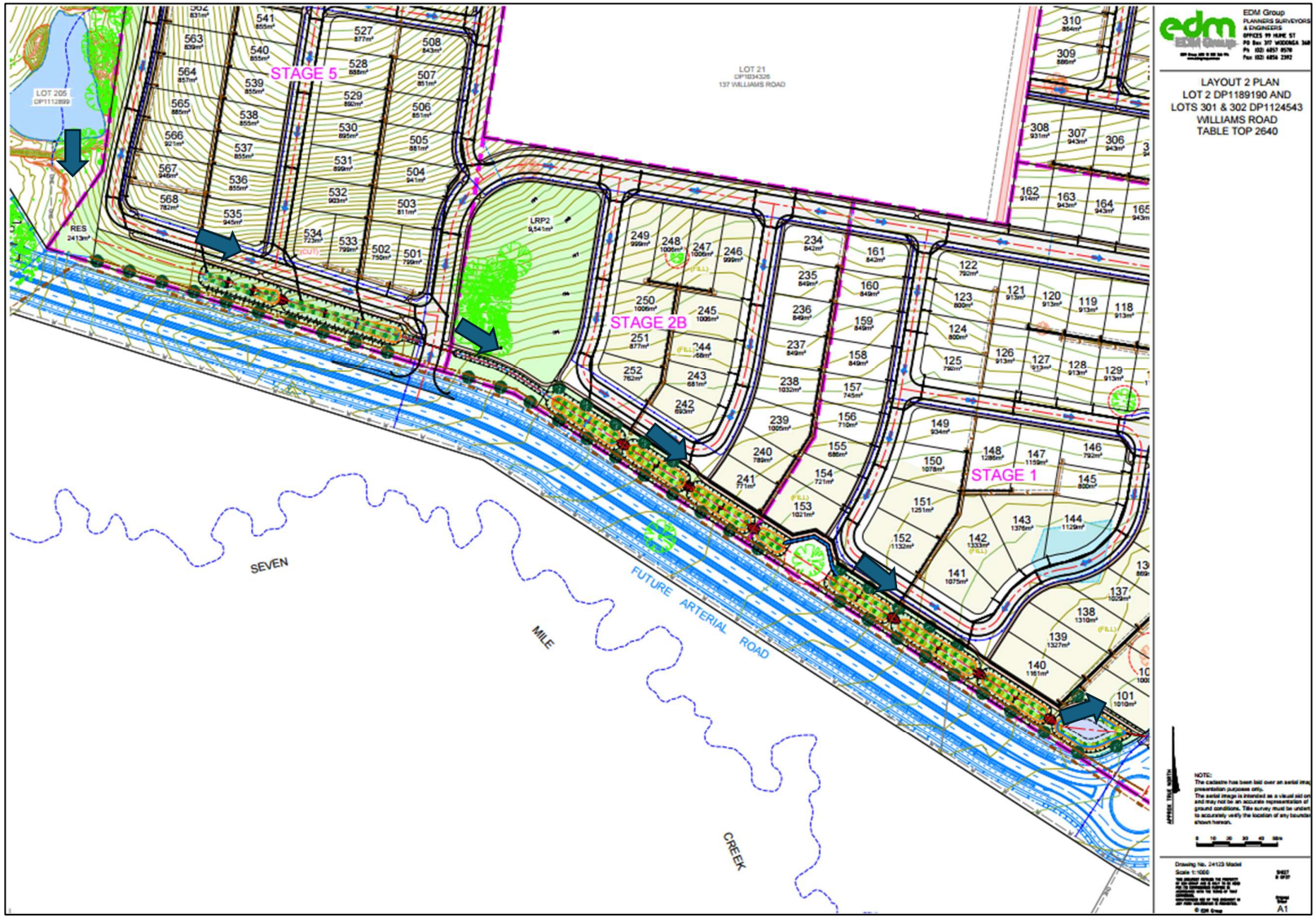

Figure 3: Chain of ponds location along the southern boundary, linking existing dams to new main wetland (Source: EDM Designs 2025)

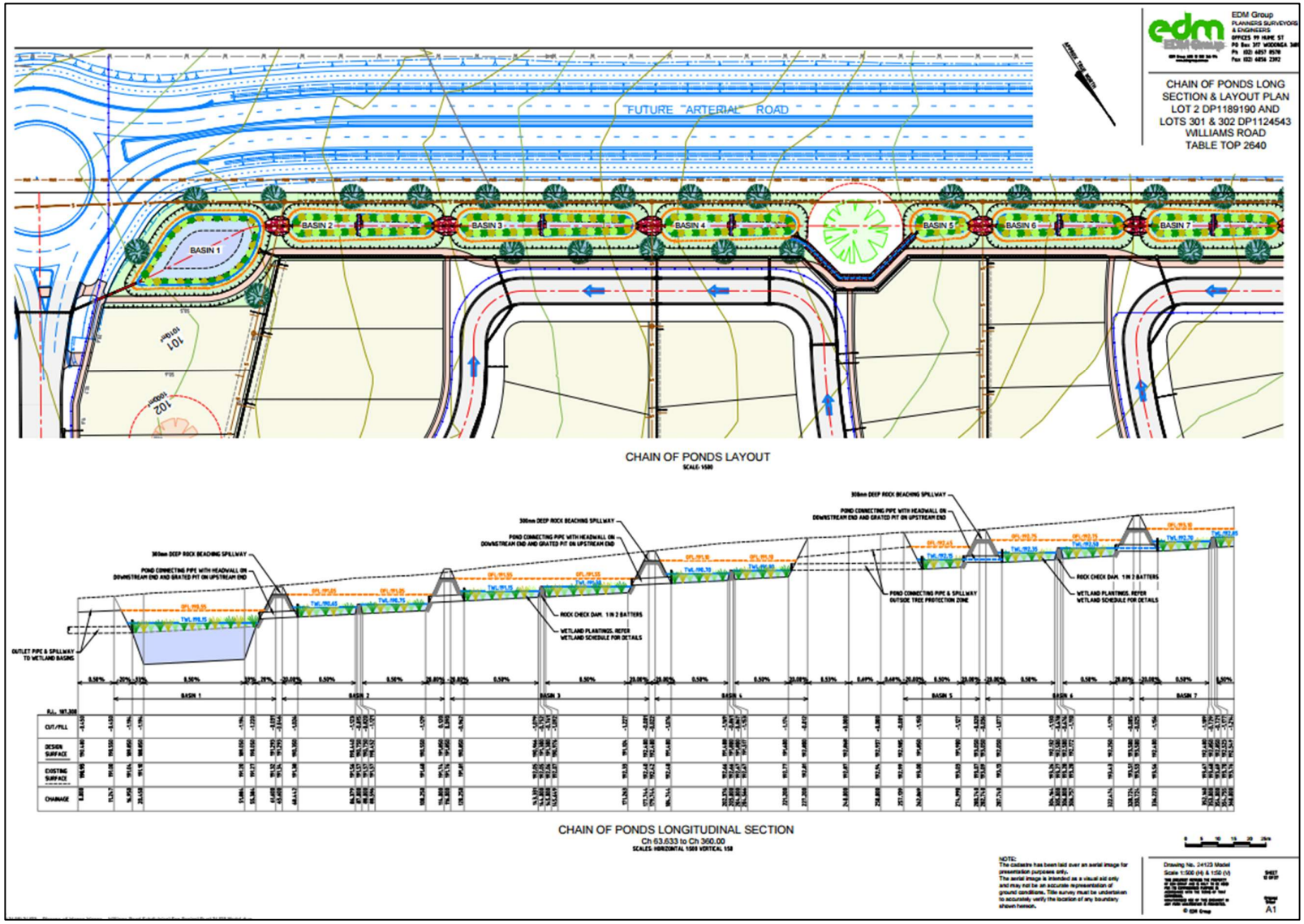

Figure 4: Chain of ponds layout – East section, with cross-section drawings below (Source: EDM Designs 2025)

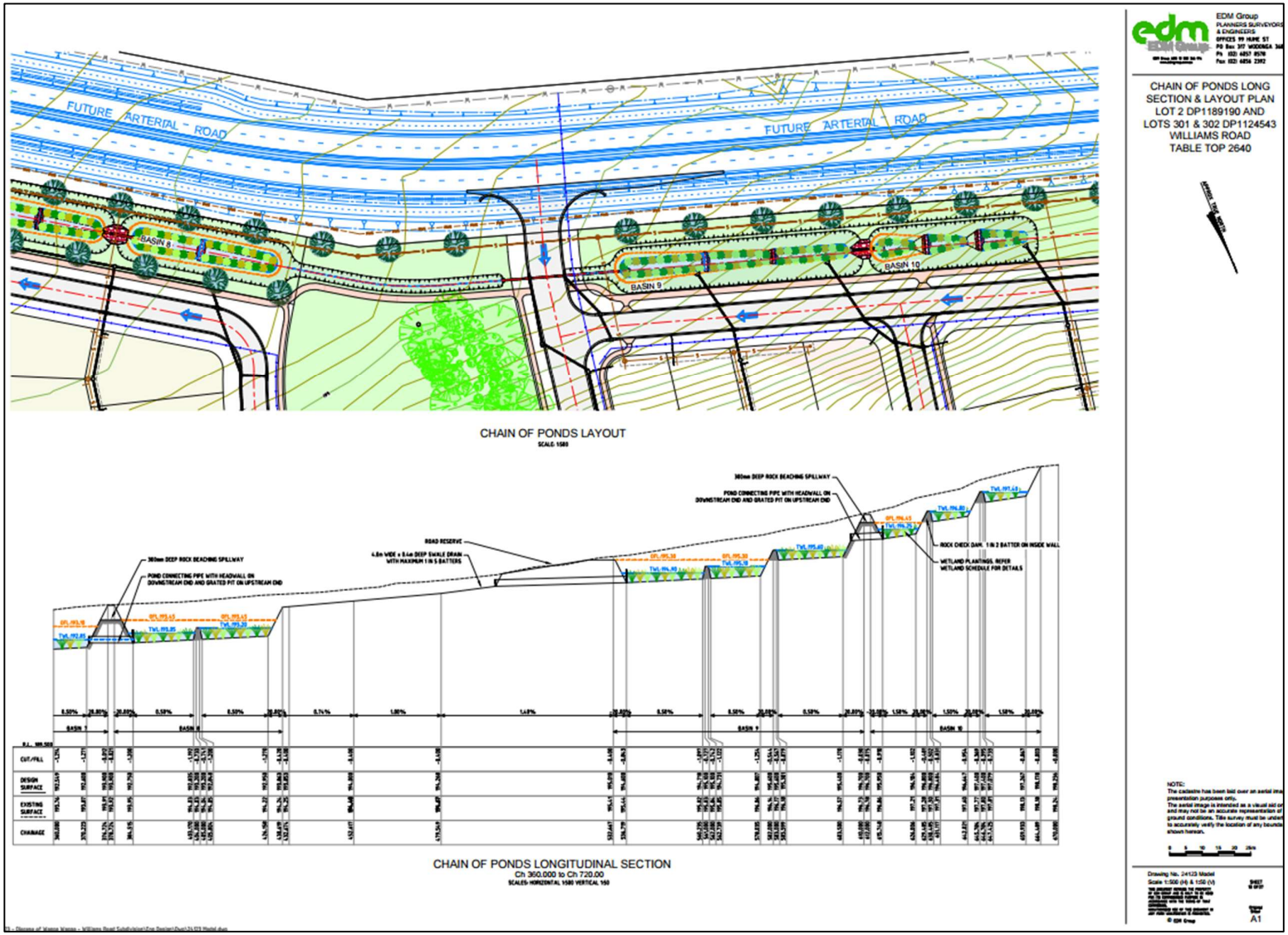

Figure 5: Chain of ponds layout – West section, with cross-section drawings below (Source: EDM Designs 2025)

Figure 6: Catchment plan (post development) showing locations of 6 stormwater detention basins and wetland (red polygons) (Source: EDM Designs 2025)

Figure 7: Sloane's Froglet connectivity corridors (pink arrows) to enable ongoing migrational movements post construction

8. Management Plans

8.1 Construction Environment Management Plan (CEMP)

As is standard with large developments like housing subdivisions, a CEMP is being created and embedded into the development processes to guide construction and rehabilitation works, and will contain all the standard development risk mitigation measures, as well as a number of mitigation measures and controls that are specific to this project, and in particular, are specifically designed to reduce the risk of impact to threatened species and communities. The approval of the development is conditional on the final CEMP being approved by the relevant authorities, including Albury City Council and NSW DCCEEW. **Table 3** below shows the key contents of the CEMP which the client will be committing to as a condition of development approval, and describes how the CEMP components act to reduce the potential impacts from the development, including impacts that affect MNES.

Table 3: CEMP contents and how measures are working to mitigate development impacts

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
Removal of / impacts to native vegetation	Total impact on native vegetation is low, with the vast majority of the site containing no native vegetation. Minor lopping is permissible in designated impact areas, to ensure access to the work site is safe. Work in tree TPZ areas must be avoided, and no laydowns or fill is to be located in these TPZ areas or in areas of retained native vegetation. Construction vehicles must remain within the mapped impact areas.	Duration of works	Yes – minimise impacts to tree-dwelling MNES
	All tree trimming is to be in accordance with the *Australian Standard AS4373 Pruning of amenity trees.* Efforts need to be made to minimise branch removal to only those that are absolutely necessary.	Duration of works	Yes – minimise impacts to tree-dwelling MNES
	All construction and development works near retained trees must abide by the *Australian Standard AS 4970-2009 Protection of trees on development sites*. Strictly no impacts to tree SRZ and minimal impacts to tree TPZ areas.	Duration of works	Yes – minimise impacts to tree-dwelling MNES
	Pre-clearing and clearing supervision should be carried out by a suitably qualified ecologist to minimise harm to wildlife, with a suitable unexpected flora and fauna discovery procedure to be put in place.	Duration of works	Yes – minimise impacts to tree-dwelling MNES
	Large trees being removed should be offered to ACC for placement into adjoining conservation areas for ground habitat, or offered to NSW Fisheries for their snag replacement programs.	Duration of works	Yes – provide ground and/or instream habitat for MNES
	Vegetation removal will be undertaken in accordance with best practice, such as Guide 4: Clearing of vegetation and removal of bush rock of the *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011).	Duration of works	Yes – minimise impacts to tree-dwelling MNES
	Native vegetation will be re-established in accordance with best practice, such as Guide 3: Re-establishment of native vegetation of the *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011).	Duration of works	Yes – enhance habitat that may benefit MNES
	The unexpected species find procedure is to be followed under best practice, such as *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011) if threatened species or ecological communities, not assessed in the biodiversity assessment, are identified in the project site.	Duration of works	Yes – Procedure in place to protect unforeseen MNES

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	Clearing limits and exclusion zones (no-go areas) are to be clearly identified on maps and on the ground prior to work within/adjacent to the study area.	Duration of works	Yes – Protects Sloane's Froglet habitat and MNES from development encroachment
	A Flora and Fauna Management Plan (may be embedded in CEMP) will be prepared in accordance with Roads and Maritime's *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011) and implemented as part of the CEMP. It will include, but not be limited to: • Plans showing areas to be cleared and areas to be protected, including exclusion zones, protected habitat features and revegetation areas. • Requirements set out in the *Landscape Guideline* (RTA 2008). • Pre-clearing survey requirements. • Procedures for unexpected threatened species finds and fauna handling. • Procedures addressing relevant matters specified in the policy and guidelines for fish habitat conservation and management (DPI 2013) (if applicable). • Protocols to manage weeds and pathogens.	Duration of works	Yes – Plan pulls together all impact mitigation activities that relate to MNES and flora and fauna
	Works shall be restricted to assessed (impact zone) or previously disturbed areas, and if works are required outside of the assessed area, engagement must occur with NSW DCCEEW and ACC, and the assessment may need to be revisited. Areas beyond the impact zone are to be fenced or clearly marked with paint (or other manner) and be considered no-go zones, to ensure no accidental impact occurs during construction.	Duration of works	Yes – Protects MNES from potential additional / un-assessed impacts
	Implement dust control measures where necessary to protect adjacent retained vegetation and to prevent excessive dust moving into nearby residential areas.	Duration of works	Yes – Minimises impacts for potential adjoining MNES
	Strict erosion and sediment control measures should be implemented, monitored and maintained to prevent impacts on adjacent areas, particularly following vegetation clearing and grubbing and prior to unfavourable weather events.	Duration of works	Yes – Protects Sloane's Froglet from impacts, and potentially other MNES downstream from development
Removal of threatened species habitat	With mitigations in place, impacts to threatened species and their habitats are expected to be minimal. However, the following measures are required: • If Regent Honeyeater, Swift Parrot, Gang-gang Cockatoos, Diamond Firetail, Brown Tree-creeper, Dusky Wood-swallow, Speckled Warbler, Purple-crowned Lorikeet, Little Lorikeet, Little Eagle, Barking Owl, Scarlet Robin or Flame Robin are observed on site, works must halt within 200m until the species has moved on from the area, or if breeding, until fledglings have left the nest. • If other suspected threatened species are encountered, works must halt within 200 metres of the detection and contact must be made with the project environmental consultant before works resume.	Duration of works	Yes – Measures in place to reduce risk to threatened species identified in BDAR likelihood assessment, and other potential MNES

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	All trees and shrubs being impacted must be inspected to be free of bird nests. If nests are found, an ecologist must attend the site to inspect the nests and take appropriate action.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	Workers must be familiar with the appearance of Pink-tailed Worm-lizard. If found or suspected to be present during excavations, work must immediately halt, and an ecologist must attend the site to confirm the species' presence. If confirmed, contact must be made with State and/or Commonwealth authorities to determine the required actions, and actions are to be implemented PRIOR to any work resuming.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	Habitat removal will be undertaken in accordance with best practice, such as Guide 4: Clearing of vegetation and removal of bush rock of the *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects.*	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	Habitat will be replaced or re-instated in accordance with best practice, such as Guide 5: Re-use of woody debris and bush rock and Guide 8: Nest boxes contained in the *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011).	Duration of works and rehabilitation stages	Yes – Rehabilitation will use MNES appropriate species aligned to local PCTs.
	The unexpected species find procedure is to be followed under *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011) if threatened fauna, not assessed/identified in the biodiversity assessment, are identified in the project site.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	The main Sloane's Froglet wetland is to be constructed strictly to Sloane's Froglet habitat requirements and is to be monitored and maintained to ensure it meets its intended stormwater and frog habitat objectives.	Duration of works and ongoing	Yes - Measures in place to reduce risk of impact to Sloane's Froglet
	The impact from the loss of low quality migrational pathways (drainage lines in paddocks) are to be replaced by an appropriately designed chain-of-ponds habitat linkage which is to be monitored and maintained for the benefit of Sloane's Froglet.	Duration of works and ongoing	Yes - Measures in place to reduce risk of impact to Sloane's Froglet
	Plantings around the wetland are to use species appropriate for Sloane's Froglet habitat areas, ensuring adequate grassy areas and ensure that sufficient treeless / shrub less areas are provided.	Duration of works and ongoing	Yes - Measures in place to reduce risk of impact to Sloane's Froglet
	The landscaping and street tree planting plans are to include PCT appropriate species and street trees are to focus on provision of suitable nectar-producing trees (feed trees) for Regent Honeyeater.	Duration of works and ongoing	Yes - Measures in place to reduce risk of impact to MNES
Cultural heritage detection or damage (non-Aboriginal)	All relevant staff and contractors should be made aware of their statutory obligations for heritage under the *NPW Act* and the *Heritage Act 1977*, during site induction.	Duration of works	Yes – In place to protect heritage, some of which may be MNES
	In the event that any unanticipated archaeological deposits are identified within the site during construction, works within the vicinity of the find would cease immediately. An archaeologist must be contacted to assess the find. If it is determined to be a relic under the *Heritage Act 1977*, further investigation may be required.	Duration of works	Yes – In place to protect heritage, some of which may be MNES

