

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO AMEND A REFERRED PROPOSAL
DURING ASSESSMENT**

PERSON TO WHOM THIS NOTICE IS GIVEN

Aigle Royal Group (ABN: 24 749 154 661)
Level 8, 225 St Georges Terrace
PERTH WA 6155

PROPOSAL TO WHICH THIS NOTICE RELATES:

Urban Development of Lots 11 and 74 Beenyup Road, Banjup
Assessment No. 2255

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority gives approval to the assessment of the proposal being completed in respect of the proposal as amended in accordance with the proponent's request being

- Reducing the Development Envelope from 10.25 to 5.59 ha.
- The proposed conservation area is to remain the same at 22.95 ha.

The amended proposal content document and figures are attached.

EFFECT OF THIS NOTICE:

1. The assessment of the proposal is to be completed in respect of the proposal as amended in accordance with the decision set out in this notice.
2. The proposal as amended in accordance with this notice is taken to have been referred to the Authority under section 38 of the EP Act.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.



Professor Matthew Tonts

CHAIR

Delegate of the Environmental Protection Authority

14 July 2022

Attachment 1- Amended proposal content document and figure/s showing the amendments

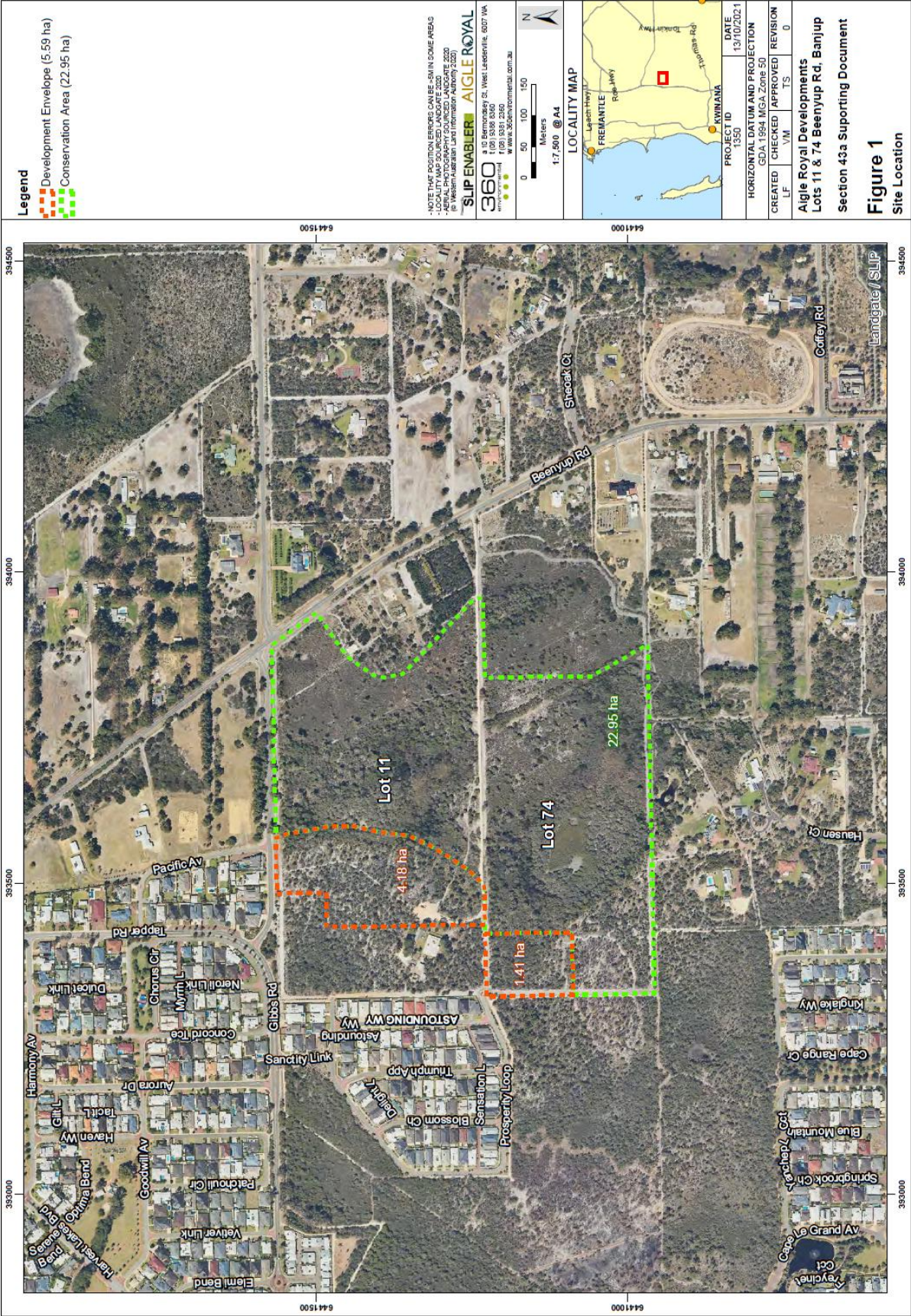
Table 1: General proposal description

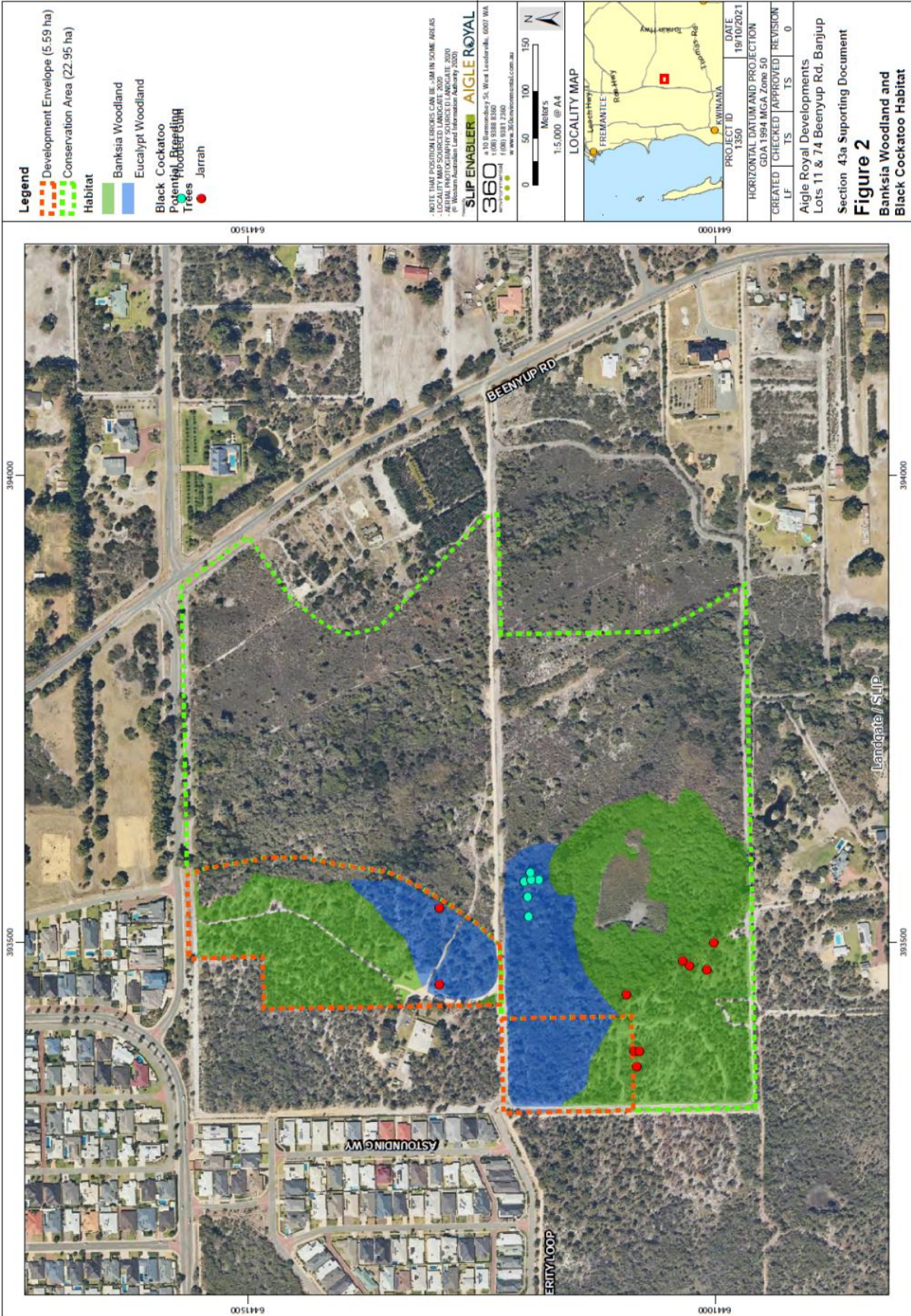
Proposal title	Conservation and Urban Development Lot 11 and 74 Beenyup Road Banjup
Proponent name	Aigle Royal Group
Short description	<p>The proposal is to clear native vegetation to enable Urban Residential Development of part Lots 11 and 74 Beenyup Road, Banjup, Western Australia. The proposal includes the following land uses within the Development Envelope:</p> <ul style="list-style-type: none"> •Urban development and associated infrastructure •Conservation area.

