

Residential Development, Woodvale

Application Number: **02672**Commencement Date:
06/11/2024Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

1.1.2 Project industry type *

1.1.3 Project industry sub-type

1.1.4 Estimated start date *

1.1.4 Estimated end date *

1.2 Proposed Action details

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

Lot 36 and Part Lot 28 Woodvale Drive, Woodvale (the site) are located in the City of Joondalup, approximately 18.4km north-north-east of the Perth Central Business District (Att 1: Figures - Figure 1). The site is 4.45ha in size (Att 1: Figures - Figure 2) and is bound by Woodvale Drive to the west, developed land to the south, the Woodvale Baptist Church to the north and Yellagonga Regional Park to the east.

The site is proposed to be developed for residential purposes in accordance with its zoning in the Metropolitan Region Scheme. The footprint of the disturbance area is 2.51 ha. The development will provide 36 Residential Lots, including a lot to be created for an existing dwelling, associated roads and a 3,000 sqm Public Open Space (POS) to be created for drainage (Att 2: Development Concept). Additionally 2.0642 ha of Lot 36 will be ceded to be included in the Yellagonga Regional Park to be managed for conservation purposes.

To deliver the proposed subdivision the site will be cleared of existing vegetation which consists of parkland cleared trees and planted exotic species within the development footprint. There will be no clearing outside of this footprint. There will also be several buildings demolished during the clearing process. The action will also include earthworks to subdivision levels, installation of service corridors, construction of roads, construction of drainage infrastructure within the POS and landscaping.

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

No

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

The Development Footprint is zoned as 'Urban' under the Metropolitan Region Scheme and as such the proposed subdivision is consistent with the zoning. The eastern portion designated as the Retention Area is reserved as Parks and Recreation and is part of Bush Forever Site 299 within the Yellagonga Regional Park. Transfer of this portion of land to be managed for Conservation is consistent with the zoning.

The western part of Lot 36 is zoned Rural under the City of Joondalup Local Planning Scheme No. 3 and the eastern part is Parks & Recreation. Pt Lot 28 is zoned Private Community Purposes in LPS No. 3. Pt Lot 28 is zoned 'Private Community Purposes' in LPS No. 3. The proposed subdivision will require rezoning under the City of Joondalup Local Planning Scheme No. 3. The amendment has been initiated and referred to the Environmental Protection Authority (EPA) under Section 48A of the *Environmental Protection Act 1986* (EP Act).

Native vegetation can only be cleared with a Native Vegetation Clearing Permit granted under Part V Division 2 of the EP Act, or an approval under Part IV of the EP Act, except in some circumstances where exemptions apply. Pursuant to Schedule 6, clause 9 of the EP Act (Clearing under the Planning and Development Act 2005), subdivision provides an exemption if the implementation of the subdivision requires the clearing of native vegetation. In addition, subdivision provides authorisation under the *Biodiversity Conservation Act 2016* (BC Act) to 'take' flora, provided the species is not listed as Threatened under the BC Act, which in this case would be clearing.

State Planning Policy No. 2.8 Bushland Policy for the Perth Metropolitan Region, in conjunction with Bush Forever seeks to ensure the protection of at least 10 per cent of the original extent of each vegetation complex within the Perth Metropolitan Region. SPP 2.8 was developed to ensure that bushland protection and management issues are appropriately addressed and integrated as a part of future land use. Bush Forever identified approximately 51,200 hectares of regionally significant vegetation for retention. The management of these areas include reservation and acquisition by the State government, negotiated planning solutions with owners who are seeking urban and/or industrial development and advice, assistance and incentive programs to support private conservation. The eastern part of the site is within Bush Forever Site 299 'Yellagonga Regional Park, Wanneroo/Woodvale/Kingsley' and as such will be ceded for Conservation.

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. *

The proposed subdivision will require rezoning under the City of Joondalup Local Planning Scheme No. 3. The amendment has been initiated and referred to the Environmental Protection Authority (EPA) under Section 48A of the *Environmental Protection Act 1986* (EP Act). The rezoning process has statutory requirements for public consultation as well as requiring inputs from other government departments.

Ongoing consultation with stakeholders will continue throughout the planning process with Local Government, Service Providers and adjoining landowners. As the property is privately owned native title does not apply.