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
Aboriginal cultural heritage detection or damage	All on-site personnel are to be made aware of their obligations under the *National Parks and Wildlife Act 1974*. This includes protection of Aboriginal sites and the reporting of any new Aboriginal, or suspected Aboriginal, heritage sites. This may be done through an onsite induction or other suitable format.	Duration of works	Yes – In place to protect heritage, some of which may be MNES
	In the unlikely event that Aboriginal or suspected Aboriginal archaeological material is uncovered during the development, then works in that area are to stop and the area cordoned off. The project manager is to contact the heritage consultant to make an assessment as to whether the material is classed as Aboriginal object/s under the National Parks and Wildlife Act and advise on the required management and mitigation measures. Works are not to re-commence in the cordoned off area until heritage clearance has been given and/or the required management and mitigation measures have been implemented.	Duration of works	Yes – In place to protect heritage, some of which may be MNES
	In the unlikely event that human remains, or suspected human remains are uncovered during the development, then works in that area are to stop and the area cordoned off. The project manager is to contact the NSW Police to establish whether the area is a crime scene. If it is not a crime scene, then Heritage NSW is to be notified via the Environment Line on 131555 and management measures are to be devised in consultation with Aboriginal stakeholders. Works are not to recommence in the area until the management measures have been implemented.	Duration of works	Yes – In place to protect heritage, some of which may be MNES
Waterway / Aquatic impacts	Nearby aquatic habitat will be protected in accordance with Guide 10: Aquatic habitats and riparian zones of the *Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects* (RTA 2011) and Section 3.3.2 *Standard precautions and mitigation measures of the policy and guidelines for fish habitat conservation and management*; Update 2013 (DPI (Fisheries NSW) 2013).	Duration of works	Yes - Measures in place to reduce risk of impact to Sloane's Froglet and other MNES downstream
	A SWMP has been prepared (and been approved) and will be implemented as part of the CEMP. The SWMP identifies all reasonably foreseeable risks relating to soil erosion and water pollution and describes how these risks will be addressed during construction.	Duration of works	Yes - Measures in place to reduce risk of impact to Sloane's Froglet and other MNES downstream
	A site specific Erosion and Sediment Control Plan/s will be prepared and implemented as part of the SWMP. The Plan will include arrangements for managing wet weather events, including monitoring of potential high risk events (such as storms) and specific controls and follow-up measures to be applied in the event of wet weather.	Duration of works	Yes - Measures in place to reduce risk of impact to Sloane's Froglet and other MNES downstream
	An emergency spill kit is to be kept on site at all times. All staff are to be made aware of the location of the spill kit and trained in its use. If an incident (e.g. spill) occurs, the emergency spill procedure is to be followed and the Project Manager notified as soon as practicable.	Duration of works	Yes - Measures in place to reduce risk of impact to Sloane's Froglet and other MNES downstream
	All erosion and sediment control devices shall be properly maintained for the duration of the work. All structures are to be inspected after rain events and sediment to be removed when the capacity has been reduced by 50% or more.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	Any temporary stockpiles should be stabilised using sediment fencing or similar, be placed away from waterways (and high in the sub-catchment to allow containment downhill before flows enter waterways) and be placed in areas that do not contain native vegetation.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	Do not discharge water or wastewater to stormwater, watercourses or drainage channels.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	All construction vehicles and equipment are to be maintained in designated hardstand areas away from vegetation and watercourses.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	All disturbed areas would be restored as soon as practicable post construction.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	Refuelling of machinery to be undertaken in a dedicated hardstand area within the construction compound, and must be appropriately protected as outlined in the spill management plan.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	Fuels, lubricants and chemicals, including drilling fluids, shall be stored and, where practicable, handled within containment facilities such as bunded areas designed to prevent the release of spilled substances to the environment and must be capable of storing 120% of the volume of material stored there.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	Bunded areas are to be at least 50 metres from any waterway or drainage line.	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
	All concrete washout water and solids are to be collected and retained in leak proof containers and disposed of in accordance with the *Waste Classification Guideline 2014* (NSW EPA, 2014).	Duration of works	Yes - Measures in place to reduce risk of impact to MNES
Groundwater dependent ecosystems	Interruptions to water flows associated with groundwater dependent ecosystems will be minimised through detailed design and strategic placement of stormwater basins.	Design phase	Yes - Measures in place to reduce risk of impact to Sloane's Froglet and other MNES
Changes to site hydrology	Changes to existing surface water flows will be minimised through detailed design. These will not include any significant changes to current hydrology on site.	Design phase	Yes – designs have factored in MNES into basin sizes and locations
	Purposeful design and placement of stormwater basins ensure that existing drainage lines are maintained, but stormwater contributions to these existing channels in peak flows do not contribute to a flood risk that is greater than the pre-development flood risk. Basins are to be adequately maintained to ensure they function as intended on an ongoing basis.	During works and in perpetuity	Yes – designs, construction and maintenance have factored in MNES requirements
Fragmentation of remaining habitat	Connectivity measures to address any unforeseen impacts will be implemented in accordance with the *Wildlife Connectivity Guidelines for Road Projects* (RMS in prep).	Duration of works	Yes – Enhancement to corridors will reduce risks for MNES
	Chain-of-ponds linkage to be created in early stages of development to provide Sloane's Froglet with a safe migrational route through the development		Yes – Directly reducing the potential for impact to Sloane's Froglet

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	Any additional connectivity measures implemented will be designed and installed under the supervision of an experienced ecologist, or in discussion with subject matter experts in the case of Sloane's Froglet works.	Duration of works	Yes – Enhancement to corridors will reduce risks for MNES
	Impacts to Williams Road corridor have been minimised by design, and impact areas must strictly remain within those areas designated as impact areas in the BDAR.	Duration of works and ongoing	Yes – Controls in place to reduce risks for MNES, including Regent Honeyeater and Squirrel Glider
	Traffic must be slowed where it passes through (across) the Williams Road corridor via installation of signage and road furniture, to minimise the risks for fauna in the area.	Duration of works and ongoing	Yes – Controls in place to reduce risks for fauna, including MNES
Edge effects of adjacent vegetation and habitat	Exclusion zones will be set up at the limit of clearing (for no-go zones) in accordance with best practice, such as the Guide 2: Exclusion zones of the *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011).	Duration of works	Yes – Controls in place to reduce risks for flora and fauna, including MNES
	Weed control efforts to be undertaken across the site bit with added emphasis at the edges of works areas, including monitoring for infestations in the short to medium term, to reduce the spread of weeds from earthworks areas into adjoining farmland or bushland areas.	Duration of works and perimeter monitoring extending for 3 years post works	Yes – Controls in place to reduce risks for flora and fauna, including MNES
	Enhancement planting to be undertaken in reserves to reduce the impacts of edge effects and to increase resilience and biodiversity levels.	Duration of works	Yes – Controls in place to reduce risks for flora and fauna, including MNES
Entrapment, injury and mortality of fauna	Unforeseen fauna impacts will be managed in accordance with best practice, such as Guide 9: Fauna handling of the *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011)	Duration of works	Yes – Controls in place to reduce risks for fauna, including MNES
	All significant trees (greater than saplings) must undergo pre-clearance checks (nest and hollow checks) and have an ecologist or wildlife handler present during felling to ensure any fauna are appropriately handled before and after felling.	Duration of works	Yes – Controls in place to reduce risks for fauna, including MNES
	Where large tree clearing is required, implementation of two stage clearing process is to occur to allow fauna to disperse from habitat voluntarily; inspection of hollows by experienced ecologist/fauna spotter/catcher prior to and after clearing of trees/limbs/suckers to safely remove and relocate any injured /displaced fauna.	Duration of works	Yes – Controls in place to reduce risks for fauna, including MNES
	Excavations are not to be left open for an extended period wherever possible. If required, barriers must be erected around the excavations to reduce the risk of fauna being trapped in excavations. All deep excavations must be monitored regularly (at least twice a day) to ensure fauna have not been trapped or injured.	Duration of works	Yes – Controls in place to reduce risks for fauna, including MNES
	There are no works to occur during the Sloane's Froglet peak breeding and migration season (winter). If works are to occur, they must not be broadscale earthworks and the areas being worked must be inspected for froglets by a qualified person prior to works starting in that area.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet
	Works to be completed during low flows or when dams are dry, where possible. Where water exists, pre-clearance checks and translocations are NOT deemed required by	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	NSW DCCEEW. Translocation areas have been mapped, however, as a contingency for whether the Commonwealth requires this in wet areas. See aquatic impacts for further fauna protection requirements		and other aquatic species
Invasion and spread of weeds	Weed species will be managed in accordance with best practice, such as Guide 6: Weed management of the *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011)	Duration of works	Yes – Controls in place to reduce risks MNES
	To prevent the spread of weed seed, all weed material or soils from a site infested with a high-risk weed species that is removed will be disposed of in a suitable waste facility and not mulched on site. This is to avoid the reintroduction and further spread of weeds in the area.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Machinery will be decontaminated following best practice hygiene protocols prior to being brought onto site to prevent the spread of weed seed, pathogens and fungi. Hygiene protocols will be undertaken in accordance with the requirements of best practice, such as the Roads and Maritime *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011).	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet and MNES
	Monitoring of the development site will be undertaken and any high threat weeds (including ALL declared noxious weeds) will be treated with an appropriate technique prior to the weeds flowering and seeding.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Mechanical treatments are to be prioritised, but in the event of chemical treatments being required, control must be undertaken by appropriately qualified persons only, chemicals must be applied strictly according to label and SDS requirements, and frog-friendly options MUST be used. Caution must be observed when spraying or applying chemicals in proximity to waterways and drainage lines.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet and MNES
Invasion and spread of pests	Pest species will be monitored and managed as required within the project site.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet and MNES
Invasion and spread of pathogens / disease	Pathogens will be managed in accordance with best practice, such as Guide 2: Exclusion zones of the *Biodiversity Guidelines: Protecting and Managing Biodiversity on RTA Projects* (RTA 2011), and the Commonwealth's Threat Abatement Plan for infection of amphibians with Chytrid Fungus resulting in Chytridiomycosis (2016).	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet and MNES
	All vehicles to arrive on site clean, with no visible contaminants and appropriate equipment is required in vehicles or on site to perform decontamination processes.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Machinery and vehicles that have previously worked in frog habitat (creeks, dams, wetlands etc) must be hot-washed and decontaminated with an appropriate disinfectant to prevent the introduction of Chytrid Fungus.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet and other amphibians
Pollution, erosion and sedimentation	Erosion and sediment control measures will be established prior to works and will be maintained and regularly inspected (particularly following rainfall events) to ensure their ongoing functionality until the works are complete and areas are rehabilitated and stabilised.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet and MNES
	The contractor will use dust suppression techniques as required to minimise dust during construction.	Duration of works	Yes – Controls in place to reduce risks for MNES

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	Trucks must be covered during the transport of soil material to or from the site.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Vehicles and machinery would be properly maintained and routinely inspected to minimise the risk of fuel/oil leaks.	Duration of works	Yes – Controls in place to reduce risks for MNES
	All fuels, chemicals and hazardous liquids would be stored, and re-fuelling of plant and equipment shall be undertaken in a suitably bunded/contained area away from drainage lines.	Duration of works	Yes – Controls in place to reduce risks for MNES
	A spill kit will be kept on site and staff trained in its use.	Duration of works	Yes – Controls in place to reduce risks for MNES
	All concrete pouring and casting activities shall be undertaken in a suitably constructed (contained) area of the site and shall be supervised by competent staff at all times. Dedicated facilities for storage of waste concrete (in liquid, slurry or solid form) shall be maintained on site and wash out of concrete delivery vehicles at the site shall not be permitted.	Duration of works	Yes – Controls in place to reduce risks for MNES
	In the event any material is imported to the site, it shall be clean and free of contaminants.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Testing as per the *Waste Classification Guidelines* (NSW EPA, 2014) or a relevant resource recovery exemption as prescribed by NSW EPA would be required where material is proposed to be removed from site.	Duration of works	No
	In the event of a pollution incident, works would cease in the immediate vicinity and the Contractor would immediately notify the Project Manager.	Duration of works	Yes – Controls in place to reduce risks for MNES
Water quality impacts	The SWMP includes design and mitigation measures to ensure stormwater flows do not negatively impact water quality on or below the development site. The Erosion and Sediment Control Plan will also contain key mitigation measures to reduce the impact of the development on local water quality.	Duration of works and ongoing	Yes – Measures in place to reduce impacts for Sloane's Froglet and other potential MNES downstream
	Baseline water quality tests are not considered necessary according to subject matter expert Dr David Hunter (NSW DCCEEW). However, water quality investigations will be triggered in the event that population monitoring detects any new stormwater basins (or wetland) that do not have Sloane's Froglet present after two episodes of monitoring. Negative impacts are to be investigated and remediated as early as possible.	Duration of works and ongoing	Yes – Measures are being put in place to provide a safeguard for Sloane's Froglet, and will benefit other MNES downstream
Noise and vibration	Works are to be undertaken during standard construction hours: ○ 7:00am to 6:00pm Monday to Friday; ○ 8:00am to 1:00pm Saturday; and No construction works on Sunday or public holidays.	Duration of works	No
	No works during Sloane's Froglet peek breeding season	Winter	Yes – reduce mortality risks for breeding/ migrating frogs
	Undertake notification to potentially affected receivers (within 140m) of potential works in advance of works, providing contact details and project information including timing of works.	Duration of works	No

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	Where practicable, ensure noisy plant/machinery are not working simultaneously in close proximity to sensitive receivers, including near biodiversity areas/corridors.	Duration of works	Yes – Controls in place to reduce risks for MNES
	No over-revving. All plant should be shut down when not in use. Plant to be parked/started at farthest practical point from biodiversity areas and adjoining / neighbouring residences.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Avoid queuing. Where queuing is required, for example due to safety reasons, engines are to be switched off to reduce their overall noise impacts on receivers	Duration of works	No
	Minimisation of UHF radio use in open cab vehicles/equipment	Duration of works	No
	Avoidance of yelling across site	Duration of works	No
	Avoidance of metallic impact noise	Duration of works	No
	All plant are to utilise the broadband reverse alarm in lieu of the traditional 'tonal' type reverse alarm	Duration of works	No
Air quality (pollution and dust)	All construction machinery would be maintained in good working order and turned off when not in use to minimise emissions	Duration of works	Yes – Controls in place contribute to reducing climate risks for MNES
	Minimising the area of exposed soils and (where possible) sequentially stabilise cleared areas to minimise dust becoming airborne	Duration of works	Yes – Controls in place to reduce risks for MNES
	Trafficked areas are to be wet down at regular intervals, especially when winds are present, to reduce the incidence of raised dust across the site	Duration of works	Yes – Controls in place to reduce risks for MNES
	Vehicles and equipment to follow formed roads and tracks where present, when travelling through the development area, and minimise off track movements as much as possible	Duration of works	Yes – Controls in place to reduce risks for MNES
	Trucks transporting construction materials should be covered	Duration of works	Yes – Controls in place to reduce risks for MNES
	Minimising vehicle movements over dry exposed areas or unsealed surfaces	Duration of works	Yes – Controls in place to reduce risks for MNES
	Cessation of construction activities which may result in dust generation during high wind conditions	Duration of works	Yes – Controls in place to reduce risks for MNES
	Dust-generating works on a boundary near biodiversity areas or sensitive receivers must not take place when prevailing winds are travelling towards receivers	Duration of works	Yes – Controls in place to reduce risks for MNES
Light pollution	No light works are to be undertaken to ensure light pollution is controlled across the development site, for the benefit of neighbouring properties and for nocturnal fauna.	Duration of works	Yes – In place to reduce the risks of impacts to MNES, especially owls and Squirrel Glider
	Street lighting is to consider the presence of nocturnal fauna in adjoining areas, including MNES such as Squirrel Glider, and are to be positioned in a place and a manner to reduce light spill into adjoining habitat areas.	Duration of works and ongoing	Yes – In place to reduce the risks of impacts to MNES, especially owls and Squirrel Glider
Visual amenity	Works (per stage) will be completed within the shortest possible timeframe.	Duration of works	Yes – Controls in place to reduce risks for MNES

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	The site should be kept clean of general litter and tidy for the duration of works.	Duration of works	Yes – Controls in place to reduce risks for MNES
	All waste generated during the works will be removed from the work areas as soon as practicable and disposed of in reasonable manner.	Duration of works	Yes – Controls in place to reduce risks for MNES
	All work equipment and materials will be contained within the designated boundaries of the work site or works compound. The creation of stockpiles must occur in designated areas only, and in areas with no native vegetation. Vehicle parking and waste storage will be minimised.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Disturbed areas would be re-instated and stabilised progressively, minimising the exposed footprint of the works at any one time.	Duration of works	Yes – Controls in place to reduce risks for MNES
	On completion of the works, all vehicles, materials, and refuse relating to the works will be removed from the work areas.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Ongoing consultation and communication with the community regarding timing, duration and likely impacts of construction works would be undertaken to manage impacts to local residents and the community.	Duration of works	No
Traffic and site access	Work vehicles will not obstruct vehicular or pedestrian traffic on roadways, or access to private driveways or public facilities, unless absolutely necessary and only if appropriate notification has been provided to potentially affected property owners and local residents.	Duration of works	No
	The Contractor will comply with any Transport NSW/ACC requirements regarding traffic control and access.	Duration of works	No
	Appropriate signs will be erected to inform users of the disruption to pedestrian and vehicle movements on local roads and any temporary area closures if required.	Duration of works	No
	All directly affected stakeholders shall be informed about the works, their timing, and expected impacts prior to the commencement of the works.	Duration of works	No
	Parking of vehicles and storage of plant/equipment is to occur away from vegetated areas and only within the designated impact zone. Vehicles and plant/equipment are to be kept away from environmentally sensitive areas and well outside the dripline of trees.	Duration of works	Yes – Controls in place to reduce risks for MNES
	All vehicles transporting spoil would be covered and filled to or close to maximum safe capacity to minimise vehicle movements.	Duration of works	Yes – Controls in place to reduce risks for MNES
	All roads, kerbs, gutters and footpaths damaged as a result of construction are to be restored to their pre-construction condition.	Duration of works	No
	All sealed roads would be kept clean and free of dust and mud at all times. Where material is tracked onto sealed roads at any time, it would be removed immediately so that road pavements are kept safe and trafficable.	Duration of works	No
	All roads would be rehabilitated post construction to a standard equivalent to or better than the preconstruction condition.	Duration of works	No
Waste management	The CEMP includes a waste management strategy. This would include details of the type of waste material likely to be generated, and how it would be managed (including sorting, storage and disposal), materials to be recycled, as well as measures to reduce or avoid waste generation.	Duration of works	Yes – Controls in place to reduce risks for MNES

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	All waste, including excess spoil to be recycled if practicable or alternatively taken to a licensed waste disposal facility.	Duration of works	Yes – Controls in place to reduce risks for MNES
	All material proposed to be removed from the work site, for recycling or disposal or otherwise, must be waste classified in accordance with the relevant regulatory requirements.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Trucks transporting waste off site are to be covered.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Waste receptacles for recyclable and non-recyclable waste are to be provided at the construction site for personnel waste.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Routinely inspect waste management locations to ensure they are maintained, in good condition and continue to be effective.	Duration of works	Yes – Controls in place to reduce risks for MNES
	Waste material will not to be left on site once the works have been completed.	Duration of works	Yes – Controls in place to reduce risks for MNES
	EPA is to be notified immediately of any pollution incidents or harm to the environment (as defined under Part 5.7 of the *Protection of the Environment Operations Act 1997*).	Duration of works	Yes – Controls in place to reduce risks for MNES
Socio-economic impacts	Main vehicle and pedestrian entry points to be fenced and signed as a construction site, prohibiting the entry of the general public and unauthorised persons	Duration of works	No
	All excavations or steep slopes to be adequately signed and fenced or barriers provided to prevent entry to unauthorised persons.	Duration of works	No
	A Communication Plan (CP) will be implemented to help provide timely and accurate information to the community (via social media and local media outlets) during construction.	Duration of works	No
	Any traffic closure and delays would be designed to minimise impacts on the local community, freight, businesses and commercial operators using the roads.	Duration of works	No
	Local contractors, consultants and suppliers are to be utilised where possible, and an emphasis on local product and low milage supplies is to be made to benefit the local economy and reduce environmental impacts.	Duration of works	Yes – Controls in place to reduce risks for MNES
Sloane's Froglet specific mitigation measures			
Post-construction rehabilitation	Rehabilitation of wetlands and chain-of-ponds are to follow principles in the Sloane's Froglet Stormwater Wetland Design Guidelines, and will include exclusive use of native species in the appropriate areas which are preferred for the Sloane's Froglet. Adjoining areas to also feature species and structures (such as grassy swales) that are preferred by Sloane's Froglet.	Rehabilitation phase	Yes – Measures in place to reduce impacts and provide habitat for Sloane's Froglet
Chytrid Fungus introduction/spread	All machinery that are involved in works in dams, waterways or in the construction of the wetland, stormwater basins or the chain-of-ponds linkage MUST be pressure-washed with hot water and decontaminated with an appropriate disinfectant such as Phytoclean prior to arriving on site. If equipment leaves the site, the procedure must be repeated each time the equipment returns to the development site, to reduce the risks of spreading Chytrid Fungus onto or around the site.	Duration of works	Yes – Measures in place to reduce impacts and provide habitat for Sloane's Froglet

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	Machinery and vehicles that have previously worked in frog habitat (creeks, dams, wetlands etc) must be hot-washed and decontaminated with an appropriate disinfectant to prevent the introduction of Chytrid Fungus.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet and other amphibians
Loss of breeding habitat	Construction to include creation of a 2.4 hectare wetland (main Sloane's Froglet wetland) which is to be designed according to Sloane's Froglet requirements, including the species preferred grassy areas in adjoining areas and species appropriate plantings to be used, as per the guidelines, for rehabilitation and enhancement planting. Ongoing management to be implemented to maintain habitat values and effective function of the wetland system.	Works and rehabilitation phases	Yes – Controls in place to reduce risks for Sloane's Froglet
	Although the primary objective for the stormwater basins is to manage stormwater flows from estate stages, despite not being constructed strictly according to Sloane's Froglet wetland guidelines, these areas are to provide breeding habitat for Sloane's Froglet (as are all current dams), and basins are to be rehabilitated with species and in a manner that is appropriate for Sloane's Froglet, while allowing for their operation as stormwater basins.	Works and rehabilitation phases	Yes – Controls in place to reduce risks for Sloane's Froglet
Loss of migrational routes	Chain-of-ponds linkage to be created and managed in a manner that provides Sloane's Froglet with a safe migrational movement corridor along the southern part of the development.	Works and rehabilitation phases, ongoing management	Yes – Controls in place to reduce risks for Sloane's Froglet
Protection of retained habitat	Existing habitat that is being retained (Williams Road, and the proposed reserve in the south of the development) is to be managed on an ongoing basis as part of the ACC conservation area / reserve network.	Works and rehabilitation phases, ongoing management	Yes – Controls in place to reduce risks for MNES
	A community-driven approach (friends of group) to driving and undertaking monitoring and conservation activities in the estate's wetlands and conservation areas will be encouraged as the estate develops.	Rehabilitation stage and ongoing	Yes – Controls in place to reduce risks for Sloane's Froglet and other MNES
	Proponent is to undertake appropriate efforts to establish a friends of style community conservation group, to encourage ownership of the conservation goals for the local estate areas and to engage the community in ongoing conservation actions, including Sloane's Froglet population monitoring, which should also have a social benefit for local residents.	Ongoing	Yes – Controls in place to reduce risks for Sloane's Froglet and other MNES
Promote use of appropriate migration pathways post-construction	All curbing in the estate is to be angled curbing at specifications suited to Sloane's Froglet, to reduce the risk of frogs being trapped on road surfaces during their migrational movements.	Works and rehabilitation phases, ongoing management	Yes – Controls in place to reduce risks for Sloane's Froglet
	Biomass is to be effectively managed outside of Sloane's Froglet migrational periods, to ensure dedicated corridors are presented in a manner that is suitable for use by Sloane's Froglet during their migrational movements. According to Dr Hunter, mowing can occur between the start of December to the end of February, with no mowing outside of that period.	Works and rehabilitation phases, ongoing management	Yes – Controls in place to reduce risks for Sloane's Froglet
Construction related risks of mortality	No works are to be undertaken during Sloane's Froglet peek breeding season (no works in winter).	Winter	Yes – reduce mortality risks for breeding/ migrating frogs

