

Public record pursuant to s. 39 of the *Environmental Protection Act 1986*

Proposal title: Residential development of part Lots 11 and 74 Beenyup Road Banjup

Proposal location: Part lots 11 and 74 Beenyup Road Banjup

EO number: APP-0000235

Date referral received: 31-01-2023 **Date more information received:** 31-03-2024

Referrer: WAPC **Proponent:** Aigle Royal Developments

Potential significant effects:

There are potential impacts on: flora and vegetation from the clearing of native vegetation; terrestrial fauna from the clearing of threatened fauna habitat; and inland waters from changes to the hydrological regime and development near a conservation category wetland.

Public comment on referral information:

Do not assess:	0
Assess: a) Referral information	0
b) Environmental review - no public review	0
c) Public environmental review	6
<i>Total submissions:</i>	6

Decision: s. 38G(1) – Not Assess

Referral Examined, preliminary investigations and inquiries conducted. Proposal not to be assessed under Part IV of the EP Act – Advice given.

Explanation of decision:

The EPA considers that the likely environmental effects of the proposal can be mitigated by the assessment and conditioning of the proposal under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), future planning processes such as subdivision and development application processes, and clearing permit processes. As a result, the EPA considers the impacts are not so significant or unmitigated to warrant formal assessment under Part IV of the EP Act.

Public Advice

The EPA notes and supports the proposal will be implemented in accordance with the proponent's proposal content document, in particular the retention of the proposed conservation area. The EPA expects that the conservation area be implemented through an appropriate agreement for retention and management in perpetuity. The EPA expects the conservation area to be ceded to the City of Cockburn, or other appropriate body and incorporated into the Jandakot Regional Park.

Flora and Vegetation, and Terrestrial Fauna - EPBC Act process

The EPA considers that the potential impacts of the proposal can be mitigated to meet the EPA's objectives by the EPBC Act, implementation of the EPBC Act 2017/7923 offset conditions.

In particular, the EPA considers that the Commonwealth's EPBC Act offset conditions target the key environmental values identified by the EPA at referral and are likely to adequately address the impacts of the proposal, being the clearing of priority three (WA) or threatened (Cwth) ecological communities and habitat for threatened species of black cockatoo.

The EPA advises that the proponent should also have regard for the State Offset Policy and Offset Guide in selecting an appropriate offset site. In particular, the EPA notes Principle 3 of the Offset Policy, which states that “environmental offsets will be cost-effective, as well as relevant and proportionate to the significance of the environmental value being impacted”. In keeping with this principle, the EPA advises that the selected offset should be capable of counterbalancing the impacts of the proposal to those populations of black cockatoos relevant (i.e. local) to the proposal.

Given the Commonwealth’s conditions to manage and counterbalance the impacts of the proposal to key environmental values, the EPA considers that the implementation of the proposal consistent with the referral information, can meet the EPA objectives for flora and vegetation and terrestrial fauna, and that the likely environmental effects of the proposal are not so significant as to warrant formal assessment.

The EPA considers that subdivision and development application clearing processes may also provide further protection to flora and fauna habitat and these processes should be administered to ensure the EPA’s factor objectives for flora and vegetation and terrestrial fauna are met for the proposal.

In particular the EPA expects these processes will:

- Facilitate the conservation area be implemented through an appropriate agreement for retention and management in perpetuity.
- Provide for further protection of existing remnant trees within the future residential subdivision design.
- Consider landscaping with native vegetation species, or revegetation within the Public Open Space area to provide additional fauna habitat and vegetation values.

Inland Waters - Planning and Development Act 2005 process

The siting of the conservation lot provides a vegetated buffer between the proposed future residential area and the mapped extent of the conservation category wetland. Additional protections for the wetland are also likely to be provided under the *Planning and Development Act 2005*, and other future planning processes. In particular, the EPA notes that water management planning processes will take place through future planning processes. The EPA expects water management planning will be undertaken in accordance with the Better Urban Water Management guidelines, which addresses:

- Urban development in proximity to wetland areas, including buffer requirements of at least 50 metres from the CCW boundary to ensure wetland biophysical values and processes are maintained.
- Location of drainage basins and associated infrastructure outside of the conservation area, surrounding wetlands and buffers to ensure impacts from drainage requirements are minimised.

The EPA considers that these processes should be administered to ensure the EPA’s factor objective for inland waters is met.

Appeals: This decision is appealable. Appeals close 22-07-2024. Appeals are administered by the Office of the Appeals Convenor.



Lee McIntosh

DEPUTY CHAIR

Delegate of the Environmental Protection Authority

Date: 27 June 2024