1.3.1 Identity: Referring party

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1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN 44981725498

Organisation name The trustee for KNIGHTSIDE TRUST

Organisation address 6017 WA

Referring party details

Name Paul Van Der Moezel

Job title Managing Director

Phone 0427 005 226

Email paul@pgv.net.au

Address 67 Howe Street Osborne Park 6017

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 648434404

Organisation name Riverswan Holdings Pty Ltd as trustee for Woodvale Trust

Organisation address Unit 14 40 St Quentin Ave Claremont WA 6010

Person proposing to take the action details

Name David Barnham

Job title Director

Phone 0402 647 589

Email knolan@urbis.com.au

Address 170 Preston Point Road East Fremantle 6158

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? *

Yes

1.3.2.16 Describe the nature of the trust arrangement in relation to the proposed action. *

Riverswan Holdings Pty Ltd is a corporation as trustee for Woodvale Trust

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. *

There are no proceedings against Riverswan Holdings Pty Ltd as trustee for Woodvale Trust or its principals.

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

Riverswan Holdings Pty Ltd as trustee for Woodvale Trust does not have an environmental policy or planning framework. However, the developer has a satisfactory environmental record and operate in accordance with required legislation and policy. Over the last 10 years the developer has conducted environmental work to complete satisfaction on projects in Champion lakes, Success, Bertram and Helena Valley.

All the projects were adjoining rivers or waterways and within bush fire zones.

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 648434404

Organisation name Riverswan Holdings Pty Ltd as trustee for Woodvale Trust

Organisation address Unit 14 40 St Quentin Ave Claremont WA 6010

Proposed designated proponent details

Name David Barnham

Job title Director

Phone 0402 647 589

Email knolan@urbis.com.au

Address 170 Preston Point Road East Fremantle 6158

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	44981725498
Organisation name	The trustee for KNIGHTSIDE TRUST
Organisation address	6017 WA
Representative's name	Paul Van Der Moezel
Representative's job title	Managing Director
Phone	0427 005 226
Email	paul@pgv.net.au
Address	67 Howe Street Osborne Park 6017

✔ 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	648434404
Organisation name	Riverswan Holdings Pty Ltd as trustee for Woodvale Trust
Organisation address	Unit 14 40 St Quentin Ave Claremont WA 6010
Representative's name	David Barnham
Representative's job title	Director
Phone	0402 647 589
Email	knolan@urbis.com.au
Address	170 Preston Point Road East Fremantle 6158

