

Appendix D Consultation

D.1 Panboola Land Managers

From: [PWWP Inc](#)
To: [Jane Love](#)
Subject: PWWP key points to be addressed in REF
Date: Monday, 13 January 2025 2:37:55 PM

Hi Jane - hope you have had a good break!!

After our site meeting in mid December I said I would get back to you with our key concerns that we would like addressed in the REF. I know we discussed most of this at the meeting at the racecourse however I thought it best to put it in writing.

As you would have taken from the meeting our biggest concern about opening up the levee to tidal inundation is the impact of encroaching Mangroves upon the healthy Coastal Saltmarsh Endangered Ecological Community that currently exists within the racecourse. This community has thrived since the closure of the Old Racecourse, with very minimal human intervention and is now providing habitat for Threatened and Migratory Species (29 threatened and migratory bird species have been observed at Panboola over the past 20 years)

We would like to see the following included in the REF:

- Mapping projections - can we see forecast mapping that details projected changes to both the Coastal Saltmarsh and Mangrove communities over the next 25, 50 and 75 years across 4 different scenarios 1. do nothing, 2. do nothing and sea level rise projections, 3. install 1 channel and sea level rise, and 4. install 2 channels and sea level rise.
- Commentary regarding any contaminants that may be present on site (such as Acid Sulfate Soils) and the impact any disturbance of this may have on surrounding areas.
- How the proposed changes will improve the ecological status of the area, and how does it enhance the
- What is the impact of the proposed changes on Threatened and Migratory Species that now rely on the Coastal Saltmarsh EEC, and on the biodiversity that currently exists within the Old Pambula Racecourse.
- What will be the impact upon other ecological communities that exist across the entire Panboola site, in particular those that are listed as Vulnerable or Critically Endangered under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and those that are listed as threatened species or EEC's under the NSW Biodiversity Conservation Act 2106
- How does the proposed project justify disturbance to, and potential loss of Coastal Saltmarsh EEC that will be compromised by Mangrove encroachment and proliferation.

We look forward to reading your report

Kind regards

Michelle

Michelle Richmond
Project Coordinator
Pambula Wetlands and Heritage Project Inc
(I work Tuesday, Wednesday and Thursday)

From: [Robyn Kesby](#)
To: [Jane Love](#)
Cc: [panboola](#)
Subject: Comments on draft Panboola Rehabilitation Works REF from PWHP Inc
Date: Monday, 11 August 2025 11:08:43 AM

Hi Jane

Thanks for the opportunity to comment on this draft REF. Below are some comments from Panboola managers.

1. There are many references throughout the report to 'Panboola Trust' and 'Panboola Wetland Trust'. There is no such entity. There is however a group of 4 people who form the Panboola Trust - a group that oversees the general direction of the management of Panboola but has no direct role in management. The entire area is managed by Pambula Wetlands and Heritage Project Inc (PWHP Inc). The area that this report mostly refers to is the Crown Land owned portion of the property. The management group for this used to be called the Pambula Wetlands and Heritage Reserve Trust (never the Panboola Trust), and for the last 5 years or more has been renamed by Crown Lands as the Pambula Wetlands and Heritage Reserve Land Manager (PWHR Land Manager). To complicate it further, the PWHP Inc was appointed as the PWHR Land Manager. Perhaps Panboola managers would be a better (more accurate) term, or something similar.

2. page 97 s. 6.5.2 Existing environment. The racecourse did not move to Kalaru in 1903 as stated. It was during the 1990's. Perhaps you could acknowledge the work done since that time by the Panboola management committee. It has been managed for nature conservation, passive recreation and maintenance of its heritage. The racetrack has been maintained and stabilised, distance markers and some of the running rails restored, weeds and feral animals controlled and visitor use directed. The reestablishment of saltmarsh has been encouraged and regenerating Forest red gums *Eucalyptus tereticornis* at the south-western edge of

the track protected. (Given the recent Biodiversity Assessment (Appendix F), does it still qualify as degraded wetland in need of rehabilitation?)

3. Erosion of the racetrack during floods and use in the wet has been addressed by laying 1.7km of diamond grid on the surface and filling it with crushed granite. There is the potential for this to be damaged by heavy machinery etc. used during the construction phase. This should be addressed in Section 6.3.4 Safeguards and Mitigation measures, or somewhere else that you think is appropriate.

4. Have the oyster farmers at Broadwater Lake been consulted about the proposed works? Panboola plays a significant role in the protection of water quality for the industry.

5. Are there examples of where the use of floating booms, filter plantings, etc has been successfully used to control mangrove propagule movement? it might be helpful to cite them if this has not already been done.

6. App. F Comments from Section 4.4 Table 4-5. As Panboola is managed by a volunteer committee and volunteer workforce, it would be useful to address who will be responsible for the 5 year monitoring of the environmental effects of these works, and who will fund this. Will comments from the other stakeholders be made available to PWHP?

Thanks again for this draft REF.

Kind regards

Robyn Kesby

Secretary

Pambula Wetlands and Heritage Project
Inc



D.2 NPWS

On Review of the Draft Review of Environmental Factors, Panboola Wetland Rehabilitation Works (Version 2), prepared by NGH Pty Ltd, dated 18 July 2025, NPWS has raised the following statutory and environmental matters concerning the activity on Beowa National Park (NPWS estate) as land reserved under the NSW National Parks and Wildlife Act 1974 (NPW Act).

Section	REF Section Title	NPWS requested revised REF content and comments	Response
1.2	Location of the activity	Revise the REF to adequately identify the NPWS estate and the administration of Beowa National Park. Suggested text - Lot 1828 DP 1187859 within Beowa National Park as land reserved under the NSW National Parks and Wildlife Act 1974, and managed by the NSW National Parks and Wildlife Service (NPWS) as the park authority.	Text in REF updated as suggested
Figures All	Proposal Area	Revise the REF to identify proposal tenure and tenure boundaries across Figure 1-2 and all other figures in the REF. NPWS recommends using the NSW SEED dataset - NSW National Parks and Wildlife Service (NPWS) All Managed Land via https://datasets.seed.nsw.gov.au/dataset/npws-all-managed-land. This is essential in providing context to the cross-tenure application of the proposal between the Panboola Wetland as Crown land and Beowa National Park as NPWS estate in the context of the Pambula Wetland. Ensure a figure is provided to indicate the areas of the Panboola Wetland referred to in the REF, for example, the inner and central racecourse area, and highlight the critical estuary connections where tidal flow is to be restored, and the areas which will benefit from the proposed activity, both in the Panboola Wetland and in Beowa National Park with wider corresponding PCT identification on NPWS estate.	Maps updated where required. Refer to Figure 1-2 Refer Section 6.2.2
2.2	Strategic context	Revise the REF – Option 3 text to consider the NPWS estate in the strategic context and justification, on which the proposed activity and submitted REF are based. Including lawful permissibility of the activity under the NPW Act, and consistency with the statutory Plan of Management. Option 3 - Increase tidal connectivity - suggested text changes During the investigation of the site hydrology on the Panboola Wetland, it was identified that two existing pipe culverts connecting to the estuary are currently restricting tidal flows into the centre racecourse area of the wetland. It was also identified that an existing levee on Beowa National Park is also restricting natural tidal flow to a 6,000 m2 area to the south of	Text in REF updated as suggested. Moved text up from Section 2.5 to address justification.

