



Australian Government

Department of the Environment and Heritage

*Environment Protection and Biodiversity Conservation Act 1999***Referral Form****Important Note:**

Please read the Referral Guide and associated Fact Sheets (available at <http://www.deh.gov.au/epbc/>) carefully. The guide and Fact Sheets will help you to complete the form correctly and ensure that your referral is in a form that can be processed. The completed form, together with the required maps and any other information you may wish to submit, should be sent to the EPBC Act Referrals Section, Approvals and Wildlife Division, Department of the Environment and Heritage, GPO Box 787, Canberra, ACT, 2601 and/or by email to epbc.referrals@deh.gov.au (see Referral Guide for allowable electronic formats).

1. Contacts and proponent**1.1 Person making the referral**

(Note: The term "person" can refer to an individual or a corporation)

The person making the referral can be either the person proposing to take the action, an agent acting on their behalf (eg, a consultant), or a government agency making the referral in relation to an action to be taken by another person. (Include name, postal address, telephone, fax, email.)

Government Department: Department of Transport and Regional Services
Address: GPO Box 594, Canberra ACT 2601
Telephone: 02 6274 7111
Fax: 02 6257 2505

Person(s) proposing to take the action

This is the person who proposes to carry out the action, or who is otherwise responsible for the action. If approval is necessary, this is the person to whom the approval will be granted, and they will be responsible for meeting any conditions of approval. (Include name postal address, telephone, fax, email – if same as person making the referral, write "as above".)

As above

If a corporation is proposing to take the action, please ensure you provide the name of a contact officer for this matter.

- **Person(s) who will be the proponent for the action**
- The proponent is responsible for preparing all documentation for the assessment process, if the action requires approval. If the proponent is the same as the person proposing to take the action, write 'as above'. If the proponent is different from the person proposing to take the action, the signature of both is required (at Section 7.3). (Include name(s), postal address, telephone, fax, email)

If a corporation is the proponent for the action, please also provide the name of a contact officer for this matter.

Contact Officer:

Address: Department of Transport and Regional Services
GPO Box 594, Canberra ACT 2601

Telephone:

Fax:

Email:

2. Description of the proposal

2.1 Provide a *summary description of the action* (two or three sentences)

The Minister for Local Government, Territories & Roads, The Hon Jim Lloyd MP, has proposed to offer existing Crown leaseholders the option to transfer certain rural, residential and rural residential Crown leases (outside of the Kingston & Arthur's Vale Historic Area) to freehold title.

In total 137 existing Crown leases are proposed for transfer to freehold title.

2.2 Details of the *location of the project area*

Where the project area is greater than 1 km² or any dimension is greater than 1 km, provide additional coordinates to enable accurate identification of the location of the project area.

Land identified at attachment A contained within:

Region: Pacific

Country: Territory of Australia

Location: Norfolk

Geographic Location: 29°3'S, 167°58'E

Please provide a brief physical description of the project area, including the size of the development footprint or work area in hectares (a more detailed description is required at Part 3 of this form).

Norfolk Island is a 3720ha, 8km x 5km, three million year old volcanic outcrop located in the South Pacific Ocean, approximately 1000km east of the Australian coast, 1670kms ENE of Sydney, 1065kms NNW of Auckland and 772kms SE of Noumea. Norfolk's highest point is Mount Bates at 319m.

The Crown leases subjects of the transfer offer are as described at Attachment A.

Attach an A4/A3 size map(s) showing the location and approximate boundaries of the area in which the project is to occur (this map, or a second attached map, should also show features mentioned in responses to questions in Part 3 of this referral, for example, conservation reserves, areas of remnant native vegetation, streams and roads).

2.3 Provide the *timeframe* in which the action is proposed to occur. Include start and finish dates where applicable.

The Minister through DOTARS, proposes to commence the transfer of Crown leases to freehold title in the third quarter of 2004. The transfer offer to existing Crown leaseholders is not compulsory and lessees may choose to retain a Crown lease. The offer will remain open for a period of 12 months from the point a formal offer is made to allow time for a final decision. Transfer of titles may not occur until payment of a transfer fee is received.

2.4 Provide a *description of the action, including all activities proposed to be carried out as part of the proposed action.*

The Minister for Local Government, Territories & Roads proposes to offer for transfer to freehold title, to existing Crown lessees, those Crown leases identified at Attachment A upon payment of a transfer fee.

The transfer of the leases will be dependent on whether

- it is in the Commonwealth's interest to allow the lease to be converted;
- the leaseholder is currently in compliance with the lease conditions; and
- lease payments are not in arrears.

It is proposed that in transferring the Crown leases a registrar's note under s29 of the *Lands Title Act 1966* or similar instrument will accompany the transfer of title highlighting to the land owners their responsibilities under the *Environment Protection & Biodiversity Conservation Act 1999*.

The Department is finalising a small number of boundary adjustments prior to transfer.

2.5 Provide an explanation of the context in which the action is proposed to take place, including any relevant planning framework (for example, relevant management plans or State or Local Government approvals). Indicate whether, and in what way, the action is related to other actions or proposals that may have already occurred, are occurring, or are likely to occur, at a future date. You should also provide the name(s) of the Local Council and/or Local Government Area the action will take place in, if relevant.

