

BP Area 2A Residential Development

Application Number: 02647

Commencement Date:
21/10/2024

Status: Locked

1. About the project

1.1 Project details

1.1.1 Project title *

BP Area 2A Residential Development

1.1.2 Project industry type *

Residential Development

1.1.3 Project industry sub-type

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1.1.4 Estimated start date *

01/09/2026

1.1.4 Estimated end date *

01/09/2029

1.2 Proposed Action details

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

BP Area 2A Pty Ltd (the 'Proponent') are proposing to develop Lots 26 (110 Mariginiup Road), 30 (99 Rousset Road) and 292 (83 Rousset Road), Mariginiup (the 'project area') (Att A, Figure 1) to facilitate urban development uses (the 'proposed action').

The Project Area is included within the East Wanneroo District Structure Plan (EWDSP). The EWDSP was approved in 2021 (Att C, Figure 1.1 pp. 2) the project area is within Precinct 7 of the EWDSP (Att C - Figure 1.15, pp. 31). The EWDSP provides planning and environmental guidance and advocacy for the residential development of East Wanneroo to accommodate the growing population. The EWDSP (Attachment C - Figure 1.1 pp. 2) intended to

provide guidance for the future urban growth of the area to create a livable neighborhood for all generations, that supports links and protects the natural environment where identified to meet the predicted growth in population of Perth's metropolitan area.

The Project Area is located in Mariginiup at 110 Mariginiup Road (Lot 26 on Plan 65676), 99 Rousset Road (Lot 30 on Plan 70721) and 83 Rousset Road (Lot 292 on Plan 1331646) in Western Australia (Att A, Figure 1). The Project area is 9.67 ha in size and is situated within the City of Wanneroo, Western Australia (WA), approximately 25 km north of Perth Central Business District (Att A, Figure 1). The project area is currently zoned Urban Deferred under the Perth Metropolitan Region Scheme (MRS) (Department of Planning, Lands and Heritage (DPLH), 2023) as shown in Figure 2 of Attachment A, and as Rural under the City of Wanneroo District Planning Scheme No. 2 (DPS 2, City of Wanneroo, 2024) as shown in Figure 3 of Attachment A. It is anticipated the land will be zoned 'Urban' and for residential development under the DPS in February 2025.

The Urban Deferred zone was achieved in 2016, when the land was amended from Rural Zone (MRS 1308/41). An MRS Amendment, which includes the Project Area is currently in progress to lift the deferred zoning.

A Local Structure Plan (LSP) has been lodged and approved by the City of Wanneroo, identifying the area for residential development (Att. D), the LSP is currently with the West Australian Planning Commission (WAPC) awaiting endorsement. The Project Area proposed action is consistent with the MRS and recently lodged LSP.

The majority of the project area has been cleared for commercial cut flower and Christmas tree farming operation and rural residential properties. Most of the clearing of the Project Area occurred between 1974 and 2000 (Landgate, n.d, Att. E).

To support the LSP for Precinct 7, 360 Environmental (2021) undertook flora and vegetation survey and a black cockatoo assessment (Att F). The Black cockatoo breeding and foraging habitat previously mapped in 2021 by 360 Environmental (Att. F) took place prior to the publication of the Referral guideline for 3 WA threatened black cockatoo species (DAWE, 2022). The mapping of black cockatoo habitat was aligned with vegetation types and was not specifically identifying black cockatoo habitat species within the mapped vegetation types. Vegetation mapping generally produces broader polygons as it is a grouping exercise, whereas the identification of black cockatoo habitat is a more targeted, specific exercise.

Western Environmental Approvals Pty Ltd (WEPL) re-assessed the black cockatoo foraging habitat within the Project Area using the foraging habitat quality tool according to the Commonwealth 2022 guidance and additionally following the recently released Commonwealth Habitat Quality Scoring Tool (2023) (Att. G).

Activities associated with the proposed action involve the clearing of vegetation within the Project Area to facilitate future residential development, including the installation of infrastructure and services associated with residential development, including:

- Establishment of the works site with security fencing.
- Installation of temporary services to the perimeter of the development area.
- Installation of stormwater and environmental controls to manage stormwater flows and sediment runoff.
- Demolition of existing dwellings and buildings.
- Construction of civil infrastructure including bulk earthworks, sewer, stormwater, electrical, road pavement (including kerb and gutter) and footpaths.
- Establishment of temporary construction facilities within the identified development footprint.
- Landscaping of street verges and road reserves.

The impacts from the construction process will be managed by implementing an approved Construction Environmental Management Plan (CEMP) at the time of subdivision.

Impacts associated with the activities of the proposed action include:

- Clearing of endemic and non-endemic trees that provide foraging habitat for Carnaby's black cockatoo (*Zanda latirostris*; Endangered) (CBC) and Forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*; Vulnerable) (FRTBC).
- Temporary impacts (dust, noise, and vibration) during demolition and construction.

The proposed works within the Project Area for the residential developments (including buildings and associated infrastructure) will result in clearing of the limited, fragmented, highly modified and degraded or worse vegetation within the Project Area. Vegetation to be removed comprises 1.05 ha of black cockatoo foraging habitat, which includes:

- 1.05 ha for CBC, including:
 - 0.52 ha of high quality foraging habitat.
 - 0.53 ha of moderate to low quality foraging habitat.
- 1.03 ha for FRTBC, including:
 - 0.56 ha of moderate quality foraging habitat.
 - 0.47 ha of moderate to low quality foraging habitat.

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

Yes

1.2.3 Is the proposed action the first stage of a staged development (or a larger project)?

No

1.2.4 Related referral(s)

EPBC Number	Project Title
2021/9106	Land Development, James Street and Well Street, East Wanneroo, Elberton Property

1.2.5 Provide information about the staged development (or relevant larger project).

The proposed action forms part of the EWDSP and is within a portion of Precinct 7 LSP. Staged applications will be completed for the overall EWDSP and Precinct 7 LSP for the various landholdings, based on land ownership. This application is supported with landowner consent (Attachment H).

A separately owned portion of the LSP area has already been referred to the Department by Elberton Property Development (2021/ 9106) which are a separate owners and developers, unrelated to this action.

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

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for the protection of nine Matters of National Environmental Significance (MNES) being world heritage areas, national heritage places, wetland of international importance (listed under the Ramsar Convention), listed threatened species and ecological communities, listed migratory species (protected under international agreements), Commonwealth marine areas, Great Barrier Reef Marine Park, nuclear actions (including uranium mines) and water resources (relating to coal seam gas development and large coal mining development).

The Project Area contains limited, fragmented, highly modified and degraded or worse vegetation which may provide foraging habitat for listed threatened species (namely Carnaby's black cockatoo and Forest red-tailed black cockatoo). The Commonwealth's referral guidelines for three threatened black cockatoo species (DAWE, 2022) identified that referral is required for the loss of any potential breeding habitat (i.e. known, suitable or potential nesting trees), or part of a night roosting site, or > 1 ha of high quality foraging habitat, or > 10 ha of low quality foraging habitat. Given the proposed action contains foraging habitat for two species of black cockatoo, the proposed development required referral under the EPBC Act.

WA Planning and Development Act 2005

The WA Planning and Development Act 2005 provides for an efficient and effective land use planning system in the State and promote the sustainable use and development of land in the State. The project area is currently zoned Urban deferred under the Metropolitan Region Scheme (MRS) and as Rural under the City of Wanneroo District Planning Scheme No. 2. To permit the proposed development, the project area will require a change in zoning under an MRS and DPS amendment. The lifting of the Urban Deferment has been requested and the DPS amendment lodged, it is anticipated to be approved in February 2025.

Environmental Protection Act 1986

The WA *Environmental Protection Act 1986* (EP Act) provides for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement, and management of the environment and for matters incidental or connected with the foregoing.

Western Australia Planning Commission (WAPC) initiated MRS amendment 1308/41 in 2015 to rezone more than 2200 ha of land across East Wanneroo (including the project area) from 'Rural' to 'Urban Deferred'. In February 2016 the WA Environmental Protection Authority (EPA) determined that MRS amendment 1308/41 should not be assessed under the WA Environmental Protection Act 1986 (EP Act) as the environmental impacts of the scheme amendment were determined not so significant as to warrant formal assessment (Att I).