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		the racecourse. (This is a confusing statement, as the land south of the racecourse is Beowa National Park. Please revise and explain why restoring tidal movement is important to the TEC/PCT in this locality or to estuary health in the reasoning. As these factors are important to the NPWS estate). Option 3 proposes the removal of the pipe culverts and replacing them with alternative structures (e.g. rock channels with timber and steel bridges) to allow for increased natural tidal flow between the Pambula estuary and the inner racecourse area within the Panboola Wetland. Preliminary estimates indicate that removal of these restrictions would extend the tidal wetland habitat within Panboola Wetland, adding up to 2.5 ha of land subject to tidal influence. Part removal (or full removal as explained later in the REF – please confirm activity, scope of works and design for the levee on the NPWS estate, providing definitive statements on why option 3 is the best one) of the levee would also reintroduce natural tidal flow to a 6,000 m2 area of (insert PCT/estuarine elements) to the south of the Panboola Wetland on Beowa National Park. While the proposed activity is likely to lead to some localised ecological changes, overall, they would increase the health of the coastal wetland, increasing its resilience and that of the wider Pambula estuary to future flood and sea level rise impacts.	
3.1	The proposal	Revise the REF to confirm and adequately describe the activity as it affects Beowa National Park and the Pambula estuary. The description of the activity, as the works proposed to the levee, and the full scope of access, construction and operational requirements must be included in the REF. Overall, the activity or proposal description is critical to the environmental assessment process under the EP&A Act and in authorising the access and construction under the NPW Act. Confirm the activity as it affects the NPWS estate - Confirm the actual activity and provide an engineered design for the new channel / modified levee as part of Appendix A. Currently, the explanation is ‘removal of at least 1 section (possibly up to 3 to 4) of a levee located in Beowa National Park to reintroduce tidal flow to a 6,000 m2 area on the outside of the Panboola racecourse area to the south’. This description of the activity is insufficient for a REF affecting the NPWS estate. - Confirm the scope of work occurring on the NPWS estate, essential information is, but not limited to:	Added in new Section 3.3 to the REF

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		- type of levee (earthen or concrete), size (dimensions of the current levee), suspected volume, and type of material to be removed, material source or origins. Has the material been tested? Is it contaminated? What is the likelihood that it contains Aboriginal objects protected under the NPW Act? - confirm the function of the levee in its current location, whether an old river channel, the reasons why it was established originally, and how its removal will affect the greater Pambula Wetlands, Panboola and Beowa National Park. How does the levee function and interact with the racecourse formation? - confirm if access to the levee exists, or will one be constructed to enable the necessary heavy machinery to access the activity area? - extent of modification, either part or complete removal (or demolition) of the levee, what does it mean to remove 1 or 4 sections, what is a section (% of the total area of the levee), what is the full and confirmed extent of works proposed on the levee, will the works cover a stage approach or a one off (aka modifying 1 section now progressing to a full 4 sections over time). How will this restore tidal and flood movement in the Panboola wetland or on Beowa National Park? - confirm once the activity and scope of works are finalised, the construction footprint or activity area, as the area subject to direct impacts of construction, including access, levee removal, recontouring and ancillary sediment and erosion control, scour protection and remediation /rehabilitation works will occur in. - explanation on the construction methodology for the levee, e.g. will require a dry site, coffer dam use or extensive silt curtains, how will the material be removed, will the levee require recontouring or battering. • Provide a preliminary engineered design of the levee and the proposed modification works, to establish the final channel once the revised activity is confirmed. Provide for the new channel design, specify the level of armouring, and identify the area of direct and indirect impacts related to construction on the NPWS estate. Provision of a clear activity description and design plan covering the removal/demolition and redesign of the levee to a channel to achieve the tidal flows is essential. NPWS is unable to authorise access or approve construction works on our estate until it's understood what is proposed.	Refer to Section 6.2

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Table 3-1	Pre-construction	Ensure the REF, as part of the pre-access and construction phase, all necessary statutory approvals are in place to support the access and the construction works, as well as pre-construction notification – see Section 8 explanation below.	Dot point included in table with references to Section 4 (legislation) and 8 (summary of licences and permits)
3.3	Ancillary facilities	Revise the REF ancillary facilities provisions to include a dewatering area. It currently refers to the site compound and stockpile areas east of the grandstand in the Panboola Wetland. However, no mention is made of dewatering facility provision, which will be essential in the management of waterlogged, anoxic and likely acid sulfate or sodic soils excavated from the activity area. Refer to the National Acid Sulfate Soils Guidance - Guidance for the dewatering of acid sulfate soils in shallow groundwater environments (Australian Government, 2018) for guidance via - https://www.waterquality.gov.au/sites/default/files/documents/dewatering-acid-sulfate-soils.pdf or the EPA NSW management requirements - https://www.epa.nsw.gov.au/Licensing-and-Regulation/Authorised-Officers-and-Enforcement-Officers/resources-and-training/acid-sulfate-soils-assess-and-manage.	Dewatering is not required. Works will be undertaken during low tide, not requiring the use of a coffer dam. Soil sampling undertaken and found unlikely to encounter potential acid sulfate soils above 0.8 m. If acid sulfate soils excavated require treatment they are laid out to dry. Erosion and sediment controls will be in place at the ancillary site to capture the water so it doesn't leave site. The ASMP will address the management and treatment of the ASMP in accordance with the EPA guidelines.
4.1	Planning approval process	Revise the REF to specify the exact planning pathway as it affects the proposal, especially the NPWS estate. Justifying that the application of "Development permitted without consent" under s.2.165 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP) accords with linked environmental planning instrument provisions. In that, DPIRD identifies the works as a waterway or foreshore management activity as per s.2.164(b) of TISEPP as instream management or dredging to rehabilitate aquatic habitat, or to maintain or restore environmental flows or tidal flows for ecological purposes. With the Development permitted without consent" pathway confirmed under s.2.165(1) as per s.165(3)(d) as environmental management works, which includes, by definition,	Further text added to Section 4.1 to address