✔ 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

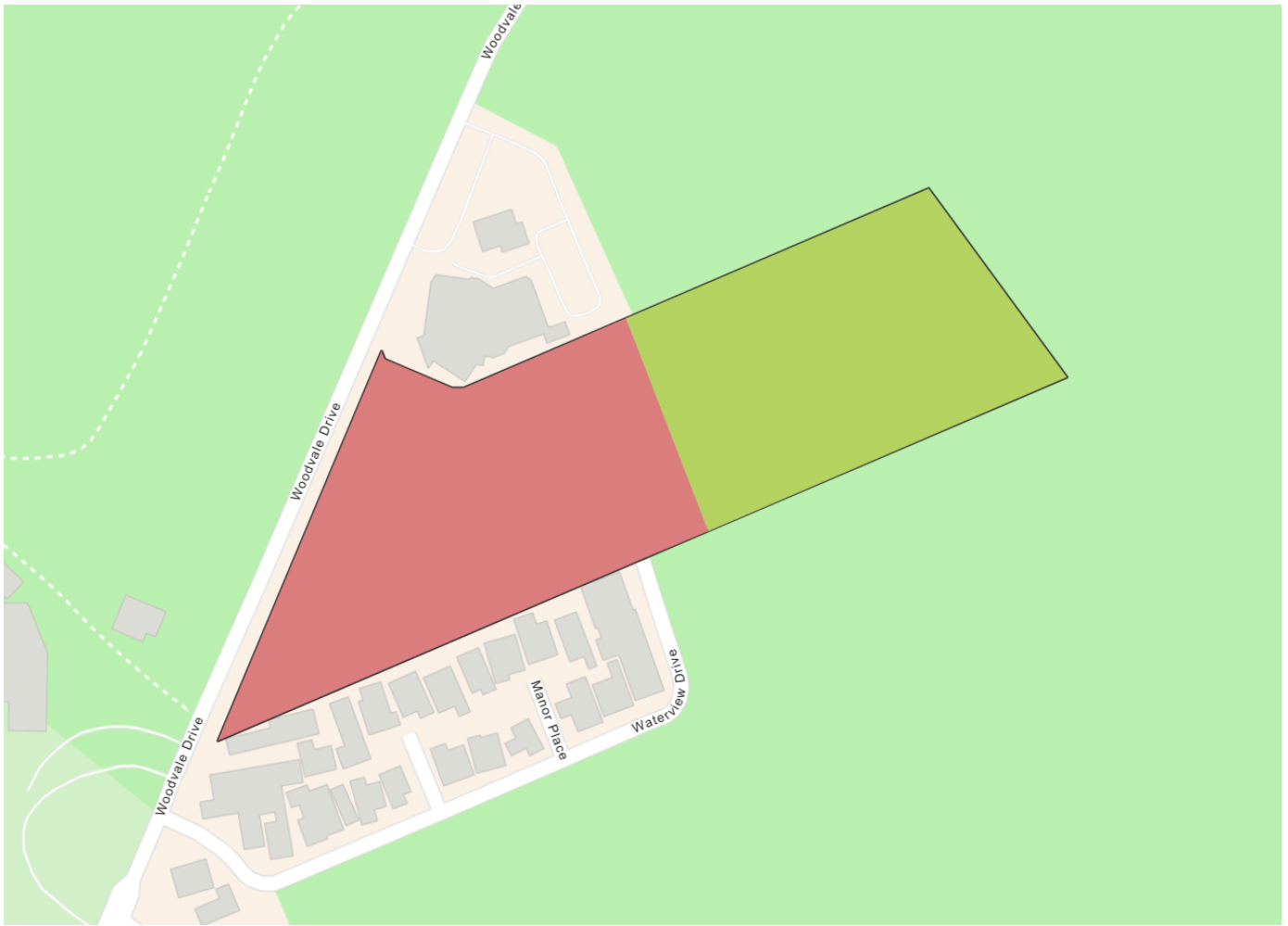
1.4 Payment details: Payment allocation

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



Project Area: 4.57 Ha Disturbance Footprint: 2.51 Ha Retention Area: 2.07 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

95 (Lot 36) Woodvale Drive, Woodvale, WA

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? *

The land is Freehold

3. Existing environment

3.1 Physical description

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

Lot 36 and Pt Lot 28 Woodvale Drive, Woodvale are located in the City of Joondalup, approximately 18.4km north-north-east of the Perth Central Business District (Att 1 Figures: Figure 1).

Historical aerial photographs show that the site was partly cleared in 1953 (the oldest historical aerial photography available) with a grove of trees remaining at the north-western end. A house was established on the site at that time. A wetland is evident at the eastern end of the site (Att 3 Environmental Assessment: Section 3.2.1). Additional clearing has been undertaken in successive years, including a horse track that extended into the Retention Area so that few native trees remain and as such the condition within the Project Area is almost all Completely Degraded, with a small area rated as Degraded to good on the interface to the wetland. The wetland Retention Area is rated as Very Good (Att 1 Figures: Figure 3 and Att 3: Environmental Assessment: Section 3.7.4).

The Development Footprint is zoned as 'Urban' under the Metropolitan Region Scheme and the eastern portion designated as the Retention Area is reserved as Parks and Recreation. The western part of Lot 36 is zoned Rural under the City of Joondalup Local Planning Scheme No. 3 and the eastern part is Parks & Recreation. Pt Lot 28 is zoned Private Community Purposes in LPS No. 3. Pt Lot 28 is zoned 'Private Community Purposes' in LPS No. 3. The proposed subdivision will require rezoning under the City of Joondalup Local Planning Scheme No. 3.

The access proposed to the project area will be two crossovers from Woodvale Drive (Att 2 Concept Plan).

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

The Project Area currently contains two dwellings, one of which is occupied and the other abandoned. Surrounding land has residential development or forms part of Yellagonga Regional Park.

The proposed land use will be residential development, drainage infrastructure and the retention of land to be ceded into Yellagonga Regional Park (Att 2 Concept Plan).