DOTARS is undertaking this action through the outcome of an Inter-Governmental Meeting on 9 June 2000, where in response to an approach by the Norfolk Island Chief Minister, the then Minister for Regional Services, Territories and Local Government, the Hon Senator Ian Macdonald, advised the Norfolk Island Government of the Commonwealth's support for the withdrawal of the Commonwealth from ownership of certain Crown land.

The transfer of Crown land is consistent with the Commonwealth property principles viz:
"The Commonwealth should only own property where the assessed long term yield exceeds a nominated rate (at the outset of the principles, 14-15% per annum), or where it is in the public interest to do so".
(Commonwealth Property Principles, Department of Finance and Administration, 1996).

The Minister's powers to dispose of Crown land are established under Section 62 of the *Norfolk Island Act 1979*.

The land transfer was dependent on the completion of a number of prerequisites agreed between Governments, designed to ensure that the Norfolk Island Government had in place a robust land management system prior to the transfer of Crown leases to freehold title.

The prerequisites completed are:

- A review of the Norfolk Island Plan;
- Implementation of a local heritage regime;
- Plans of management for public reserves;
- A building code;
- Water development control plan;
- Creation of the *Roads Act 2002*; and
- Engineering guidelines for roads.

The transfer of land is contained within the Self Governing Territory of Norfolk Island.

2.6 If you are considering making a referral of a stage or component of a larger action, you must provide information about the larger action and details of any interdependency between the stages/components and the larger action. If appropriate, you may also provide justification as to why you believe it is reasonable for the proposed action, that is the subject of this referral, to be considered separately from the larger proposal (see the Referral Guide).

Not applicable

3. Description of the project area and the affected area

Note: You must include a *map(s)* clearly showing the location of the action, and any relevant features referred to in 3.1. (A general location map (eg, 1:250 000 scale) and a more detailed map showing the elements of the proposal may be appropriate. If available, an aerial photograph or other photograph of the site can be included.)

3.1 Describe the affected area, referring, as appropriate, to attached maps. In particular, indicate on the map the location of any of the following features: World Heritage properties, Ramsar wetlands, listed threatened species or communities and/or known habitat for these species or communities, listed migratory species and/or known habitat for these species, Commonwealth marine areas and Commonwealth land, conservation reserves/parks, and areas of remnant native vegetation.

The land proposed for transfer is as shown at Map 1.

World Heritage

There are no World Heritage listed properties on Norfolk Island.

Ramsar Wetlands

There are no Ramsar Wetlands on Norfolk Island.

Listed threatened species/communities or habitat for listed threatened species/communities

At this point in time, no ecological communities or habitats occurring on Norfolk Island are currently listed under the EPBC Act. There are however 46 Norfolk Island plant species which are nationally threatened under the EPBC Act. There are also 4 bird species and two threatened reptile species, 24 marine species, 10 migratory birds and 6 marine animals listed as threatened. 5 forest-dependent bird species, including the Norfolk Island Kaka, are already extinct.

Commonwealth Marine Areas

Norfolk Island is surrounded by a Commonwealth marine area, extending from the low water mark.

Commonwealth Land

Other Commonwealth land on Norfolk Island is shown at Map 1.

National Parks

The Norfolk Island National Park is shown on Map 1 and is excluded from the land transfer proposal.

3.2 Provide a *description of important features of the project area and the affected area and show these on the attached map, including (if relevant to the project area or affected area) information about:*

Soil and vegetation characteristics;

Water flows, including rivers, creeks and impoundments;

The presence of outstanding natural features, including caves;

Gradient;

Any buildings or other infrastructure;

Any marine areas;

Kinds of fauna in the area; and

The current state of the environment in the area, including information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

In 2000, a desktop scoping study was undertaken on Norfolk Island Crown lease land identified for possible transfer of title under the Commonwealth/Norfolk Island Crown Land Initiative. This was conducted by the Department of Transport and Regional Services, in conjunction with the Department of the Environment and Heritage, Parks Australia Norfolk Island, Norfolk Island Conservation Society and the Norfolk Island

Conservator. It was based on "those species of birds and plants occurring on Norfolk Island and currently listed under the Environment Protection and Biodiversity Conservation (EPBC) Act, and those species currently being considered for listing". It resulted in classifying the Crown lease blocks into the categories of "significant", "uncertain", or "not significant" based on the likelihood of species listed under the EPBC Act being present.

A ground truthing field study performed by Gilmour and Helman (2001) verified the location and extent of features identified in the scoping study. In total, 114 blocks were assessed, of which 61 subject to the transfer offer were found to have, or were likely to have, species listed under the EPBC Act.

Listed plant species were recorded by their presence on each block.

Listed bird species comprises of

- Threatened birds a) presumed extinct: White-chested White-eye;
b) Endangered: Norfolk Island Green Parrot, Norfolk Island Boobook Owl;
c) Vulnerable: Scarlet Robin, Golden Whistler;
d) To be proposed: Slender-billed White-eye;
- Migratory birds – Wedge-tailed Shearwater, Masked Booby;
- Marine birds – White Tern, Black Noddy, Black-winged Petrel, Wedge-tailed Shearwater and Masked Booby.