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		environmental protection works under the TISEPP. As such, under TISEPP, the proposal is assessed under Part 5, Division 5.1 of the EP&A Act. DCCEEW-NPWS agrees that DPIRD is the proponent for the purposes of Part 5, Division 5.1 of the EP&A Act. However, subject to the published s.170 of the EP&A Regulation Guidelines under the Stage 4-Determination – where more than one determining authority (see page 22) exists, dual or joint determination of the REF is required. For the component that affects the NPWS estate, see the guideline on https://www.planningportal.nsw.gov.au/part-5. Revise the REF to recognise NPWS as a co-determining authority for the activity as it affects Beowa National Park as land reserved under the NPW Act.	
		Confirm where the determined REF will be published. Will this be on the DPIRD website or the NSW Planning Portal as per the EP&A Regulation 2021?	Text added to section 4.1: The REF recognises NPWS as a co-determining authority, specifically for works that affect Beowa National Park. DCCEEW-NPWS have been provided a draft REF for comment and agree that DPIRD is the proponent preparing the REF. DCCEEW-NPWS comments have been addressed in this final REF noting a decision statement by each determining authority is required.
4.2.1	Commonwealth Law - Native Title Act 1993	Revise the REF to consider the application of the Native Title Act 1993 (Cth), and in the traditional connection of the Aboriginal people to land and waters where government acts have not removed it, the law recognises the persistence of native title. Although subject to the National Native Title Register search, DPIRD states that no native title application applies to this area, however, they are still required to consider the future act implications - https://www.ag.gov.au/legal-system/native-title/future-acts-regime and the correct validation pathway for activities on public land.	Native Title Act 1993 section in the REF has been updated to address comment.

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4.2.2	NSW Law - State Environment Planning Policy (Transport and Infrastructure) 2021 (TISEPP)	Revise the REF to clarify the planning pathway as it affects the NPWS estate. In that, DPIRD, as a public authority, is identifying that the proposed rehabilitation of the Panboola Wetland is defined as a waterway or foreshore management activity under s.2.164(b) of TISEPP as instream management or dredging to rehabilitate aquatic habitat, or to maintain or restore environmental flows or tidal flows for ecological purposes. With the Development permitted without consent” pathway under s.2.165(1) as a public authority via s.2.165(3)(d) of the TISEPP as environmental management works. Clearly define the interaction with s.2.7(2)(a) of TISEPP and in the application of the RH SEPP concerning the planning pathway under Part 5, Division 5.1 of the EP&A Act.	Refer to updates made in Section 4.1. s.2.7(2)(a) of TISEPP is not applicable as there is no inconsistency between the application of 2.165 of TISEPP and Sections 2.7, 2.8 and 2.16 of the RH SEPP. The works are being undertaken by a public authority and does not require development consent. No updates required.
	NSW Law - State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP)	Revise the REF to simplify the application of s.2.7 of the RH SEPP, in that development is permitted without consent only if: - the activity on Panboola Wetland (as Crown Land managed by a Trust) is environmental protection work as per s.2.7(3)(c) of RH SEPP and the plan of management (Plan) prepared and adopted under Division 3.6 of the Crown Land Management Act 2016, is in place and the activity accords with that Plan. Confirm the adoption of the referenced Plan under the CLM Act. Confirm (subject to sec 4.2.2 RHSEPP) how the activity equates to environmental protection work consistent with operational actions specified in the Plan and the RH SEPP. - the activity on land reserved under the NPW Act must be/is consistent with the adopted plan of management (PoM) prepared under that Act, as per s.2.7(6) of the RH SEPP as the Beowa National Park and Bell Bird Creek Nature Reserve Plan of Management (DCCEEW-NPWS, 2024 as amended) - https://www.environment.nsw.gov.au/publications/beowa-national-park-and-bell-bird-creek-nature-reserve-plan-management. See NSW Law – NPW Act (Part 4) explanation below.	Section updated
	NSW Law - Biodiversity	Revise the REF summary on the application of the Biodiversity Conservation Act 2016 (BC Act). Ensuring impacts as recognised on threatened species, populations, and ecological	No changes proposed.

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	Conservation Act 2016	communities are documented and explained where they occur on the NPWS estate. The REF must identify the loss or impacts, both directly (construction footprint) and indirectly (in the operation of the modified tidal and flooding inundation), concerning natural (biodiversity and landscape) values on Beowa National Park. The REF is either silent or vague about the impacts on biodiversity values on the NPWS estate. Both as part of the construction works and the operational impacts, including the area of direct vegetation loss of PCTs and TECs, and indirect changes to PCT distribution or floristic composition as a result of the modified tidal exchange and/or freshwater drainage design. Currently, the REF only covers the areas of influence, extent of the tidal inundation that benefits the Panboola Wetlands. The proposed modification to inundation or influence as it affects the NPWS estate, its ecological communities and threatened species habitat is absent from consideration as part of the BC Act.	Refer to the biodiversity assessment
	Part 4 of the National Parks and Wildlife Act 1974	Revise the REF to recognise that the activity will occur on Beowa National Park, as land owned by the NSW Minister for the Environment administering the NSW National Parks and Wildlife Act 1974, confirming the extent of the revised activity area. Please be aware that neither DPIRD nor the Panboola Wetlands Trust have any authority to access or undertake the activity on Beowa National Park without authorisation issued by NPWS (park authority) under the NPW Act, or NPW Regulation. Ensure the REF has considered: - Where the activity adjoins NPWS estate, consider against the Developments adjacent to National Parks and Wildlife Service lands - Guidelines to guide consent and planning authorities in their assessment of development applications that are adjacent to land managed by the National Parks and Wildlife Service (DPIE, 2020) - https://www.environment.nsw.gov.au/publications/developments-adjacent-national-parks-and-wildlife-service-lands. Addressing the indirect impacts of the activity on NPWS estate, during both construction and operation as the culvert to bridge conversion will modify water both tidal and freshwater movement including volume, velocity and intensity of flows how will this affect downstream of the new channel creation. - Where the activity occurs on NPWS estate, consider against the Guidelines for Preparing a Review of Environmental Factors - Assessing the environmental impacts of	Section updated to address comments Documents have been referenced and REF updated were required.