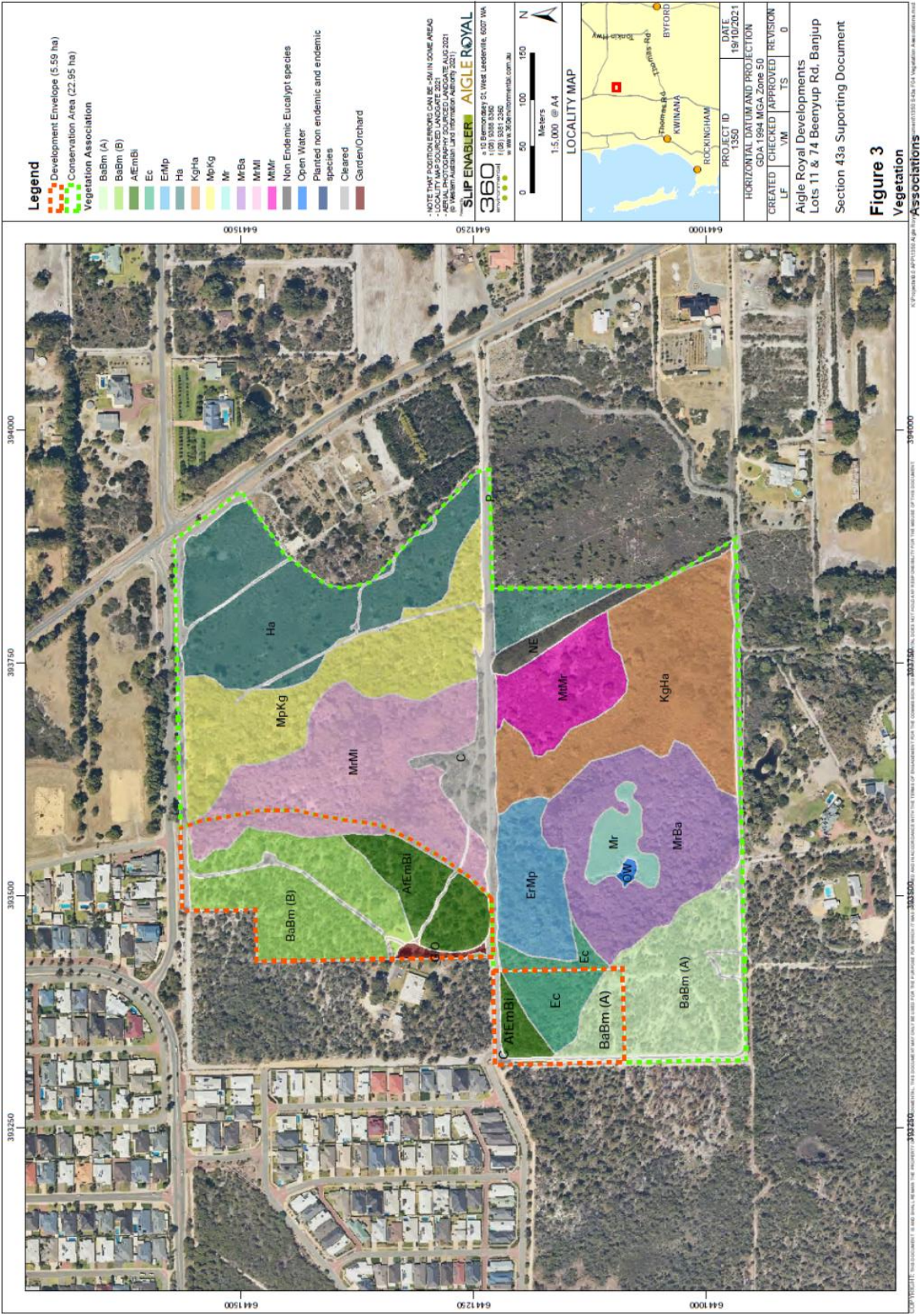
Table 2: Proposal content elements

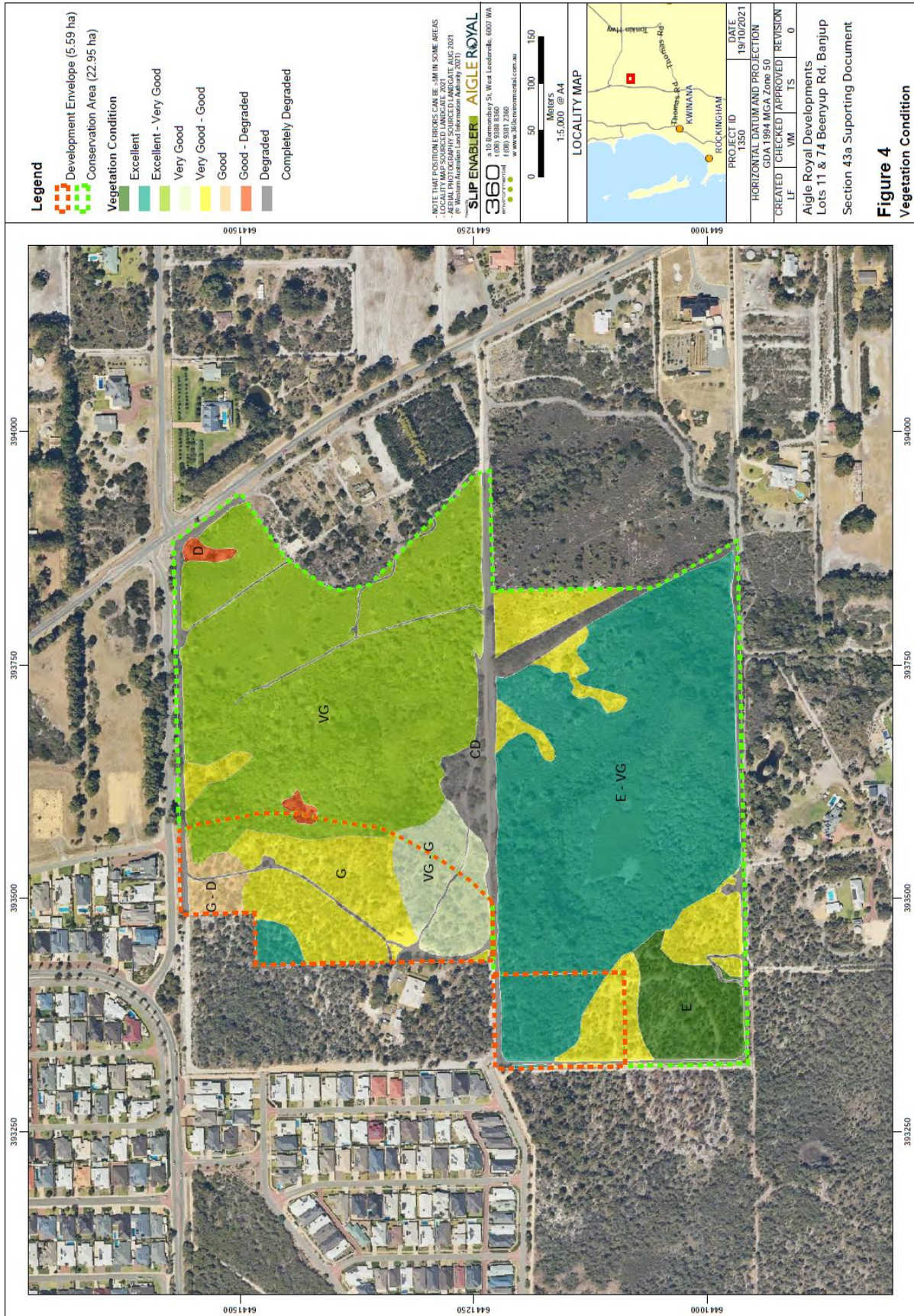
Proposal element	Location / description	Maximum extent, capacity or range
Physical elements		
Residential development including roads, Public open space, and residential housing	Figure 1	Development envelope of 5.59 ha
Creation of conservation reserve to be managed as part of Jandakot Regional Park	Figure 1	Creation of a 22.95 ha conservation reserve
Land clearing	Figures 2, 3, 4	Clearing of up to 5.59 ha of native vegetation including approximately 2.78 ha of the Banksia Woodlands TEC and 4.06 ha of Black Cockatoo habitat
Operational elements		
Urban Water Management	Figure 5	Development envelope
Proposal elements with greenhouse gas emissions		
Peak Annual Average:		
Scope 1	To be calculated and supplied in the Request for Additional Information.	
Scope 2	N/a	
Scope 3	N/a	
Commissioning		
N/a		
Rehabilitation and Decommissioning		
N/a		