Biodiversity and Conservation Act 2016

The WA *Biodiversity and Conservation Act 2016* (BC Act) provides for the conservation and protection of biodiversity and the ecologically sustainable use of biodiversity components in WA. The BC Act lists threatened species and communities at the State level.

Commonwealth Policy and Guidelines

Government of Australia (2013) EPBC Act 1999 *Policy Statement 1.1 Significant Impact Guidelines - Matters of National Environmental Significance*

Government of Australia (2022) *Referral guideline for three WA threatened black cockatoo species: Carnaby's cockatoo (Zanda latirostris), Baudin's cockatoo (Zanda baudinii) and the Forest red-tailed black cockatoo (Calyptorhynchus banksii naso).*

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

Preparation of the EWDSP and Precinct 7 LSP was informed by consultation with a number of agencies and individuals, including:

- City of Wanneroo (2021-present) – Discussions, review and approval and review of the Local Structure Plan (Precinct 7).
- DPLH (2021-present) – Monitoring release of the District Water Management Strategy, finalisation of proposed precinct boundary changes, and arrangement of attendance at Government led Technical Advisory Group (TAG) meetings.
- Department of Water and Environmental Regulation (DWER) (2021-present) – Discussion in relation to drainage and water management requirements associated with the EWDSP area.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2021-present) – Discussion in relation to wetland buffers and management requirements for wetlands and overall water management applicable the EWDSP area.
- Department of Education (2021-present) – Ongoing discussions in relation to the location of high school and primary school sites located in the Precinct 7 LSP.
- Public Transport Authority (ongoing) – through the TAG process with DPLH.
- Environmental Protection Agency (2016) – EPA decision on the Urban Deferment zoning MRS Amendment 1308-41 (Att I).
- Water Corporation (2021-present) – Ongoing discussions regarding the location and delivery of key infrastructure.

1.3.1 Identity: Referring party

Privacy Notice:

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

By completing and submitting this form, you consent to the collection of all personal information contained in this form. If you are providing the personal information of other individuals in this form, please ensure you have their consent before doing so.

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1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN	19652083013
Organisation name	WESTERN ENVIRONMENTAL APPROVALS PTY LTD
Organisation address	Unit 5, 162 Colin Street, Perth, 6005 WA

Referring party details

Name	Shannan Groves
Job title	Senior Consultant
Phone	0488227058
Email	shannan.g@westenv.com.au
Address	Unit 5, 162 Colin St

1.3.2 Identity: Person proposing to take the action

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

No

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

Yes

Person proposing to take the action organisation details

ABN/ACN	88682523182
Organisation name	BP AREA 2A PTY LTD
Organisation address	6008 WA

Person proposing to take the action details

Name	Judd Dyer
Job title	Director
Phone	0422150986
Email	judd@bp2a-project.com.au
Address	Level 3, 338 Barker Road Subiaco WA 6008

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

No

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

No

1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the Person proposing to take the action. *

BP Area 2A Pty Ltd have no history of previous referrals or past and ongoing proceedings. The proponent has commissioned Hesperia as Development Managers to develop the Project Area.

Hesperia have had previous EPBC referrals for similar sized complex projects. None of these referrals incurred any breaches of conditions associated with the approved decision.

Hesperia has a Sustainability Strategy (2021-2026) which guides expectations of environmental management on projects (this is discussed further in 1.3.2.18). Some examples of Hesperia's approach to environmental management are outlined below:

Roe Highway Logistics Park

Roe Highway Logistics Park (RHLP) is a 66-hectare industrial business park located in Kenwick. Midway through construction of the project, a portion of the project area was identified as a roosting site for the endangered Forest red-tailed black cockatoo. This sparked the involvement of numerous interest groups. In response to this, Hesperia worked with several agencies (including BirdLife Australia and the Kaarakin Black Cockatoo Conservation Centre) to develop a conservation strategy for the Roosting Site. This strategy led to a planting day organised with the Kaarakin Group, a research grant with Murdoch University to track the birds, WA Museum Research Funding to support the mapping and monitoring of the roost, and the planting of 322 mature trees and 1,688 tree tubes within the project area. This has led to the successful protection of the Roosting Site.

Rivermark

Rivermark is a master planned community that will deliver over 650 homes. The area at Rivermark, whilst historically used for brick making operations by Midland Brick, had several mature trees providing habitat for local birds. The project's response to these environmental features included the following:

- Retention of 18 mature trees within first local park.
- Approximately 6000 m2 of tree retention area designated with private lots via design of 'lifestyle lots' with dedicated building envelopes to protect existing mature trees.

- Design of road layout to retain mature trees.

It is intended the above examples provide a good indication of Hesperia's response to environmental management on projects.

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

BP Area 2A Pty Ltd have no environmental policy or planning framework, the proponent has commissioned Hesperia as Development Managers for the Project.

As the development managers, Hesperia's policy and development framework will be applied to the project.

Hesperia has a Sustainability Strategy (2021-2026) which governs all corporate and project activities undertaken by Hesperia. The objectives and actions outlined in the Strategy have led to the establishment of the following:

- Sustainability Standard Inclusions: Every Hesperia project is required to meet a set of sustainability benchmarks aligned to Hesperia's sustainability focus areas, inclusive of environmental and social impact. Examples of benchmarks include:
 - Sustainability certification, net zero construction, no fossil fuels, on-site renewable energy.
- Project Sustainability Process: Every Hesperia project is subject to the Project Sustainability Process, this includes the following:
 - Project Sustainability Statement: Document informing the screening of new business to ensure alignment with Hesperia Sustainability Standard Inclusions.
 - Project Sustainability Strategy: Document outlining how the Hesperia Sustainability Standard Inclusions will be budgeted and implemented, prior to acquisition of land.
 - Project Sustainability Plan: Record keeping of the following deliverables required as part of implementing the Sustainability Standard Inclusions:
 - Sustainability Certification Pathway.
 - Decarbonisation Strategy.
 - Climate Change Adaptation Plan.
 - Responsible Procurement Plan.
 - Renewable Energy Strategy.
 - Sustainability Specification.
- Project Sustainability Reporting: A set of sustainability metrics have been defined which are reported on at the conclusion of each project to disclose performance against the Sustainability Standard Inclusions.

Attachment J is Hesperia's Sustainability Performance Report July 2023 - June 2024.

1.3.3 Identity: Proposed designated proponent

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

Yes

Proposed designated proponent organisation details

ABN/ACN

88682523182

Organisation name	BP AREA 2A PTY LTD
Organisation address	6008 WA
Proposed designated proponent details	
Name	Judd Dyer
Job title	Director
Phone	0422150986
Email	judd@bp2a-project.com.au
Address	Level 3, 338 Barker Road Subiaco WA 6008

1.3.4 Identity: Summary of allocation

✔ Confirmed Referring party's identity

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

ABN/ACN	19652083013
Organisation name	WESTERN ENVIRONMENTAL APPROVALS PTY LTD
Organisation address	Unit 5, 162 Colin Street, Perth, 6005 WA
Representative's name	Shannan Groves
Representative's job title	Senior Consultant
Phone	0488227058
Email	shannan.g@westenv.com.au
Address	Unit 5, 162 Colin St

✔ Confirmed Person proposing to take the action's identity

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

ABN/ACN	88682523182
Organisation name	BP AREA 2A PTY LTD

Organisation address	6008 WA
Representative's name	Judd Dyer
Representative's job title	Director
Phone	0422150986
Email	judd@bp2a-project.com.au
Address	Level 3, 338 Barker Road Subiaco WA 6008