Table 1 lists those blocks found to bare significance after the ground truthing assessment. Column 1 lists the block number and Column 2 provides a description of significant features, i.e. where, what and why it is significant. Those contiguous with others to form a significant area of remnant forest are given a "Significant Remnant Code" denoting which remnant it is part of (A to D).

An additional 3 blocks that were not assessed, but are also subject to the transfer offer, are deemed likely to have species listed under the EPBC Act, based upon potential similarity to surrounding locations. Since this study was conducted, two new blocks have been created through subdivision of blocks bearing species listed under the EPBC Act. This provides a total of 66 blocks subject to transfer which contain or are likely to contain species listed under the EPBC Act. These are denoted by a bullet on Map 1.

Table 1: National Environmental Significance on individual Crown lease blocks

Block Number	Comments
ANSON BAY	
113j	About 0.3ha of remnant native forest on south-west side and around edges. Scattered large <i>Araucaria</i> with hardwood forest. Not grazed with some regeneration of native species, and parts are heavily weed infested. Endemic land bird habitat. <ul style="list-style-type: none"> Listed native plant species and listed threatened bird species habitat.
113m	About 0.2ha remnant in north-west corner of block. Not grazed and fairly weedy. Endemic land bird habitat and White Tern nesting habitat. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
113q west	About 3h of coastal <i>Araucaria-Lagunaria</i> forest on the western half of the section west of Anson Bay Road. This is a mixed age forest with relatively few weeds below the plateau edge, and ungrazed. Native forest contiguous with forest in adjacent reserves, which is endemic land bird habitat and an important White Tern nesting area. There is a population of <i>Hibiscus tiliaceus</i> , which may be the last growing naturally on Norfolk Island. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
113q east	Residence and scattered mature <i>Araucaria</i> that provide nesting habitat for White Terns. <ul style="list-style-type: none"> Listed marine species habitat.
109b1 and 109b2	Edge of block near cliff top has numerous nesting burrows for Wedge-tailed Shearwater and Black-winged Petrel. <ul style="list-style-type: none"> Listed migratory species habitat, and listed marine species habitat.
108b and 108g	Edge of blocks near cliff top have some nesting burrows for Wedge-tailed Shearwater and Black-winged Petrel, mature <i>Araucaria</i> scattered over blocks and small remnant (about 0.5ha in the north-east corner on 108b and 1ha in the south-east corner on 108g), contiguous with each other. Mature <i>Araucaria</i> provide nesting habitat for White Terns. Remnant forest is mixed age <i>Araucaria</i> over a number of other species. Some of remnant on 108g and all on 108b is fenced with regeneration of natives and weeds, and some of 108g is grazed, without regeneration. The forest also provides habitat for endemic land birds. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, listed migratory species habitat, and listed marine species habitat.
97b1	Edge of block near cliff top has some nesting burrows for Wedge-tailed Shearwater and Black-winged Petrel, with mature <i>Araucaria</i> and <i>Lagunaria</i> scattered over block. <ul style="list-style-type: none"> Listed migratory species habitat, and listed marine species habitat.
97b2,	Edge of block near cliff top has many nesting burrows for Wedge-tailed Shearwater, Black-winged Petrel and possibly nesting habitat for Masked Booby, with mature <i>Araucaria</i> and <i>Lagunaria</i> scattered over block. <ul style="list-style-type: none"> Listed migratory species habitat, and listed marine species habitat.
97c, 97d	<ul style="list-style-type: none"> Edge of block near cliff top has some nesting burrows for Wedge-tailed Shearwater, Black-winged Petrel and possibly nesting habitat for Masked Booby. Listed migratory species habitat, and listed marine species habitat.
98a	About 3ha of remnant native forest in three patches in south-west, centre and north of block and windbreaks, and nesting burrows near cliff line on northern edge. Scattered large mature <i>Araucaria</i> over hardwood forest. This forest is heavily grazed and there is virtually no regeneration of native species or weeds, although the northern patch of forest contains many mature Olives. White Tern and Wedge-tailed Shearwater nesting habitat and endemic land bird habitat. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, listed migratory species habitat, and listed marine species habitat.