Proposal element	Location / description	Maximum extent, capacity or range
Other elements which affect extent of effects on the environment		
Proposal time	Maximum project life	60 years
	Construction and commissioning phase	3 years
	Operations phase	50 years
	Decommissioning phase	n/a









Summary of reasons for decision – request to amend a referred proposal under s43A of the *Environmental Protection Act 1986*

Proposal Title: Urban development of Lots 11 and 74 Beenyup Road Banjup

Proponent: Aigle Royal Group

Environment Online Reference Number: N/A

Proposal referral date: 5 May 2020

Level of assessment: Referral Information with additional information required under section 40(2)(a) of the *Environmental Protection Act 1986* (2 week public review).

Date request to amend referred proposal under section 43A received: 27 May 2021 and amended 19 October 2021.

Existing referred proposal:

To develop Lots 11 and 74 Beenyup Road, Banjup for residential development and conservation. The proposed extent of the urban development is up to 10.25 hectares (ha) with clearing of 8.76 ha of native vegetation. 22.95 ha is proposed to be managed for conservation (Plate 1).

Short description of amendment(s) sought:

Reduce Development Envelope and Disturbance Footprint by removing a portion of the 'Urban Deferred' area from the proposal area. The elements of the amendment are depicted below:

Proposed changes from the original proposal

Element	Original Proposal	s.43a (Amended Proposal)
Physical elements		
Residential development including roads, Public open space, and residential housing	Development envelope of 10.25 ha.	Development envelope of <u>5.59</u> ha.
Creation of conservation reserve to be managed as part of Jandakot Regional Park	Creation of a 22.95 ha conservation reserve	Creation of a 22.95 ha conservation reserve
Construction elements		
Land clearing	Clearing of up to 8.76ha of native vegetation including approximately 8.27 ha of the Banksia Woodlands TEC and 8.27 ha of Black Cockatoo habitat	Clearing of up to <u>5.59</u> ha of native vegetation including approximately <u>2.78</u> ha of the Banksia Woodlands TEC and <u>4.06</u> ha of Black Cockatoo habitat
Operational elements		
Urban Water Management	A large portion of the conservation area is subject to inundation, which follows the general	<u>Development envelope</u>

Element	Original Proposal	s.43a (Amended Proposal)
	area of the CCW (UFI 12984) and surrounds (Figure 6). The conservation area is wholly within the proposed Parks and Recreation reserve (DoW 2018). There are no visible existing drains or flow paths within the Development Envelope. Post development flows will reflect pre development flows.	