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	If urgent works are to occur during the Sloane's Froglet peak breeding and migration season (winter), they must not be broadscale earthworks and the areas being worked must be inspected for froglets by a qualified person prior to works starting work in that area.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet
	Excavations are not to be left open for an extended period wherever possible. If required, appropriate frog-proof barriers must be erected around the excavations to reduce the risk of frogs being trapped in excavations. All deep excavations must be monitored regularly (at least twice a day) to ensure frogs have not been trapped.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet
	Works to be completed during low flows or when dams are dry, where possible.	Duration of works	Yes – Controls in place to reduce risks for Sloane's Froglet and other aquatic species
Translocation of Sloane's Froglet during basin works	Following the advice received from NSW DCCEEW subject matter expert Dr David Hunter on 21/10/2025, salvage or translocation of Sloane's Froglet is NOT required prior to works in dams or other habitat areas. A contingency has been made to map potential translocation sites to be used, only IF the Commonwealth required this action. See aquatic impacts for further fauna protection requirements	Not expected to be required based on DCCEEW advice	Relevant to Sloane's Froglet
Cat predation	A Cat Containment Plan is to be developed to ensure cat predation is limited to the greatest extent possible, including community education, monitoring of compliance, and measures to control problem cats	Ongoing	Yes – Controls in place to reduce risks for Sloane's Froglet, Regent Honeyeater and other MNES
	A cat curfew is to be enforced for all property owners (via covenant) within the estate, ensuring cats are not permitted to roam between sunset and sunrise.	Ongoing	Yes – Controls in place to reduce risks for Sloane's Froglet, Regent Honeyeater and other MNES
Dog predation	Signage is to be erected to notify residents of the requirement to keep dogs on leads in the estate's open spaces, and that off-leash activity is limited to only those areas in the community with designated off-leash areas.	Ongoing	Yes – Controls in place to reduce risks for Sloane's Froglet, Regent Honeyeater and other MNES
Vehicle strikes	All road curbing in the estate is to be angled curbing at specifications suited to Sloane's Froglet, to reduce the risk of frogs being trapped on road surfaces during their migrational movements.	Works and rehabilitation phases, ongoing management	Yes – Controls in place to reduce risks for Sloane's Froglet
Pollution of waterways	A water quality monitoring program (for Sloane's Froglet sites) has been deemed to be not required by Dr David Hunter. However, water quality will be tracked as part of the CEMP to ensure no issues are created for water quality during construction. Monitoring will also be tracking frog numbers in each of the wetland / basins (during breeding seasons) and along the chain-of-ponds linkage. Monitoring will include baseline data, and data triggers that will indicate if water quality or population issues are being experienced. Further testing of water may be required if any frog habitats are found to not be populated two years after construction.	Works and rehabilitation phases, ongoing management	Yes – Controls in place to reduce risks for Sloane's Froglet
	The Erosion and Sediment control plan will be enacted to reduce the risks of pollution to waterways.	Works and rehabilitation stages	Yes – Controls in place to reduce risks for Sloane's Froglet

Impact / Risk	CEMP mitigation measures	Timing / duration	Relevant to Sloane's Froglet / MNES
	Pollution traps are to be installed as part of the estate design and stormwater management infrastructure to reduce the contribution of waste and bulky pollutants from entering waterways. Traps are to be maintained on a permanent basis.	Works and rehabilitation phases, ongoing management	Yes – Controls in place to reduce risks for Sloane's Froglet and other MNES
	See other CEMP pollution controls listed under the 'pollution, erosion and sedimentation', 'water quality impacts', 'waste management' and waterway / aquatic impacts' sections.	Various	Yes – Controls in place to reduce risks for Sloane's Froglet and other MNES
Regent Honeyeater specific mitigation measures			
Native vegetation (tree) impacts	Designs have reduced impacts to mature trees in C3 areas to the extent no mature trees are being removed. Impacts in these areas must strictly adhere to designated (mapped) impact areas, protect all mature trees, and the TPZ areas of nearby trees should be avoided as much as possible.	Works and rehabilitation stages	Yes – Controls in place to reduce risks for Regent Honeyeater and other MNES
	All significant trees (greater than saplings) must undergo pre-clearance checks (nest and hollow checks) and have an ecologist or wildlife handler present during felling to ensure any fauna are appropriately handled before and after felling.	Duration of works	Yes – Controls in place to reduce risks for fauna, including Regent Honeyeater and other MNES
Post-construction rehabilitation	Enhancement planting to be undertaken to increase diversity within existing and new conservation areas, with species to include those from local PCTs, including species that have been lost from the local area, such as Silver Banksia (Banksia marginata).	Works and rehabilitation phases, ongoing management	Yes – Controls in place to reduce risks for Regent Honeyeater and other MNES
Cat predation	See above Sloane's Froglet section.	Ongoing	Yes – Controls in place to reduce risks for Regent Honeyeater and other MNES
Protection of retained habitat	Conservation areas are to be added to the ACC conservation estate, and thereby be managed in a manner that is appropriate for the objectives of the areas as conservation areas in perpetuity.	Ongoing	Yes – Controls in place to reduce risks for Regent Honeyeater and other MNES
	Proponent is to undertake appropriate efforts to establish a friends of style community conservation group, to encourage ownership of the conservation goals for the local estate areas and to engage the community in ongoing conservation actions, which should also have a social benefit for local residents.	Ongoing	Yes – Controls in place to reduce risks for Regent Honeyeater and other MNES
Street tree suitability	The street tree plan will focus on the provision of a diverse range of suitable nectar-producing feed trees for Regent Honeyeater, with species to be locally indigenous where possible, or native to other areas within the species' habitat range. Species for consideration are to include a focus on Mugga Ironbark (*Eucalyptus sideroxylon*), with other gums such as Blakey's Red-gum (*E. blakelyi*), White Box (*E. albens*) and Spotted Gum (*Corymbia maculata*), Red Bloodwood (*C. gumminfera*), Smooth-barked Apple (*Angophora costata*), and large shrubs such as Weeping Myall (*Acacia pendula*) which has proved successful in other local developments, as well as Silver Banksia (*Banksia marginata*) and strong-flowering shrubs/bottle-brush/tea-trees (such as Grevillea, Callistemon, Leptospermum and Hakea species).	Works and rehabilitation stages	Yes – Controls in place to provide year-round feeding habitat and thus reduce risks for Regent Honeyeater

8.2 Plans and Sub-plans

The project's core designs, plans and sub-plans which sit under or alongside the project CEMP, and are either already completed or will be completed and in place to support the development prior to construction starting, include the following:

- Stormwater Management Plan (SWMP) – Completed and approved by Council.
- Flora and Fauna Management Plan (FFMP) – To be included in project CEMP (in development)
- Erosion and Sediment Management Plan (ESMP) – To be included in project CEMP (in development)
- Sloane's Froglet Management Plan (SFMP) - In development
- Cat Containment Plan (CCP) - To be included in the SFMP (in development)
- Open Space (including street tree planting) Plan (OSP) – Completed and approved by Council.
- Communications Plan (CP) – To be include in project CEMP (in development)

8.3 Sloane's Froglet Management Plan (SFMP)

A Sloane's Froglet Management Plan (SFMP) is in development, and like the CEMP, the proponent understands final project approval is conditional upon the approval of this plan by the statutory approval authorities (Council and NSW DCCEEW). Consultation is in progress to ensure that key stakeholders are involved in the development of the SFMP content and the overall mitigation measures being applied on the development site are accepted by the authorities. The SFMP will bring together all aspects of the development which relate to Sloane's Froglet, including detail on the habitat (population) monitoring programs to track the success of the proposed wetland offset site and other detention basins, and to ensure development impact mitigation actions are operating effectively. The proposed content of the SFMP, which is being committed to by the proponent and will be a condition of development approval once signed off by authorities, is described in the sub-sections below.

8.3.1 SFMP management objectives

SFMP is a condition of development consent, which aims to protect the local population of Sloane's Froglet from development impacts, provide relevant detail for construction of new habitats to offset lost breeding and migrational habitat areas, and outlines an adaptive management approach to ensure the management actions are operating effectively, including provision for ongoing monitoring (frog populations) to track the success of the plan, and to make important alterations to plan contents or processes as new data indicates changes are required. To meet these aims, the objectives of the management plan are to:

1. Provide and secure high-quality breeding and foraging habitat for Sloane's Froglet at the main project wetland, which is to be constructed according to best-practice habitat guidelines for Sloane's Froglet, and is sufficient to meet development consent and offset obligations.

2. Provide suitable breeding habitat at all six stormwater basins, with as much Sloane's Froglet habitat and design principles followed as is practicable while still achieving the required stormwater management outcomes at each location.

3. Avoid and minimise direct impacts to any extant populations and critical habitat features through guiding final project design and construction processes (in conjunction with the project CEMP), as well as via any short or medium term or ongoing management actions.

4. Establish long-term management actions (including responsible agencies) which address risks to Sloane's Froglet and maintain important on-ground works and maintenance activities throughout the stormwater management system and conservation reserves in perpetuity, to ensure the habitats continue to operate as intended.

5. Design and conduct long-term community-driven (if possible) monitoring of Sloane's Froglet populations (and potentially water quality) that achieves measurable ecological outcomes, which are supported by appropriate data and is underpinned by adaptive management processes to ensure any new knowledge is incorporated and actions are amended appropriately.

6. Deliver community and neighbour engagement to support on-ground success (e.g. protection of stormwater flows, cat containment rules, domestic animal exclusion from key habitat areas), including the establishment of a citizen science approach, with a Friends of Williams Park Estate movement to be established to drive conservation management agendas and to implement activities including local participation in monitoring actions.

7. Utilise existing networks and resources, including those of Charles Sturt University, Thurgoona-Woolshed Landcare Group and Albury Conservation Company, to best capitalise on past and ongoing conservation works, local conservation resources and existing funding sources or future coordinated opportunities for resourcing.

8. Ensure Albury City Council, as the land owner and future manager of the reserves and offset site are informed of the management objectives and equipped to implement the activities required to safeguard these areas in the long-term.

8.3.2 Provision of habitat for Sloane's Froglet

The proponent has committed to ensuring all stormwater basins being created (where no habitat currently exists) or re-designed (where existing dams are being reformed to perform a stormwater management role in the estate) incorporate as many Sloane's Froglet habitat features as possible, while allowing for operation and maintenance as dedicated stormwater detention basins, and that the main Sloane's Froglet wetland is fully designed according to the Sloane's Froglet Stormwater Wetland Design Guidelines (which is the case, and these designs, in the project SWMP, have already received sign-off from Council). Designs have included open space and conservation areas to act as corridors between the existing or new stormwater wetlands, ensuring Sloane's Froglet has the ability to maintain migrational movements between the different breeding habitat areas.

In addition to the new (and improved) breeding habitats being provided for Sloane's Froglet, there is also a new habitat corridor being created, referred to as the 'chain-of-ponds' habitat linkage, which will provide for the migrational movement needs of the froglets by installing a chain of breeding habitats (small ponds/wetlands) linked together from east to west by grassy swales, with appropriately designed over-road passageways where the corridor is intersected by access roads for the estate and for movement through the future Thurgoona Link Road. Designs also include no barriers that would otherwise discourage frogs from moving through the corridor and the general area (as they have historically been doing), as well as biomass controls (no close mowing) which avoid works in migrational movement seasons (no mowing from March 1 to December 1), to reduce the potential frog losses during attempts to reduce grass loads.

Complementing the physical structural designs of the breeding and migrational habitats, will be the rehabilitation component for the augmented habitat areas. All stormwater basins will be planted with species-appropriate plantings, dominated by those preferred by Sloane's Froglet (small stem semi-aquatic plants) and an intentional absence of large trees and shrubs in the majority of areas in the vicinity of basins and wetlands. Provision of adequate grassy swales in the areas around wetlands and with a focus on those areas along ideal migrational routes will ensure local frogs are able to complete key parts of their life-cycle. More detailed designs for the main stormwater wetland and chain-of-ponds habitat linkage are available in the project SWMP and are therefore not being provided in this RFI response document. However, maps to clearly indicate where these assets are being situated are provided as requested, in **Figures 1** to **7**.

Water regimes are to be managed in the main wetland and the detention basins to ensure water is available at key times during the species' breeding season (i.e. over winter). In the event of a winter drought, water will be added to the wetland system to ensure the frogs have at least their minimum water requirement to be able to complete their breeding cycle. To ensure the augmented wetland and linkage habitats are being successfully populated after construction and rehabilitation is completed, a **ten-year** monitoring program is to be undertaken, tracking frog numbers in the wetland and basins (during breeding seasons) and along the chain-of-ponds linkage to ensure frogs are using the wetland, basins and the corridors to move between breeding habitats. Monitoring will include baseline data (pre-construction), and data triggers that will indicate if population issues are being experienced (which will then trigger further investigations, including water quality tests). Discussions are currently in process with subject matter experts to ensure the monitoring program is robust and that remediation actions are appropriate if the triggers are activated. This additional detail will be provided in the SFMP (in development).

8.3.3 Impact minimisation measures

Grounded in the 2019 EPBC Conservation Advice, the OEH/NSW interim habitat guide, and the advice from subject matter experts as part of the stakeholder engagement process, impact mitigation actions that will be described in more detail in the SFMP should include:

- Matching wetland designs and watering regimes to the Sloane's Froglet's preferences wherever possible (i.e. based on the Guidelines).
- Keep sufficient grassy areas near wetlands and migration areas.
- Staged mowing of any large grassy areas to leave refuge strips during IF mowing for urgent biomass control (i.e. fire risk reduction) is required during the Sloane's Froglet breeding season (strictly no biomass control during peak migration season).
- Avoid continuous barriers and fences at ground level along known and new movement corridors.
- Keep fish out of created habitat (wetland and stormwater basins) and avoiding stocking programs or unauthorised introductions.
- Ensure water regimes are ideal, including control of extreme water flows, and ensuring not too much water remains in the system or for unseasonal periods (this tends to encourage the growth of non-preferred emergent vegetation such as Typha species).
- Introduce a compulsory cat curfew to limit predation via the Council's existing proven on-title agreement mechanisms and local laws enforcement.

- Initial management and ongoing oversight to be provided by Albury City Council, but citizen science and community monitoring to be encouraged, to drive local 'ownership' of the project in coordination with other local groups and under the oversight of Council.

8.3.4 Sloane's Froglet monitoring program

8.3.4.1 Objectives

As outlined above, the aim of the monitoring program is to ensure the development is addressing the key risks for Sloane's Froglet, ensuring habitats provided on site are suitable and operating as intended. The objectives of the 10-year monitoring program are to track and monitor the re-population of stormwater wetlands and chain-of-ponds areas after site rehabilitation is completed, as well as monitoring the longer-term occupation of these areas, with triggers for action where issues are detected via monitoring.

8.3.4.2 Sloane's Froglet monitoring methodology

Detailed methodology of the population monitoring program will be provided in the SFMP, however the final methodology will include the following features:

- Sloane's Froglet monitoring will be based upon the methodology that is already established and in use (and proven) at the nearby Charles Sturt University pondages, as recommended by Dr David Hunter.
- Baseline surveys during the peak survey period (winter) to determine population estimates at each existing waterbody (dams) prior to construction, and then at all estate stormwater basins and the main wetland post construction.
- Surveys to use call detection (listening) for male advertising calls and use to call playback methods and call recording techniques as required, with local experts to estimate numbers of adult frogs calling from each location (keeping in mind only males call). Where necessary, subject matter experts to be engaged (recordings shared) to ensure population estimates are accurate.
- Frog call monitoring to include 10 minutes of listening at each of the sites, with two periods of call playback if no calls are heard (playback to be at the 3 and 7 minute marks).
- Where Sloane's Froglet are previously recorded at a site, but not recorded during a subsequent monitoring effort, investigations must be made to determine if this is a natural absence, or if there is something in operation that is undesirable for the froglets. Water quality results must first be consulted to check for anomalies. Then follow-up surveys are to be completed to determine if froglets have returned to the site. If continued absence is recorded, more detailed investigations are required, in consultation with subject matter experts.
- In instances where froglets are not occupying any key sites, management interventions will be designed in discussion with subject matter experts to try to remedy the situation. Water quality testing will be one of the first interventions where re-population issues are flagged by population monitoring data.
- To capture monitoring data, a basic monitoring spreadsheet or interactive application (on-phone app) is to be established where data can be consistently recorded. Responsibility for storage of monitoring data and program coordination will be managed by Albury City Council and the monitoring work should be shared between Council and the friends of community group, or other local conservation group.
- In the first instance, Albury City Council will conduct monitoring. Once established, monitoring should be conducted via a citizen science-style community monitoring approach. Back-up

methods will be included to ensure that a shortfall in community capacity will be picked up by another stakeholder group (or Council) to ensure continuity of monitoring effort and project data.

8.3.4.3 Roles and responsibilities for monitoring

The ultimate responsibility for the monitoring program is initially the project Proponent, until the ownership and management of the estate's reserve and wetland areas transition across to Albury City Council, at which point the responsibilities also transition to Council. However, the long-term aim is to establish a citizen science-style community monitoring approach, to encourage community ownership of the Sloane's Froglet protection program (as well as incorporating other community-led local conservation initiatives), and encourage community participation in social engagement and local conservation efforts. If the community group are unable to meet reporting requirements for any given period, measures will be in place (i.e. via other local groups, council staff or environmental consultants) to ensure data is captured in the appropriate survey window to keep continuity of research data, and ensure monitoring commitments are maintained. Annual monitoring reports are to be produced to track progress towards program objectives and to flag any issues that become evident in the monitoring data.

8.3.4.4 Triggers to instigate remediation actions

There will be set triggers built into the monitoring program to ensure that any unexplainable changes in froglet population numbers are quickly investigated (including water quality testing as one of the first interventions). These triggers are being developed in discussion with ACC and subject matter experts from the NSW DCCEEW. Water quality issues are to be monitored using a catchment level approach via the implementation of the CEMP and its embedded pollution controls and erosion and sedimentation preventative measures. If water quality testing gets triggered after a population issue is detected, tracking the point in the sub-catchment at which the water quality issue originates (where water above the point is meeting targets, and where water below the point is triggering poor quality thresholds) should be undertaken. Once the issue source is determined, detailed investigations are to be undertaken, with recruitment of subject matter experts where necessary, to determine if water quality is impacting Sloane's Froglet re-population efforts, and to ensure water quality issues can be safely remedied.

In terms of triggers for Sloane's Froglet population monitoring, these were briefly described above. More detail will be provided in the final SFMP, but essentially they will involve a trigger to detect when Sloane's Froglet was previously recorded at a site, but then not recorded during a subsequent monitoring effort. This absence will trigger immediate investigations to determine if this is a natural absence, or if there is something in operation at that site that is undesirable for the froglets. Water quality results for the site must first be consulted to check for anomalies. Daytime checks are to search for any physical evidence of potential issues in and around the wetland (or evidence of healthy frog populations). Then follow-up night time surveys are to be completed to determine if froglets have returned to the site. If continued absence is recorded, more detailed investigations are required, in consultation with subject matter experts, and management interventions are to be applied as required.

8.3.4.5 Remediation actions and follow-up

Triggers are to be built in to the program to track whether Sloane's Froglet re-population of wetland areas are as intended. Remediation measures may include changes to the physical designs of wetlands or grassy swales to better manage sediment run-off, or community education programs to address undesirable pollutants entering the stormwater system from the estates roads and rooftop stormwater flows. In instances of wetlands that have not been populated/re-populated by Sloane's Froglet after a

suitable post-construction period (12 months, or by completion of year two's monitoring effort), more detailed investigations into the wetland's design are to be undertaken, and discussions with subject matter experts are to be held, to discuss potential issues and workable solutions (management interventions) to remedy the problem.

8.4 Cat Containment Plan

According to the *Companion Animals Act 1998* (NSW), unlike dogs, for which councils are able to enforce containment and declare off-leash or prohibited areas, cats have a general 'right to roam', and apart from powers to enforce cat microchips and prohibition of cats in some public places, the laws in NSW do not currently (at the time or writing) give powers to local councils to mandate cat curfews or compulsory cat containment laws (NSW Government 2024a). This limitation for councils to effectively enforce 24-hour or nocturnal cat curfews under current law was confirmed by the Office of Local Government, with control options limited to managing nuisance cats in limited circumstances (Campbelltown City Council 2025). Interestingly, some other jurisdictions have much more effective cat control options, such as the ACT which mandates that all new suburbs must have mandatory cat containment rules (ACT Government 2025), and the Victorian local councils with the ability to declare cat curfews or 24-hour containment rules (City of Melbourne 2019).