98b	Edge of block near cliff top has some nesting burrows for Wedge-tailed Shearwater and Black-winged Petrel. Elsewhere on block scattered <i>Lagunaria</i> and hardwood species mainly in windbreaks. <ul style="list-style-type: none"> Listed migratory species habitat, and listed marine species habitat.
99b	Northern edge of block near cliff top has some nesting burrows for Wedge-tailed Shearwater. Elsewhere on block scattered <i>Lagunaria</i> , <i>Araucaria</i> and hardwood species mainly in windbreaks. <ul style="list-style-type: none"> Listed migratory species habitat, and listed marine species habitat.
99a (Significant Remnant A)	About 4ha of remnant forest in south-east and north of block. Northern part of the northern patch is mixed age <i>Araucaria-Lagunaria</i> forest, and south of this is scattered <i>Araucaria</i> over hardwood forest. The southern patch has scattered mixed age <i>Araucaria</i> over hardwood forest. The northern patch is not grazed, with regrowth of native species and some weedy areas, and the southern patch is grazed, has little regeneration and some weedy areas (mainly Olive). Some weed control by lessee. White Tern nesting habitat and endemic land bird habitat (including Robin). <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
100b1 (Significant Remnant A)	About 4ha of remnant native forest on most of block apart from central-southern area. Northern part of remnant is mixed age <i>Araucaria-Lagunaria</i> forest with a fair amount of Olive, and other areas are scattered mixed age <i>Araucaria</i> over hardwood species. Large mixed population of <i>Exocarpos</i> . Grazing has been excluded from this block for some years resulting in regeneration of both native species and weeds. Some weed control by lessee. Also present is a population of <i>Delarbrea paradoxa</i> , a species native to New Caledonia which has recently become naturalized on Norfolk Island. White Tern nesting habitat and habitat for endemic land birds. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
100g1 (Significant Remnant A)	About 2ha of remnant native forest on southern and centre-east parts of block, and some nesting burrows for Wedge-tailed Shearwater along northern cliff line. Scattered <i>Araucaria</i> emergent over mixed hardwood forest. Grazed and moderately weedy. White Tern nesting habitat for endemic land birds (including Green Parrot). <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, listed migratory species habitat, and listed marine species habitat.
MISSION ROAD	
148	Eucalypt plantation and cleared land apart from very narrow strip of hardwood forest along boundary with 175c in south-east. Plantation utilised by endemic land birds (including Green Parrot and Robin). <ul style="list-style-type: none"> Listed native plant species and ?listed threatened bird species habitat.
145e (Significant Remnant B)	About 2ha remnant of native forest in northern section of this block. The eastern part of this patch is viney hardwood species, an understorey of <i>Macropiper</i> and ground ferns. The western part is drier with <i>Araucaria</i> and <i>Lagunaria</i> over Olive and Guava. This remnant is contiguous with forest on 145d and 149e and was fenced and weeded by Parks Australia in 1994/95. The area provides habitat for White Terns and endemic land birds. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
149e (Significant Remnant B)	Area of about 3ha of viney hardwood rainforest on northern third block north of creek line, contiguous with forest on northern part of 145e and north-east part of 145d. Scattered <i>Araucaria</i> over dense canopy of species and well developed ground ferns this area has not been grazed for many years and was fenced and weeded by Parks Australia in 1994/1995. This forest provides habitat for White Terns and endemic land birds. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.

145d (Significant Remnant B)	<p>About 1ha of native forest in north-east part of block.</p> <p>This forest is viney hardwood with an understorey of <i>Macropiper</i> and ground ferns. This remnant is contiguous with forest 145e and 149e and was fenced and weeded by Parks Australia in 1994/95. The area provides habitat for White Terns and endemic land birds (including Green Parrot).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
175c (Significant Remnant C)	<p>There are several areas of native forest on this block; north-east corner, north west part and near boundary with 152a and 149q. These areas total about 6ha, and are contiguous with forest areas on blocks 152a and 149q, and on Botanic Gardens and Norfolk Island National Park.</p> <p>The forest is a mix of viney hardwood, <i>Araucaria</i> over hardwood and palm forest. The forest areas in the north of the block were fenced and weeded by Parks Australia in 1994/1995 and are not very weedy and grazing has been excluded. It provides habitat for White Terns and endemic land birds (including Green Parrot and Robin).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
152a (Significant Remnant C)	<p>Most of block apart from house garden and cleared patch near middle of block is viney hardwood rainforest. Contiguous with areas of native forest on blocks 175c, 149q and Botanic Gardens.</p> <p>This forest has scattered <i>Araucaria</i> over hardwood species. There is a dense scrub layer dominated by <i>Macropiper</i>, and ground ferns. This forest has not been grazed for many years and has few weeds. It provides habitat for White Terns and endemic land birds (including Green Parrot).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
152d5 (Significant Remnant C)	<p>Several areas (about 1ha) of native forest; south-east corner and western boundary adjacent to Botanic Gardens, and gully in the central-east part of block. The patch in the south-east corner is <i>Araucaria</i> over hardwood species with an understorey of <i>Macropiper</i> and ferns, and is not heavily grazed. The other areas are heavily grazed hardwood. These remnants are a buffer to parts of the Botanic Gardens and provide habitat for endemic land birds (including Robin).</p> <ul style="list-style-type: none"> Listed native plant species and listed threatened bird species habitat.
149q	<p>About 1 to 2ha remnant native forest along north-east and western boundary, and in northern corner (contiguous with forest on 152a and 175c).</p> <p>The bits near Mission Rd are <i>Araucaria</i> over hardwood and other areas are scattered <i>Araucaria</i> over viney hardwood. This area is ungrazed recently and the edges of the forest remnants are weedy. This area is ungrazed recently and the edges of the forest remnants are weedy. This forest provides habitat for White Terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
152d2	<p>Parks Australia office, planted gardens with many native species and remnant of native vegetation. White Tern nesting habitat and endemic land birds (including Green Parrot). Adjacent to Botanic Gardens.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
128f	<p>Several small areas of native forest; in western corner, northern corner adjacent to National Park and Block 128e, and towards centre of south-east boundary. In total 2ha.</p> <p>Western corner is hardwood with <i>Rhopalostylis</i>, and the northern area is mixed age <i>Araucaria</i> over hardwood species. This area is grazed and weedy except near the park boundary. The patch near the south-east boundary is mixed age <i>Araucaria</i> which is heavily grazed and has no understorey other than weeds. The forest areas on his block provide habitat for White terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.