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		activities within NSW national parks (DPE, 2022) - https://www.environment.nsw.gov.au/publications/guidelines-preparing-review-environmental-factors. This includes acknowledging the NPW Act and the authorisation process attributed to that NSW Act. Ensure the activity (as revised) is consistent with the NPW Act: • S.2A as the objects, this includes the protection and conservation of natural – as biodiversity and landform under s.2A(1)(a), cultural – as Aboriginal cultural, shared and historic heritage under s.2A(1)(b) and in the application of the principles of ecologically sustainable development as s.2A(2)) of the NPW Act. The REF must also demonstrate that the activity proposed remains in the public interest in the protection of the values for which land is reserved under this Act (NPW Act) and the appropriate management of those lands as s.2A(3) of the NPW Act. • S.30E as all the management principles (consistent with s.2A(1)(d) of the NPW Act. Although the REF recognises that the land is managed for the ‘conservation of biodiversity, the maintenance of ecosystem function’ (a) and ‘the protection of the ecological integrity of one or more ecosystems for present and future generations’ (c) the REF failures to justify how the proposal accords with these principles as it applies to the NPWS estate. In meeting one principle should never jeopardise or compromise the other principles or values. • S.81(4) as consistent with the Beowa National Park and Bell Bird Creek Nature Reserve Plan of Management (DCCEEW-NPWS, 2024 as amendment) - https://www.environment.nsw.gov.au/publications/beowa-national-park-and-bell-bird-creek-nature-reserve-plan-management - justifying that the activity is permissible and not prohibited by the PoM. Consistency with the PoM in the absence of a direct action must be linked to the intent of the PoM: – Sec.. 3.1 State of Significance – in recognising the national park's values in the context of the greater wetland and how the activity aims to enhance these values, as floodplain wetlands found in the northern section of the park were recognised as having very high conservation significance in the Eden Comprehensive Regional Assessment process. The Pambula Estuarine Wetland has been listed on the Directory of Important Wetlands compiled by the Commonwealth Department of Climate Change, Energy, the Environment and Water.	Updated and consistent

Section	REF Section Title	NPWS requested revised REF content and comments	Response
		- Sec.. 3.2 Specific objectives – how does the activity fit into the context of protection of areas of heathland, dune dry scrub forest, <u>estuarine and floodplain wetlands</u>, moist forest communities and old growth areas, <u>and their habitat value for native animals</u>. - Sec4.1 (landform) - An ecologically important estuarine wetland is located adjacent to Pambula Wetlands and Heritage Reserve in the northern section of the park. - (Key one for biodiversity is) Sec.. 4.2 Native vegetation - Significant estuarine and floodplain wetlands near Pambula support several vegetation communities, particularly saltmarsh <i>Sclerostegia arbuscula</i> and <i>Sarcocornia quinqueflora</i> and mangrove woodland of <i>Avicennia marina</i>. As a desired outcome, the Ecological integrity of estuarine and floodplain wetlands is maintained through cooperative management with adjoining neighbours and key stakeholders and through involvement in the local catchment management authority. - (must align with the Aboriginal cultural considerations) Sec 4.4 Aboriginal cultural heritage - The Eden Local Aboriginal Land Council and other relevant Aboriginal community organisations and individuals will be consulted and actively involved in all aspects of management of Aboriginal sites and values on the NPWS estate. NPWS advises that the evidence provided to demonstrate consistency with the NPW Act and the Beowa National Park and Bell Bird Creek Nature Reserve Plan of Management (DCCEEW-NPWS, 2024 as amended) must focus on the proposed levee modification, and demonstrate how increasing tidal flow to the wetland by removing/modifying past human alterations and historic land use impacts, to move to natural regime of tidal flushing will improve ecosystem function, ecological integrity and resilience, and increase habitat values on Beowa National Park as well as the adjoining Panboola Wetlands. This activity's intent is consistent with the objects and the management principles concerning natural values on the NPWS estate must be clearly recognised as part of the activity. Confirm if environmental monitoring is required on the NPWS estate Revise the REF, and confirm if the activity (baseline to post construction works) requires environmental monitoring. The Biodiversity Assessment Report recommends the preparation of a Saltmarsh Management Plan (operational) as an operational plan. Will this	Eden LALC has been consulted with for the Project, refer to Section 5.3. They also undertook a site inspection. Consultation has also been undertaken with NSWLALC

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		cover monitoring on the NPWS estate as part of the salt marsh recovery? Confirmation is essential for the type of authorisation issued under the NPW Act or NPW Regulation.	Yes refer to Section 6.3.4 – it is a mitigation measure to ensure the channel is revegetating and not scouring or distributing sediments.
	Part 6 of the National Parks and Wildlife Act 1974	Revise the REF's application of, and justification provided for, Part 6 of the NPW Act. The Aboriginal Heritage Due Diligence, on the NPWS estate, will need to comply with both the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW, 2010) and NPWS policy position and assessment standards concerning the protection and conservation of cultural values, and involvement of the Aboriginal community. The summary as provided in the REF on the application of Part 6 of the NPW Act, and as part of the ADDA, will need to include the outcomes of the: • visual site inspection by a suitably qualified and experienced archaeologist to confirm the absence of Aboriginal objects, and the limited risk of harm to Aboriginal cultural values of the Pambula Wetland as it relates to the NPWS estate. • consultation with the Aboriginal community to confirm impacts to tangible and non-tangible Aboriginal cultural values, as custodian of their cultural knowledge, the Aboriginal community will need to confirm the true absence of value in this location. • revised unexpected finds protocols, which comply with NPWS standards, see above.	In accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW, 2010) it was determined that a site inspection was not required. Eden LALC has been consulted with for the Project, refer to Section 5.3. They also undertook a site inspection. Unexpected find protocol will be included in the CEMP.
6.1.1	Topography, geology and soils - Existing environment - Acid Sulfate Soils	Revise the REF to address and confirm the risk associated with acid sulfate soil. Noting that the Bega Valley LEP and state-based mapping identify a high probability of occurrence in the activity area, and with the level of excavation proposed, this remains a real risk to the wetland. Confirm the presence/absence of acid or sodic soils, the level of risk attached to the activity proposed and flag key management measures to mitigate risk. NPWS acknowledges that the preparation of an Acid Sulfate Soils Management Plan will be key to managing impacts of construction, and the handling of soils including dewatering, but NPWS needs to understand the level of risk attached to the activity on Beowa National Park both the temporary construction related impacts and in the permanent changes to tidal incursion and drainage of freshwater flows.	Refer to Section 6.1.1 and 6.1.2. The levee works is considered low risk to disturbing acid sulfate soils and if disturbed it is highly manageable. Dewatering is not proposed. Further mitigation measures will be detailed in the Acid Sulfate Soils MP – generally ensuring the soils don't dry