For NSW developers, there are no state laws around cat curfews which are legally binding under NSW planning laws or local council local laws, unlike in the jurisdictions mentioned above. The only mechanisms available to encourage cat-free, indoor only or cat curfew housing estates are via land covenants with on-title restrictions, or voluntary agreements (ABC News 2022; Nature Conservation Council 2023). As far as covenants with restrictions on title, these have some application for regulating cat movements, even where state and local laws cannot impose curfews, and these have been used effectively in the local area, such as Brooklyn Fields Estate. They operate by developers placing a covenant on a land title (for every property in an estate) prohibiting cat ownership or requiring curfew times to be adhered to, and the covenant is then passed to each buyer of the property and enforced contractually.

Another potential avenue is to achieve cat control is via the Local Environmental Plan (LEP) or Development Control Plan (DCP), where cat bans or curfew requirements are included as conditions of development consent, with DCPs reinforcing the controls through signage requirements, fence designs and/or property buyer education at the point of sale. In this case, developers must agree to embed cat controls into the project during the planning approval process. In this case, it is likely given the emphasis on cat control needs by the Commonwealth (which is essentially a development condition), that a combination of LEP/DCP control (development approval being conditional to cat curfews being applied) and on-title covenants would be an appropriate approach for enforcing the ongoing cat curfew rules.

8.4.1 Restrictions on the use of the land covenants on title

Covenants are private legal agreements which are registered on the title of land, and they place certain restrictions or conditions on how that land may be used in perpetuity. In NSW, covenants are registered under the *Conveyancing Act 1919*, with covenants created and registered with a Section 88B instrument (NSW Government 2022). When a covenant is registered on the property's title, it then runs with the land, which means every subsequent purchaser of the land will also be bound by that covenant. The difficulty is monitoring the application of these covenants (who is responsible and who

funds monitoring efforts), and enforcing the covenant in cases where breaches are detected. Local councils generally cannot enforce private covenants, with breaches usually enforced through civil action in the court system. These approaches usually require private action to address it, rather than council action.

It is proposed that Williams Park Estate will utilise on-title covenants to help control the impact of cats on local threatened species (with the approach supported by Council and NSW DCCEEW), with enforcement of a cat curfew where cats are not permitted to roam between sunset and sunrise. In this sense, cat control is an impact mitigation measure tied to threatened species protection (particularly Sloane's Froglet and Regent Honeyeater), and the estate design is to complement cat controls with other impact mitigation design features (such as signage). This approach is supported by the Wirlinga-Thurgoona Precinct Structure Plan's objectives for balancing urban growth with natural values protection through biodiversity protection safeguards. In terms of what the cat control (curfew) covenant will say, the final wording is to be determined by Council and lawyers, but will include wording along the lines of one of the Council's two current clauses:

- Standard cat containment condition: *"The site is set amongst Thurgoona's sensitive environmental lands. To reduce the potential conflict between domestic pets and protected vulnerable and endangered native species in the area, cat containment measures are required under this clause for all properties in the development. No cat is permitted to roam freely outside of their owner's respective property. Suitable containment measures are to be implemented to contain domestic cats within each property preventing cats escaping the private property of their respective owner. A Restriction on the title advising all future owners is required."*
- *"To reduce the potential conflict between domestic pets and protected vulnerable and endangered native species in the area, cat containment measures are required under this clause for all properties in the development. No cat is permitted to roam freely outside of their owner's respective property. Suitable containment measures are to be implemented to contain domestic cats within each property preventing cats escaping. Measures are to be implemented to contain domestic cats within each property preventing cats escaping the private property of their respective owner. A Restriction on the title advising all future owners is the private property of their respective owner. A Restriction on the title advising all future owners is required".*

To ensure avenues for compliance are included, Albury City Council should be named as the party whose consent is required in order to vary or release the covenant, as well as being an authority entitled to enforce the covenant restrictions. Once drafted and agreed to by Council and the developer, the covenants would be lodged as Part 2 terms of a Section 88B instrument along with the plan of subdivision. Council will then be asked to include a condition "Prior to issue of Subdivision Certificate, the applicant must register a **Restriction on the Use of Land under s88B** on all residential lots in the terms approved by Council prohibiting roaming/containing cats at set times. Council is the authority to vary, release or modify." (NSW Land Registry Services (LRS) 2025).

Appropriate emphasis needs to be given to the estate marketing material about the special on-title and compulsory conditions around cat containment (curfews), to ensure all buyers understand the rules for the estate before they decide to purchase. To complement the efforts to limit the impacts of cats, other estate features should include wetland buffers, domestic animal fencing around key reserves and wetlands, signage about animal restrictions in sensitive areas, and encouragement of community enforcement via a 'friends of' style approach to foster interest in property owner groups taking the lead on environmental monitoring and management activities in the housing estate. Existing environmental groups will also be engaged with to achieve synergy with past and planned conservation

investment and actions, including with the local Charles Sturt University, Albury Conservation Company, and the Woolshed-Thurgoona Landcare Group, using a methodology similar to that used by the Sloane's Champions Program, which is a citizen science initiative.

In terms of how enforcement will be achieved in a practical sense, the covenant will have the support of injunctive action from Council, as well as formal compliance support activities such as compliance letters and structured council procedures to undertake actions to rectify breaches. However, a major feature of the approach must be clear and upfront education and communication with property owners throughout the sales period and into the future (when properties are subsequently sold), to maintain compliance with the restrictions, which will help reduce costs that would otherwise be required for compliance actions, and to maintain goodwill between Council and the local community.

9. Statutory Documents

9.1 Is the development consistent with relevant Recovery Plans and Threat Abatement Plans

9.1.1 Sloane's Froglet statutory plans

9.1.1.1 Sloane's Froglet Conservation Advice (2019)

Other than the EPBC Act and BC Act listings as a threatened species, the key statutory document for the conservation and recovery of Sloane's Froglet is the Sloane's Froglet Conservation Advice. There is no formal recovery plan available for the species, and according to the Conservation Advice, "a recovery plan was not recommended because the existing advice already outlines the necessary conservation priorities, actions and required research, and the species only occurs within a small area, with the main focus on identifying and protecting key Sloane's Froglet populations and habitats" (Threatened Species Scientific Committee (TSSC) 2019). The key conservation actions in the Conservation Advice are:

1. Identification, maintenance and restoration of important habitats.
2. Investigate options for enhancing the resilience of the species current habitat to threats from climate change.
3. Investigate opportunities to restore and enhance areas of existing degraded habitat.
4. Develop Chytrid Fungus appropriate translocation strategies and procedures to create additional populations (*Note: Liaison with subject matter expert Dr David Hunter from NSW DCCEEW suggested salvage and translocation IS NOT REQUIRED as part of this development*).
5. Minimise the spread of Chytrid Fungus via hygiene protocols to protect priority populations, including disease identification and protocols for use in field by researchers and land managers
6. Manage priority sites to reduce habitat destruction from grazing impacts and feral species.
7. Stakeholder engagement to encourage/facilitate community participation in conservation management activities.
8. Provide advice to land managers about the risks of herbicide and biocide use in areas with threatened frogs.
9. General public education and engagement (including media) about species status and recovery efforts.
10. More dedication to studying the distribution and ecological requirements for Sloane's Froglet.
11. Design and implement a robust monitoring and reporting program for Sloane's Froglet.

12. Determine the habitat needs for establishing/maintaining viable long-term Sloane's Froglet populations.
13. Improve the investigations and understanding of how invasive/feral species are impacting on Sloane's Froglet.
14. Improve the investigations and understanding of how agricultural chemicals are impacting Sloane's Froglet.

In terms of how the proposed housing estate development aligns with the aims of the Sloane's Froglet Conservation Advice, **Table 4** below outlines which of these conservation objectives apply to the development, and where applicable, how the proposed development aligns or addresses the specific conservation objectives for Sloane's Froglet.

Table 4: How the development aligns with the Conservation Advice for Sloane's Froglet

Conservation Advice Objective	Relevant to development?	How the development aligns or addresses the conservation objective being sought
1. Identification, maintenance and restoration of important habitats	Yes	The BDAR assessment included detailed assessment of potential Sloane's Froglet habitats on site, including areas that were or are potentially used for the species' migrational movements. Offsets are being made for direct habitat losses that result from development, however the augmented habitats will provide significant offset value for the losses of current low quality habitat. The project is including provisions to ensure all wetlands (and chain-of-ponds connection) are managed appropriately to protect Sloane's Froglet. The wetland in the south-east corner is to be 100% built to Sloane's Froglet habitat standards, including provision for shallower banks, surrounding grassy areas, grassy swales, and revegetation species which are appropriate (preferred) for Sloane's Froglet habitats. Maintenance of these habitat assets is also to be ongoing, ensuring pollution and sedimentation controls are maintained, invasive species are dealt with, biomass is managed in a Sloane's Froglet friendly manner, and that water regimes in the main wetland are maintained to suit the frog's needs.
2. Investigate options for enhancing the resilience of the species current habitat to threats from climate change	No*	Although not directly the remit of the developers, the actions being taken to provide, monitor and maintain the augmented habitats as part of the development, including management of water regimes in favour of Sloane's Froglet needs, will see significant fortification of the froglet's defences against an increasingly unstable environment, including providing greater defences against the impacts of prolonged droughts in the development footprint.
3. Investigate opportunities to restore and enhance areas of existing degraded habitat	Yes	As per point one.
4. Develop Chytrid Fungus appropriate translocation strategies and	No*	Advice was sought from NSW DCCEEW. Subject matter expert Dr David Hunter suggested salvage and translocation actions were not required (not recommended) as part of this development. Contingency maps have been developed to indicate suitable

Conservation Advice Objective	Relevant to development?	How the development aligns or addresses the conservation objective being sought
procedures to create additional populations		locations for translocation of frogs from works areas, IF deemed to be required by the Commonwealth (see **Appendix 3 Map 2**). Furthermore, creating additional populations are NOT the objective of this development, which are more about protecting froglets from development impacts and maintaining them nearby, so newly created habitats can be populated after works are completed.
5. Minimise the spread of Chytrid Fungus via hygiene protocols to protect priority populations, including disease identification and protocols for use in field by researchers and land managers	Yes	Construction will follow hygiene protocols and frog habitat protection standards, which will be included in the project's CEMP. All machinery involved with the development will be hot-washed and decontaminated with an appropriate anti-fungal treatment such as Phytoclean, prior to entering the site.
6. Manage priority sites to reduce habitat destruction from grazing impacts and feral species	Yes	The development is taking action to reduce the impact of cats (curfew enforcement) and the Sloane's Froglet Management Plan being developed will also contain other measures to limit impacts from invasive/feral species, including regular monitoring for threats and control actions to restrict the spread of undesirable plants in augmented wetland habitats.
7. Stakeholder engagement to encourage / facilitate community participation in conservation management activities	Yes	As part of the development, monitoring is required to track water quality and Sloane's Froglet uptake of the new augmented habitat areas. Engagement is being made with existing environmental organisations (Charles Sturt University, Albury Conservation Company, Landcare) to encourage sharing of existing resources and knowledge. Efforts will also be made to establish a 'friends of' style approach for the estate, to educate, raise awareness and to encourage residents to participate in citizen science, with local participation in monitoring and conservation actions. The aim is to empower residents, to not only help to protect values that are being conserved, but drive other ongoing conservation measures in the estate and its local area.
8. Provide advice to land managers about the risks of herbicide and biocide use in areas with threatened frogs	Yes	See above point. Efforts are to be made to engage with and educate the local residents about the risks of using herbicides, biocides and other common garden chemicals on their properties. Water monitoring results will be shared, and the friends of group will undertake education programs (leaflets, talks from experts etc), for residents to show which chemicals are hazardous, ways to reduce reliance on chemicals, and promote selection of more frog-friendly chemicals for domestic use.
9. General public education and engagement (including media) about species status and recovery efforts	No*	See above. Local level engagement and education efforts are to be made to showcase the estate's progress regarding conserving Sloane's Froglet. Wider-scale community education is not the remit of developers, but the friends of group and other local conservation groups may undertake broader community-level engagement campaigns.

Conservation Advice Objective	Relevant to development?	How the development aligns or addresses the conservation objective being sought
10. More dedication to studying the distribution and ecological requirements for Sloane's Froglet	No*	This is not the remit of the developers or the proposed friends of group. However, connections established with local conservation groups, and especially Charles Sturt University subject matter experts, will ensure best-practice management techniques will be incorporated into the management of the estate's habitats for Sloane's Froglet. The Sloanes Froglet Management Plan will be a live document, with any improved knowledge and management practices to be incorporated to ensure management interventions remain current best-practice.
11. Design and implement a robust monitoring and reporting program for Sloane's Froglet	No*	This is not the remit of the developer. However, there is an estate-level monitoring and reporting program to be established to ensure augmented Sloanes Froglet habitats are effectively re-populated by frogs after construction, and that the program includes thresholds which will trigger further investigation and remediation in instances where Sloane's' Froglet are not found to be repopulating any of the new wetland habitats. The development of the monitoring program will be done in consultation with subject matter experts, to ensure the latest science is incorporated.
12. Determine the habitat needs for establishing / maintaining viable long-term Sloane's Froglet populations	No	Not the remit of developers. Augmented habitats are to adhere to current best-practice wetland construction guidelines.
13. Improve the investigations and understanding of how invasive / feral species are impacting on Sloane's Froglet	No	Not the remit of developers. Invasive species monitoring and control for Sloane's Froglet habitats are to adhere to current best-practice Sloane's Froglet-specific wetland management guidelines.
14. Improve the investigations and understanding of how agricultural chemicals are impacting Sloane's Froglet	No	Not the remit of developers. See point 8. Water monitoring will include tracking of pollutants entering the water, with triggers (such as slicks, odour, discolouration or animal deaths) to instigate detailed pollutant tests and spill remediation in the instances of toxins being detected in estate stormwater systems.

* Not the remit of developers or estate property owners, however actions will potentially help contribute to the broader objectives/research efforts

The responses in **Table 4** indicate that the development has considered all of the conservation objectives outlined in the Conservation Advice, and even where some actions are clearly not the remit of the developers, there are still actions being undertaken at the local level which will help these objectives be achieved at the Thurgoona population level, and at the national level with respect to helping to safeguard this species from degradation and potential extinction on both spatial scales.

9.1.12 Threat abatement plan for infection of amphibians with Chytrid Fungus resulting in Chytridiomycosis (2016)

There is no specific threat abatement plan for Sloane's Froglet, however there is a threat abatement plan which deals with the major threat to frogs being caused by Chytrid Fungus. The 'Threat Abatement Plan For Infection Of Amphibians With Chytrid Fungus Resulting In Chytridiomycosis' (TAP) was developed and enacted by the Commonwealth Government in 2016, with the objective of addressing the key threatening process of Chytrid Fungus infection, which was listed in 2002 under the EPBC Act. The TAP drives a national framework to coordinate Australia's response to the amphibian disease, including key targeted research, engagement, management and conservation actions needed for Australia to effectively respond to the pathogen and its potentially devastating impacts (Commonwealth of Australia 2016). According to (Commonwealth of Australia 2016), the over-arching goal of the TAP is to 'minimise the adverse impacts of amphibian Chytrid Fungus on affected native [frog] species and ecological communities', and it is attempting to achieve this goal via implementation of the following objectives:

1. Improve understanding of the extent and impact of infection by amphibian chytrid fungus and reduce its spread to uninfected areas and populations.
2. Identify and prioritise key threatened amphibian species, populations and geographical areas and improve their level of protection by implementing coordinated, cost-effective on-ground management strategies.
3. Facilitate collaborative applied research that can be used to inform and support improved management of amphibian chytrid fungus.
4. Build scientific capacity and promote communication among stakeholders.

The potential introduction of Chytrid Fungus and the spread of the pathogen through waterways and other frog habitats in the estate have been a significant consideration during the planning and approvals stage of the development. The CEMP will detail strict vehicle and machinery hygiene protocols which are designed to minimise the introduction or spread of Chytrid Fungus to the greatest extent possible, and according to current best-practice biosecurity protocols, including the actions in the TAP. **Table 5** below outlines the five TAP objectives and explains how the development aligns with these and has effectively factored in actions to ensure the development has systems in place to limit the threat of the disease for frogs in the local area.

Table 5: How the development aligns with the TAP for Chytrid Fungus

TAP Objective	Relevant?	How the development aligns or addresses the conservation objective being sought
Improve understanding of the extent and impact of infection by amphibian chytrid fungus and reduce its spread to uninfected areas and populations	No*	This is not the remit of developers, however there will be adherence to Chytrid Fungus hygiene protocols (embedded in the CEMP) and further actions for the ongoing management of the estate (and population) will be included in the Sloane's Froglet Management Plan.
Identify and prioritise key threatened amphibian species, populations and geographical areas and improve their level of protection by implementing coordinated, cost-effective on-ground management strategies	No*	This is not the remit of developers, however there will be a detailed plan and management actions for the ongoing management of the estate (and population) will be included in the Sloane's Froglet Management Plan. Attempts will be made to coordinate plan actions with those of other local environmental groups.

TAP Objective	Relevant?	How the development aligns or addresses the conservation objective being sought
Facilitate collaborative applied research that can be used to inform and support improved management of amphibian chytrid fungus	No*	This is not the remit of developers, however there will be a monitoring program developed to ensure the augmented habitats are being populated by Sloane's Froglet and that management actions in the plan are effectively maintaining a healthy population of froglets. Management of Chytrid Fungus risks during community monitoring activities will be an important component of the plan.
Build scientific capacity and promote communication among stakeholders.	No*	This is not the remit of developers, however there will be opportunities to share knowledge from the monitoring program and habitat augmentation experiences with other local environmental groups, council and other developers wishing to undertake similar interventions for Sloane's Froglet sites. There will also be engagement with stakeholders more broadly, through the friends of group and in coordination with other local groups.

* Not the remit of developers or estate property owners, however actions will potentially help contribute to the broader objectives/research efforts

9.1.2 Regent Honeyeater statutory plans

9.1.2.1 National Recovery Plan for the Regent Honeyeater (Anthochaera Phrygia) 2016 (EPBC Act)

Established under the EPBC Act in 2016, the objectives of the National Recovery Plan (NRP) are to reverse the long-term trend of population decline of Regent Honeyeaters and increase numbers to a level where there remains a viable wild-breeding population, and to enhance the condition of Regent Honeyeater habitats across their range, including providing refugia during periods of extreme environmental conditions (Commonwealth of Australia 2016a). The strategies being employed to achieve the plans' objectives are to:

1. Improve the extent and quality of regent honeyeater habitat.
2. Bolster the wild population with captive-bred birds until the wild population becomes self-sustaining.
3. Increase understanding of the size, structure, trajectory and viability of the wild population.
4. Maintain and increase community awareness, understanding and involvement in the recovery program.

In terms of how the proposed housing estate development aligns with the objectives and strategies of the NRP, **Table 6** below outlines which of the plan strategies apply to the development, and where applicable, how the proposed development aligns or addresses the specific conservation strategies for Regent Honeyeater.

Table 6: How the development aligns with the NRP for Regent Honeyeater

NAP Strategy	Relevant?	How the development aligns or addresses the NAP strategy
1. Improve the extent and quality of regent honeyeater habitat	Yes	The BDAR assessment included detailed assessment of potential Regent Honeyeater habitats on site. Avoidance and minimisation actions were implemented to reduce habitat losses to the smallest amount possible, consisting of only saplings and ground covers in C3 land, and 59 scattered trees in R1 land (already offset through Albury's biocertification),

NAP Strategy	Relevant?	How the development aligns or addresses the NAP strategy
		some of which are to be retained despite being considered lost. C3 losses are being fully offset via the BOS. The landscape plan for the estate is to include street trees which are known food sources for Regent Honeyeater, providing them with additional feeding habitat when they move through the area. The C3 land and the patch of Blakely's Red-gum near the southern boundary is to be protected and managed as a reserve, helping to safeguard the habitat for Regent Honeyeater in these areas. The removal of livestock and the addition of numerous stormwater wetland areas will provide dipping habitat and increase the likelihood that Regent Honeyeaters will frequent the areas to feed and roost.
2. Bolster the wild population with captive-bred birds until the wild population becomes self-sustaining	No	This strategy relies on subject matter experts and research scientists with appropriate qualifications and licences to handle and breed captive birds. This is not the remit of the developers, however the friends of group may help contribute to monitoring efforts for this species as part of their conservation work.
3. Increase understanding of the size, structure, trajectory and viability of the wild population	No	This strategy relies on subject matter experts and research scientists responsible for designing and delivering these programs. This is not the remit of the developers, however the friends of group may help contribute to monitoring efforts for this species as part of their conservation work.
4. Maintain and increase community awareness, understanding and involvement in the recovery program	No*	Although not directly the remit of the developers, the actions being taken to establish a friends of style community action group has the potential to help work towards this strategy.

* Not the remit of developers or estate property owners, however actions will potentially help contribute to the broader objectives/research efforts

9.1.2.2 Conservation Advice (superseded by the NRP) (2015)

The Regent Honeyeater Conservation Advice was published in 2015 but it was essentially superseded the following year with the development and release of the NRP (described above). The Conservation advice lists habitat clearing and fragmentation as the major threat for Regent Honeyeater. The proposed development does involve the loss of scattered paddock trees, however these trees have been previously earmarked for removal to allow for residential development (via land rezoning and inclusion in the Albury biodiversity certification), therefore the losses associated with removal or deemed loss of these trees has already been offset in other areas around Thurgoona and Albury. Furthermore, impact avoidance and minimisation measures has seen a large patch of Blakely's Red-gum being protected near the southern estate boundary, and will be managed as a nature reserve, including supplementary planting with appropriate nectar source species for Regent Honeyeater.