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

The western part of the site contains wetland that is to be part of the Yellagonga Regional Park. The Disturbance Footprint does not have any outstanding natural features.

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 site slopes very gently down from a high of 20m Australian Height Datum (AHD) at the western end to a low of around 18mAHD at the eastern end (Att 1 Figures: Figure 2).

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.

A Flora and Vegetation survey of the site was undertaken by Dr Paul van der Moezel of PGV Environmental on 18 November 2022 (Att 3 Environmental Assessment: Section 3.6). The survey found that the western part of the site contained native trees in a parkland setting with no native understorey present. There were no conservation significant flora species recorded on the site and due to past clearing are not expected to be present. Common weed species included Annual Veldtgrass (*Ehrharta longiflora*), Lupins (*Lupinus cosentinii*), Pigface (*Carpobrotus edulis*), Castor Oil (*Ricinus communis*) and Fumitory (*Fumaria capreolata*).

There are two fauna habitats that occur on the site. The areas containing Marri, Tuart, Jarrah and Exotic Trees is described as Woodland habitat, located in the Project Area. The areas dominated by Kikuyu and Bulrush is a Sedgeland/grassland habitat, located in the Retention Area. The fauna habitat on the site has connectivity to areas of bushland on adjoining properties, however the vegetation is in Completely Degraded condition. Therefore, the habitat in the Project Area is rated as Disturbed Fauna Habitat. The Retention Area is rated as High Quality Fauna Habitat (Att 3 Environmental Assessment: Section 3.9).

The habitat in the Project Area was determined to provide habitat for:

- Carnaby's Black Cockatoo (*Calyptorhynchus (Zanda) latirostris*); and
- Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*).

The site contains three tree species (Marri, Tuart and Jarrah) that are recognised as providing foraging habitat for foraging by Black Cockatoos. The total area of foraging habitat is 0.615 ha and is shown on Figure 4 (Att 1 Figures: Figure 4). No trees had any hollows suitable for Black Cockatoos to breed in. There were 20 trees recorded that met the definition of potential breeding habitat due to their DBH being $\geq 500\text{m}$ (Att 1 Figures: Figure 4; Att 3 Environmental Assessment: Section 3.9.4). The total consisted of 15 Marri trees, 3 Tuart trees, one Jarrah tree and a Standing Dead tree (Att 1 Figures: Figure 4; Att 3 Environmental Assessment: Appendix 4).

The wetland contains habitat for a number of marine/migratory species that will not be impacted as the habitat is within the Retention Area (Att 1 Figures: Figure 4; Att 3 Environmental Assessment: Section 3.9.3).

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

Vegetation

The vegetation is too degraded within the Project Area to be an example of a Vegetation Complex, however the vegetation in the Retention Area is an example of the Herdsman Complex,

The Project Area is Completely Degraded and Degraded to Good with the vegetation largely being cleared except for some parkland cleared trees. The Retention Area contains vegetation in Very Good condition.

The vegetation in the western dryland part of the site was mostly Marri trees (*Corymbia calophylla*) with some Tuart (*Eucalyptus gomphocephala*) and a few Jarrah (*Eucalyptus marginata*) trees (Att 3 Environmental Assessment: Section 3.7.2). Two vegetation types occur in the mapped wetland area (Att 1 Figures: Figure 3). At the very eastern end, within the retention Area, the vegetation is mostly a *Melaleuca raphiophylla* Tall Open Scrub over reeds (Att 1 Figures: Figure 3). At the western end of the Retention Area the vegetation is dense Bulrush (*Typha orientalis* Sedgeland) with a portion that was the old horse track that consists mostly of Kikuyu Grass (*Cenchrus clandestinus*) and other rushes and sedges, but not dense Typha (Att 1 Figures: Figure 3; Att 3 Environmental Assessment: Section 3.7.2).

The interface between the dryland and wetland areas is a transition zone between the wetland and dryland areas and contains a chaotic mix of vegetation types caused by changes in the natural landform over time. Low-lying parts of the interface contain some small Typha Sedgeland as well as areas of *Juncus acutus* Sedgeland. Higher hummocks, presumably not natural, contain weeds (Att 3 Environmental Assessment: Section 3.7.2).