128e	About 1ha of remnant native forest in northern corner near National Park and south-west corner. Scattered <i>Araucaria</i> over hardwood species. These areas are not very weedy but rest of block including house garden is very weedy. The geological feature "pop rock" is located in the south-west of this block. Native forest provides habitat for endemic land birds (including Green Parrot). • Listed native plant species and listed threatened bird species habitat.
PUPPY'S POINT	
124	Scattered mature <i>Araucaria</i> mainly in western half of block may provide habitat for White Terns. • Listed marine species habitat
145b	Scattered <i>Araucaria</i> in south-west corner provide habitat for White Terns. • Listed marine species habitat.
145f Has since been subdivided to now incorporate 145fj (NES), also subject to the transfer proposal.	North-west section particularly near road, small central bit and northern part of southern section. Scattered mature <i>Araucaria</i> , <i>Lagunaria</i> , <i>Elaeodendron</i> , <i>Celtis</i> and <i>Nestegis</i> with some Olive over grazed pasture. Trees provide nesting habitat for White Terns. • Listed marine species habitat.
139a	Several areas of remnant forest in south-west, west and centre-east, and scattered Wedge-tailed Shearwater burrows along cliff top at west of block. Forest remnants are mature <i>Araucaria</i> over scattered <i>Lagunaria</i> , <i>Nestegis</i> and <i>Elaeodendron</i> . These trees provide nesting habitat for White Terns. Rest of block is either grazing or weeds. • Listed migratory species habitat and listed marine species habitat.
142b	Cliff top in southern half of block has nesting burrows of Wedge-tailed Shearwater, and scattered <i>Araucaria</i> , mainly in north-west corner provide nesting habitat for White Terns. Rest of block grazing without regeneration of native trees. • Listed migratory species habitat and listed marine species habitat.
142a	A few Wedge-tailed Shearwater burrows along cliff top at west of block and scattered mature <i>Araucaria</i> over heavily grazed pasture without regeneration over much of block. Mature <i>Araucaria</i> provide nesting habitat for White Terns. • Listed migratory species habitat and listed marine species habitat.
143	Nesting burrows of Wedge-tailed Shearwater along cliff top on western edge of block and scattered <i>Araucaria</i> elsewhere on block provide marginal White Tern habitat. Otherwise block is grazed without regeneration of native trees. • Listed migratory species habitat and listed marine species habitat.
MISSION ROAD SOUTH	
149j	Small remnants of about 1ha of native forest near east and south-west (centre) of block. <i>Araucaria</i> over viney hardwood forest. Fairly weedy in places but some weed control and regeneration. <i>Araucaria</i> provide nesting habitat for White Terns. • Listed native plant species and listed marine species habitat.
HEADSTONE	
82	Scattered mature <i>Araucaria</i> provide White Tern habitat (?marginal). • Listed marine species habitat.

CASCADE	
104a	<p>Most of this block, apart from the north-east edge, has native forest. The forest areas nearer the coast are <i>Araucaria</i> over scattered hardwood such as <i>Lagunaria</i> and <i>Elaeodendron</i>, while towards the south-west corner other hardwood species are present. This block is only lightly grazed at present and there is good regeneration of native species including <i>Araucaria</i>. Some areas are heavily weed infested with Olive and Guava. This block is an important nesting area for White Terns and Black Noddies, and provides habitat for endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
105a	<p>Gully and southerly slope at western end of block has mature <i>Araucaria</i> over scattered hardwood. This area provides nesting habitat for White Terns and Black Noddies. Rest of block has scattered <i>Araucaria</i> and <i>Lagunaria</i>. Most of the block is grazed and there is little regeneration of <i>Araucaria</i>.</p> <ul style="list-style-type: none"> Listed Marine species habitat.
105c	<p>Western section of block has scattered <i>Araucaria</i> over some hardwood trees with dense weed (Olive and Guava) and eastern section has <i>Araucaria</i>, scattered <i>Lagunaria</i> and <i>Cyathea brownii</i>. White Tern habitat and gully in eastern section is Black Noddy nesting habitat.</p> <ul style="list-style-type: none"> Listed native plant species, and listed marine species habitat.
105e	<p>Most of block has scattered <i>Araucaria</i> over some hardwood trees with dense weed (olive and Guava). White Tern habitat.</p> <ul style="list-style-type: none"> Listed marine species habitat.
123b	<p>Several areas of remnant forest (together between 1 and 2ha) in centre and northern part of block.</p> <p>Forest is <i>Araucaria</i> over scattered hardwood and dense Guava. It provides habitat for endemic land birds and White Terns.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
135g	<p>Small remnants of about 1ha on north and west of block.</p> <p>Forest is mainly <i>Araucaria</i> over hardwood with dense understorey and ground ferns in places. This block is not grazed and most of the rest of block is heavily weed infested. This forest provides habitat for endemic land birds and White Terns.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
106b3	<p>Remnant of about 2ha of forest around the gully near the corner of the block. Scattered <i>Araucaria</i> over hardwood and towards the coast scattered <i>Araucaria</i> and <i>Lagunaria</i>. The edges of this patch are weedy but it is not grazed and there has been some weed control. The <i>Araucaria</i> provide nesting habitat for White Terns and Black Noddies, while the forest is utilised by endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
106b1	<p>Mainly planted <i>Araucaria</i> and exotics with small numbers of White Terns nesting in mature <i>Araucaria</i>.</p> <ul style="list-style-type: none"> Listed marine species habitat.
178a3	<p>Much of block has scattered trees and western part has 1 to 2ha of remnant forest. Most of area is costal <i>Araucaria/Lagunaria</i> forest while in western section there are</p>