The road reserve of Willaims Road is to be closed to vehicle traffic as part of the development, and is to be protected and managed as a conservation area in perpetuity, with just low impact recreational use permitted, such as walking and bike riding along the existing dirt road, and wildlife friendly fencing to occur to limit entry into conservation areas by recreational users and domestic animals. Some

revegetation efforts are to be undertaken along Williams Road with indigenous species to fill in some gaps along the road reserve (understorey focus), with the multiple purposes of increasing flora diversity (including adding species that have been lost from the local area), improving feeding habitat for Regent Honeyeater by planting preferred nectar sources, and to reduce the suitability for the area for heavy occupation by Noisy Miners (*Manorina melanocephala*), which can aggressively exclude other birds from areas of habitat (they prefer patches or strips of vegetation with limited understorey).

With the objectives of the Conservation Advice being essentially the same as those listed in the NAP, **Table 6** indicates how the development is in alignment with these objectives. With the impact avoidance and minimisation measures that have occurred as part of the BDAR assessment and via the estate's iterative design process, potential impacts for Regent Honeyeater have been adequately considered and minimised as much as possible, and numerous actions are to be implemented to ensure the development protects and enhances important habitat for the benefit of Regent Honeyeater.

9.1.2.3 NSW Conservation Action Plan (2023)

The NSW Conservation Action Plan for Regent Honeyeater (CAP) was developed under Section 78C of the National Parks and Wildlife Regulation 2019 in recognition of the species being an Asset of Intergenerational Significance (AIS) declared under Section 153G of the *National Parks and Wildlife Act 1974* (NSW Government 2023). The CAP specifically related to the management of 718 hectares of land in Capertee National Park, which has been identified as a key location for the Regent Honeyeater in Australia. The CAP specifically deals with management of the habitat in Capertee National Park, and as such, does not have any direct relevance for the proposed development. However, **Table 7** below shows how the development is aligning with management of the key risks to Regent Honeyeater (and conservation activities), where relevant, that are outlined in the CAP.

Table 7: How the development aligns with addressing the key risks outlines in the CAP for Regent Honeyeater

CAP Key Risk	Relevant to development?	How the development aligns or addresses the CAP conservation activity
1. **Inappropriate fire regimes**	Yes*	Measures are to be put in place to prevent accidental fires during construction via actions in the CEMP, including a response plan in the event of fire starting as a result of these activities, or if fire approaches the site from a broader fire front. Although they are often difficult to achieve in areas adjoining residential properties, there may be an opportunity for small mosaic burning operations in conjunction with subject matter experts (i.e. CSU), council and the Rural Fire Service. With considerable areas being dominated by exotic pasture species, the management of the reserve should include biomass management in conservation areas, to deploy slashing and/or sensitive controlled grazing, as required and suitable, to control fire risk and biomass levels, and should be designed to favour the native flora which are persisting in these areas. Mowing should only occur between the start of December and end of February, unless needed outside of these times. If this is the case, approval should be sought from DCCEEW and pre mowing searches by an ecologist may be required.

CAP Key Risk	Relevant to development?	How the development aligns or addresses the CAP conservation activity
2. **Weeds**	Yes*	Weed introduction and spread during construction is to be managed via specific weed hygiene and other biosecurity controls as part of the project CEMP. The management of the augmented wetlands and grassy swales (Sloanes Froglet habitat) and the conservation areas is also to include regular monitoring and treatment of high-risk invasive weed species. Efforts are also to ensure excessive weed biomass is controlled in the areas through appropriate methods, such as mowing, slashing, manual removal, controlled grazing, or mosaic burning, if and where possible. It is envisioned that the friends of group may help contribute to monitoring efforts for weed species and community weed control efforts as part of their local conservation work.
3. **Feral herbivores**	No	There are no expected feral herbivore threats for the proposed development or its protected conservation areas. The removal of livestock grazing will help protect and enhance site values.
4. **Feral pigs**	No	With its location in a peri-urban area and on the fringes of a built-up suburb, there are no expected feral pig threats for the proposed development or its protected conservation areas. The fencing plan includes fencing out the conservation areas to prevent unwanted access by large animals, which will further safeguard these areas in the unlikely event that feral pigs are in the region.
5. **Interactions with native species**	Yes*	The CAP identifies threats from Noisy Miner (via aggressive habitat exclusion), competition from honeyeaters such as Friar Bird and Wattlebirds (nest and food resource completion), and predation from Currawongs, raptors and reptiles (egg and young predation). Enhancement of the understoreys along Williams Road and in the patch of Blakely's Red-gum is likely to reduce the suitability of these areas to be dominated by Noisy Miner.
6. **Anthropogenic climate change**	Yes*	The construction of augmented habitat in the form of water regime-managed wetlands will help buffer the impact of extended drought periods on the local area. The addition of enhancement planting in the conservation areas, as well as careful street tree selection, will also improve biodiversity levels with a greater range of food source plants to be established, improving the likelihood that nectar sources will be available across a broader area and range of time compared to what is currently on site.
7. **Disturbance**	Yes*	The BDAR assessment included detailed assessment of potential Regent Honeyeater habitats on site. Avoidance and minimisation actions were implemented to reduce habitat losses and disturbance to the smallest amount possible, consisting of only saplings and ground covers in C3 land, and 59 scattered trees in R1 land, some of which are to be retained

CAP Key Risk	Relevant to development?	How the development aligns or addresses the CAP conservation activity
		despite being considered lost. The landscape plan for the estate is to include street trees which are known food sources for Regent Honeyeater, providing them with additional feeding habitat when they move through the area. The C3 land and the patch of Blakely's Red-gum near the southern boundary is to be protected and managed as a reserve, helping to protect these areas from disturbance and degradation, to safeguard the habitat for Regent Honeyeater in these areas. The removal of livestock and the addition of numerous stormwater wetland areas will provide dipping habitat and increase the likelihood that Regent Honeyeaters will frequent the areas to feed and roost during their migrational movements.

* Not directly the remit of developers or estate property owners, however actions will potentially help contribute to the broader objectives/research efforts

9.1.3 Threat abatement plan for predation by feral cats

This threat abatement plan (Cat TAP) deals with feral cat predation, and not necessarily predation by domestic cats. However, roaming cats are known to cause significant predation pressure in proximity to urban areas, therefore the impacts are relatable to those of feral cats. This report has outlined the risk avoidance and minimisation measures planned for the estate (via a cat curfew) and other measures such as community education and signage for reserves. The proposed cat containment measures are therefore consistent with Objective 9 of the feral cat threat abatement plan (Reduce density of free-roaming cats around areas of human habitation and infrastructure). The other objectives of the plan are either not relevant given the scope of the development or are not the remit of the developers.

9.1.4 Threat abatement plan for competition and land degradation by rabbits

This threat abatement plan (Rabbit TAP) deals with the destruction and land degradation caused by moderate to large populations of rabbits. The site does not contain high numbers of rabbits, and in fact very few rabbits were observed across the site during all survey efforts. It is also highly unlikely that rabbits would be encouraged to become more established because of this development, and measures are in place in the project CEMP to ensure controls are implemented if required during the construction process. Furthermore, it is unlikely that rabbit populations would pose a significant risk for Sloane's Froglet (a wetland species) or Regent Honeyeater (tree-dependant species), as they generally do not occupy the same areas or compete for the same resources. Considering these factors, it is clear that the proposed action is not inconsistent with the objectives of the Rabbit TAP.

9.1.5 Threat abatement plan for disease in natural systems caused by Phytophthora cinnamomi

The CEMP will have a section on best practice biosecurity measures that are to be incorporated to ensure the risks of introduction into, within or from the site of pests or pathogens are kept low. In terms of *Phytophthora Cinnamomi* (Cinnamon Fungus), measures will include requiring that vehicles arrive on site in a clean state with no soil or vegetative debris attached. For machinery working in areas with native vegetation (including bushland areas, wetlands etc), vehicles and equipment are to be hot-washed and decontaminated with a suitable fungicide (such as Phytoclean). With these protective measures in place, along with other actions in the CEMP such as restricting importation of fill (fill to be certified from clean sites only), the development is not in conflict with this threat abatement plan.

9.2 Has the assessment of impacts and mitigation measures had regard to the relevant Conservation Advice documents

Yes, as indicated in the previous sections, the threats identified that are in operation and contributing the decline in Regent Honeyeater and Sloane's Froglet have been factored into the housing estate planning process. Habitat assessment was conducted as part of the BDAR process, which led to efforts to minimise losses to the greatest extent possible while still providing for a viable residential development. As a result of the avoidance and minimisation efforts, vegetation losses were minimised to the greatest extent possible, by relocating impacted areas into places where natural values were lower, reducing the footprint of impact areas to the bare minimum, and utilising engineering solutions such as under bore where this could achieve further reductions in impact levels.

The mitigation measures which are being adopted to reduce impacts to these species and to improve habitat for these species in the long term have been based on the conservation objectives outlined in the previously mentioned policy documents. For Sloane's Froglet, the water-regime managed augmented wetlands are a centrepiece of the conservation efforts to protect this species from development impacts, with significant additional breeding habitat being added to the local area and the replacement of the impacted migrational corridor with a chain-of-ponds style wetland and grassy swale system to provide for east-west migrational movements, reducing the risk that populations would otherwise be fragmented by the development.

The conservation efforts being instigated for Regent Honeyeater are also closely aligned with the state and Commonwealth objectives for the species, with augmented wetland habitats reducing risks from drought, street trees and enhancement planting in conservation areas to provide a broader diversity of feed trees, and the physical addition of more understorey species to reduce the suitability of the areas for Noisy Miner, which may otherwise dominate and work to exclude Regent Honeyeater with their aggressive territorial behaviours. The management of cat predation via the proposed curfew, protection of areas from domestic animal entry and unlawful recreational use, pollution and sedimentation control, fire management, weed and pest animal management, and chemical pollution control are all combining to address the suite of threats being experienced by these two (and other) threatened species.

10. Does the proposal meet the principles of Ecologically Sustainable Development (s.3A EPBC Act)

10.1 Ecologically Sustainable Development (ESD)

The original underpinnings for the eventual concept of 'Ecologically Sustainable Development' (ESD) emerged in the 1970s (at a UN conference in Stockholm in 1972), and the initial definition of the ESD concept was coined in the Brundtland Report in 1987 which defined it as "*Development that meets the needs of present generations while not compromising the ability of future generations to also meet their needs.*" (Environmental Defenders Office 2022). However, the term ESD itself was an Australian concept, in recognition that ecological systems are the vital underpinning of sustainable human development, and the ESD concept was incorporated into law and policy by the states and Commonwealth in 1992 (Commonwealth Government 1990; Environmental Defenders Office 2022; Findlay 2000). The Brundtland Report originally defined ESD as: "*Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased*"(Environmental Defenders Office 2022)

The laws which adopted the concept of ESD did so slightly differently across all jurisdictions, but they typically adopted the four ESD principles of 'The precautionary principle', 'Intergenerational equity', 'Conservation of biological diversity and ecological integrity', and 'Improved valuation, pricing and incentive mechanisms' (Corrs 2020; Environmental Defenders Office 2022). With ESD being a feature in many pieces of state and Federal legislation, approval authorities (decision-makers) must have regard to ESD when executing their powers and making decisions under the Act (Environmental Defenders Office 2022). In this case, the developer is being asked to consider the proposed Williams Park Estate development with respect to the proposal meeting the principles of ESD as defined by Section 3A of the EPBC Act.

10.2 EPBC Act definition of ESD

At the federal level, ESD is enshrined in the EPBC Act to help reconcile the need for progressive human development with the needs of protecting the environment for current and future generations (Corrs 2020; Environmental Defenders Office 2022). According to Section 3A of the EPBC Act (Commonwealth Government 1999), the five principles of ecologically sustainable development are:

a) Decision - making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
b) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
c) The principle of inter - generational equity-that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
d) The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision–making.
e) Improved valuation, pricing and incentive mechanisms should be promoted.

The EPBC Act applies the principles of ESD by ensuring that government authorities in their decision-making processes effectively integrate long-term and short-term economic, environmental, social, and equitable considerations when assessing development proposals, and that conservation of biological diversity and the maintenance of ecological integrity are fundamental factors (Commonwealth Government 2021). For the Commonwealth to appropriately assess this development proposal against the EPBC Act's ESD principles, the Commonwealth's RFI requested that further information be provided on the five principles as per Section 3A of the Act.

10.3 How the project meets the EPBC Act ESD principles

In-line with the Proponent's corporate responsibility to act in a manner that represents the needs of the community, and to do so with minimal environmental impact, the proposal has been assessed considering the five principles of ESD, as listed in the EPBC Act. Considerable efforts have been made during staged and an iterative planning and project design process to ensure appropriate consideration has been given to environmental values located within the areas being developed, as well as the areas immediately adjacent to the development, and areas in the local region that may be indirectly impacted by the development. **Table 8** describes the principles of ESD according to the EPBC Act, and outlines how each principle is being addressed by the proposed development of Williams Park Estate, Thurgoona.

Table 8: Consideration of ESD principles in relation to the project

ESD Principle	How the development proposal considers the principle
1. **Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.**	The potential environmental impacts of the works project have been considered to ensure serious or irreversible damage to the environment are avoided. Site selection was made based on the absence of any significant native vegetation or important habitats in the development areas, which is indicated by the land being zoned as R1 land and with Council actively encouraging the development of this area for the purposes of housing and associated infrastructure. The iterative design process has taken on feedback from authorities and environmental advisers, to further reduce impacts to native vegetation, protect areas from incremental degradation post development, and include habitat augmentation for native species which may experience some impacts, such as Sloane's Froglet and the creation of numerous new breeding habitats and a migrational movement corridor. The environmental impacts of construction will be minor, localised and short-term. The extent of losses for the development will be one small farm dam, very minor groundcover losses in the road reserve of Williams Road for paths and installation of services, and 59 paddock trees, some of which are being retained despite being considered lost. Losses are being offset where required. Long-term considerations include protection of a patch of Blakely's Red-gum as a reserve, and protection and ongoing management of the Williams Road conservation reserve, including the closure of the road after construction to make it a dedicated environmental area, and creating a low impact recreational area (for walkers and cyclists along the existing dirt road). Furthermore, all stormwater basins will be managed in a manner that reduces risks to Sloane's Froglet, and the main wetland is being constructed according to habitat requirements, creating a large additional breeding habitat for the froglet. To provide for migrational movements, a custom-designed chain-of-ponds movement corridor is being built, and existing conservation areas will also be maintained as useable corridors, to maintain connectivity across the local landscape for the frogs. Although some losses to frog habitat are occurring

ESD Principle	How the development proposal considers the principle
	initially, augmented habitat is likely to significantly increase the amount of habitat and the quality of the habitat across the development for the frog. To address uncertainty about the success of augmented habitat for the frog, a monitoring program is to be followed to ensure frogs are using the breeding and corridor habitats post development, with triggers and remediation actions built in if frog numbers are lower than expected. Economic and social considerations have also been considered, and are a major factor for pursing the development, to provide affordable housing options (and eventually schooling opportunities) in the Albury-Thurgoona area, which is a clear priority for ACC (See **Section 10**). The proposal will help to meet the needs of future generations by providing a safe and functional housing estate with appropriate green space in close proximity to a transport corridor (Thurgoona Link).
2. If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.	There was a referral to the Commonwealth in recognition of the possibility for serious and irreversible impacts for Sloane's Froglet, for which this RFI response relates to. There are numerous local examples of augmented Sloane's Froglet habitat being successfully used for breeding cycles and refuge by the frogs, however there is always a small level of uncertainty as to whether this will occur for the proposed augmented habitat being created. A monitoring program is being established to address this uncertainty, and triggers for remediation actions will be built in to ensure any absence of Sloane's Froglet from the new wetland areas will be immediately investigated and efforts made to rectify the issue. There are also other efforts to reduce the potential for significant impact to the frog, including a Sloane's Froglet Management Plan which will guide conservation activities during construction and post construction when the estate is functioning as a residential area, and a detailed project CEMP which will have numerous actions to minimise environmental impacts from construction.
3. The principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.	The proposal will help to meet the needs of future generations by providing safe and affordable housing opportunities close to a transport corridor through the study area which provides fast access to Albury CBD as well as the major transport corridor (Hume Highway) between Melbourne and Sydney. The development is also safeguarding a patch of trees (as a reserve) at the main proposed estate entrance (southern boundary) as well as the entire road reserve of Williams Road, ensuring these areas are maintained and enhanced through appropriate protection, management and enhancement measures. When combined with the augmented habitat being created for Sloane's Froglet, and the landscape plantings and street tree plantings being targeted to providing local indigenous species which are suitable feed trees for native birds such as the threatened Regent Honeyeater, the estate development is safeguarding the health, diversity and productivity of the local area (improving it from its degraded condition of monocrop dominated agricultural lands), effectively catering for the needs of local fauna and those of future generations.
4. The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.	The proposal includes the removal of approximately 0.26 ha of native vegetation in C3 (environmental zoned) lands for the development, consisting mostly of groundcover species and no significant trees, and loss of 59 trees on R1 land, with a number of these (approximately 23) to be retained within the development despite being considered lost. There is also the loss of one farm dam (low quality Sloane's Froglet habitat) and the development across the existing drainage line that runs between Eight Mile Creek and the Thurgoona Training Academy (likely migration route for the froglet). Currently, the proposal has minimised impacts to biological diversity and/or ecological integrity by the site selection process (suitably cleared area with appropriate R1 zoning for housing development) and

ESD Principle	How the development proposal considers the principle
	by taking steps to limit the vegetation to be cleared as part of the project. The works are predominantly within an existing heavily disturbed agricultural property, with only minor impact occurring along a vegetation corridor associated with Williams Road. In conjunction with impact avoidance and minimisation efforts which were part of the iterative design process, efforts are being made to minimise impacts to the environment via implementation of a project CEMP, as well as a specific Sloane's Froglet Management Plan (including a monitoring program). There are also augmented habitats being included in the estate designs to provide for Sloane's Froglet breeding and migrational habitats. Estate landscape planning is incorporating plantings which will improve fauna habitat (including feed trees for Regent Honey Eater), and consideration is being given to minimising potential impacts to fauna via road design, lighting and other specific controls. Cat predation has been flagged in the RFI as a threat to Sloane's Froglet and Regent Honeyeater, and to address this, the estate is to have a cat curfew imposed, to restrict nocturnal movements of cats. With these measures in place, the proposal is unlikely to significantly impact upon biodiversity, including threatened species and ecological communities. The overall impact of the project has been reduced to an acceptable level for the social and economic outcomes being achieved. Vegetation removed as part of the final designs will be offset according to NSW offset guidelines, and as part of the EPBC Act referral and the RFI, offsets for Sloane's Froglet and Regent Honeyeater are being aligned with Commonwealth policies and standards .
5. Improved valuation, pricing and incentive mechanisms should be promoted.	The proposal will provide cost efficient use of resources, will focus on utilising local labour and materials where appropriate and available, and will provide optimal outcomes for the Thurgoona community through a fit-for-purpose housing estate design which has considered the area's development needs and the important environmental values which require protection. The iterative design process has achieved impact avoidance and minimisation through suitable site selection, protection of key site values, and has engineered solutions included to help reduce impacts on the environment and threatened species. These efforts are likely to improve threatened species values across the site. Monitoring and some other actions within the Sloane's Froglet Management Plan are to have an emphasis on community driven action and citizen science, to encourage local ownership of the conservation efforts and to assist in community compliance with ongoing management actions, including cat curfews, water monitoring, invasive species control and pollution reporting and controls.

11. Economic and Social Impacts

The Commonwealth's RFI specifically requested that the potential social and economic impacts of the proposed development be assessed, with particular reference being made to comments from the Defence Department regarding the potential conflicts between the future use of the area as a housing estate, with the ongoing operations of the Defence Department land located a short distance (just over 5 kilometres) away from the development site. General social and economic impacts are dealt with first below, then the potential land use conflict is dealt with separately. These impacts were raised at the October meeting with Albury City Council representatives, and they indicated that the recent Thurgoona Link Road development application should be relied upon to provide this information. However, these documents are not publicly available (as of 21 October 2025), and the link road has different impacts to a housing subdivision, as well as some shared impacts. Therefore, some broad impact forecasting has been provided below to address the major expected impacts of Williams Park Estate.

11.1 Economic impacts associated with Williams Park Estate

Assessment of the economic impacts, both positive and negative, must be viewed through a lens which includes benefits, costs or risks associated environmental, strategic planning and infrastructure values. These are discussed in the following section, which separates the positive impacts from the negative impacts.

11.1.1 The positive economic impacts

The supply of affordable additional housing options via a more robust property market in the priority growth corridor (Thurgoona area) of the Albury region is a major positive economic benefit from the proposed development. The construction activity associated with the development will extend for several years, acting to stimulate the local economy, provide for local employment and greater security for local businesses such as legal firms, civil engineers and construction companies, builders, product suppliers and other contractors. Beyond the immediate benefits from the development, there are other economic and social benefits that may arise in unison with additional housing, including the construction of improved services such as sewer and communications infrastructure, and construction of the Thurgoona Link arterial road, which will not only service the new estate but also provide much improved access and egress for the broader Thurgoona community which is currently hamstrung with traffic bottlenecks.

Other positive impacts that are likely to occur are greater retail and service demand (and associated job creation) with the addition of 462 new houses and more Thurgoona residents, increased local revenue for Albury City Council through a larger ratepayer base and through developer contributions. Although not part if this approvals process, the site is earmarked to receive an education precinct as part of proposed future development, and there will be greater educational opportunities for students in the Thurgoona and Albury areas, helping to address growing population and increasing class size issues. Local schools are currently over capacity and additional schools will provide relief. The protection and management of the conservation areas and other open spaces being provided as part of the development will provide outdoor recreation and amenity benefits for local residents, and the establishment of the 'friends of' group will provide residents with a social connection and avenues to undertake meaningful conservation activities in their local estate in a safe and friendly group setting. Having a community-led approach to management may also contribute to the potential to draw in outside funding to resource future conservation efforts.