Soil

The site is mapped as part of the Spearwood System which has the highest relief of the dune systems on the Swan Coastal Plain. The soil units located on the site is described as

- Spearwood Sand Phase (211Sp_Sp) which are undulating dunes with rocky crests on aeolian sand over limestone in the Swan Coastal Plain between Wanneroo and Moore River. These soils are brown deep sands and yellow deep sands (DPIRD, 2023). These soils are mapped on the western part of the site; and
- Spearwood Wet, Swamp Phase (211SpW_SWAMP) which are soils that occur with swamps (DPIRD, 2023). This soil phase is associated with the wetland in the eastern part of the site.

The soils have been locally disturbed for clearing and construction of dwellings, sheds, access tracks and horse tracks. It is likely that in areas fertilisers have been utilised, changing some of the soil characteristics.

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

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

There are no Aboriginal Heritage Sites, Pending Sites, or Historical Sites mapped on the site (Att 3 Environmental Assessment: Section 3.10 and Appendix 5).

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. *

Maximum groundwater is at approximately 18m AHD which is around 1m below the surface in the eastern part of the site in Wallubuenup Swamp and up to 2m below ground at the western end. Groundwater generally flows to the east (Att 3 Environmental Assessment: Section 3.5). The Project Area is not within the catchment of a RAMSAR Wetland or a Wetland of National Significance.

The eastern end of the site is mapped as part of Wallubuenup Swamp which is a Conservation Category wetland with the Unique Feature Identifier (UFI) 15458. The wetland is classed as a Sumpland which is a seasonally inundated basin. The wetland is contained within the Retention Area.

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
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.

*

There are no World Heritage Areas within 20km of the Project Area (Att 5 PMST).

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.

*

There are no National Heritage Places in the Project Area (Att 5 PMST)

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.

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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.

*

There are no RAMSAR Wetlands within 20km of the Project Area (Att 5 PMST)

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	<i>Andersonia gracilis</i>	Slender Andersonia
No	No	<i>Banksia mimica</i>	Summer Honeypot
No	No	<i>Botaurus poiciloptilus</i>	Australasian Bittern
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
Yes	No	<i>Calyptorhynchus banksii naso</i>	Forest Red-tailed Black-Cockatoo, Karrak
No	No	<i>Charadrius leschenaultii</i>	Greater Sand Plover, Large Sand Plover
No	No	<i>Dasyurus geoffroii</i>	Chuditch, Western Quoll
No	No	<i>Diuris micrantha</i>	Dwarf Bee-orchid
No	No	<i>Diuris purdiei</i>	Purdie's Donkey-orchid
No	No	<i>Drakaea elastica</i>	Glossy-leafed Hammer Orchid, Glossy-leaved Hammer Orchid, Warty Hammer Orchid
No	No	<i>Drakaea micrantha</i>	Dwarf Hammer-orchid
No	No	<i>Eucalyptus argutifolia</i>	Yanchep Mallee, Wabbling Hill Mallee
No	No	<i>Hesperocolletes douglasi</i>	Douglas' Broad-headed Bee, Rottnest Bee
No	No	<i>Leipoa ocellata</i>	Malleefowl
No	No	<i>Macarthuria keigheryi</i>	Keighery's Macarthuria
No	No	<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew
No	No	<i>Pristis pristis</i>	Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish

Direct impact	Indirect impact	Species	Common name
No	No	Rostratula australis	Australian Painted Snipe
No	No	Sternula nereis nereis	Australian Fairy Tern
No	No	Tringa nebularia	Common Greenshank, Greenshank
Yes	No	Zanda latirostris	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	Honeymyrtle shrubland on limestone ridges of the Swan Coastal Plain Bioregion
No	No	Tuart (Eucalyptus gomphocephala) 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 vegetation in the Project Area is too degraded to be representative of any listed Threatened Ecological Community.

The Project Area contains habitat for two fauna species that are considered Matters of National Environmental Significance (MNES) being:

- Carnaby's Black Cockatoo (*Zanda (Calyptorhynchus) latirostris*) - Endangered; and
- Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*) - Vulnerable.

.Habitat for these speices includes the following.