Decision: Amendment to proposal as set out in Attachment 1 approved.

Environmental factors relevant to amendment(s):

- Flora and vegetation: remnant vegetation including a Priority Ecological Community
- Terrestrial fauna: Black cockatoo foraging habitat
- Inland Waters: Unchanged

Summary of likely changes to environmental impacts from proposed amendment

Amendment sought	Changes to environmental impacts
<ul style="list-style-type: none"> - Development Envelope reduced from 10.25 to 5.59 ha - Area to be excluded is identified in Figure 1 	<p>Likely decreased impacts to:</p> <ul style="list-style-type: none"> - Clearing of native vegetation will be reduced from 8.76 to 5.15 ha consisting of 2.78 ha of Banksia woodland Priority Ecological Community. - Clearing of Black cockatoo habitat will be reduced from 8.27 to 4.06 ha. - No potential or likely increased impacts or unknown impacts. <p>The EPA considers proposed changes does not alter the key environmental factors likely to be impacted by the original proposal. These impacts will be considered during the assessment.</p> <p>The amendment is not likely to increase potential for inconsistency of the proposal with the EPA environmental factor (Flora and Vegetation and Terrestrial Fauna) objectives.</p>

Summary of consultation

No consultation has been undertaken by the proponent on the application.

Summary of consideration of amendment

The EPA has considered whether, if the proposal were already approved, the amendment would be a significant amendment. This has included considering the likely significance of:

- effects of the proposed amendment on its own
- effects of the proposed amendment in the context of the existing referred proposal
- cumulative environmental impacts
- holistic impacts.

The EPA has considered whether:

- it has sufficient information about the proposed amendment to be able to reasonably proceed with assessment of the amended proposal with or without performing any additional functions at this stage.
- the amended proposal will still be substantially the same character as the existing referred proposal.

Approval – may be a significant amendment but can proceed with current assessment approach

The EPA considers the amended proposal to be substantially the same character as the existing referred proposal. The EPA considers that the amendment may be a significant amendment if the proposal were already approved, but that the EPA has enough information to reasonably proceed with assessment of the amended proposal without performing any additional functions at this stage.

Attachments

- Attachment 1
 - Plate 1: Original Proposal Development envelope
- Attachment 2
 - Tables 1 and 2 Amendment Proposal Content Document
 - Figure 1: Site location
 - Figure 2: Banksia Woodland and Black Cockatoo Habitat
 - Figure 3: Vegetation Association
 - Figure 4: Vegetation Condition
 - Figure 5: Hydrology

Appeals: Decision not appealable.