	<p>scattered hardwood species. This block was heavily grazed until recently, mature <i>Araucaria</i> are not healthy and some parts in south-west are becoming weedy. The mature <i>Araucaria</i> provide nesting habitat for White Terns and Black Noddies (although not as many as in past according to neighbour).</p> <ul style="list-style-type: none"> Listed marine species habitat.
178a2	<p>Small remnant of about 1ha in eastern end of block and scattered <i>Araucaria</i> along southern and northern boundaries.</p> <p>Patch in east has hardwood species with open understorey. <i>Araucaria</i> provide habitat for White Terns. Rest of block is either weeds, pasture or plantation.</p> <ul style="list-style-type: none"> Listed native plant species and listed marine species habitat.
137c	<p>Several small areas of <i>Araucaria</i> over hardwood and weeds (total area of about 2ha) and tree ferns, scattered <i>Rhopalostylis</i> and hardwood along steep sided gully through centre of block.</p> <p>The areas with native species are mainly weedy with Guava and the remainder of the block is dominated by Guava. The native vegetation (and to some extent the weeds) provides habitat for White Terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
138d	<p>Several small areas of remnant native forest (about 2ha) mainly centre and north-east of block.</p> <p>Scattered <i>Araucaria</i> over hardwood species. Mature <i>Araucaria</i> provide habitat for white Terns.</p> <ul style="list-style-type: none"> Listed (proposed) native plant species and listed marine species habitat.
138b	<p>Small areas of remnant native forest, mainly in northern part of block.</p> <p>Scattered <i>Araucaria</i> over hardwood species. Mature <i>Araucaria</i> provide habitat for white Terns. One of only three known populations on Norfolk Island of <i>Lycopodiella cernua</i> occurs on this block.</p> <ul style="list-style-type: none"> Listed native plant species and listed marine species habitat.
NORTH OF MISSION ROAD	
154g (Significant Remnant D)	<p>Areas of about 2ha of native forest on north-east part of block and small patch near south-west boundary.</p> <p>Patch in south-west is <i>Araucaria</i> over weeds, while other area is mixed age <i>Araucaria</i> over hardwood species with an understorey of ground ferns. This area is not grazed and is weedy in places. This forest provides habitat for White Terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
155l (Significant Remnant D)	<p>2 to 3ha of native forest remnants in north-east part of block and western corner.</p> <p>Forest is mixed age <i>Araucaria</i> over hardwood species with an understorey of ground ferns. Eastern area is variously weedy and ungrazed, while western bit has less hardwood, is fairly weedy and lightly grazed. These areas provide habitat for White Terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
155h (Significant Remnant D)	<p>North-east half of this block contains about 2ha of native forest.</p> <p>This forest is mixed age <i>Araucaria</i> over hardwood forest with some Guava in places. This area is not grazed and provides habitat for White Terns and endemic land birds (including green Parrot).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
154h (Significant Remnant D)	<p>About 2ha of native forest on south-west slope near centre of block. This forest is mixed age <i>Araucaria</i> over hardwood forest with some Guava in places.</p> <p>This area is not grazed and provides habitat for White Terns and endemic land birds (including Robin).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.