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		Confirm the extent of excavation in the waterway/estuarine area on the NPWS estate, addressing the risk of exposure and disturbance of acid sulfate soils, and provide mitigation measures to manage risks to water quality - https://www.waterquality.gov.au/issues/acid-sulfate-soils	and use of lime which a rate has been given by the soil sampling results. Refer to Section 6.1.2.
6.2.1	Hydrology, catchment values and water quality - Existing environment	Revise the REF to classify and identify the waterway or estuarine area containing the levee, its role and function and while removal will improve both PCTs on Panboola Wetlands and the NPWS estate in summary. Specify the scope of work proposed to the bed and bank of the waterway, or estuarine area, based on the revised activity and design as requested previously. The brief summary, as provided by the notes that the levee restricts tidal flushing and drainage associated with the Panboola Wetlands. However, on the removal of or modification to the levee, how will tidal flushing improve based on the location of the racecourse and the raised surface formation? Will additional bridge construction be used to improve tidal movement between Panboola Wetlands and Beowa National Park estuarine area to the south?	Section updated where relevant. Also refer to operational impacts in section 6.1.2 WRL undertook further assessment and provided in Appendix E.
6.4	Aboriginal heritage	Revise the Aboriginal Due Diligence Assessment (ADDA) as Appendix G to ensure it complies with both the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (Code) and NPWS Aboriginal cultural heritage assessment standards concerning activities and works on the NPWS estate. Revise sec.6.4 of the REF once the ADDA has been revised. NPWS recognise this landscape as culturally significant, with a high likelihood or risk of Aboriginal objects. This is evidenced by the number of recorded sites in the search area as depicted in the REF and ADDA. The lack of records specifically associated with the activity area may be due to the lack of a previous survey, not the absence of cultural value. The ADDA has not discounted the risk or the significance of the landscape. In addition, no field survey or assessment has been undertaken or consultation with the Aboriginal community, as the knowledge holders of their cultural heritage. Their input is essential in managing the risk of harm in sensitive landscapes. NPWS advises that the statements made in the REF about the activity area having a low potential to contain Aboriginal objects are currently not justified, and NPWS advises that further consideration is warranted. See comments attached to Section 4.2.2 above and Appendix G below.	Refer to ADDA response.

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6.6	Noise and vibration	Revise the REF to consider the NPWS estate a sensitive receiver. Documented impacts occur to wildlife occur where noise exceeds 40 dB(A), NPWS requests that impacts over 35db(A) are recognised and considered as adverse impacts to the values of the NPWS estate and adequately assessed under the REF.	Text added in Section 6.6.
8	Summary of licences and approvals	Under the Statutory Guideline, the REF (Stage 3 -page 19) must identify all relevant approvals (consent, licences and permits) required for the activity. This section of the REF currently fails to identify the authorisation necessary to support the access to, and undertake construction works on, the NPWS estate. Authorisation can take one of two pathways, which will be dependent on the final activity, its scope of work, longevity of the access required and if any residual monitoring on the NPWS estate is required as part of the post-construction recovery of the wetland. A decision on the authorisation pathway is applicable will be made by NPWS once the revised activity, the activity's engineered design and the environmental monitoring program are provided as part of the revised REF. The two pathways are available: • Consent under s.34 of the NPW Regulation, as the regulation of conduct (long-form consent), or • Licence under s.151 of the NPW Act.	Dot point added to Section 8
Appendix A	Plans of the proposal	Provide the engineered design for the levee and new channel creation based on the confirmed activity. In that is 1 section of the levee to be removed or 2, 3 or 4 sections as part of the final design. As the designs for the Western Channel Bridge and Eastern Channel Bridge are provided as part of the REF. However, the design of the levee area is absent from the supporting documentation. Overall, the construction activities under sec 3.2 of the REF are currently not sufficiently detailed. Provide the preliminary engineered design for the revised levee/channel design, based on the revised activity, contouring, channel alignment, armouring and any associated site remediation works to return the activity area to a natural state. These design/s only need to be preliminary. Revisions for construction purposes as part of the CEMP can be provided at a later date.	Engineering design not being proposed to be prepared due to small scope of works – refer to description provided in Section 3.3

Section	REF Section Title	NPWS requested revised REF content and comments	Response
Appendix C	Matters of National Environmental Significance	Revise Appendix C as the Matters of National Environmental Significance (MNES) assessment, as it appears inconsistent with the requirements as set out under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), and the Guidelines - https://www.dcceew.gov.au/environment/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance for threatened and migratory entities. To justify the conclusion of no significant impacts, demonstrate consistency with the guidelines.	Assessments are undertaken in the BA. This is a summary of the findings and refers back to the required sections for details. BA assessment of significance and test of significance are in line with Guidelines.
Appendix F	Biodiversity Assessment	On review of the Biodiversity Assessment, Panboola Wetland Rehabilitation prepared by NGH Pty Ltd (Final V1.0) dated July 2025, NPWS raises the following matters and actions to consider when revising the report: - Biodiversity assessment focuses entirely on the benefits to the Panboola Wetland area, not the impact of construction or modification of tidal influence. Impacts attributed to the proposed levee works on biodiversity values associated with activity area access and actual construction, or the immediate area to the south of the levee, that will be subject to the operation of the modified levee, have not been considered or assessed as part of the report. - Biodiversity values on the NPWS estate are only briefly mentioned, with the identification of values, especially effects on PCTs, appearing to vary between the summary provided in the REF and BA. On review, it's assumed that the activity will likely result in the removal or modification of native vegetation associated with: - PCT 4091 - Grey Mangrove-River Mangrove Forest (with 5 individual mangroves on the NPWS estate proposed for removal) – Protected Mangroves FM Act – on NPWS estate. - PCT 4056 - Southern Estuarine Swamp Paperbark Creekflat Scrub PCT (REF states several <i>Melaleuca ericifolia</i> individuals bordering the salt marsh in the NPWS estate, but Table 5-6 specifies 2msq of PCT 4056 being removed during construction) as Swamp Oak Floodplain Forest – TEC BC Act – on NPWS estate and Panboola Wetland. - PCT 4094 - Estuarine Club Rush Arrowgrass Wetland, as 100msq directly impacted during construction as Coastal Saltmarsh – TEC BC Act & EPBC Act – on NPWS estate and Panboola Wetland as a complete total.	1. Impacts are discussed in Section 4.1, 4.2 and 4.3 - additional information has been provided. 2. PCT's in NPWS land added (Section 3.3)– REF and BA PCT data align. 3. Section 4.1.2 - paragraph added addressing extent of impact to TEC within the Proposal Site during construction. Approximate calculations of impacted TEC in NPWS estate have been added to 4.1.3. 4. A significance assessment for each TEC was completed in Appendix D/E. Further comment provided in Section 3.4 . This Appendix quantifies the loss of each TEC and discusses the potential impacts and significance of the loss.