11.1.2 The negative economic impacts

In terms of negative economic outcomes, the conversion of agricultural land into residential areas will have some lost opportunity costs, with the agricultural production values of the land permanently lost. The land is currently cropped for pasture and fodder purposes, with losses in value limited to the losses in potential profit from the livestock grazing enterprise or any off-property sale of crop products. There are also some upfront expenses associated with the development, including estate earthworks, internal road and drainage construction, stormwater basin creation, service installations (some of which are council owned and some the responsibility of the developer), and expenses associated with the ongoing design and planning approvals process, including civil engineering costs, legal costs and various consulting costs involved. There are also offset costs associated with offsetting biodiversity impacts for the developer, as well as the ongoing costs associated with any conditions of development, including the implementation of monitoring (Sloane's Froglet) and management programs for wetlands and set aside conservation areas.

With the development in Thurgoona being guided by the existing (and soon to be updated) Wirlinga-Thurgoona Precinct Structure Plan, the risks that development of the local area outpacing provision of appropriate infrastructure is unlikely, with essential forward planning work being conducted as part of the plan development to avoids this scenario. With the addition of new internal estate roads and service connections, and the creation of broader infrastructure such as the Thurgoona Link road development, there will be additional works and ongoing maintenance responsibilities and associated costs involved with the upkeep of this infrastructure. The complexity involved with the development, particularly the need to adequately manage the threatened species issues present, have extended the time required for navigating the approvals process, and increased costs due to EPBC Act referrals and further information requests to address the Commonwealth's demands. These constraints have resulted in a delay in project timelines and a reduction in developer margins for the project.

New residential development inherently comes with increased demand (and sometimes strain) on existing schools, health services and transport infrastructure. However, the precinct plan and the development designs (future plans) have factored these issues in, with the provision of the much-needed Thurgoona Link arterial road (currently in development and undergoing local, state and Commonwealth approvals), educational precinct (as part of future development for Williams Park Estate) and ongoing improvements to healthcare facilities in the area, including the current redevelopment of the Albury Base Hospital. With the underlying planning associated with development of the Thurgoona growth corridor, and the encouragement of sustainable development in these areas by Albury City Council to help progress towards growth and housing targets, the development aligns well with the sustainable growth objectives for the Wirlinga-Thurgoona region.

11.2 Social impacts associated with Williams Park Estate

Insight into the potential social impacts are available through reviewing the above economic assessment, but as far as specific assessment of the social impacts, both positive and negative, these are discussed in the following section, which separates the positive impacts from the negative impacts.

11.2.1 Positive social outcomes from the development

The provision of affordable additional housing options in the growth corridor for Albury is a significant social outcome for the development, providing between accommodation for approximately 1100 and 1600 people (based on a 450 lot estate with an average of 2.6 to 3.5 people per dwelling). This supply of extra housing will fortify an already robust property market in the Thurgoona area, benefiting

existing and new property owners, as well as new providing new investment properties, providing a boost for the tight post-pandemic regional property rental market. The construction activity associated with the development will extend for several years as the staged lot development and land releases roll out, providing a boost for local employment in the short and medium term, and as well as greater security for local businesses directly and indirectly associated with the housing estate construction and increase local population.

The water sensitive urban design principles being used to design the stormwater basins (including the main wetland which will be designed to Sloane's Froglet habitat requirements) will double as public space and low impact (passive use) recreational areas, where suitable, combining the production of biodiversity values and providing a recreational outlet for estate residents such as bird watching, nature walks and other passive recreational activities. These open space and conservation areas are also opportunities for community-building, encouraging a pro-conservation ethos and fostering a neighbour-friendly culture, with a sense of ownership to be encouraged through the establishment of a friends of group, to drive and coordinate monitoring and management of these natural areas for the benefit of estate residents and the local community.

Beyond the immediate economic and direct social benefits from the development, there are other social benefits that may occur, including the construction of the Thurgoona Link arterial road, which will not only service the new estate but also provide much improved access and egress for the broader Thurgoona community by providing more rapid traffic flows out of the Albury CBD into the Thurgoona area, and from Thurgoona into the CBD and onto the Hume Freeway. The Thurgoona area is currently experiencing significant bottlenecks during peak times around start and finish times for school, and around late afternoon knock-off time. The provision of additional options for traffic flows in all directions will provide substantial social benefits for the local community and people who commute to work in the area.

Other positive social impacts that are likely to occur are associated with the protection and management of the conservation areas and other open spaces being provided as part of the development, which will provide outdoor recreation and amenity benefits for local residents. Related to these areas is the establishment of the 'friends of' community action group, which will provide residents with a social connection and avenues to drive and undertake meaningful conservation activities in their local estate in a safe and friendly group setting. Having a community-led approach to management may also contribute to the potential to draw in outside funding to resource future conservation efforts, and opportunities to share knowledge and resources with other local groups such as Charles Sturt University, Albury Conservation Company and Woolshed-Thurgoona Landcare Group, which all have the potential to increase local social capital and facilitate community-driven actions for the net social benefit of the Thurgoona suburb.

11.2.2 Potential negative social outcomes from the development

There is a risk of some short-term strain on local infrastructure and services if corresponding infrastructure and development in local services do not run exactly parallel with the increase in local population that will result from the new housing estate. However, the Albury City Council under the direction of the principles in the Local Environment Plan (LEP), the Albury Development Control Plan (DCP) and the Wirlinga-Thurgoona Precinct Plan are making efforts to balance these demand and supply issues, with significant planning in place to ensure land use and population growth occur in a balanced way with provision of new essential services and local infrastructure.

Traffic is a significant problem in Thurgoona, however comprehensive planning has been undertaken to remedy this with a new network of roads earmarked to relieve the congestion, including the Thurgoona Link road, which is the centre-piece for transportation improvements and is well down the approvals process already. Thurgoona link is likely to be ready for development to begin before the Williams Park Estate construction starts, and is likely to be constructed and in use by the time lots are made available for sale in Williams Park Estate.

There is some potential for local-level conflicts around changes to the local character of the area (from open agricultural land to relatively high density residential lots) and changed amenity values such as loss of views or green character, as well as potential noise increases from traffic and urban noise generation (dogs, music, voices etc), and added light pollution from domestic and street light pollution. However, there are very few neighbouring residences that overlook the development site, and the main neighbour of the new estate will be the Thurgoona Training Academy, which will be in the centre of the southern block of the development. The nearby residential properties and residential buildings have been mapped and are available in **Appendix 3.**

11.3 Potential land use conflicts associated with Williams Park Estate and nearby Defence Department lands/operations

11.3.1 Background about the potential conflict

The Defence Department advised (within the RFI letter) that their nearby Wirlinga property houses an approved firing range and battle preparedness training facility, the ongoing operation of which may cause potential conflicts with future housing developments in the area. According to follow-up communication about the nature of this potential conflict, a Defence Department representative explained (via pers.com Commonwealth DCCEEW 31 July 2025) that the range can operate up to four times per year, usually for a period of two weeks at a time. In the first eight months of 2025 (up until August), there had been only one activity on one day only. In terms of the types of activities which may cause local disruption, the facility regularly sees the following potentially disruptive activities:

- Battle Noise Simulation (BNS) with explosive charges and training accessories.
- Demolition charges to a max Net Explosive Quantity (NEQ) of 1.5kg, in accordance with the Certificate of Range Compliance.
- In-service pyrotechnics for training and simulation purposes.

To help determine the potential for disruption from these activities, the Defence Department explained that “An NEQ of 1.5 Kg is unlikely to cause vibration issues unless the ground is extremely dry or there is a seam of hard rock or dense clay between the explosion site and the TA boundary. For an explosion of this size, you would typically be lucky to feel any ground movement beyond 200 meters”. To allow comparison to other types of noise, “A noise estimate of 1.5 Kg NEQ at 500 meters would be approximately 90 Db, and at 1000 meters around 82 Db. For context 90 Db is similar to a loud lawnmower, while 82 Db resembles busy traffic on a main road“ (via pers.com Commonwealth DCCEEW 31 July 2025). They went on to say that “Temperature inversion (often caused by cloud cover) and wind can increase how far the sound travels. Early mornings, cold winter nights or under clear, still skies, tends to amplify the noise, whereas hot afternoons are usually better as sound tends to be projected upwards and be dispersed. Range users need to be aware of and consider the environmental conditions before conducting explosive activities, and [they] delay those activities where necessary to minimise noise impact”.

11.3.2 Analysis of potential conflict between land uses

There is considerable distance between the proposed housing estate and the Defence Department land, with a straight line distance of approximately 5 kilometres separating the two properties. Furthermore, there are numerous built-up areas situated between the Defence Department land and the proposed housing subdivision, including high density residential areas, schools and universities, Thurgoona Golf Course and a number of other sensitive receivers. If these developments were considered appropriate for the location closer to the Defence Department facility, then the development of a subdivision at considerably greater distances from the facility should not pose a significant issue for future residents.

According to the Defence Department representative (via pers.com Commonwealth DCCEEW 31 July 2025), there have only been two formal noise complaints in the last two years, for two separate Defence Department activities, which essentially involved frightened pets. However, the Department has in place a systematic notification procedure for alerting local residents about planned training activities, with "All activities widely advertised, including the local paper, email to neighbours, Albury police, Albury and Wodonga Councils and [details are] uploaded to the Thurgoona/ North Albury Facebook community page" (via pers.com Commonwealth DCCEEW 31 July 2025).

On the basis of the above information and the assessment of the potential risk of significant disturbance occurring, and after considering the measures in place to inform the community about the potential for occasional but irregular disruption (noise and minor vibration episodes), the potential for significant disruption to the point that the two land uses are in direct conflict is very low.

12. Names, roles & qualifications of contributors

12.1.1 BDAR and EPBC referral writers

Stuart Mendham (lead ecologist and report writer) and Damian Wall, both from Red-Gum Environmental Pty Ltd. The qualifications and experience of these staff are provided in **Table 9** below.

Table 9: Qualifications of key staff involved with BDAR and EPBC Act referral

Assessor name	Contact details	Relevant experience
Stuart Mendham B. App Sci (Parks, Recreation & Heritage) (Hons). **NSW BAM Accredited Person (BAAS 24052)**	E: stuart.mendham@red-gum.com.au P: 0482 175 831	Stuart is a field botanist with over 23 years' experience in vegetation assessment, ecological management and research, with an extensive knowledge of the flora and fauna of south-eastern Australia. Stuart has been a project manager on a number of large ecological assessments and has particular expertise in providing tailored and industry-specific recommendations to avoid and minimise the environmental impacts of major projects. Stuart also has a background in state government environmental management, fire management, pest and weed management and biosecurity portfolios, which affords Stuart the ability to make recommendations to address issues of this nature, as they relate to development and major infrastructure projects.

Assessor name	Contact details	Relevant experience
Damian Wall Bachelor of Applied Science (Parks, Recreation & Heritage), Master Environmental Management & Restoration, Graduate Certificate Cultural Heritage Management. **NSW BAM Accredited Person (BAAS 18081)**	E: damian.wall@red-gum.com.au P: 0402 344 574	Damian is Managing Director at Red-Gum Environmental Consulting Pty Ltd. Damian has authored 107 Cultural Heritage Due Diligence Assessments, 83 Cultural Heritage Management Plans across 4 states including WA and the NT. Damian has personally negotiated Native Title Agreements for large Petroleum Exploration companies for 6 years in QLD, NT, NSW & WA and is an accredited Biodiversity and Native Vegetation assessor in both NSW and VIC. Damian has over 20 years in the environmental industry and has conducted field work throughout the NT, WA and eastern states to author 96 Ecological Assessments (VIC), 49 Assessment of Significance reports (NSW) and 21 Review of Environmental Factor (NSW) documents. Damian is also a Geographic Information Systems (GIS) specialist proficient in all aspects of field data capture and presentation via ArcGIS.
Dr Emily Mendham B. App Sci (Parks, Recreation & Heritage) (Hons). **PhD** - Environmental Sociology and Human Geography, Charles Sturt University (2010)	E: emily.mendham@red-gum.com.au P: 0409 594 224	Emily has 15 years' experience as a Social Researcher on a range of interdisciplinary and multidisciplinary projects relating to natural resource management in south-east Australia and 2+ years' experience as an Environmental Consultant.

12.1.2 RFI report researchers/writers

Stuart Mendham (lead ecologist and report writer), Damian Wall (review and QA), and Emily Mendham (EPBC offset analysis), all from Red-Gum Environmental Pty Ltd.

12.1.3 Project CEMP

The project Construction Environment Management Plan (CEMP) is in development. Damian Wall (project Lead) will be responsible for writing the plan, with input from EDM engineers, Blueprint Planning planners, and other stakeholders as required. Feedback will be sought on the SFMP internally by Blueprint Planning and EDM, and then externally by Albury City Council environmental staff, and subject matter experts from NSW DCCEEW, prior to the plan being finalised and implemented as part of the development.

12.1.4 Sloane's Froglet Management Plan

SFMP is in development. Stuart Mendham (Project Lead) will be the main writer of the plan, with Damian Wall for support, with input from other Red-Gum staff as required. Feedback will be sought on the SFMP internally by Blueprint Planning and EDM, and then externally by Albury City Council environmental staff, and subject matter experts from NSW DCCEEW, prior to the plan being finalised and implemented as part of the development.

12.1.5 Williams Park Estate development designs

EDM are the engineers for the final iterations of the Williams Park Estate development. Their work has been coordinated by Blueprint Planning, who has had oversight over the development since its inception in 2021. The final plans have received sign-off by Albury City Council planners and by subject matter experts from NSW DCCEEW.

12.1.6 Contributors involved during the RFI response consultation process

Consultation which was conducted for the purposes of addressing information gaps highlighted by the RFI was primarily done via two stakeholder meetings, the first which was held online with representative from Council and NSW DCCEEW, and the second (main meeting) which was held in Albury City Council's offices on 16 October 2025. Key stakeholders and their roles in the consultation are as follows:

- Stuart Mendham (Red-Gum Environmental Consulting). Project lead, meeting coordination, engagement contact.
- Damian Wall (Red-Gum Environmental Consulting). Director of Red-Gum, lead for CEMP development, Company Director for the environmental consultancy engaged for the proposed development at 65 Williams Road, Thurgoona.
- Emily Mendham (Red-Gum Environmental Consulting). Project assistance, EPBC offset calculations.
- Anthony Dufty (Team Leader Environment - Albury City Council).
- Nerilee Kerslake (Team Leader Natural Areas – Albury City Council).
- Matt Wilson (Team Leader Development – Albury City Council).
- Buddhika Perera (Senior Town Planner – Albury City Council).
- Olivia Hynam (Environmental Planner – Albury City Council).
- Dr David Hunter (NSW DCCEEW). Senior Threatened Species Officer and subject matter expert for Sloane's Froglet and Regent Honeyeater.
- Claire Coulson (NSW DCCEEW). Senior Conservation Planning Officer and second subject matter expert for Sloane's Froglet and Regent Honeyeater.
- James Laycock (Blueprint Planning and Development).
- Bradley Wallace (Engineer – EDM).
- Chris Cook (Executive Officer – Albury Conservation Company).

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14. Appendices

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Appendix 1 Commonwealth Government RFI

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Attachment A – Preliminary Documentation Requirements

Preliminary documentation includes:

- the information about the action and its relevant impacts are outlined in the referral.
- additional information identified by the Minister as being necessary to adequately assess the acceptability of the proposed action.

This document sets out the general and specified information required by the Minister under section 95A of the EPBC Act for the assessment of the impacts of your proposed action ('the preliminary documentation').

Appendix A sets out the department's general content, format and style requirements for the preliminary documentation.

Based on the information provided in your referral, and other available information, the department requires the additional information detailed below. The department requests that you complete the summary table at Appendix B and include with your preliminary documentation. This table summarises the further information request and serves as checklist for you and the department that all the requested information has been provided (where possible), can be easily located in the document and identifies any issues/clarifications in relation to the information provided.

1 Impacts on listed threatened species

Sloanes Froglet

The department considers that the proposed action is likely to have a significant impact on the Sloanes Froglet (*Crinia sloanei*) which is listed as Endangered under the EPBC Act. This impact is expected to arise in relation to clearing and disturbance of habitat used by the species for feeding, breeding and moving around the landscape.

The department requests an up-to-date estimate of the national population of the Sloane's Froglet and an analysis of the cumulative impact on the species of the development in the context of other known developments in the Albury-Thurgoona area.

Regent Honeyeater

The department considers that there is the potential for the proposed action to have a significant impact on the Regent Honeyeater (*Anthochaera phrygia*), which is listed as Critically Endangered under the EPBC Act. This impact is expected to arise in relation to the introduction of a domestic cat population to an area containing habitat critical to the survival of the species.

The department considers that predation by domestic cats could also present a threat to the Sloane's Froglet and requests an assessment of potential impacts of domestic cats on the Sloane's Froglet and Regent Honeyeater and possible mitigation measures.

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2 Offsets

The department notes that the BDAR has determined that the proposed action is likely to impact 30.7 ha of Sloane's Froglet breeding and migrational habitat and generate an offset obligation of 10 credits for impacts to the Sloane's Froglet. This comprises:

- 3 species credits for loss of 0.06 ha of Sloane's habitat in mapped native vegetation
- 7 species credits for prescribed impacts on Sloane's Froglet breeding habitat and migrational habitat.

The BDAR states that because the BAM-C cannot calculate a credit liability in relation to impacts to habitat where native vegetation is absent, prescribed impacts were included in calculating the credit liability. The BDAR also notes that further offsets for Sloane's Froglet may be required under the EBPC Act.

The department considers that the BAM may not be providing adequate compensation for impacts to the Sloane's Froglet and requires that you use the EPBC Offset Assessment Guide (an Excel calculator) and guidance material to calculate the quantum of impact on Sloane's Froglet habitat and demonstrate that the proposed offset area(s) provide appropriate compensation for that impact. The department requests that you provide the completed spreadsheet as part of your preliminary documentation. Please ensure that appropriate justifications, backed up by scientific analysis, are provided for figures used to complete the Offsets Assessment Guide in the preliminary documentation.

The department understands that the wetland detailed in the Stormwater Management Plan is intended to offset impacts to the Sloane's Froglet arising from the proposed action but seeks confirmation of this and details of any other areas that will be managed as ongoing habitat for the species.

The department requires that you demonstrate that any proposed offset areas meet the requirements of the department's EPBC Act Environmental Offsets Policy (October 2012).The Policy's offset principles are listed in Box 1 (page 6) of the Policy document.

3 Mitigation and management

The preliminary documentation must identify the risks over the life of the development to protected matters and how these risks will be mitigated and managed to minimise impacts to the Sloane's Froglet and the Regent Honeyeater within the project area and surrounding region.

Construction Environment Management Plan

The department notes that a Construction Environment Management Plan (CEMP) will be prepared to manage the risks to the environment during the construction stages.

The department received comments on the referral from the Department of Agriculture, Fisheries and Forestry (DAFF), recommending the CEMP and proposed Erosion and Sediment Management Plan include appropriate erosion and sediment controls and provide for staged rehabilitation of disturbed areas as soon as possible after completion of works, where practical to do so. DAFF also recommended that the CEMP include a detailed water management plan

based on circular principles, including reduce, reuse and recycle that optimises water use efficiency, protects water quality and quantity for surrounding agricultural land and minimises impacts on freshwater resources.

The department requests that the preliminary documentation include, if available:

- Council approved CEMP and any associated subplans (erosion and sedimentation, water/stormwater, biodiversity, rehabilitation) or
- if not yet approved, the proposed (draft) CEMP and associated subplans.

Sloane's Froglet

The department understands from the referral documentation that Albury City Council requested a Sloane's Froglet Management Plan be prepared that focuses on maintaining connectivity for the local population in accordance with *Sloane's Froglet Stormwater Wetland Design Guidelines* (Spiire, 2017).

The department notes the referral identifies the Stormwater Management Plan (SWMP) included in the referral documentation as the Sloane's Froglet Management Plan, and that the SWMP sets out the design for the proposed stormwater wetland in accordance with Sloane's Froglet wetland design guidelines. The department seeks further information about the ongoing management of the wetland to ensure it remains suitable habitat for the Sloane's Froglet, having regard to wetting regimes, water quality, vegetation condition, landscape connectivity, pest and disease control and access/use by humans.

The BDAR also refers to a chain of ponds system along the southern boundary of the proposed development, draining to the stormwater wetland mentioned in the SWMP. No other information is provided on this, nor is it shown in the maps provided in the referral documentation. The department requests further information, including whether this chain of ponds system forms part of the proposed offset for impacts to Sloane's Froglet habitat.

The BDAR states that the CEMP will include a monitoring program to study the colonisation of new stormwater detention basins post-development, confirm ongoing use of existing creek corridors post-development and determine if frogs are using the designated chain-of-ponds corridor along the southern boundary during their annual movements, and that triggers will be defined in the event that the species is not using existing and new habitat. The department requests further details on the proposed monitoring program, as well as the triggers and the actions that would follow to ensure that the offset areas and mitigation measures are achieving their intended outcomes.

The department requests further information in relation to design and ongoing management across the estate more generally including but not limited to provision of movement corridors for Sloane's Froglet and measures to minimise impacts from humans including speed limits, traffic calming features (speed humps, chicanes), cat containment and curfews, street lighting, barriers, fencing and signage (traffic, educational), urban pollution and runoff controls, pesticides, herbicides and chytrid fungus.

Regent Honeyeater

The department requests further information in relation to the management of retained habitat and cats in the estate to eliminate the threat of predation on Regent Honeyeaters, including but

not limited to cat free development or cat containment and curfews, fencing and signage (educational).