✔ Confirmed Proposed designated proponent's identity

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

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

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

No

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

No

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

No

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

No

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

No

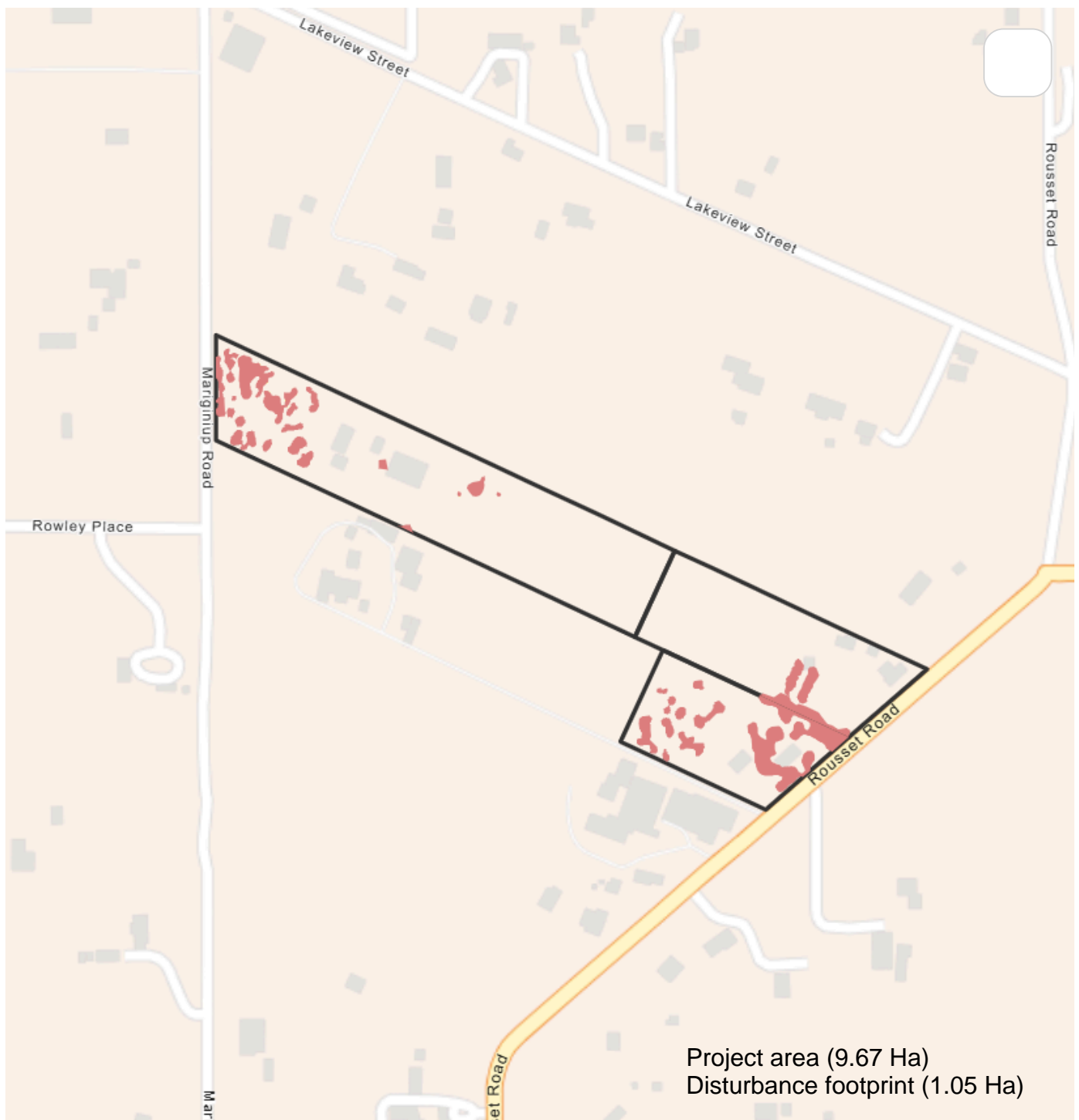
1.4 Payment details: Payment allocation

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

Person proposing to take the action

2. Location

2.1 Project footprint





Maptaskr © 2025 -31.724209, 115.843607

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2.2 Footprint details

2.2.1 What is the address of the proposed action? *

110 Mariginiup Road, 99 Rousset Road and 83 Rousset Road, Mariginiup

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

Western Australia

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

No

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

Freehold

3. Existing environment

3.1 Physical description

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

The Project Area is 9.67 ha in size and is situated within the City of Wanneroo, approximately 25 km north of Perth Central Business District (Att A, Figure 1). The Project Area is currently zoned Urban Deferred under the Perth MRS (DPLH, 2023) as shown in Figure 2 of Attachment A, and as Rural under the City of Wanneroo District Planning Scheme No. 2 (DPS 2, City of Wanneroo, 2024) as shown in Figure 3 of Attachment A. The Urban Deferred zone was achieved in 2016, when the land was amended from Rural Zone (MRS 1308/41). The Project Area forms part of the East Wanneroo District Structure Plan, within Precinct 7.

The eastern portion (Lot 30) was entirely cleared in 1974, clearing extended into Lot 26 in 1977, the lot to the south east (lot 292) had portions cleared from 1989 (Landgate n.d) according to available aerial imagery. Currently, the Project Area is highly disturbed and has been used as for commercial cut flower farm, Christmas tree farm and rural residential land uses. There are some fragmented, disturbed areas of native vegetation occurring in the west and south east (Attachment E: Table 1 - Historical Aerial Imagery).

Portions of the Project Area (Lot 292 and 26) were negatively impacted by the November 2023 Mariginiup Bushfire. The surveys undertaken by 360 Environmental (2021), were undertaken prior to the 2023 Mariginiup bushfire.

According to a survey undertaken by 360 Environmental in 2021, the native vegetation within the Project Area ranges from Degraded to Completely Degraded (Att F, section 5.2.7, Figure 10, Att. B, Figure 10). The majority of vegetation within the Project Area is Degraded (11%) and over 89% is in Degraded or worse condition.

The vegetation types mapped within the Project Area by 360 Environmental (2021) (Att F, section 5.2.6, Figure 9; Att. B, Figure 9), prior to the Mariginiup Fire 2023, include:

- BaBm: Low woodland of *Banksia attenuata*, *Banksia menziesii* and *Melaleuca preissiana* over low isolated clumps of shrubs of *Philotheca spicata*, *Hypocalymma robustum* and *Eremaea pauciflora* over low isolated clumps of forbs of *Desmocladius flexuosus*, *Lepidosperma squamatum* and *Lyginia barbata* (0.96 ha)
- AfEm: Low open woodland of *Allocasuarina fraseriana*, *Eucalyptus marginata*, *Banksia attenuata* and *Banksia menziesii* over tall sparse shrubland of *Jacksonia sternbergiana* over mid open shrubland of *Xanthorrhoea preissii*, *Hibbertia hypericoides* and *Corynotheca micrantha* (0.58 ha).
- Em: *Eucalyptus marginata* (0.01 ha)
- G: Garden (0.93 ha).
- Ne: Non-endemic trees (0.04 ha).
- Bh: *Banksia hookeriana* (0.63 ha).
- *Egl: **Eucalyptus globulus* and *Eucalyptus cinerea* (1.49 ha).
- *P - **Pinus* sp. (0.1 ha).

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

The Project Area is highly disturbed and has been used as for commercial cut flower farm, Christmas tree farm and rural residential land uses.

The Project Area is situated within the City of Wanneroo, approximately 25 km north of Perth Central Business District (Att A, Figure 1). The Project Area is currently zoned Urban Deferred under the Perth MRS (DPLH, 2023) as shown in Figure 2 of Attachment A, and as Rural under the City of Wanneroo District Planning Scheme No. 2 (DPS 2, City of Wanneroo, 2024) as shown in Figure 3 of Attachment A. The Project Area forms part of the East Wanneroo District Structure Plan, within Precinct 7. A request to the Urban Deferment zone to Urban zone over the Project has been lodged, with lifting anticipated February 2025. This will facilitate future residential development.

The proposed future development of the Project Area is consistent with the MRS Urban zone, DPS zone and recently lodged Precinct 7 Local Structure Plan (LSP) (Att D).

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

There are no outstanding natural features or unique values that apply to the Project Area. Important natural values recognised and protected under the EPBC Act are discussed in sections 3.2 and 4 of this referral application.

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

The topography of the Project Area slopes generally east to west, with the highest point being approximately 54 m Australian Height Datum (m AHD) at the south eastern boundary and the lowest point being approximately 48 m AHD in the north east (Department of Primary Industries and Regional Development (DPIRD)-072, Att. A, Figure 4).

Note that throughout this referral application, reference is made to WA State-managed spatial datasets. The naming convention for these datasets is the WA Department acronym (most commonly DBCA, DPIRD, DPLH, and DWER) followed by a hyphen and number (e.g. DPIRD-072 used above). The relevant Department is provided in full the first time each is used, and the complete dataset can be accessed using the associated link provided.