Section	REF Section Title	NPWS requested revised REF content and comments	Response
		– PCT 4054 - South Coast Tidal Flats Samolus Paperbark Forest – on NPWS estate. • Confirm based on the revised activity and activity area, the direct construction-based impact as total loss of vegetation based on PCTs directly affected by the proposed levee works, with separate calculations provided for the NPWS estate. • Highlight, quantify and consider the significance of the impacts and loss of the PCTs linked to: – Coastal Saltmarsh in NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community under the NSW BC Act and Subtropical and Temperate Coastal Saltmarsh as vulnerable Cth EPBC Act - as PCT 4094 - Estuarine Club Rush - Arrowgrass Wetland, PCT 4096 – Prickly Couch - Sea Rush Saltmarsh and PCT 4097 – Samphire Saltmarsh. – Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community under the NSW BC Act as PCT - 4056 • Revise Figure 3-4 to identify TECs and protected marine vegetation that will be directly and indirectly affected by the activity as proposed. • Consider the extent of construction impacts, effects of direct works, sediment mobilisation during excavation, area of likely erosion, acid sulfate soil exposure and soil compaction with likely area to be affected by decreased estuarine water quality and reduction in benthic fauna habitat. Identify the known and likely areas of direct and indirect impacts as they affect the NPWS estate. • Identify the PCTs likely affected by the proposed modified hydrology – either tidal exchange or freshwater flows attached to both the levee and the western channel, on the NPWS estate. Noting that all native vegetation is protected under the NPW Act on the NPWS estate. Consider the effects of the changed hydrological regime, refer to alterations to the pattern, timing and availability of water within the ecosystem, frequency and duration of inundation, impacts to floristics, and ecosystem function. Consider how the changes in hydrological regime and the effect of sediment deposition patterns and water quality on the NPWS estate. 1.7. Legislative requirements (fails to consider the NPW Act) Revise the Biodiversity Assessment, as the listed NSW acts that have been addressed failed to acknowledge the NPW Act. Include the National Parks and Wildlife Act 1974 (NSW), as	5. Figure revised to include the proposal site – areas with the potential to be impacted by works. 6. Additional comments added to section 4, with reference to NPW Act. 7. Comment is provided in section 4.2.1. 8. NPW Act added to BA Section 1.7.

Section	REF Section Title	NPWS requested revised REF content and comments	Response
		the act protects land, water, flora and fauna on the NPWS estate as part of the NSW protected conservation reservation system.	
Appendix G	Aboriginal Heritage Due Diligence Assessment	Revise the Aboriginal Heritage Due Diligence Assessment, Panboola Wetland Rehabilitation Works (version 1), dated January 2025, to ensure it remains compliant with the Code, NPWS policy position and standards for Aboriginal cultural heritage assessment for activities on NPWS estate. This includes requirements for: - Visual site inspection undertaken by a suitably qualified archaeologist, to justify the absence of Aboriginal objects or sites, due to the risks relating to the cultural values and the significance of the landscape evidenced by the nature and number of recorded sites associated with the estuary. This remains a critical requirement in justifying no, or avoiding the risk of harm on the NPWS estate. - Consultation with the Aboriginal community as Eden Local Aboriginal Land Council. - Documentation of historical land use and land modification, although previous land use disturbance is used, it's not adequately described or justified for the NPWS estate, and how this interacts with the archaeological potential of the landscape and the landforms. NPWS advises that the statements made in the REF about the activity area having a low potential to contain Aboriginal objects are currently not justified. NPWS accepts that the previous landscape modifications on the Panboola wetland (racecourse area) may have had a significant impact on the landform. However, to state there is no potential for Aboriginal objects on the NPWS estate is not evidence-based. The ADDA does not accord with NPWS standards. NPWS recognise this landscape as culturally significant, with a high likelihood or risk of Aboriginal objects. This is evidenced by the number of Aboriginal sites formally recorded in the search area as depicted in the ADDA. The lack of records specifically associated with the activity area may be due to the lack of a previous survey or the recoding of values, not the absence of cultural value entirely. On the NPWS estate, a precautionary approach is adopted in the absence of records. Overall, the ADDA has not discounted the risk or the significance of the landscape in avoiding the risk of harm. As no field survey has been undertaken, nor consultation with the Aboriginal community has been conducted, the justification is limited and remains concerning. The Aboriginal community, as the cultural	The Aboriginal Heritage Due Diligence Assessment was undertaken by qualified archaeologists who conduct these assessments on a regular basis. In accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW, 2010) it was determined that a site inspection was not required. The Due Diligence Code of Practice states that a due diligence is not required on disturbed land: "Step 4: Desktop assessment and visual inspection This step only applies if your activity is on land that is not disturbed land or contains known Aboriginal objects." Eden LALC has been consulted with for the Project, refer to Section 5.3. They also undertook a site inspection.

Section	REF Section Title	NPWS requested revised REF content and comments	Response
		knowledge holders with regard to their heritage, their input is essential in identifying values and avoiding the risk of harm.	

D.3 LALC

From: [Rod Carey](#)
To: [Max Osborne](#)
Cc: [Tara Callaghan](#); [LST](#); [Rowan Lisson](#)
Subject: NSWALC Ref: CARD 1585 - Pambula Wetland Rehabilitation Project - Lots 6 & 8 DP 1166672
Date: Tuesday, 21 October 2025 2:18:51 PM

Good afternoon Max

I refer to your email seeking a response from NSWALC regarding proposed works comprising wetland rehabilitation to be undertaken within Panboola Wetlands.

The works being undertaken are over lands subject to ALC's 42623 & 42626 lodged by NSWALC on the 23 December 2016.

NSWALC has assessed the proposal and provides non-objection to the works being undertaken as described in the Review of Environmental Factors.

NSWALC has reached out to Eden LALC and discussed the proposal. NSWALC requests that DPI Fisheries engage with Eden LALC regarding a Sites Officer being present for all earthworks.

Any questions don't hesitate to call.

Regards,

Rod Carey
Senior Strategy Officer

[NSW Aboriginal Land Council](#)
[Suite 5, Level 166 - 90 City Square Harbour Drive](#)
Coffs Harbour, NSW, 2450.
Australia.

Work: [REDACTED]
Mail: PO Box 1912 Coffs Harbour NSW 2450
Email: [REDACTED]

NSWALC Tagline



To minimise risk of COVID-19 infection, NSWALC staff are currently working from home and using phone or video conferencing for all meetings. NSWALC remains fully operational and we are minimising disruption of service to our network.