4 Regard to relevant statutory documents

The department notes the following recovery plan and threat abatement plans are relevant to the Regent Honeyeater. The department requires that you demonstrate that the proposed action will not be inconsistent with these plans:

- Department of the Environment (2016). *National Recovery Plan for the Regent Honeyeater* (Anthochaera phrygia). Canberra, ACT: Commonwealth of Australia. Available from: http://www.environment.gov.au/biodiversity/threatened/recovery-plans/national-recovery-plan-regent-honeyeater-anthochaera-phrygia-2016.
- Department of Climate Change, Energy, the Environment and Water (2024). *Threat abatement plan for predation by feral cats 2024*. Canberra: Commonwealth of Australia. Available from: http://www.dcceew.gov.au/environment/biodiversity/threatened/publications/tap/threat-abatement-plan-feral-cats.
- Department of the Environment and Energy (2016). *Threat abatement plan for competition and land degradation by rabbits*. Canberra, ACT: Commonwealth of Australia. Available from: http://www.environment.gov.au/biodiversity/threatened/publications/tap/competition-and-land-degradation-rabbits-2016.

The department requires you to demonstrate that the assessment of impacts and mitigation measures has had regard to the:

- Threatened Species Scientific Committee (2019). *Conservation Advice* Crinia sloanei *(Sloane's Froglet*). Canberra: Department of the Environment and Energy. Available from: http://www.environment.gov.au/biodiversity/threatened/species/pubs/59151-conservation-advice-04072019.pdf.
- Department of the Environment (2015). *Conservation Advice* Anthochaera phrygia *regent honeyeater*. Canberra: Department of the Environment. Available from: http://www.environment.gov.au/biodiversity/threatened/species/pubs/82338-conservation-advice.pdf.
- Department of the Environment and Energy (2016). *Threat abatement plan for infection of amphibians with chytrid fungus resulting in chytridiomycosis*. Canberra: Department of the Environment and Energy. Available from: https://www.dcceew.gov.au/sites/default/files/documents/tap-chytrid-fungus-2016.pdf

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5 Ecologically sustainable development

A description of how the proposed action meets the principles of **ecologically sustainable development** (as defined in section 3A of the EPBC Act), including addressing the following:

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

6 Economic and social matters

The preliminary documentation must address the economic and social impacts (both positive and negative) of the proposed action. Consideration of economic and social matters may include:

- details of any public consultation undertaken, and the outcomes (if additional to the referral information, noting that the draft PD will be published for public consultation and must be addressed in finalising the PD).
- details of any indigenous stakeholder consultation (if additional to referral information).
- projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies.
- any employment opportunities expected to be generated by the project at each phase of the proposed action.
- any benefits to the local and wider community as a result of the proposed action. the points listed below.

The department received comments on the referral from DAFF, which raised concerns about potential impacts of urban expansion in the Albury-Thurgoona area on agricultural production. The department requests that in addressing economic and social impacts, you consider the impacts of the proposed development and other urban expansion projects on food security, food miles and potentially displaced or disconnected infrastructure on the region.

The department received comments on the referral from the Department of Defence, which noted the proximity of the proposed action area to the Wirlinga Storage Ammunition Depot.

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Defence raised the potential for increased public concern about demolition activities at the site. The department requests that in addressing economic and social impacts, you assess the risk of noise and vibration effects from nearby demolition activities and, if potentially significant, how you will manage the risk to minimise concerns of the community and allow Defence to conduct its business without undue complaint.

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APPENDIX A General content, format and style

The purpose of the preliminary documentation is to enable interested stakeholders and the Minister to understand the environmental consequences of the proposed development on protected matters, including matters of national environmental significance (MNES). The documents you provide in your response should meet the following criteria, as appropriate.

A1. Content requirements	
A1.1	Be a stand-alone document containing sufficient information to avoid the need to search out previous or supplementary reports.
A1.2	Enable interested stakeholders and the Minister to easily understand the consequences of the project on matters of national environmental significance (MNES).
A1.3	Be written so that any conclusions reached can be independently assessed. Include all key claims, findings, proposals and undertakings in the main document.
A1.4	Refer to all relevant standards, policies and other guidance material published by the department. Any instances where published guidance is not followed must be justified. Where no Commonwealth standards exist, state government and industry standards may be useful.
A1.5	Include the names, roles and qualifications (where relevant) of all persons involved in preparing the preliminary documentation.
A1.6	Include a copy of this request for information and a cross-reference table (Appendix B) indicating where the information fulfilling this request is included in the preliminary documentation (e.g. Section 4.2.2 and Appendix A, Chapter 2.1).
A1.7	As relevant, the preliminary documentation must state the following for all information provided: – The source and date of the information – How the reliability of the information was tested – The uncertainties (if any) in the information – The guidelines, plans, and/or policies considered.
A2. Format and style requirements	
A2.1	Be in a suitable format to be published in hardcopy (A4 or A3 size, with maps and diagrams in A4 or A3 size and in colour) and published in electronic format (e.g. MSWord or PDF) on the internet.
A2.2	Include detailed technical information, studies or investigations necessary to support the information in the stand-alone document as appendices.
A2.3	Be objective, clear, succinct, avoid technical jargon and, where appropriate, be supported by maps, plans, diagrams, data or other descriptive detail.
A2.4	Reference all sources using the Harvard standard of referencing. Ensure that other supporting documents (e.g. academic studies, regulatory standards) are publicly accessible, with electronic links provided where possible.
A2.5	Redact the contact details of departmental officers.
A2.6	Not contain any commercial in confidence markings. If the preliminary documentation contains sensitive information, please discuss this with the assessment officer.

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APPENDIX B Further information summary table

Number	Description of information	Information provided (Y/N)	Proponent comments	Location in Preliminary Documentation
1.1 Impact on Sloane's Froglet	Estimate of national population of the Sloane's Froglet. Analysis of the cumulative impact on Sloane's Froglet of this and other known developments in the Albury-Thurgoona area.			
1.2 Impact of cats	Assess the impact from cats on Regent Honeyeater and Sloane's Froglet			
2. Offsets (Sloane's Froglet)	Calculate quantum of impact on Sloane's froglet habitat using EPBC Offset Assessment Guide Demonstrate that proposed offset area(s) meet: • offset obligation using EPBC Offset Assessment Guide • requirements of EPBC Act Environmental Offsets Policy Include offset calculation spreadsheet in preliminary documentation			
3.1 Management Plans	Provide Construction and Environment Management Plan and relevant* sub-plans (approved by Council or final draft) * relevant to managing impacts to Sloane's Froglet and Regent Honeyeater over life of development (e.g. erosion and sedimentation, water/stormwater, biodiversity, rehabilitation) Identify all measures relevant to managing potential impacts to Sloane's Froglet and Regent Honeyeater			

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Number	Description of information	Information provided (Y/N)	Proponent comments	Location in Preliminary Documentation
3.2 Sloane's Froglet Management Plan	Include information regarding design and ongoing management across the estate, incl. • management objectives/intended outcomes • details of habitat areas and movement corridors provided • measures to minimise impacts from humans (eg speed limits, barriers, street lighting, signage, etc) • monitoring program • triggers and actions to achieve intended outcomes			
3.3 Cat containment	Identify proposed measures to minimise impact on Regent Honeyeater and Sloane's Froglet from predation by cats			
4. Statutory documents	Demonstrate that the proposed action will not be inconsistent with relevant Recovery Plans and Threat Abatement Plans. Demonstrate that the assessment of impacts and mitigation measures has had regard to the relevant Conservation Advices.			
5. ESD	Describe how the proposed action meets the principles of ecologically sustainable development (as defined in section 3A of the EPBC Act)			
6. Economic and social impacts	Provide details of economic and social impacts of the proposed action			

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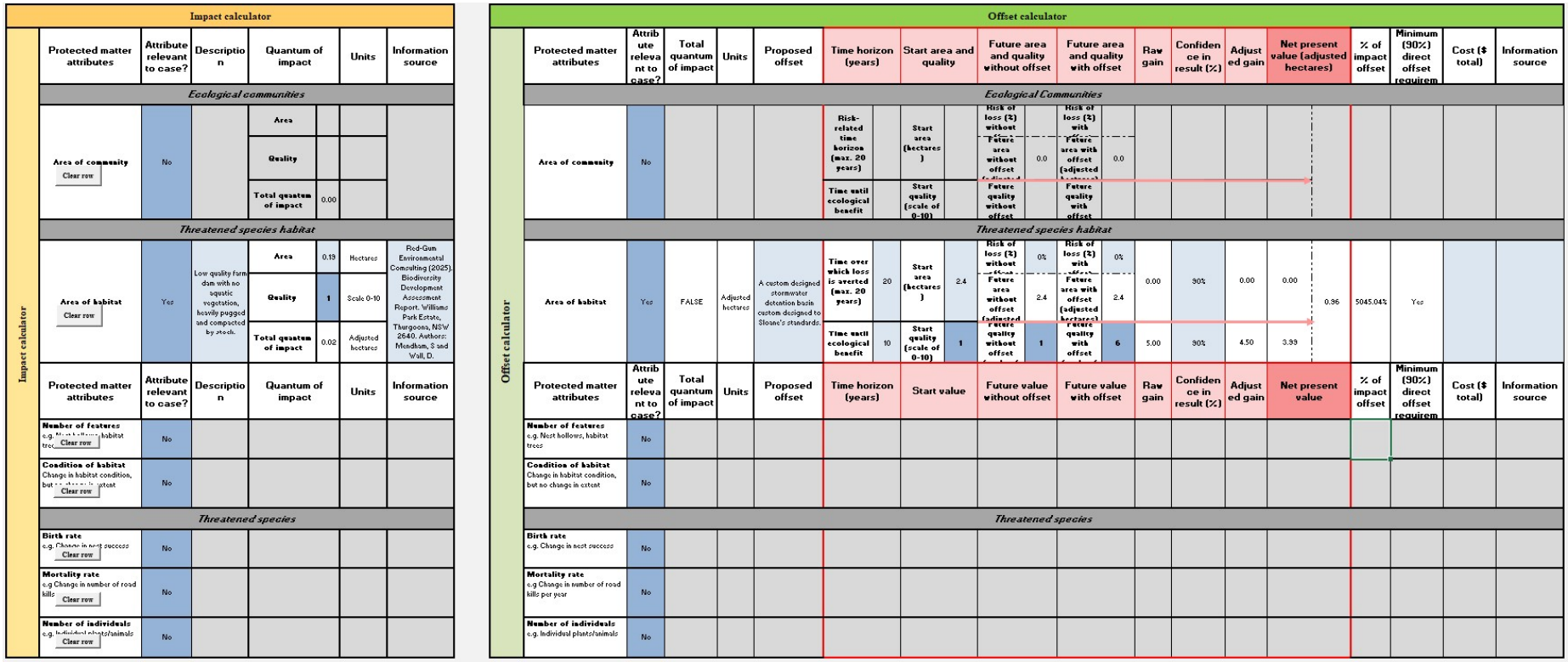
Appendix 2 EPBC Act offset calculation spreadsheet



Impact calculator

Protected matter attributes	Attribute relevant to case?	Description	Quantum of impact		Units	Information source
Ecological communities						
Area of community (Clear row)	No		Area			
			Quality			
			Total quantum of impact	0.00		
Threatened species habitat						
Area of habitat (Clear row)	Yes	Low quality farm dam with no aquatic vegetation, heavily pugged and compacted by stock.	Area	0.13	Hectares	Red-Gum Environmental Consulting (2025). Biodiversity Development Assessment Report. Williams Park Estate, Thurgoona, NSW 2640. Authors: Mendham, S and Wall, D.
			Quality	1	Scale 0-10	
			Total quantum of impact	0.02	Adjusted hectares	
Threatened species						
Number of features e.g. Nest hollows, habitat trees (Clear row)	No					
Condition of habitat Change in habitat condition, but no change in extent (Clear row)	No					
Birth rate e.g. Change in nest success (Clear row)	No					
Mortality rate e.g Change in number of road kills (Clear row)	No					
Number of individuals e.g. Individual plants/animals (Clear row)	No					

Offset calculator

Protected matter attributes	Attribute relevant to case?	Total quantum of impact	Units	Proposed offset	Time horizon (years)		Start area and quality		Future area and quality without offset		Future area and quality with offset		Raw gain	Confidence in result (%)	Adjusted gain	Net present value (adjusted hectares)	% of impact offset	Minimum (90%) direct offset requirem	Cost ($ total)	Information source
Ecological Communities																				
Area of community	No				Risk-related time horizon (max. 20 years)		Start area (hectares)		Risk of loss (%) without offset		Risk of loss (%) with offset									
									Future area without offset (adjusted hectares)	0.0	Future area with offset (adjusted hectares)	0.0								
					Time until ecological benefit		Start quality (scale of 0-10)		Future quality without offset		Future quality with offset									
Threatened species habitat																				
Area of habitat	Yes	FALSE	Adjusted hectares	A custom designed stormwater detention basin custom designed to Sloane's standards.	Time over which loss is averted (max. 20 years)	20	Start area (hectares)	2.4	Risk of loss (%) without offset	0%	Risk of loss (%) with offset	0%	0.00	90%	0.00	0.00	0.96	5045.04%	Yes	
									Future area without offset (adjusted hectares)	2.4	Future area with offset (adjusted hectares)	2.4								
					Time until ecological benefit	10	Start quality (scale of 0-10)	1	Future quality without offset	1	Future quality with offset	6	5.00	90%	4.50	3.99				
Protected matter attributes	Attribute relevant to case?	Total quantum of impact	Units	Proposed offset	Time horizon (years)		Start value		Future value without offset		Future value with offset		Raw gain	Confidence in result (%)	Adjusted gain	Net present value	% of impact offset	Minimum (90%) direct offset requirem	Cost ($ total)	Information source
Number of features e.g. Nest hollows, habitat trees	No																			
Condition of habitat Change in habitat condition, but no change in extent	No																			
Threatened species																				
Birth rate e.g. Change in nest success	No																			
Mortality rate e.g Change in number of road kills per year	No																			
Number of individuals e.g. Individual plants/animals	No																			

Summary								
	Protected matter attributes	Quantum of impact	Net present value of offset	% of impact offset	Direct offset adequate?	Cost ($)		
						Direct offset ($)	Other compensatory measures ($)	Total ($)
Summary	Birth rate	0				$0.00		$0.00
	Mortality rate	0				$0.00		$0.00
	Number of individuals	0				$0.00		$0.00
	Number of features	0				$0.00		$0.00
	Condition of habitat	0				$0.00		$0.00
	Area of habitat	0.019	0.96	5045.04%	Yes	$0.00	N/A	$0.00
	Area of community	0				$0.00		$0.00
						$0.00	**$0.00**	**$0.00**

Appendix 3 Additional Supporting Maps

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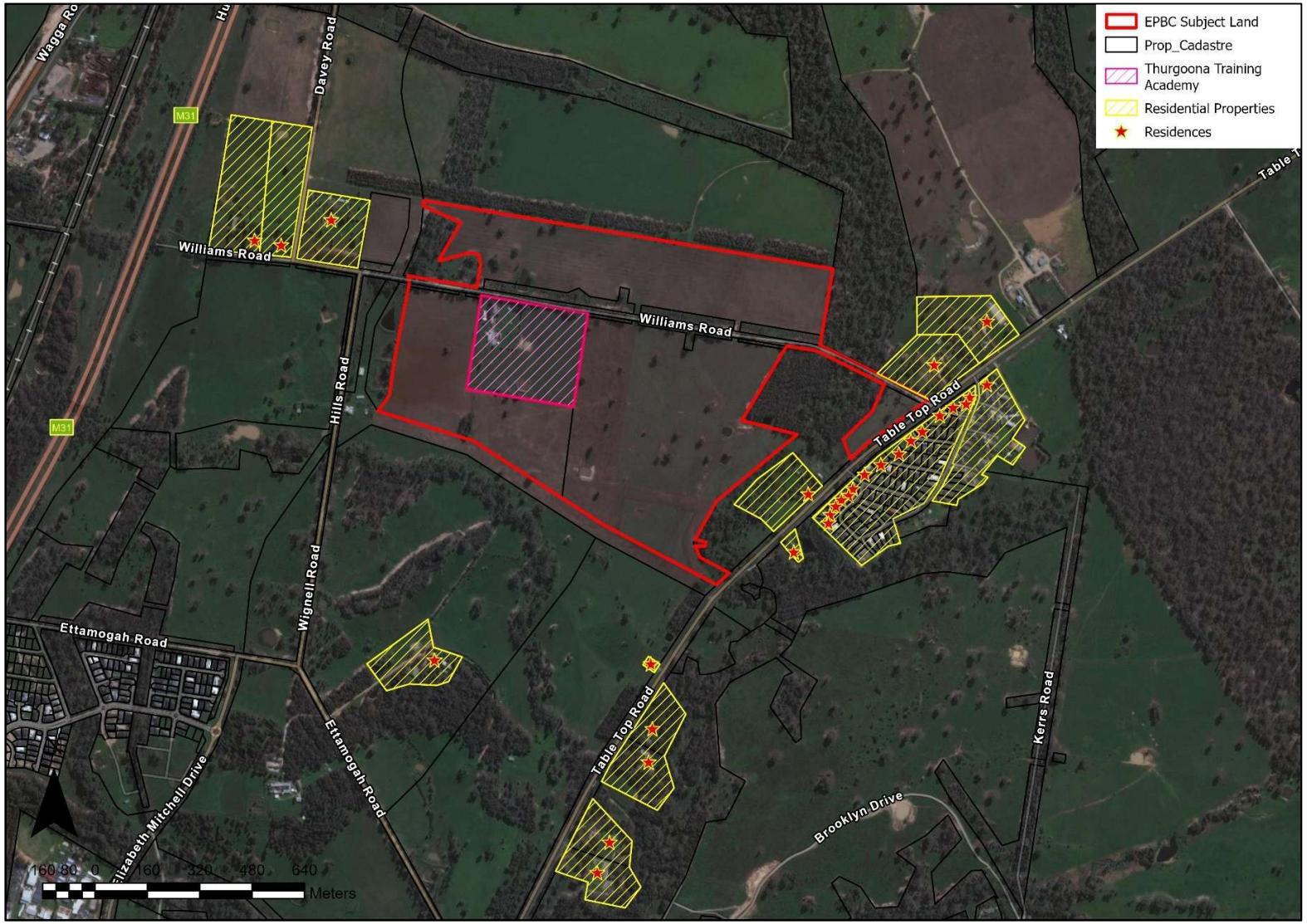
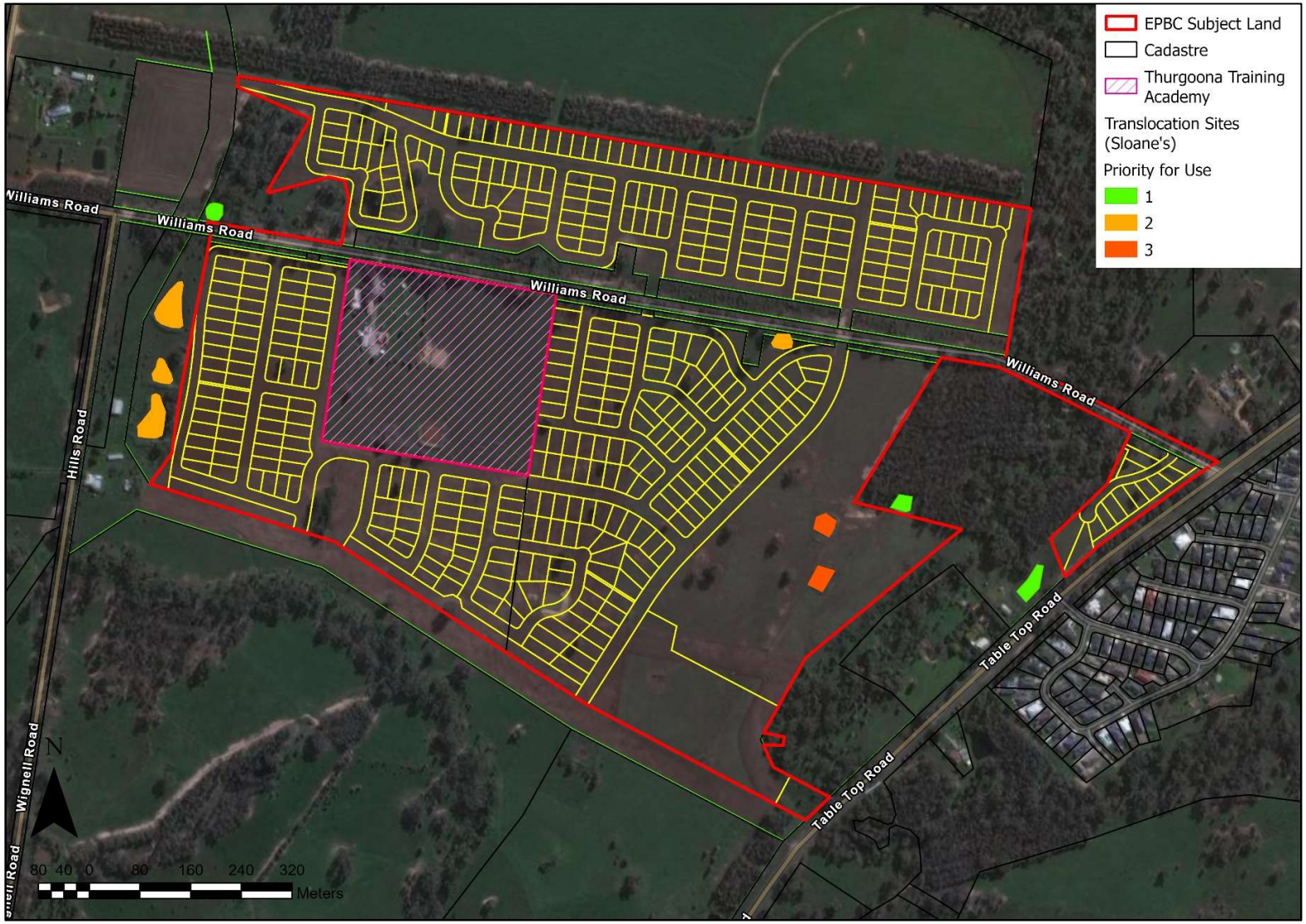