3.2 Flora and fauna

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

Flora and Vegetation

Flora and vegetation surveys were conducted between 13 to 26 October 2020 and 12-14 October 2021 by 360 Environmental to support the Precinct 7 LSP, the Project Area is located within Precinct 7 LSP. According to the desktop assessment results there were 69 conservation significant species identified occurring within 65 km radius

of the Precinct 7 surveyed area (360 Environmental, 2021). A likelihood of occurrence assessment was undertaken pre-survey and determined that three (3) species as having a 'high' likelihood of occurrence, six (6) species as having a 'medium' likelihood of occurrence, 58 species as having a 'low' likelihood of occurrence (Attachment F, Section 5.2.2, Appendix C). Post-survey, two of the three 'high' likelihood flora species were re-assessed as having a low likelihood of occurrence, and the other was recorded: *Jacksonia sericea* (P4), however this species was not recorded within the Project Area, the nearest record was approximately 280 m north of the Project Area boundary (Att F, Section 5.2.4).

A targeted spring flora survey for orchids of three properties within the Precinct 7 LSP area (25 Roussett Road, 31 Lakeview Road and 31 Wells Street) was undertaken in August/September/October 2022 to confirm no presence of a *Caladenia huegelii* species (360 Environmental, 2023) (Att L).

No Threatened or Priority flora species pursuant to the Environment Protection and Biodiversity Conservation Act (EPBC) 1999 and/or gazetted as Threatened pursuant to the Biodiversity and Conservation (BC) Act 2016 were recorded during the survey of Precinct 7 (Attachment F, pp. 44; Attachment F).

The Project Area does not contain any threatened ecological communities. The condition of the vegetation surveyed within the Project Area was all in a Degraded or worse condition (Attachment F, Figure 10, Att. B, Figure 10). Based on the degraded condition of the vegetation present the project area is not considered representative of intact remnant native vegetation.

360 Environmental (2021) identified eight vegetation units within the Project Area (Att F, Figure 9, section 5.2.6, pp. 27-30, Att. B, Figure 9), which are described as:

- BaBm: Low woodland of *Banksia attenuata*, *Banksia menziesii* and *Melaleuca preissiana* over low isolated clumps of shrubs of *Philotheca spicata*, *Hypocalymma robustum* and *Eremaea pauciflora* over low isolated clumps of forbs of *Desmodcladus flexuosus*, *Lepidosperma squamatum* and *Lyginia barbata* (0.96 ha)
- AfEm: Low open woodland of *Allocasuarina fraseriana*, *Eucalyptus marginata*, *Banksia attenuata* and *Banksia menziesii* over tall sparse shrubland of *Jacksonia sternbergiana* over mid open shrubland of *Xanthorrhoea preissii*, *Hibbertia hypericoides* and *Corynotheca micrantha* (0.58 ha).
- Em: *Eucalyptus marginata* (0.01 ha)
- G: Garden (0.93 ha).
- Ne: Non-endemic trees (0.04 ha).
- Bh: *Banksia hookeriana* (0.63 ha).
- *Egl: **Eucalyptus globulus* and *Eucalyptus cinerea* (1.49 ha).
- *P - **Pinus* sp. (0.1 ha).

The vegetation units Bh and *Egl are associated with planted vegetation, a commercial flower horticulture farm which has ceased. The planted vegetation was used for cut flowers / leaves and harvested before seeds were produced.

The 360 Environmental (2021) surveys were conducted prior to the Mariginiup bushfire 2023 and it is anticipated that the bushfire would likely have had a negative impact on the vegetation.

Fauna

The Project Area provides limited habitat for fauna given the vegetation within the Project Area is Degraded to Completely Degraded condition and lacks native understorey. Based on the lack of native understorey, the fauna habitat values within the Project Area are more likely to be utilised by bird species such as black cockatoos.

The Project Area falls within the modelled distribution and breeding range of the Carnaby's black cockatoo and forest red-tailed black cockatoo and outside the modelled distribution of the Baudin's black cockatoo (DCCEEW, 2022).

Data from DBCA-063 shows that there is one confirmed black cockatoo breeding location within 12km of the Project Area, located approximately 3.7 km west of the Project Area, within the Joondalup locality. The Project Area occurs within the 1 km buffer of one (1) black cockatoo roost sites, 23 mapped black cockatoo roosting sites are present within 12 km, all are confirmed Carnaby's black cockatoo roost sites (no specific ID code supplied) (DBCA-64). The buffered roost site which intersects with the Project Area (DBCA-064) was inspected by 360 Environmental (2021) during the field survey however there was no suitable roosting tree present at the location, it was concluded that it may have been a positional error or has since been cleared and is longer present (Att. F, section 6.2 pp. 43).

The previous black cockatoo habitat assessment undertaken by 360 Environmental in 2021 was completed prior to the publication of the *Referral guideline for 3 WA threatened black cockatoo species* (DAWE, 2022). The foraging habitat was mapped by 360 Environmental (2021) using the vegetation units recorded during the flora and vegetation survey.

WEPL re-assessed the black cockatoo foraging habitat within the Project Area using the foraging habitat quality tool according to the Commonwealth 2022 guidance and additionally following the recently released Commonwealth Habitat Quality Scoring Tool (2023). The black cockatoo foraging habitat mapped within the Project is shown in Figure 5 within Att A, the CBC foraging habitat is shown in Figure 6 the FRTBC foraging habitat is shown in Figure 7 of Att A.

The survey report is provided as Attachment G and the key findings are summarised below:

- No evidence of breeding, foraging or roosting were recorded.
- No potential, suitable or known nesting trees were recorded within the Project Area.
- Foraging habitat quality was primarily rated using the Commonwealth Habitat Quality Scoring Tool (DCCEEW). The final foraging habitat quality extents within the Project Area out of ten are:
 - Carnaby's black cockatoo: 0.52 Ha (9/10), 0.03 Ha (7/10), 0.5 Ha (6/10).
 - Forest red-tailed black cockatoo: 0.56 Ha (7/10), 0.47 (6/10).
- No evidence of roosting was recorded. Habitat type FHT-05 (Non native eucalypts with occasional conifer) contain stands of tall trees which may provide suitable roosting habitat. Access to water is present in the form of Mariginiup Lake.

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

Landform Geology and Soils

The Project Area is situated within the Spearwood System, described as sand dunes and plains. Yellow deep sands, pale deep sands and yellow/brown shallow sands (DPIRD-064).

The Project Area features soils of the Karrakatta Sand Yellow phase (211Sp__Ky) (Att. B, Figure 8) which is described as:

211Sp__Ky: Low hilly to gently undulating terrain. Yellow sand over limestone at 1-2 m. Banksia spp. woodland with scattered emergent E. gomphocephala and E. marginata and a dense shrub layer (DPIRD-027).

Vegetation

Perth is located within the Swan Coastal Plain Bioregion. The Swan Coastal Plain region is a low lying coastal plain, mainly covered with woodlands. It is dominated by Banksia or Tuart on sandy soils, Casuarina obesa on outwash plains, and paperbark in swampy areas. In the east, the plain rises to duricrusted Mesozoic sediments dominated by Jarrah woodland. The climate is Warm Mediterranean. Three phases of marine sand dune development provide relief. The outwash plains, once dominated by C. obesa-Marri woodlands and Melaleuca shrublands, are extensive only in the south (Mitchell et al., 2002).

Vegetation Complexes are a broad level of vegetation description which is based on the underlying geomorphology and rainfall (Hedde et al., 1980). Based on available mapping, the Project Area is considered representative of the Pinjar Complex (mapping unit 54; DBCA-046). The Pinjar complex is described as vegetation ranges from woodland of E. marginata - Banksia species to a fringing woodland of E. rudis - M. preissiana and sedgelands.

Vegetation within the Project Area ranges from Completely Degraded to Degraded condition. A breakdown of vegetation by condition is provided in (Attachment F; Figure 10; Att. B, Figure 10). All the vegetation within the Project Area was assessed to be in a degraded condition or worse (100%). Based on the degraded condition of the vegetation, none of the vegetation present is representative of intact, native vegetation.