This message which includes any attachments is intended only for the addressee and may contain privileged or confidential information. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. If you have received this message in error please delete the email and any attachments and notify the sender as soon as possible. There is no warranty that this email is error or virus free. If this is a private communication it does not represent the views of the NSW Aboriginal Land Council.

D.4 DPRID (Fisheries)

NGH Consulting
ATTN: Jane Love
Via email: jane.l@nghconsulting.com.au

Re: Review of Environmental Factors under Part 5 of the *EP&A Act 1979* – Rehabilitation works –
Panboola Wetland, Pambula NSW

Dear Jane,

Thank you for your email dated 29 November 2024 requesting NSW Department of Primary Industries and Regional Development (DPIRD) – Fisheries Coastal Systems Team provide information, concerns or issues that we would like addressed in the Review of Environmental Factors for the above-mentioned works.

DPIRD Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPIRD Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)* (the Policy). DPIRD Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves.

Panboola Wetland is key fish habitat, that contains important mangrove and saltmarsh habitats.

DPIRD Fisheries – Coastal Systems Team has reviewed the Hydrological assessment and management options for Panboola (WRL 2023/06, February 2024) and Panboola concept channel designs (WRL Ref: WRL2024027, July 2024) and understands that the primary goal of the rehabilitation works is to improve Panboola wetland's biogeophysical condition, floodplain resilience and increase tidal connectivity. As such, DPIRD Fisheries would like to see the following comments addressed in the REF:

1. Part 7 Fisheries Permit & s.199 consultation

- Works that will harm marine vegetation (mangroves and/or saltmarsh) will require a Harm Marine Vegetation Permit under s.205 of the FM Act.
- Under s.199 of the FM Act, there is the need to consult with DPIRD Fisheries – Coastal Systems Team (with appropriate Ministerial delegations) regarding dredging and reclamation before issuing an authorisation for these works.
- The REF must address at minimum Sections 3.3 and 3.2.3 of the Policy through an aquatic habitat /impact assessment, as these sections will inform the permit and s.199 assessment.
- The above should be accompanied by a description of the influence of the hydrological changes on the resilience of this wetland over time and any predicted changes in the distribution of the types of marine vegetation.
- DPIRD Fisheries requires proponents to avoid direct impacts to KFH as a priority. Where avoidance is impossible or impractical, the aim should be to minimise and mitigate any direct impact. It must be demonstrated how this hierarchy has been considered as part of the direct impacts.
- Should offsets be required this will be determined at the permit stage.

2. Proposal Justification

- Justification of the proposed rehabilitation works and how they align with the *Coastal Management Act 2016* and State Environmental Planning Policy (Resilience and Hazards) 2021 – noting that there is Coastal Wetland mapped on either side of the direct impacts (channels) and the works are intended to change the hydrology of the wetland.
- Clear comparison of the proposed rehabilitation works and the ‘do nothing’ option in terms of the wetland’s biogeophysical condition, floodplain resilience and changes in mangrove and saltmarsh distribution. This should consider the ecological value of saltmarsh vs mangrove habitat, and changes in habitat types including from saltmarsh to mangrove and freshwater to tidal. Within this, there should be consideration of implications for sea level rise.

3. Construction Methods

- Ensure the design and construction of the works minimize impacts on water quality and habitat within the receiving environments.
- The REF should include detailed construction plans for each channel and recommend erosion and sediment controls to mitigate impacts on the wetlands.

DPIRD Fisheries requests to review the REF once drafted. If you require any further information, please contact me on [REDACTED] or [REDACTED].

Sincerely,



Emily Messer

Fisheries Manager, Coastal Systems

DPIRD Fisheries

13 December 2024

From: [Emily Messer](#)
To: [Jane Love](#)
Cc: [Carla Ganassin](#); [Max Osborne](#); [Kylie Russell](#)
Subject: RE: Panboola Wetland Rehabilitation Works - REF and specialist assessments
Date: Wednesday, 6 August 2025 1:59:33 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.jpg](#)

Hi Jane,

Thanks for the opportunity to comment. The REF is comprehensive and I think it steps out the risk assessment process well.

Just a few things to note as the project progresses:

- The floating boom proposed to slow mangrove colonisation should not have attached silt curtain – if this action fails, we may need other solutions.
- As you've stated in the report, a permit to harm marine vegetation will be required before works commence.
- Page 19 – EP&A Regs section (last sentence): states that 'The proposal is exempt under Subsection 6'. We assume that this is referring to the publication of the REF on the planning. From our interpretation it seems that Cl171(6) of the EP&A Regs would not apply to this proposal and that this REF would need to be published on the planning portal. A minor suggested amendment.

Happy to discuss any of the above.

Thanks

Emily Messer
Fisheries Manager

D.5 CPHR

From: [Damon Oliver](#)
To: [Jane Love](#); [Aimee Beardsmore](#)
Cc: [Max Osborne](#); [Bianca Heinze](#); [Kristian Kumbier](#); [ROG South East Region Mailbox](#)
Subject: RE: Panboola Wetland Rehabilitation Works
Date: Monday, 9 December 2024 9:14:51 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Thanks Max and Jane for responding to my initial comments on flying-fox camp potential impacts. I don't have any other known threatened species concerns at present.

Please send through your assessment via the Planning Mailbox and it will come across to our team for input, if required.

Cheers

Damon

Damon Oliver

Senior Team Leader – Ecosystems and Threatened Species, South East
Biodiversity, Conservation and Science

Department of Climate Change, Energy, Environment and Water

www.dcceew.nsw.gov.au

My office is on Ngunnawal and Ngambri Country



The Department of Planning and Environment acknowledges that it stands on Aboriginal land.

We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Jane Love [REDACTED]
Sent: Monday, December 9, 2024 8:57 AM
To: Damon Oliver [REDACTED] Aimee Beardsmore
[REDACTED]
Cc: Max Osborne [REDACTED] Bianca Heinze
[REDACTED] Kristian Kumbier
[REDACTED] ROG South East Region Mailbox
[REDACTED]
Subject: RE: Panboola Wetland Rehabilitation Works

Hi Aimee and Damon,

Thanks for your responses and additional contacts.

Yes, we are also talking directly to NPWS as the levee component of the works will occur within Beowa NP.

Damon, we will be in touch once we get further into the biodiversity assessment but please feel welcome to send through any other concerns or items you think needs to be addressed within the assessment.