Foraging

The site contains three tree species (Marri (*Corymbia calophylla*), Tuart (*Eucalyptus gomphocephala*) and Jarrah (*Eucalyptus marginata*) that are recognised as providing foraging habitat for foraging by Black Cockatoos. The total area of foraging habitat is 0.615 ha (Att 3 Environmental Assessment: Section 3.9.5) and all foraging habitat will be cleared in the Project Area. The foraging habitat is within 3km of known roosting sites so is considered to be High Quality foraging habitat.

Breeding

There is no recorded breeding on the site and no suitable hollows to provide breeding habitat. Therefore no actual breeding habitat will be impacted.

Potential breeding habitat on the site consists of 20 trees with sufficient diameter at breast height to meet the definition of potential breeding (Att 3 Environmental Assessment: Section 3.9.5). The 20 trees will be cleared in the project area.

Roosting

The project area contains tall Marri, Tuart and Jarrah trees, however no evidence of roosting was recorded during the survey and no roosting has been recorded on the site (Att 3 Environmental Assessment: Section 3.9.5).

Fragmentation

The Project Area is within a highly fragmented landscape, however there is over 5,800ha of habitat within 12km (Att 3 Environmental Assessment: Section 3.9.4 and Att1 Figures: Figure 5). Due to the mobility of both Black Cockatoo species clearing the Project Area is not expected to impact on the species.

Threatening Processes

The recovery plan for Carnaby's Cockatoo (DPaW 2013) identifies vehicle strike as a key threat to the species. The proposed residential development will have all roads limited to 50km/hr. The low speed limit mitigates the risk. An Urban Water Management Plan will be required when subdividing and will demonstrate that stormwater infrastructure will be designed to ensure that pooling of water on the side of the road will not occur which can increase the risk of vehicle strike.

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. *

A full assessment of the impact in accordance with the Significant Impact Guidelines is in Att 3 Environmental Assessment: Section 3.9.4.

In summary:

- The proposed action will clear 0.615ha of foraging habitat, which is not considered to be likely to have a significant impact (DAWE, 2022, Pg 2);
- There is no recorded breeding on the site and no hollows suitable for breeding so the clearing of the project area will not impact on a breeding cycle;
- The clearing of 20 potential breeding trees that do not have surrounding foraging habitat has a minimal risk of providing breeding habitat in the future.

The proposed action will require the clearing of 0.01% of Black Cockatoo within 12km of the site with over 5,800ha of habitat within 12km. There is no breeding habitat on the site and no roosting has been recorded. The loss of 20 trees that are potential breeding habitat within 2.21ha will not have a significant impact as they cannot currently be used as breeding habitat,. The surrounding area contains wetland vegetation that does not provide foraging for Black Cockatoos, making the site less likely to be utilised if a hollow was formed in the potential breeding habitat in the Project Area.

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.

*

The Proposed Action does not constitute a controlled action as it will not have a significant residual impact on threatened species or ecological communities listed under the EPBC Act. The clearing of 0.615 ha of foraging habitat and there is no breeding habitat on the site. The site is also not a recorded roosting site and is not likely to be utilised as such due to the lack of foraging habitat in close proximity.

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. *

Avoidance

The detailed design of the drainage basin in the eastern part of the project area may allow for some of the trees to be retained and all efforts will be made to achieve the best possible outcome as having mature trees in an Open Space is preferable to planting new trees.

Mitigation

The proposal will allow for planting of trees around the drainage basin. Trees established will be species that are known to be used for breeding and foraging such as Marri, Jarrah or Tuart.

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

The proposed action is not considered to be significant and no offsets are proposed.

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>Charadrius leschenaultii</i>	Greater Sand Plover, Large Sand Plover
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 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.

*

There were twelve migratory species identified that could potentially use the wetland portion of the site, listed below,:

- *Actitis hypoleucos* (Common Sandpiper);
- *Calidris acuminata* (Sharp-tailed Sandpiper);
- *Calidris melanotos* (Pectoral Sandpiper);
- *Calidris subminuta* (Long-toed Stint)
- *Plegadis falcinellus* (Glossy Ibis);
- *Tringa glareola* (Wood Sandpiper);
- *Tringa nebularia* (Common Greenshank);
- *Ardea alba* (Great Egret, White Egret);
- *Ardea (Bubulcus) ibis* (Cattle Egret);
- *Merops ornatus* (Rainbow Bee-eater);
- *Raillius philippensis* (Buff banded rail); and
- *Recurvirostra novaehollandiae* (Red-necked Avocet).