360 Environmental identified eight vegetation units within the Project Area (Att F, Figure 9, section 5.2.6, pp. 27-30, Att. B, Figure 9), which are described as:

- BaBm: Low woodland of *Banksia attenuata*, *Banksia menziesii* and *Melaleuca preissiana* over low isolated clumps of shrubs of *Philotheca spicata*, *Hypocalymma robustum* and *Eremaea pauciflora* over low isolated clumps of forbs of *Desmocladius flexuosus*, *Lepidosperma squamatum* and *Lyginia barbata* (0.96 ha)
- AfEm: Low open woodland of *Allocasuarina fraseriana*, *Eucalyptus marginata*, *Banksia attenuata* and *Banksia menziesii* over tall sparse shrubland of *Jacksonia sternbergiana* over mid open shrubland of *Xanthorrhoea preissii*, *Hibbertia hypericoides* and *Corynotheca micrantha* (0.58 ha).
- Em: *Eucalyptus marginata* (0.01 ha)
- G: Garden (0.93 ha).
- Ne: Non-endemic trees (0.04 ha).
- Bh: *Banksia hookeriana* (0.63 ha).
- *Egl: **Eucalyptus globulus* and *Eucalyptus cinerea* (1.49 ha).
- *P - **Pinus* sp. (0.1 ha).

The vegetation units Bh and *Egl as associated with planted vegetation, a commercial flower horticulture farm which ceased operation. The planted vegetation was used for cut flowers / leaves and harvested before seeds were produced.

All vegetation present is in Degraded to Completely Degraded condition (Att. F, section 5.2.7, Figure 10 and Att. B, Figure 10).

3.3 Heritage

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

There are no Commonwealth listed heritages places within or surrounding the Project Area.

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

The Project Area is located on Whadjuk Noongar Country, and forms part of the South West Native Title Settlement (Whadjuk People ILUA). The Whadjuk region is one of six regions within Noongar Country.

According to the Aboriginal Cultural Heritage Inquiry System, there are no registered sites or places intersecting with the Project Area.

There is one identified registered site (ID 3741) which is Lake Mariginiup, a mythological, hunting place which is located approximately 300 m west of the Project Area boundary (Att. B, Figure 12).

3.4 Hydrology

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

Groundwater is situated approximately 44 m AHD in the east to 43 m AHD in the west of the Project Area (DWER-100). Seasonal variation of groundwater is between 6 - 7m below ground level.

There are no streams, creeks, wetlands or major drains within the Project Area. The nearest mapped surface water feature is Lake Mariginiup, located approximately 300 m west of the boundary of the Project Area (DWER-031) (Att. B, Figure 11).

According to the Geomorphic Wetlands Swan Coastal Plain data (DBCA-019), no wetlands intersect with the Project Area. The nearest mapped wetland is Lake Mariginiup which is mapped as a Conservation Category Wetland (UFI 7953), located approximately 300 m west of the Project Area (Att. B, Figure 11).

The Project Area is not located within a Public Drinking Water Source Area (PDWSA) (DWER-033). The nearest PDWSA to the site is a P1 which is approximately 1.1 km east of the Project Area. The PDWSA, P1 area is under the Gngangara Underground Water Pollution Control Area.

A Local Water Management Strategy (LWMS) has been prepared for the LSP (Attachment K).

4. Impacts and mitigation

4.1 Impact details

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

EPBC Act section	Controlling provision	Impacted	Reviewed
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	No	Yes
S21	Nuclear	No	Yes

EPBC Act section	Controlling provision	Impacted	Reviewed
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

4.1.1 World Heritage

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

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

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

—

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

No

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

The proposed action will not impact any World Heritage sites.

4.1.2 National Heritage

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

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

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

—

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

No

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

The proposed action will not impact any National Heritage sites.

4.1.3 Ramsar Wetland

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

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

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

—

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

No

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

The proposed action will not impact any Ramsar Wetlands.

4.1.4 Threatened Species and Ecological Communities

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

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

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

Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	Andersonia gracilis	Slender Andersonia
No	No	Anigozanthos viridis subsp. terraspectans	Dwarf Green Kangaroo Paw
No	No	Banksia mimica	Summer Honeypot
No	No	Botaurus poiciloptilus	Australasian Bittern
No	No	Caladenia huegelii	King Spider-orchid, Grand Spider-orchid, Rusty Spider-orchid
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris canutus	Red Knot, Knot
No	No	Calidris ferruginea	Curlew Sandpiper
Yes	No	Calyptorhynchus banksii naso	Forest Red-tailed Black-Cockatoo, Karrak
No	No	Dasyurus geoffroii	Chuditch, Western Quoll
No	No	Diuris micrantha	Dwarf Bee-orchid
No	No	Diuris purdiei	Purdie's Donkey-orchid
No	No	Drakaea elastica	Glossy-leafed Hammer Orchid, Glossy-leaved Hammer Orchid, Warty Hammer Orchid
No	No	Drakaea micrantha	Dwarf Hammer-orchid
No	No	Eleocharis keigheryi	Keighery's Eleocharis
No	No	Eucalyptus argutifolia	Yanchep Mallee, Wabbling Hill Mallee
No	No	Hesperocolletes douglasi	Douglas' Broad-headed Bee, Rottnest Bee
No	No	Leipoa ocellata	Malleefowl
No	No	Macarthuria keigheryi	Keighery's Macarthuria
No	No	Macroderma gigas	Ghost Bat
No	No	Numenius madagascariensis	Eastern Curlew, Far Eastern Curlew

Direct impact	Indirect impact	Species	Common name
No	No	<i>Pristis pristis</i>	Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish
No	No	<i>Rostratula australis</i>	Australian Painted Snipe
No	No	<i>Sternula nereis nereis</i>	Australian Fairy Tern
No	No	<i>Tringa nebularia</i>	Common Greenshank, Greenshank
Yes	No	<i>Zanda latirostris</i>	Carnaby's Black Cockatoo, Short-billed Black-cockatoo

Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Banksia Woodlands of the Swan Coastal Plain ecological community
No	No	Empodisma peatlands of southwestern Australia
No	No	Tuart (<i>Eucalyptus gomphocephala</i>) Woodlands and Forests of the Swan Coastal Plain ecological community

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

Yes

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

The proposed action is highly disturbed and therefore provides limited habitat for flora and fauna species. Further, no threatened flora or ecological communities were identified during the survey of the Project Area (Att F). The environmental values of the Project Area are detailed in sections 3.1 to 3.4 of this referral.

The EPBC Act Protected Matters Search Tool (PMST) identified the following species as having a potential impact following the proposed actioned:

- Carnaby's black cockatoo (*Zanda latirostris*) - Endangered.
- Forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) - Vulnerable.

Black cockatoo breeding and foraging habitat has previously been mapped in 2021 by 360 Environmental (Att. F) to support the development of the Local Structure Plan Precinct 7 and lifting of Urban Deferment for Precinct 7, East Wanneroo. The Project Area is location within the Precinct 7 LSP. The survey took place prior to the publication of the Referral guideline for 3 WA threatened black cockatoo species (DAWE, 2022).

WEPL re-assessed the black cockatoo foraging habitat within the Project Area using the foraging habitat quality tool according to the Commonwealth 2022 guidance and additionally following the recently released Commonwealth Habitat Quality Scoring Tool (2023) (Att. G).

Carnaby's black cockatoo (CBC) and Forest red-tailed black cockatoo (FRTBC)

CBC occurs between Kalbarri to Esperance. The species breeds between July and November generally in woodlands or forests, however, can also breed in partially cleared woodland or forest, including isolated trees (DAWE, 2022). The species nests in the hollows of live or dead trees, particularly salmon gum, wandoo, tuart,

jarrah, flooded gum, York gum, powder bark, karri, and marri (DAWE, 2022). Long-term studies show that CBC utilise hollows ranging from 10 – 65 cm in diameter (with an average 26 cm) and approximately 130 cm in depth (Saunders et al., 2014). Night roosting typically occurs within or near riparian environments, or natural and artificial permanent water sources (DAWE, 2022).