Kind regards
Jane

Jane Love
Technical Lead - Environmental Management

m: [REDACTED]
e. [REDACTED]
a. Suite 11, 89-91 Auckland Street, Bega, NSW 2550
w. nghconsulting.com.au | [Our commitment to reconciliation](#)
Please note I am unavailable on Thursdays



From: Damon Oliver [REDACTED]
Sent: Friday, 6 December 2024 4:54 PM
To: Aimee Beardsmore [REDACTED] Jane Love
[REDACTED]
Cc: Max Osborne [REDACTED] Bianca Heinze
[REDACTED] Kristian Kumbier
[REDACTED] ROG South East Region Mailbox
[REDACTED]
Subject: RE: Panboola Wetland Rehabilitation Works

Thanks Amy

Hi Jane – the main threatened species I know of that needs to be considered is the often large Panboola Grey-headed Flying-fox camp. However, I confess I do not know its exact location in respect to proposed wetland rehab and associated change in hydrology which I assume could affect non-mangrove tree health if saline water levels increase?

Happy to take a look at this but can you also please refer this through our South East Planning Mailbox [REDACTED] as they may wish to be involved.

Cheers

Damon

Damon Oliver

Senior Team Leader – Ecosystems and Threatened Species, South East
Biodiversity, Conservation and Science
Department of Climate Change, Energy, Environment and Water

www.dcceew.nsw.gov.au

My office is on Ngunnawal and Ngambri Country



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From: Aimee Beardsmore [REDACTED]
Sent: Friday, December 6, 2024 3:34 PM
To: Jane Love [REDACTED]
Cc: Max Osborne [REDACTED] Bianca Heinze
[REDACTED] Kristian Kumbier
[REDACTED] Damon Oliver
[REDACTED]
Subject: RE: Panboola Wetland Rehabilitation Works

Hi Jane

Thanks for reaching out. You can contact me or Kristian Kumbier.

Other people in the organisation that it would be good to speak to are Damon Oliver (cc'd) to check if there are any concerns re threatened species or ecosystem that you should consider in your REF. I've attached the WRL report so Damon can see more detail on what's proposed.

Damon Oliver

Senior Team Leader – Ecosystems and Threatened Species, South East
Biodiversity, Conservation and Science
Department of Climate Change, Energy, Environment and Water

I'm assuming you already have the details for Beowa National Park Manager?

Chris Darlington

Manager Area



Also in the description below I think the aim is to reintroduce tidal flow into the racecourse coming from the river/Beowa National Park in the south, so there should not be much change to the National Park as it already has tidal flows?

Cheers

Aimee

Aimee Beardsmore

Senior Natural Resource Officer – Coast & Estuaries

Regional Delivery Division

Biodiversity, Conservation & Science

Department of Climate Change, Energy, the Environment and Water (DCCEEW)

From: [Evan Creek](#)
To: [Jane Love](#)
Cc: [Angie Jenkins](#); [ROG South East Region Mailbox](#)
Subject: Panboola Wetland Rehabilitation Works
Date: Tuesday, 28 January 2025 11:22:05 AM
Attachments: [image001.png](#)

Hi Jane,

Without a detailed footprint our advice will be quite broad and general in nature. After a desk top assessment of the proposed site CPHR have identified the following points:

- Biodiversity values present on and directly adjacent to site
- Pambula river listed as Australian Grayling habitat
- Key Fish Habitat mapped directly adjacent to site
- Ground water dependant ecosystems mapped on and adjacent to site
- Over 600 records of threatened flora within 10km
- Over 2000 records of threatened fauna within 10km
- Over 10 SAI species within 10km
- Threatened Ecological communities in the local area.

Threatened Ecological Communities that may be present on site or in the adjoining areas include:

- Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (Endangered - BC Act)
- Subtropical and Temperate Coastal Saltmarsh (Vulnerable - EPBC Act)
- Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (Endangered – BC Act)
- Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland ecological community (Endangered - EPBC Act)

Recent (< 5 years) BioNet threatened species records in close proximity (< 2km) to the site include:

- Powerful Owl - *Ninox strenua*
- Magpie Goose - *Anseranas semipalmata*
- Sooty Oystercatcher - *Haematopus fuliginosus*
- Squirrel Glider - *Petaurus norfolcensis*
- Yellow-bellied Glider - *Petaurus australis*
- Grey-headed Flying-fox - *Pteropus poliocephalus*
- White-bellied Sea-eagle - *Haliaeetus leucogaster*
- Eastern Hooded Dotterel - *Thinornis cucullatus cucullatus*
- Dusky Woodswallow- *Artamus cyanopterus cyanopterus*

CPHR note that the works are localised /small in extent however, they may have impacts on Important Biodiversity Values mapped within and adjacent to the site. This value is identifiable on the Biodiversity Values Map and Threshold Tool.

Although the option of entering the NSW BOS is open to part 5 activities CPHR would recommend preparation of a BDAR or alternatively, a test of significance that acknowledges the BV mapped values (coastal wetlands) and assesses the relative impacts of the development on relevant entities local occurrence/local population, as per the test of significance guidelines to determine whether an SIS is required.

Regards,

Evan Creek
Conservation Planning Officer, South East

Regional Delivery Division

Department of Climate Change, Energy, the Environment and Water



Level 3, 11 Farrer Place, Queanbeyan NSW 2620

Working Days Monday to Friday 8:30am to 5:30pm

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I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time. In order to ensure a high level of customer service and monitor work flow, South East Planning Team has an email address: [REDACTED] Please address all further email correspondence in relation to Planning and Aboriginal cultural heritage regulation matters to this address. If appropriate, emails can be marked to the attention of your usual contact in the team. Please consider the environment before printing this email.

From: [Louis Cameron](#) on behalf of [ROG South East Region Mailbox](#)
To: [Jane Love](#)
Cc: [Bianca Heinze](#); [allie.cash](#); [Kristian Kumbier](#); [rog.southeast](#); [Nat O'Rourke](#)
Subject: RE: Panboola Wetland Rehabilitation Works - REF and specialist assessments
Date: Friday, 29 August 2025 1:07:26 PM
Attachments: [image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.jpg](#)

Hi Jane,

We have reviewed the REF and consider that the assessment appropriately captures the potential impacts of the proposal. We agree that the proposal is likely to have minimal impacts on biodiversity, particularly in comparison to the 'Do nothing' approach, provided that the avoidance and mitigation measures outlined in Table 4-5 of the Biodiversity Assessment are fully implemented.

CPHR has no biodiversity concerns regarding the proposal.

Thanks
Louis

Louis Cameron *(he/him)*
Conservation Planning Officer

Regional Delivery
Conservation Programs, Heritage and Regulation Group
Department of Climate Change, Energy, the Environment and Water

E [REDACTED]

dcceew.nsw.gov.au

Level 3
11 Farrer Place
Queanbeyan NSW 2620



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