154c2	Access to block denied, however local knowledge suggests some "good stuff". The scoping study and air photos suggested it has remnant native vegetation – hardwood forest with occasional Pine, which acts as a buffer to the National park and is likely to provide Green Parrot habitat.
156e	Small remnants of less than 1ha in centre and west of block. <i>Araucaria</i> over scattered hardwood species. These patches are lightly grazed and some weed control has occurred. <i>Araucaria</i> provide habitat for White Terns. <ul style="list-style-type: none"> Listed (proposed) native plant species and listed marine species habitat.
BUMBORAS	
95e	About 0.5 ha remnant of forest near centre of block. This patch is mainly mature <i>Araucaria</i> over scattered hardwood. There is a small stand of <i>Excoecaria agallocha</i> (about 15) and <i>Cryptocarya triplinervis</i> is naturalised here (introduced to here from Lord Howe in 1800's, other wise only 100 Acres Reserve). The <i>Araucaria</i> provide habitat for White Terns. <ul style="list-style-type: none"> Listed (proposed) native plant species and listed marine species habitat.
95f	Scattered nesting burrows along cliff top, and planted <i>Araucaria</i> about 30 years old may provide White Tern habitat. Rest of block intensively managed. <ul style="list-style-type: none"> Listed migratory species habitat and listed marine species habitat.
GANNET POINT	
51b	Eastern half and west end of this block support coastal forest dominated by <i>Araucaria</i> . The parts of the eastern half near the coast are <i>Araucaria</i> and <i>Lagunaria</i> over fairly open understorey. The northern part of the gully in the centre of the block has some hardwood under <i>Araucaria</i> . This block has not been grazed for some years and there is excellent regeneration of <i>Araucaria</i> in places, and there has been extensive planting of <i>Araucaria</i> mainly in the central part of the block. The mature <i>Araucaria</i> provide an important nesting area for White Terns (1,000 pairs) and Black Noddies (2,000 pairs). <ul style="list-style-type: none"> Listed native plant species, and listed marine species habitat.
OTHER BLOCKS	
68k	Small patch (about 1ha) of native forest in northern corner. <i>Araucaria</i> over hardwood species with ground ferns and stand of <i>Cyathea brownii</i> on lower slope. <i>Araucaria</i> provide nesting habitat for White Terns. <ul style="list-style-type: none"> Listed native plant species and listed marine species habitat.
174a1	Valley in southern part of block vegetated. This area is predominantly weedy, with sparsely scattered native species. The swampy area along the creek possibly has regional/local significance as wetland habitat, and was the only block where the fern <i>Hypolepis dicksonioides</i> was recorded. <ul style="list-style-type: none"> Listed native plant species.
47b1	Small remnant of about 0.5ha of native coastal forest along southern boundary, contiguous with Ball Bay Reserve. Mature <i>Araucaria</i> and scattered <i>Lagunari</i> with understorey of planted native species in places and grass. Weeds have mainly been removed and grazing is excluded. Mature trees provide nesting habitat for White Terns. <ul style="list-style-type: none"> Listed marine species habitat.

3.3 What is the *tenure* of the project area (for example is it freehold, leasehold or some other tenure)? If practicable, show on the attached map.

The project area is currently Crown leasehold land.

3.4 What are the current and/or proposed *land uses* for the project area?

The current land uses in the proposed project area comprise of
25 rural leases;
60 rural residential leases; and
52 residential leases.

Buildings and infrastructure on the Crown leases are owned by the Crown lessee and not the Crown.

The transfer of the leases is not expected to materially affect future land uses as all land will continue to be subject to the provisions of the Norfolk Island planning regime.

4. Nature and extent of the likely impacts of the action

4.1 Describe, as relevant to your project, the nature and extent of *likely impacts* on the following matters protected by the EPBC Act:

The world heritage values of a declared World Heritage property; or
The ecological character of a declared Ramsar wetland; or
The members of a listed threatened species (except a conservation-dependent species) or any threatened ecological community, or their habitat, or
The members of a listed migratory species or their habitat; or
The environment in part of the Commonwealth marine area; or
The environment on Commonwealth land.

World Heritage, Ramsar Wetlands, Commonwealth Marine

There are no impacts relevant to World Heritage, Ramsar Wetlands or Commonwealth Marine Areas.

Listed Threatened Species, migratory species, ecological communities and their habitats

The listed threatened species that may be impacted upon are those identified in part 3 of this document. There are no ecologically endangered communities and critical habitat listed for any of the land proposed for transfer. A change in land tenure is not expected to impact on the management of these leases.

The transfer of Crown leases to freehold title is not expected to impact on any of the matters listed. Responsibility for any actions taken under the EPBC Act are to remain with future proponents of those actions.

Environment on Commonwealth Land

The proposed actions are to occur on Commonwealth land.

Findings from Gilmore and Helman's (2001) study suggest many of the current lessees value the native vegetation remnants and birds on their block, and show interest in retaining this care in the future, seeing their relationship with the land as "custodians", (in some cases because the lease has been passed down in the family and they want to keep doing that).

Crown leases within the Kingston & Arthur's Vale historic Area (KAVHA), are not included in this transfer initiative due to the national heritage and environmental significance of this site.

4.2 Indicate if your action is:

A nuclear action; or
Will be taken by the Commonwealth or by a Commonwealth agency; or
Will be taken in a Commonwealth marine area; or
Will be taken on Commonwealth land.

If your action falls into one of these categories, provide details about the impact of your action on the environment generally (ie, in addition to the specific matters addressed above in 4.1).

The action is to occur on Commonwealth land and is to be undertaken by the Minister for Local Government, Territories and Roads Authority under section 62 of the *Norfolk Island Act 1979*.

5. Measures aimed at avoiding or reducing significant impacts on matters protected under the EPBC Act

5.1 Describe any specific measures proposed as part of the action to avoid or lessen significant impacts on matters protected under the EPBC Act. Include a timeframe or workplan for implementation of any relevant measures.