CBC feeds in native shrubland, kwongan heathland, and woodland environments on the seeds, flowers, and nectar of native proteaceous plant species (*Banksia* spp., *Hakea* spp., *Dryandra* spp., and *Grevillea* spp.). They will, however, also eat the seeds of introduced species including *Pinus* spp., *Erodium* spp., wild radish, canola, almonds, macadamia and pecan nuts, and occasionally apples and persimmons (DAWE, 2022).

FRTBC occurs between Gingin to near Albany. The species generally breeds in woodlands or forests, however, can also breed in partially cleared woodland or forest, including isolated trees (DAWE, 2022). They nest in live or dead trees, particularly marri, wandoo, tuart, jarrah, blackbutt, and karri. FRTBC prefer hollows with an entrance diameter of 10 x 12 cm to 44 x 150 cm (mean 28 x 30 cm), and depth of between 100 cm and 500cm (average 144 cm) (Johnstone et al., 2013).

FRTBC feed primarily on the seeds of jarrah and marri in woodlands and forest, and edges of karri forests, including wandoo and blackbutt (DAWE, 2022). The species also forages on *Allocasuarina* cones, fruits of Snotty gobble (*Persoonia longifolia*) and mountain marri (*C. haematoxylon*) (DAWE, 2022). Other less important foods for the species include blackbutt, *bullich*, *Allocasuarina fraseriana*, *Hakea* spp., tuart, redheart moit (*E. decipiens*) and bushy yate (*E. lehmanni*) (DAWE, 2022). Introduced species used by the species include eucalyptus such as river red gum (*E. camaldulensis*) and rose gum (*E. grandis*), cape lilac (*Melia azedarach*), *E. caesia*, *E. erythrocorys*, lemon-scented gum, and kaffir plum (*Harpephyllum caffrum*).

Foraging

The Project Area contains limited foraging resources for CBC and FRTBC as shown on Figure 5 within Att A , including (Att. G):

- Pine: high foraging value for CBC only (0.01 ha)
- Banksia Woodland: high foraging value for CBC and moderate for FRTBC (0.4 ha)
- Banksia and *Eucalyptus tottiana* woodland: high foraging value for CBC and moderate for FRTBC (0.14 ha)
- *Eucalyptus tottiana* woodland: moderate foraging value for CBC and FRTBC (0.03 ha)
- Non native eucalypts with occasional conifer: low to moderate foraging value for CBC and FRTBC (0.4 ha)
- Jarrah Woodland: moderate foraging value for CBC and high for FRTBC (0.005 ha)
- Planted Liquid amber (**Liquidambar styraciflua*): low to moderate foraging value for CBC and FRTBC (0.08 ha).

360 Environmental (2021) (Att F) previously mapped *Banksia Hookeriana* within Lot 26, which was planted for commercial cut flower purposes. The survey undertaken by WEPL 2024 found almost all the banksia within this area were dead or have been removed, as shown in Att. G, Appendix A, photo 1 and 2.

The eastern portion of Lot 26 consisted of decorative Argyle apple (*Eucalyptus cinerea*) an eastern states species of Eucalyptus which is not a known foraging species for black cockatoo, these were heavily degraded by the 2023 Mariginiup bushfire. The Argyle apple (*Eucalyptus cinerea*) is planted and used for commercial cut flower purposes. Argyle apple (*E. cinerea*) do not constitute foraging or breeding species for Carnaby's black cockatoo (DEC, 2011). 360 Environmental (2021) had mapped Tasmanian Blue Gum (*Eucalyptus globulus*) in addition to the Argyle apple (*Eucalyptus cinerea*), there were no Tasmanian Blue Gums observed during the survey, as shown in the image within Attachment G Appendix A, photo 3. The absence of Tasmanian Blue Gums may be attributable to the fire, or may reflect that they were a planted species being actively used by the landowner for flower decorations, which has now concluded.

Therefore, total foraging habitat within the Project Area as shown on Figure 6 and 7 of Att A, includes:

- 1.05 ha for CBC, including:
 - 0.52 ha of high quality foraging habitat.
 - 0.53 ha of moderate to low quality foraging habitat.
- 1.03 ha for FRTBC, including:
 - 0.56 ha of moderate quality foraging habitat.
 - 0.47 ha of moderate to low quality foraging habitat.

No foraging evidence was recorded by WEPL (Att. G, pp. 14) or 360 Environmental (Att. F, Figure 13) during the black cockatoo surveys within the Project Area.

Roosting

The Project area contains no known roosting sites for CBC or FRTBC. Night roosting locations are typically in proximity to foraging habitat (Black cockatoos mainly foraging within 20km of night roosts) and with access to water points <2km from roosting location (DCCEEW, 2022). Any groups of tall trees, particularly large native eucalypts in proximity to water sources may provide night roosting habitat (DCCEEW, 2022). The non-native eucalyptus trees within Lot 292 may provide suitable roosting habitat. Access to permanent water was present from wetlands within 2km. No evidence of roosting within the Project Area was recorded (Att. G, pp. 14).

Breeding

The Project Area contains no known or currently suitable breeding habitat for CBC or FRTBC. Known breeding habitat are trees currently or recently used for nesting. Suitable breeding habitat are trees that currently contain hollows suitable for black cockatoo nesting that do not show evidence of use. Potential breeding habitat are trees of a suitable size and species to develop nest hollows in future (including those with hollows present that are currently unsuitable for nesting). All definitions are from the Commonwealth's referral guidelines (DAWE, 2022).

No Potential, Suitable or Known black cockatoo nesting trees were recorded within the Project Area (Att. G pp. 14).

Threatened Ecological Communities / Flora

The proposed action will not have an impact on any TECs or Threatened flora species within the Project Area. The vegetation unit BaBm recorded within the Project Area does not form part of the Banksia Woodlands of the Swan Coastal Plain TEC as it is not of suitable size or condition. Given the degraded condition and extent of the vegetation, it does not meet the criteria to represent the TEC. The Project Area does not contain any threatened ecological communities (Att F, pp. 44). The condition of the vegetation surveyed within the Project Area was all in a Degraded or worse condition (Attachment F, Figure 10, Att. B, Figure 10). Based on the degraded condition of the vegetation present the project area is not considered representative of intact remnant native vegetation.

No Threatened flora species pursuant to the EPBC Act 1999 were recorded during the surveys (Att F, pp. 44), and none are considered to occur given all vegetation is in Degraded to Completely Degraded condition.

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

No

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

The proposed action will necessitate the removal of:

- 1.05 ha of foraging habitat for Black Cockatoo species.
- Potential black cockatoo roosting habitat.

It is considered that the proposed action will not have a significant impact on black cockatoo species.

As per Policy Statement 1.1 Significant Impact Guidelines - Matters of National Environmental Significance, the proposed action will not:

- Lead to a long-term decrease in the size of a population.
- Reduce the area of occupancy of the species.
- Fragment an existing population into two or more populations.
- Adversely affect habitat critical to the survival of a species.
- Disrupt the breeding cycle of a population, given there is no currently suitable breeding habitat present within the project area.
- Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.
- Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat.

- Introduce disease that may cause the species to decline.
- Interfere with the recovery of the species. The proposed action will remove a minor extent of foraging habitat approximately 0.006% within the surrounding 12 km radius of the Project Area of the proposed action.

In the context of the surrounding environment and broader landscape, and the absence of evidence indicating that the project area is currently or has been historically used for breeding by black cockatoos, this impact is not considered significant.

The proposed action will necessitate the clearing of suitable and/or potential habitat for CBC and FRTBC, including:

- Removal of up to 1.05 ha of foraging habitat for CBC and FRTBC, including:
 - 1.05 ha for CBC, including:
 - 0.52 ha of high quality foraging habitat.
 - 0.53 ha of moderate to low quality foraging habitat.
 - 1.03 ha for FRTBC, including:
 - 0.56 ha of moderate quality foraging habitat.
 - 0.47 ha of moderate to low quality foraging habitat.
- Removal of potential roosting habitat comprised of isolated stands of non-native eucalyptus > 10 m tall.

The vegetation anticipated to be removed is in a Degraded to Completely Degraded condition and lacks native understorey, as such it cannot be considered remnant native vegetation.

It should be noted that the vegetation within the project area is not considered representative of remnant native vegetation given its disturbed nature and that most of the vegetation is planted for commercial cut flowers and Christmas tree farming. Conversely, the extent of habitat within 6 km and 12 km of the Project Area have been calculated based on the extent of remnant native vegetation containing suitable foraging species (DPIRD-005; DBCA-057) and is therefore likely to be in better condition to that within the project area.