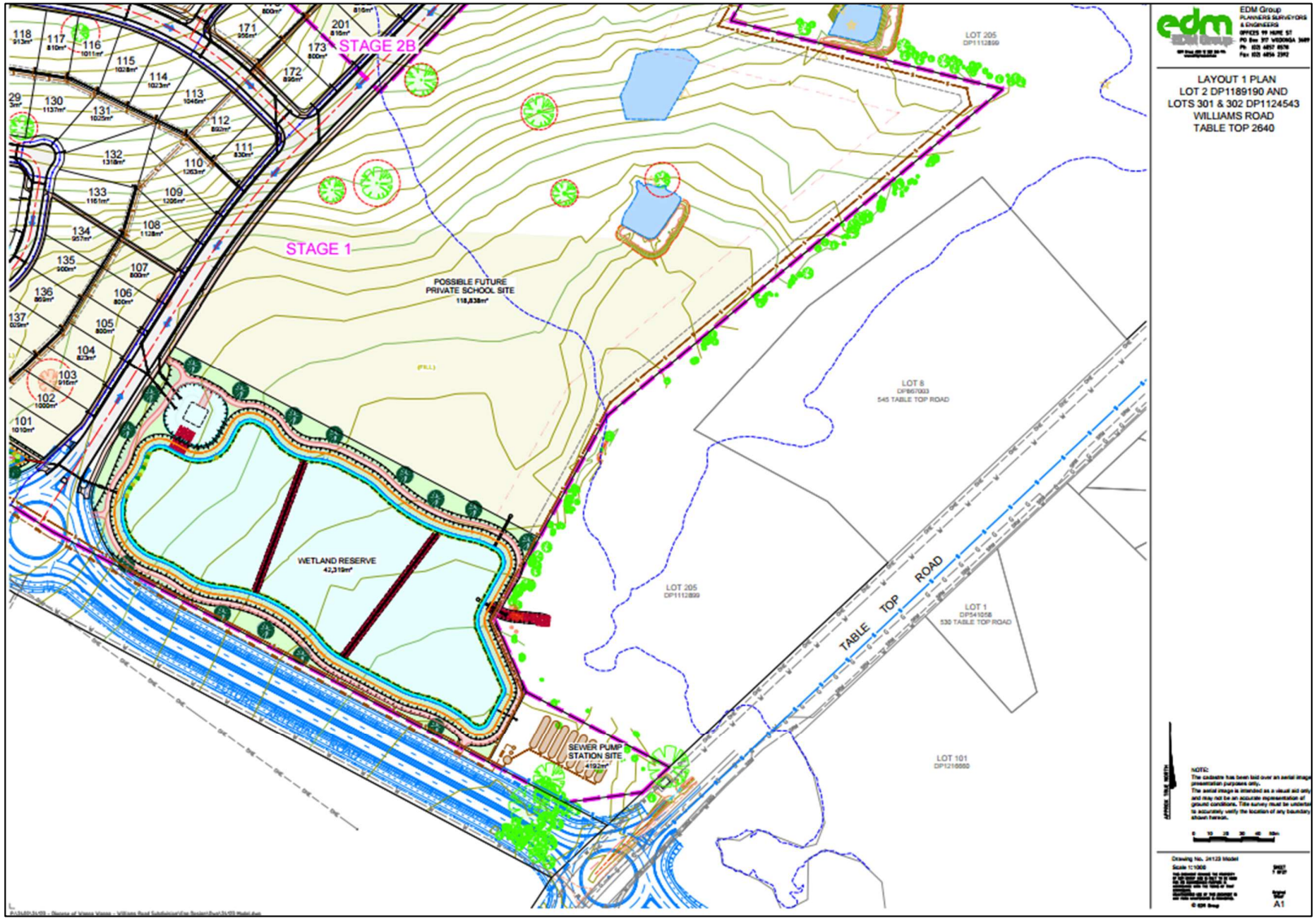
Map 1: Nearby residential properties and residential buildings, all with substantial vegetation buffering and/or distance from the development



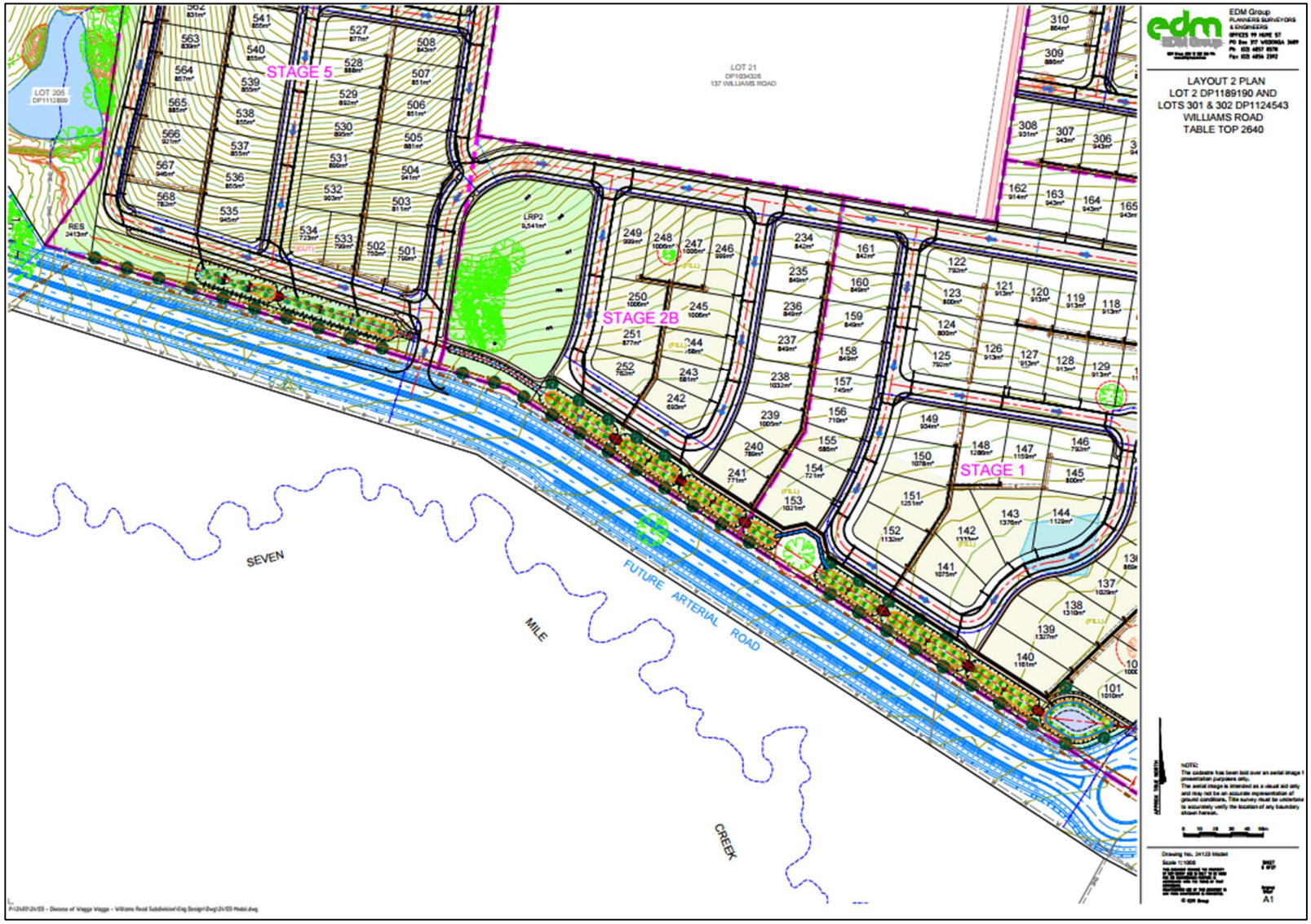
Map 2: Translocation sites (contingency only) for Sloane's Froglet, with highest quality priority 1 sites to take preference for use

Map 3: Approximate footprint of the proposed Thurgoona Link access road, with Williams Park Estate development in red (Source: Albury City Council 2025)

Map 4: Mapped Sloane's Froglet species polygon (purple hash) with loss areas overlaid (hashed yellow) for Williams Park Estate development



Map 5: Proposed augmented Sloane's Froglet habitat (main wetland) 'Wetland Reserve' to be used for on-site offsets



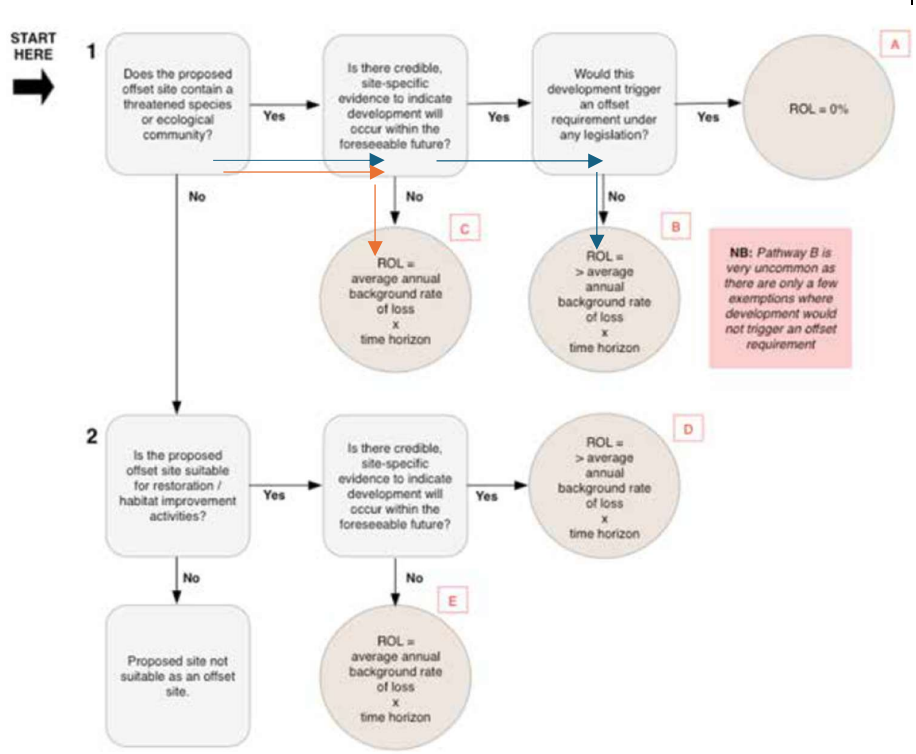
Map 6: Proposed Sloane's Froglet habitat corridor to maintain links between wetlands/creeks and to offset losses to existing corridor areas

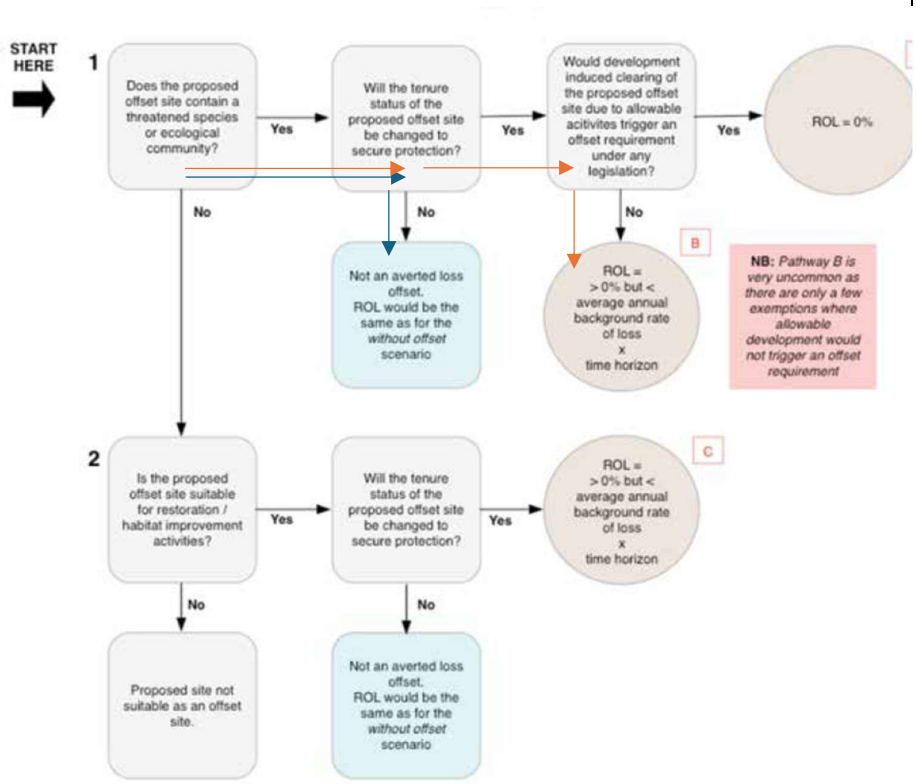
Appendix 4 Justification of EPBC Offset Calculator Inputs

Input	Score	Justification
Impact area		
Area	0.19 ha	0.19 ha of breeding habitat land will be impacted. This consists of a farm dam that is being used by Sloane's froglet. Consultancy report drawn upon: • Red-Gum Environmental Consulting (2025) Biodiversity Development Assessment Report. Williams Park Estate, Thurgoona, NSW, 2640. Authors: Mendham, S and Wall, D.
Quality of impact area	1	The dam being lost is void of native emergent or fringing semi aquatic vegetation. It is approximately 0.1 hectares when full, yet it is relatively isolated in a cleared paddock and provides only low quality habitat for most waterbirds and other fauna. It is pugged by cattle and compacted. Despite the poor quality of the habitat, Sloane's Froglet were detected in this dam, and thus it does constitute potential breeding habitat for this species.

Offset area		
Time horizon		
Time horizon – risk-related time horizon (max 20 years)	20 yrs	The offset site being constructed is a stormwater-fed Sloane's Froglet wetland. This wetland will be fully designed to Sloane's Froglet standards. This Sloane's Froglet is a key component of the development's approval and continued operation. Therefore, the maximum timeframe of 20 years has been selected.
Time until ecological benefit	10 yrs	The wetland will be constructed at the beginning of the development project (i.e. before the removal of the existing farm dam). Construction is anticipated to take no more than a few months, with revegetation of the area is expected to take up to a year to establish. However, a very conservative figure of 10 years has been selected.
Start area and quality		
Start area	2.4 ha	The proposed Sloane's Froglet wetland will be 2.4 ha in size.
Start quality (0-10)	1	The area where the wetland is proposed is currently a cropped paddock. The area does constitute migrational habitat for the species, and Sloane's were detected in the area.
Future area and quality without offset		
Risk of loss (%) without offset	0%	The Threatened Species Recovery Hub's *Guidance for deriving 'Risk of Loss' estimates when evaluating biodiversity offset proposals under the EPBC Act* (2017) report was consulted when determining both the Risk of Loss (RoL) with and without offset (from now on referred to as TSRH (2017). As described in the TSR RoL Report, overestimation of ROL leads to more biodiversity loss and entrenching trajectories of decline. Averted loss offsets (legal mechanisms) are appealing given they reduce the requirement to rely on highly uncertain restoration gains. However, they can only legitimately be claimed where proposed offset sites are genuinely under threat of clearance within the time period that RoL is being evaluated. Where there is no threat of loss, there is no loss to avert and a genuine conservation gain cannot be delivered. Restoration activities are aimed at creating new or improving existing habitat. Offset sites can be sites that currently contain the target threatened species; sites that through offset actions (e.g. creation or restoration of habitat, or threat abatement) will contain the target threatened species in the future; or be sites that contain other values, protection of which will contribute to improving or maintaining the viability of the target threatened species (e.g. forage habitat or breeding habitat).

Offset area		
		Future development of proposed offset sites containing threatened species or ecological communities are likely to trigger an offset requirement which neutralises the impact of this development, *thus there would be no loss to avert*. Less commonly, a proposed offset site might not contain a threatened species, ecological community, or Matter of National Environmental Significance protected under the EPBC Act, state/territory legislation, or local government legislation. In this situation, future loss of the site would not require a separate assessment and approval process, and therefore would not require an offset. Such a site could still be an appropriate offset for the impacted matter, for example where: • it is feasible to create new habitat for a threatened species (as is the case here); • restoration effort will be invested to improve habitat quality to meet the criteria for a particular ecological community in the future (as is the case here); or • the site contains a value that is not protected under any legislation but which contributes to the viability of the impacted matter (e.g. forage habitat, tree hollows), and the protection of which would represent a biodiversity gain. In these cases, the following factors are likely to be relevant for making ROL estimates: • background rates of loss; • protected tenure status; and • presence of pending development applications or development approvals. On reading the report, it became apparent that the situation for William's Road is more uncommon, and the authors have taken a conservative approach, and used 0% RoL for both with and without offset. A higher percentage could possibly be justified here. The area proposed for offset **DOES** contain the community. If in the flowchart it was selected that there was **NOT** credible evidence that the area would be developed in the future (if this development was not/does not occur), then the RoL would be *average annual background rate of loss x time horizon, which is 1.23: i.e. 0.06 x 20, data from 2000-2014 provided in the TSRH 2017 report)* (see **orange** arrows in flow chart below). However, in this situation, where there is evidence development might occur (given trends and pressures in the Thurgoona area in particular), if this area was developed, it would **NOT** require an offset (despite Sloane's being present), as the area designated for offset is categorised as R1 land. In this case, RoL would be calculated as *greater than the average annual background rate of loss x time horizon* (see **blue** arrows in flow chart below). As the TSRH 2017 report states, this is a very uncommon situation. In this situation, RoL is elevated above the average annual background rate of loss as credible evidence is available proving that the site will be lost within the foreseeable future as there are no mechanisms in place to either reduce (e.g. legal protection) or neutralise (offset requirement) this risk. In such situations it is plausible for RoL to be high, however the supporting evidence needs to be robust and indisputable. Increasing RoL above background rates of loss is recommended in only a few situations. Adding further complexity to this case, is that this land proposed for offset (R1 land) has already been offset during the Albury Council's bio certification process as part of the land zoning process, so an offset has already been created on the basis that this land WOULD be development in the future. Providing a further offset on this land is adding to the total biodiversity offset values being included as part of the overall development. In this situation, despite the above, a conservative 0% has been used. Adjusting the confidence in result score is preferable to adjusting the RoL estimates from those recommended in the TSRH report (0%).

Offset area		
		Reference: Threatened Species Recovery Hub (2017) Guidance for deriving 'Risk of Loss' estimates when evaluating biodiversity offset proposals under the EPBC Act. Report to the National Environmental Science Programme. Department of the Environment and Energy. University of Queensland. 
Future quality without offset (0-10)	1	The site is currently cropped and no significant future change in its quality is expected owing to the current management of the site which is already at a 'low' level with regards to flora and fauna management. However, the area is zone as residential, and if this development was not approved, there would be a possibility that the area would be removed by a future residential development given the strong pressures and need for housing in the Thurgoona area.
Future area and quality with offset		
Risk of loss (%) with offset	0%	As described above, an estimate of 0% has been selected. Adjusting the confidence in result score is preferable to adjusting the RoL estimates from those recommended in the TSRH Report. Following the flowchart provided in the TSRH 2017 report, the site does contain a threatened species community, and the tenure status will not change, therefore the result is *not an averted loss offset, RoL would be the same as for the without offset scenario and there would be no biodiversity gain from averting loss (i.e. no tenure change). In this situation, other actions such as habitat improvement would need to be relied on to fulfill the offset requirement* (see **blue** arrows in the flow chart below). The habitat will be significantly improved for the Sloane's Froglet, with the creation of a wetland designed to Sloane's froglet standards, creating breeding habitat in what is currently a paddock. However, while tenure will not change, the wetland is a key component of the approval process for the development, which cannot occur without it, it will be permanent (even with no tenure change). If a yes is selected here to take this into account, the next question in the flowchart is if development would occur in the offset site, whether it would trigger

Offset area		
		an offset, and here the answer is no, resulting in *RoL =>0% but < average annual background rate of lox x time horizon* (see **orange** arrows in the flow chart below). Again, it is identified that this is a very unusual pathway. *Reference: Threatened Species Recovery Hub (2017) Guidance for deriving 'Risk of Loss' estimates when evaluating biodiversity offset proposals under the EPBC Act. Report to the National Environmental Science Programme. Department of the Environment and Energy. University of Queensland.* 
Future quality with offset (0-10)	6	A conservative figure of 6 has been used. The site of the offset would occasionally have Sloane's migrational movements. No works are to be undertaken during the migration season. If essential works need to be undertaken, preclearance surveys immediately before works must be conducted.
Confidence in result (%)		
Risk	90%	Red-Gum is confident in the calculations. Conservative estimates, as described above, have been selected.
Quality	90%	A conservative estimate has been selected for quality. Currently, the land is a cropped paddock that will be turned into breeding habitat in the form of a wetland built to Sloane's Froglet standards. A higher than 6 quality score is anticipated. The forthcoming Sloane's Froglet Management Plan (SFMP) will outline the ongoing management commitments to ensure the wetland continues to function effectively, including a monitoring program to track water quality and Sloane's Froglet re-population and ongoing use of the wetland. A CEMP will also be developed, including targeting Sloane's Froglet management controls and actions, triggers and impact minimisation.
Cost		
		The cost component of the EPBC Act offset calculator (costs to establish and maintain the offset) has been deemed not applicable to this document.