In transferring Crown leasehold to freehold title, a registrar's note under s26 of the *Norfolk Island Land Titles Act 1996* (or similar instrument) will highlight to successive land owners their responsibility under the EPBC Act in taking any actions under that Act. The registrars note or similar instrument will highlight the likelihood of species listed under the EPBC Act where this has been identified by the Gilmore and Helman Report (2001).

6. Information sources

6.1 List relevant references

You should also attach a copy of any relevant reports or documents that support the arguments and conclusions made in this referral. For example, any flora and fauna surveys or desktop investigations should be provided.

- Gilmore P.M. and Helman C.E. (2001) National Environmental Significance on Crown Leasehold Land on Norfolk Island. Report to the Commonwealth Department of Transport and Regional Services.
- Department of Environment and Heritage. (2004) What the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* means for Norfolk Islanders.
- Department of Finance and Administration. (1996) Commonwealth Property Principles.

6.2 For information given in sections 3 and 4 of this referral please indicate:

- a) The source of the information; and
- b) How recent the information is; and
- c) How the reliability of the information was tested; and
- d) Any uncertainties in the information.

The Gilmore and Helman report has been applied widely by both the Department of Environment and Heritage and Department of Transport and Regional Services. The information contained in this report has been deemed adequate with no problematic discrepancies arising from its application.

The EPBC Document is a published Government documentation, produced by the Department of Environment and Heritage.

7. Signatures and Declarations

Section 489 of the EPBC Act states that the provision of false or misleading information is an offence punishable on conviction by imprisonment and fine.

I, _____ (*full name*), declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature Signed

Date

7.2. Signature of person proposing to take the action

I, _____ (*full name*), declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature Signed A

Date

7.3. Declaration of person nominated as proponent in Section 1.3, if different from person proposing to take the action

I, _____ (*full name*), being (or agent acting on behalf of) the person nominated in Section 1.3 of this referral form as the nominated proponent agree to be designated as the proponent for the action described above if it is decided that the action requires approval under Part 9 of the EPBC Act.

Signature

Date

Signature of person proposing to take the action

Date

Fill in Section 7.4 if you believe that the proposal is not likely to have a significant impact on matters protected by the EPBC Act and that the proposal is therefore not a controlled action. Fill in Section 7.5 if you believe that the proposal is likely to have a significant impact on a protected matter and that the proposal is therefore a controlled action. (Note: This Section must be completed in *all cases* except where the referral is made by a State or Territory or a Commonwealth agency in relation to an action to be taken by another person.)

7.4. If you think your proposed action is not likely to have a significant impact on any of the matters listed in the table below, then you should select and complete the following statement and you should not mark any of the boxes in the table below.

I, _____ (*full name*), being the person making this referral and the person proposing to take the action (or agent acting on behalf of the person) believe that the action described in this referral **is not a controlled action.**

Briefly provide reasons why you believe your proposed action is not a controlled action:

(Note: For an explanation of the term "controlled action", see the Referral Guide.)

The transfer of land tenure from Crown leasehold to freehold title is not expected to materially impact on the use of the land proposed for transfer. Leases are proposed to be transferred to existing lessees and will be subject to local planning and environmental regulation consistent with other land holdings on Norfolk Island. Land regulation on Norfolk Island is consistent with what occurs in other States and Territories of Australia.

OR

7.5. If you think that your proposed action is likely to have a significant impact on any of the matters listed in the table below, then you should select and complete the following statement. You must then mark 'Yes' against those matters on which you think it will have a significant impact, in the table below.

I(full name), being the person making this referral and the person proposing to take the action (or agent acting on behalf of the person) believe that the action described in this referral **is a controlled action because of the following provisions of the Act:**

Significant Impact Likely	Controlling Provision
None	World Heritage property (Sections 12 and 15A - significant impacts on the values of a World Heritage property)
None	Ramsar Wetland (Sections 16 and 17B - significant impacts on the ecological character of a Ramsar wetland)
None	Threatened species or ecological communities (Section 18 and Section 18A - significant impacts on a listed threatened species or a listed threatened ecological community)
None	Migratory species (Sections 20 and 20A - significant impacts on a listed migratory species)
None	Nuclear action (Sections 21 and 22A - nuclear actions)
None	Commonwealth marine area (Sections 23, 24 and 24A - actions relating to the Commonwealth marine area and fishing in coastal waters managed by the Commonwealth)
None	Commonwealth land (Sections 26 and 27A - actions relating to Commonwealth land)
None	Commonwealth action (Section 28 - actions by the Commonwealth having a significant impact on the environment)

Briefly provide reasons why you believe your proposed action is a controlled action:

(Note: For an explanation of the term "controlled action", see the Referral Guide.)

Not applicable.

If the person making this referral is, or is representing, a *small business* (a business having fewer than 20 employees), please provide an estimate of the time taken to complete this form.

Please Include

The time spent reading the instructions, working on the questions and obtaining the information; and
The time spent by all employees in collecting and providing this information.

hours minutes

END OF FORM