Within the local area (6 km radius) there is approximately 3688 ha of native vegetation comprising suitable foraging habitat for CBC excluding that within the proposed action, based on the inferred foraging habitat mapping (DBCA-057) and the mapped extent of remnant native vegetation (DPIRD-005). Of this, 1008.133 ha (27%) is held within lands managed by DBCA (DBCA-011), including 658.57 ha within Gngarra-Moore River State Forest (Att. B, Figure 13). Based on the proposed action it will impact approximately 0.0003% of the potential foraging habitat for CBC within 6km of the Project Area.

Black cockatoos will typically travel within a 12 km radius to access foraging resources near to roosting and breeding habitat.

There are 19 roosting sites situated within 12 km of the proposed action, with the nearest situated 1.2 km and 1.3 km east, according to datasets managed by DBCA that have been confirmed as used by black cockatoo species (DBCA-050) and 23 roosting sites which have been identified through the Great Cocky Count and citizen science projects as potentially in use (DBCA-064) (Att. B, Figure 14).

A buffer from a roost site intersects with the Project Area (DBCA-064), 360 Environmental (2021) inspected the recorded roosting site during the field survey however there was no suitable roosting tree present at the location, it may be a positional error or has since been cleared and is longer present (Att. F, section 6.2 pp. 43).

Data from DBCA-063 shows that there is one confirmed black cockatoo breeding location within 12km of the Project Area, located approximately 3.7 km west, in the Joondalup locality. The nearest confirmed breeding sites to the project area are situated 3.7 km to the west, 23 km to the northeast, and 30 km to the east (DBCA-063; Att. B, Figure 14).

Overall, the impacts of the proposed action to CBC and FRTBC are not considered significant. The reasons for this include:

- All the vegetation within the Project Area is in Degraded to Completely Degraded condition and does not comprise remnant native vegetation.
- The area to be impacted represents a very small proportion of suitable foraging habitat within the local area. The proposed action equates to around 0.0003% of habitat within a 6 km radius for CBC.
- The area to be impacted represents a very small proportion of suitable foraging habitat within the broader landscape. The proposed action equates to 0.006% of habitat within a 12 km radius for CBC. Within a 12 km

radius, a substantial amount of foraging habitat persists within large, intact patches and within DBCA managed lands, compared with the highly degraded nature of the project area (Att. B, Figure 13).

- The project area does not currently act as a significant ecological corridor, due to the fragmented and degraded condition of the habitat.

Therefore, the proposed action will not:

- Lead to a long-term decrease in the size of any population.
- Reduce the area of occupancy of the species.
- Fragment an existing population into two or more populations.
- Cause a loss of habitat critical to the survival of the species.
- Disrupt the breeding cycle of a population given there is no currently suitable breeding habitat present within the project area.
- Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.
- Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the habitat.
- Introduce disease that may cause the species to decline.
- Will not interfere with the recovery of the species. The proposed action will remove a minor extent of foraging habitat (1.05 ha).

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

No

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

It is recognised that the removal of up to 1.05 ha has value within the project area. However, in the context of the surrounding environment and broader landscape, and the absence of evidence indicating that the project area is currently or has been historically used for foraging, breeding or roosting by black cockatoos, this impact is not considered significant and therefore does not constitute a controlled action.

The level of black cockatoo usage is likely to be transitional in nature with the surrounding area (12 km radius) offering approximately 19,543.55 ha of suitable foraging habitat for CBC.

The referral guidelines thresholds advise that a loss equal to or greater than 1 ha of high-quality habitat vegetation, or a loss of known, suitable or potential nesting tree, the impacts resulting from the Proposed Action may be at a high risk of resulting in a significant impact. The outcomes of the referral guidelines assessment have been considered further in accordance with the significance impact criteria. Based on the limited extent of the proposed clearing of 1.05 ha of black cockatoo foraging habitat, which includes:

- 1.05 ha for CBC, including:
 - 0.52 ha of high quality foraging habitat.
 - 0.53 ha of moderate to low quality foraging habitat.
- 1.03 ha for FRTBC, including:
 - 0.56 ha of moderate quality foraging habitat.
 - 0.47 ha of moderate to low quality foraging habitat.

There is high availability of other similar foraging habitat within 12 km of the site (approximately 19,543.55 ha) and the Proposed Action does not impact upon any suitable breeding habitat or confirmed roosting habitat. The Proposed Action is not considered likely to have a significant impact.

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

Given the degraded or worse condition of vegetation and fragmented habitat, there is limited opportunity for avoidance. Other areas within Precinct 7 have higher values which are proposed to be avoided within Public Open Space (Att. D).

The Metropolitan Region Scheme Amendment identified areas of native vegetation and wetland for retention and conservation. The Project Area does not contain such areas and is therefore considered most suitable for Urban development.

Mitigation measures

Clearing activities will be managed in accordance with the following practices and procedures to minimise the identified potential impacts and reduce risks of any potential indirect impacts. This includes the following:

- Implementation of an approved Construction Environmental Management Plan (CEMP) at the time of subdivision.
- Clearly defining the Project Area boundary, using flagging tape or fencing before any clearing activities commence.
- Ensuring a suitably licensed and qualified zoologist undertakes a targeted fauna trapping and a fauna inspection of the vegetation to be cleared 1-2 days prior to clearing and remains on site during clearing activities should any fauna relocation be required.
- Undertaking vegetation clearing in a consistent direction to enable fauna species to move to adjacent habitat.
- Incorporate native vegetation species within the landscaping areas and road reserves, aiming to restore habitat values lost through clearing.
- Retention where possible of vegetation within road reserves.
- Temporary groundwater dewatering for the installation of sewer is unlikely to be required. The groundwater table occurs approximately 6-7 m below the ground surface within the Project Area. Given the depth of the water table and if dewatering is deemed necessary it is considered likely to be to only lower the groundwater by up to 1 m. Any occurrence of dewatering will be for a short period, at relatively shallow depths and will not significantly impact neighbouring vegetation. If dewatering, is required, the horizontal extent of groundwater drawdown (cone of depression) is expected to be small. To mitigate the risk of impacts to adjacent vegetation, infiltration trenches will be located between the dewatering and the vegetation so as to restrict the horizontal extent of the cone of depression and maintain existing groundwater levels experienced by the vegetation.

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

No offsets are currently proposed as the action is not considered a controlled action or to result in any significant residual impacts.

4.1.5 Migratory Species

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

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

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

Direct impact	Indirect impact	Species	Common name
No	No	<i>Actitis hypoleucos</i>	Common Sandpiper
No	No	<i>Apus pacificus</i>	Fork-tailed Swift
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris canutus</i>	Red Knot, Knot
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Calidris melanotos</i>	Pectoral Sandpiper
No	No	<i>Calidris ruficollis</i>	Red-necked Stint
No	No	<i>Calidris subminuta</i>	Long-toed Stint
No	No	<i>Motacilla cinerea</i>	Grey Wagtail
No	No	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
No	No	<i>Pandion haliaetus</i>	Osprey
No	No	<i>Pristis pristis</i>	Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish
No	No	<i>Tringa glareola</i>	Wood Sandpiper
No	No	<i>Tringa nebularia</i>	Common Greenshank, Greenshank

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

No

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

A review of the SPRAT database for the migratory species listed has identified they are ocean or inland waters such as wetlands, estuaries and mudflats. dependent species.

The majority of the project area has been cleared for commercial cut flower and Christmas tree farming (72%). The remaining vegetation present is in Degraded to Completely Degraded condition without wetland or water features (Att F, section 5.2.7, Figure 10, Att. B, Figure 10 and Figure 11) and the nearest coastline is 10km west of the Project Area. Considering the condition and there are no water bodies within the Project Area none of the migratory species listed are considered to forage or breed within the Project Area and occurrence of these species would likely be in the above airspace. The proposed clearing will not have an impact on the migratory species potentially occurring within the surrounding area of the Project Area.

4.1.6 Nuclear

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

No

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

The proposed action does not involve any nuclear activities.

4.1.7 Commonwealth Marine Area

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

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

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

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

No

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

The proposed action will not impact any Commonwealth Marine Areas.