There is not expected to be an impact on these species as the habitat suitable is within the Retention Area. The proposed subdivision creates a drainage POS that forms a buffer which will protect and enhance the wetland habitat. Impacts such as light spill will be mitigated by best practice directional lighting and public access to the lake will be restricted.

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 Action is not a Nuclear Action

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.

—

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 Action is not in a Commonwealth Marine Area

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.

*

The Action is not in the Great Barrier Reef

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.

*

The Action does not include a water resource in relation to large coal mining development or coal seam gas

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.

—

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 Action is not to be undertaken on Commonwealth Land and will not impact 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.

—

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.

*

The Action will not impact on Commonwealth Heritage Places Overseas

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 zoned 'Residential' under the MRS and the Action is consistent with the land use designated by this zoning. The proposed action is an infill development that utilises already cleared degraded land to mitigate urban sprawl and destruction of areas of intact habitat.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1 Figures 1-7.pdf Figures 1 to 7	03/04/2023	No	High
#2.	Document	Att 2 Concept Plan.pdf Concept Plan for Residential Development	02/04/2023	No	High

1.3.2.16 (Person proposing to take the action) Nature of the trust arrangement in relation to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 4 Trust Deed.pdf	14/03/2022	Yes	

3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1 Figures 1-7.pdf Figures 1 to 7	02/04/2023		High
#2.	Document	Att 3 Environment Assessment.pdf Environmental Assessment Report	03/04/2023	No	High

3.1.2 Existing or proposed uses for the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 2 Concept Plan.pdf Concept Plan for Residential Development	01/04/2023		High

3.1.4 Gradient relevant to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1 Figures 1-7.pdf Figures 1 to 7	02/04/2023		High

3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1 Figures 1-7.pdf Figures 1 to 7	02/04/2023		High
#2.	Document	Att 3 Environment Assessment.pdf Environmental Assessment Report	02/04/2023		High

3.2.2 Vegetation within the project area

	Type	Name	Date	Sensitivity	Confidence
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#1.	Document	Att 1 Figures 1-7.pdf Figures 1 to 7	02/04/2023	High
#2.	Document	Att 3 Environment Assessment.pdf Environmental Assessment Report	02/04/2023	High

3.3.2 Indigenous heritage values that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 Environment Assessment.pdf Environmental Assessment Report	02/04/2023		High

3.4.1 Hydrology characteristics that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 Environment Assessment.pdf Environmental Assessment Report	02/04/2023		High

4.1.1.3 (World Heritage) Why your action is unlikely to have a direct and/or indirect impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 5 PMST.pdf Protected Matters Search Tool Report	06/11/2024	No	High

4.1.2.3 (National Heritage) Why your action is unlikely to have a direct and/or indirect impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 5 PMST.pdf Protected Matters Search Tool Report	05/11/2024		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.	Document	Att 3 Environment Assessment.pdf Environmental Assessment Report	02/04/2023		High
#2.	Link	Referral guideline for 3 WA threatened black cockatoo species https://www.dcceew.gov.au/environment/epbc/publi..			High

5.2 Declarations

✔ Completed Referring party's declaration

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

ABN/ACN	44981725498
Organisation name	The trustee for KNIGHTSIDE TRUST
Organisation address	6017 WA
Representative's name	Paul Van Der Moezel
Representative's job title	Managing Director
Phone	0427 005 226
Email	paul@pgv.net.au
Address	67 Howe Street Osborne Park 6017

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, **Paul Van Der Moezel of The trustee for KNIGHTSIDE TRUST**, 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	648434404
Organisation name	Riverswan Holdings Pty Ltd as trustee for Woodvale Trust
Organisation address	Unit 14 40 St Quentin Ave Claremont WA 6010
Representative's name	David Barnham

Representative's job title Director

Phone 0402 647 589

Email knolan@urbis.com.au

Address 170 Preston Point Road East Fremantle 6158

- 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, **David Barnham of Riverswan Holdings Pty Ltd as trustee for Woodvale Trust**, 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, **David Barnham of Riverswan Holdings Pty Ltd as trustee for Woodvale Trust**, 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. *