Professor Matthew Tonts

CHAIR

Delegate of the Environmental Protection Authority

Date: 14 July 2022

Plate 1: Original Development Envelope

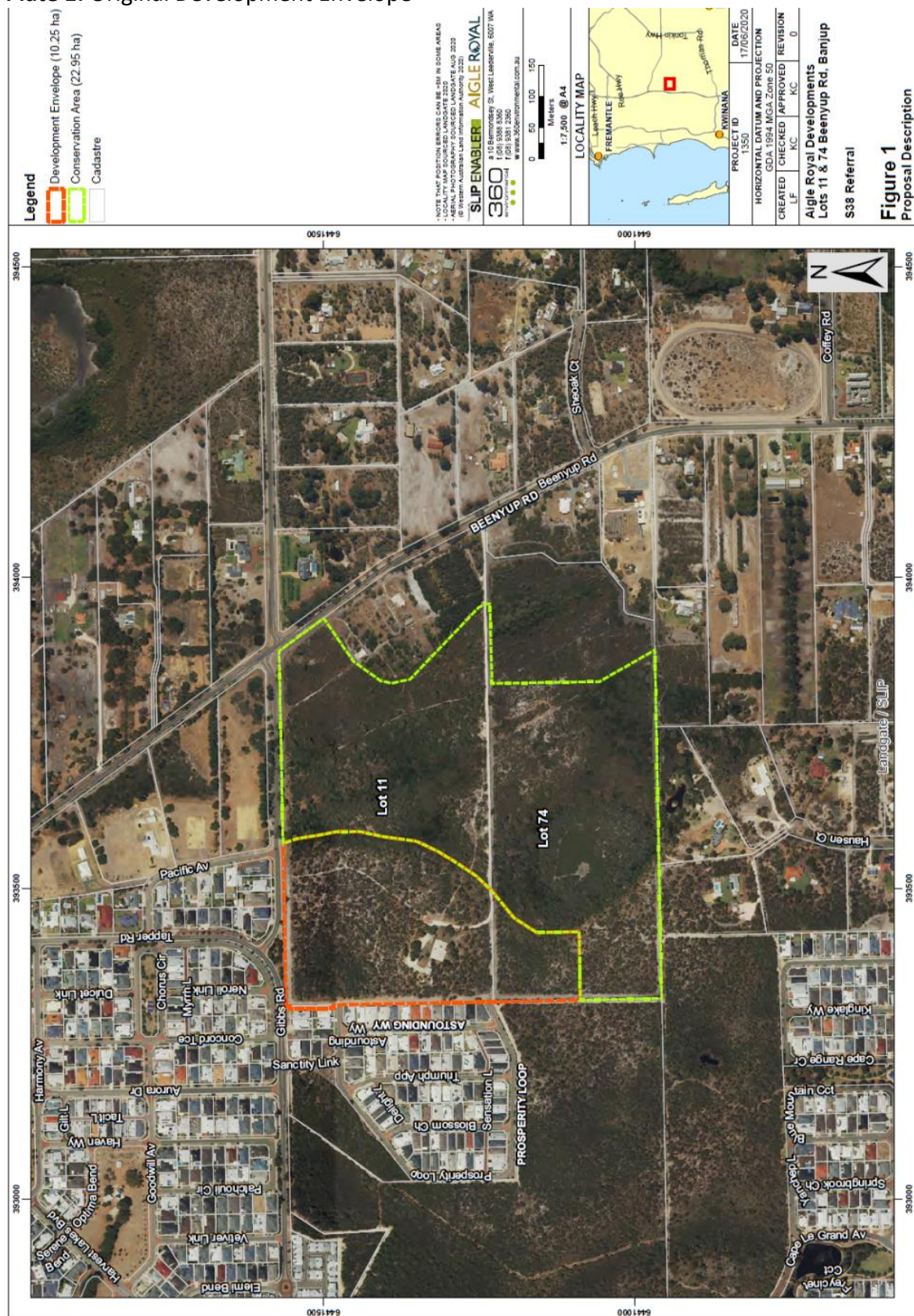


Table 1: General proposal description

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Proponent name	Aigle Royal Group
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Table 2: Proposal content elements

Proposal element	Location / description	Maximum extent, capacity or range
Physical elements		
Residential development including roads, Public open space, and residential housing	Figure 1	Development envelope of 5.59 ha
Creation of conservation reserve to be managed as part of Jandakot Regional Park	Figure 1	Creation of a 22.95 ha conservation reserve
Land clearing	Figures 2, 3, 4	Clearing of up to 5.59 ha of native vegetation including approximately 2.78 ha of the Banksia Woodlands TEC and 4.06 ha of Black Cockatoo habitat
Operational elements		
Urban Water Management	Figure 5	Development envelope
Proposal elements with greenhouse gas emissions		
Peak Annual Average:		
Scope 1	To be calculated and supplied in the Request for Additional Information.	
Scope 2	N/a	
Scope 3	N/a	
Commissioning		
N/a		
Rehabilitation and Decommissioning		
N/a		

Proposal element	Location / description	Maximum extent, capacity or range
Other elements which affect extent of effects on the environment		
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