4.1.8 Great Barrier Reef

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

No

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

This project is located in Western Australia.

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

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

No

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

Not applicable to this project.

4.1.10 Commonwealth Land

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

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

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

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

No

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

The project is not located on Commonwealth land.

4.1.11 Commonwealth Heritage Places Overseas

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

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

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

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

No

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

This action is not applicable.

4.1.12 Commonwealth or Commonwealth Agency

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

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

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

None

Conclusion on the likelihood of unlikely significant impacts

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

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

4.3 Alternatives

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

No

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

The Project Area is part of an area identified for urban expansion. Regional and Local planning has been undertaken, defining the Project Area as Urban zoned land.

The Project Area for the proposed action was defined within the East Wanneroo District Structure Plan as an area identified for a change of land use under the Western Australian Planning Commission's (WAPC) Perth and Peel @ 3.5 Million ('Framework'). This framework seeks to accommodate 3.5 million people by 2050 and is intended to form the primary guide for State Government agencies, local government, and the wider community on how the urban form of Perth should evolve over the next 30 years. The Framework includes the Project Area to accommodate future population growth and demand for housing in proximity to major transport and employment areas in the North-West Corridor.

The Metropolitan Region Scheme Amendment identified areas of native vegetation and wetland for retention and conservation. The Project Area does not contain such areas and is therefore considered most suitable for Urban development and contribute to alleviating the Perth housing shortage.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

Type	Name	Date	Sensitivity	Confidence
#1.	DocumentAtt A_Figures 1 - 7.pdf Maps	16/12/2021	No	High
#2.	DocumentAtt C_East Wanneroo DSP.pdf East Wanneroo District Structure Plan	02/08/2021	No	High
#3.	DocumentAtt D_Precinct 7 LSP.pdf Precinct 7 Local Structure Plan	20/05/2021	No	High
#4.	DocumentAtt E_Historical Aerial Imagery.pdf Historical Aerial Images	28/11/2021	No	High
#5.	DocumentAtt F_East Wanneroo Vegetation Survey and Black Cockatoo Assessment.pdf Maps	01/12/2021		High
#6.	DocumentAtt G_BC habitat review WEPL 2024.pdf Black Cockatoo Habitat review 2024	17/12/2021	No	High

1.2.5 Information about the staged development

Type	Name	Date	Sensitivity	Confidence
#1.	DocumentAtt H_Landowners consent - Redacted.pdf Redacted landowner consent	20/12/2021	No	High
#2.	DocumentAtt H_Landowners consent.pdf Landowner consent	20/12/2021	Yes	High

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

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Type	Name	Date	Sensitivity	Confidence
#1.	Document Att I_EPA decision MRS Amendment 2016.pdf EPA decision MRS Amendment	31/01/2016	No	High

1.2.7 Public consultation regarding the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att I_EPA decision MRS Amendment 2016.pdf EPA decision MRS Amendment	01/02/2016	No	High

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

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att J_FY24-Sustainability-Performance-Report.pdf Hesperia - FY2024 - Sustainability Performance Report	01/07/2024	No	High

3.1.1 Current condition of the project area's environment

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A_Figures 1 - 7.pdf Maps	15/12/2024	No	High
#2.	Document Att B_Figures 8 - 14.pdf Maps	16/12/2024	No	High
#3.	Document Att E_Historical Aerial Imagery.pdf Historical Aerial Images	27/11/2024	No	High
#4.	Document Att F_ East Wanneroo Vegetation Survey and Black Cockatoo Assessment.pdf Maps	30/11/2024	No	High

3.1.2 Existing or proposed uses for the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A_Figures 1 - 7.pdf Maps	15/12/2024	No	High
#2.	Document Att D_Precinct 7 LSP.pdf Precinct 7 Local Structure Plan	19/05/2024	No	High

3.1.4 Gradient relevant to the project area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A_Figures 1 - 7.pdf Maps	15/12/2024	No	High

3.2.1 Flora and fauna within the affected area

Type	Name	Date	Sensitivity	Confidence
#1.	Document Att A_Figures 1 - 7.pdf Maps	15/12/2024	No	High

#2.	DocumentAtt B_Figures 8 - 14.pdf Maps	15/12/2024	No	High
#3.	DocumentAtt F_ East Wanneroo Vegetation Survey and Black Cockatoo Assessment.pdf Maps	30/11/2024	No	High
#4.	DocumentAtt G_Black cockatoo habitat review WEPL 2024.pdf Black Cockatoo Habitat review 2024	16/12/2024	No	High
#5.	DocumentAtt L Supplementary Targeted Caladenia huegelii Survey (redacted).pdf Redacted - Supplementary Targeted Caladenia huegelii Survey	20/07/2023	No	High
#6.	DocumentAtt L Supplementary Targeted Caladenia huegelii Survey.pdf Supplementary Targeted Caladenia huegelli survey (360 Environmental, 2023)	20/07/2023	Yes	High

3.2.2 Vegetation within the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B_Figures 8 - 14.pdf Maps	15/12/2024	No	High
#2.	Document	Att F_ East Wanneroo Vegetation Survey and Black Cockatoo Assessment.pdf Maps	30/11/2024	No	High

3.3.2 Indigenous heritage values that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B_Figures 8 - 14.pdf Maps	15/12/2024	No	High

3.4.1 Hydrology characteristics that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att B_Figures 8 - 14.pdf Maps	15/12/2024	No	High
#2.	Document	Att K_ Precinct 7 Wanneroo LWMS.pdf Local Water Management Strategy	13/12/2024	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att A_Figures 1 - 7.pdf Maps	15/12/2024	No	High
#2.	Document	Att F_ East Wanneroo Vegetation Survey and Black Cockatoo Assessment.pdf Maps	30/11/2024	No	High
#3.	Document	Att G_Black cockatoo habitat review WEPL 2024.pdf Black Cockatoo Habitat review 2024	16/12/2024	No	High

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

Type	Name	Date	Sensitivity	Confidence
#1.	DocumentAtt B_Figures 8 - 14.pdf Maps	15/12/2024	No	High
#2.	DocumentAtt E_Historical Aerial Imagery.pdf Historical Aerial Images	27/11/2024	No	High

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

Type	Name	Date	Sensitivity	Confidence
#1.	DocumentAtt D_Precinct 7 LSP.pdf Precinct 7 Local Structure Plan	19/05/2024	No	High

4.1.5.3 (Migratory Species) Why your action is unlikely to have a direct and/or indirect impact

Type	Name	Date	Sensitivity	Confidence
#1.	DocumentAtt B_Figures 8 - 14.pdf Maps	15/12/2024		High
#2.	DocumentAtt F_East Wanneroo Vegetation Survey and Black Cockatoo Assessment.pdf Maps	30/11/2021		High

5.2 Declarations

☒ Completed Referring party's declaration

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

ABN/ACN	19652083013
Organisation name	WESTERN ENVIRONMENTAL APPROVALS PTY LTD
Organisation address	Unit 5, 162 Colin Street, Perth, 6005 WA
Representative's name	Shannan Groves
Representative's job title	Senior Consultant
Phone	0488227058
Email	shannan.g@westenv.com.au
Address	Unit 5, 162 Colin St

- ☒ Check this box to indicate you have read the referral form. *
- ☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

☒ By checking this box, I, **Shannan Groves of WESTERN ENVIRONMENTAL APPROVALS PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. *

☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

☒ Completed Person proposing to take the action's declaration

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

ABN/ACN	88682523182
Organisation name	BP AREA 2A PTY LTD
Organisation address	6008 WA
Representative's name	Judd Dyer
Representative's job title	Director
Phone	0422150986
Email	judd@bp2a-project.com.au
Address	Level 3, 338 Barker Road Subiaco WA 6008

☒ Check this box to indicate you have read the referral form. *

☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

☒ I, **Judd Dyer of BP AREA 2A PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. *

☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

☒ Completed Proposed designated proponent's declaration

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

Same as Person proposing to take the action information.

☒ Check this box to indicate you have read the referral form. *

☒ I would like to receive notifications and track the referral progress through the EPBC portal. *

☒ I, **Judd Dyer of BP AREA 2A PTY LTD**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. *

☐ I would like to receive notifications and track the referral progress through the EPBC portal. *