

Referral of proposed action

What is a referral?

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the Minister's delegate. (Further references to 'the Minister' in this form include references to the Minister's delegate.) To obtain approval from the Environment Minister, a proposed action should be referred. The purpose of a referral is to obtain a decision on whether your proposed action will need formal assessment and approval under the EPBC Act.

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided that sufficient information is provided in the referral.

Who can make a referral?

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

When do I need to make a referral?

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
 - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
 - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from:

- the Policy Statement titled Significant Impact Guidelines 1.1 Matters of National Environmental Significance. Additional sectoral guidelines are also available.
- the Policy Statement titled Significant Impact Guidelines 1.2 Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies.

• the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location).

Can I refer part of a larger action?

In certain circumstances, the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act). If you wish to make a referral for a staged or component referral, read 'Fact Sheet 6 Staged Developments/Split Referrals' and contact the Referral Business Entry Point (1800 803 772).

Do I need a permit?

Some activities may also require a permit under other sections of the EPBC Act or another law of the Commonwealth. Information is available on the Department's web site.

Is your action in the Great Barrier Reef Marine Park?

If your action is in the Great Barrier Reef Marine Park it may require permission under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB, GBRMP Act). This referral will be forwarded to the Great Barrier Reef Marine Park Authority (the Authority) for the Authority to commence its permit processes as required under the Great Barrier Reef Marine Park Regulations 1983. If a permission is not required under the GBRMP Act, no approval under the EPBC Act is required (see section 43, EPBC Act). The Authority can provide advice on relevant permission requirements applying to activities in the Marine Park.

The Authority is responsible for assessing applications for permissions under the GBRMP Act, GBRMP Regulations and Zoning Plan. Where assessment and approval is also required under the EPBC Act, a single integrated assessment for the purposes of both Acts will apply in most cases. Further information on environmental approval requirements applying to actions in the Great Barrier Reef Marine Park is available from http://www.gbrmpa.gov.au/ or by contacting GBRMPA's Environmental Assessment and Management Section on (07) 4750 0700.

The Authority may require a permit application assessment fee to be paid in relation to the assessment of applications for permissions required under the GBRMP Act, even if the permission is made as a referral under the EPBC Act. Further information on this is available from the Authority:

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379 Townsville QLD 4810 AUSTRALIA

Phone: + 61 7 4750 0700 Fax: + 61 7 4772 6093 www.gbrmpa.gov.au

Do I have to pay for my referral or assessment / what are the fees?

Currently the department does not impose fees for environmental impact assessments referred and assessed under the EPBC Act. However, new fees are proposed as part of cost recovery reforms to the EPBC Act from 1 December 2012. Final cost recovery arrangements will be subject to an amending Bill being passed by Parliament and the making of regulations. Fees for environmental impact assessments are proposed to apply to:

- all proposed actions referred after 8 May 2012 that are still undergoing assessment, decision on approval or that may be subject to post approval management plans after 1 December 2012 (fees will only apply to the work undertaken by the department after 1 December 2012); and
- all referrals on or after 1 December 2012.

For projects that are referred after 8 May 2012, that may be subject to fees, the department will inform proponents of their liability for potential fees prior to the introduction of cost recovery arrangements on 1 December 2012. Further details on the proposed cost recovery arrangements can be found here http://www.environment.gov.au/epbc/publications/consultation-draft-cost-recovery.html.

What information do I need to provide?

Completing all parts of this form will ensure that you submit the required information and will also assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal enter N/A.

You can complete your referral by entering your information into this Word file.

Instructions

Instructions are provided in green text throughout the form.

Attachments/supporting information

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the project and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

Please ensure any attachments are below two megabytes (2mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referral Business Entry Point for advice. Attachments larger than two megabytes (2mb) may delay processing of your referral.

Note: the Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence.

How do I submit a referral?

Referrals may be submitted by mail, fax or email.

Mail to:

Referral Business Entry Point Environment Assessment Branch Department of Sustainability, Environment, Water, Population and Communities GPO Box 787 CANBERRA ACT 2601

• If submitting via mail, electronic copies of documentation (on CD/DVD or by email) are appreciated.

Fax to: 02 6274 1789

- Faxed documents must be of sufficiently clear quality to be scanned into electronic format.
- Address the fax to the mailing address, and clearly mark it as a 'Referral under the EPBC Act'.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

Email to: epbc.referrals@environment.gov.au

- · Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

What happens next?

Following receipt of a valid referral (containing all required information) you will be advised of the next steps in the process, and the referral and attachments will be published on the Department's web site for public comment.

The Department will write to you within 20 business days to advise you of the outcome of your referral and whether or not formal assessment and approval under the EPBC Act is required. There are a number of possible decisions regarding your referral:

The proposed action is NOT LIKELY to have a significant impact and does NOT NEED approval

No further consideration is required under the environmental assessment provisions of the EPBC Act and the action can proceed (subject to any other Commonwealth, state or local government requirements).

The proposed action is NOT LIKELY to have a significant impact IF undertaken in a particular manner

The action can proceed if undertaken in a particular manner (subject to any other Commonwealth, state or local government requirements). The particular manner in which you must carry out the action will be identified as part of the final decision. You must report your compliance with the particular manner to the Department.

The proposed action is LIKELY to have a significant impact and does NEED approval

If the action is likely to have a significant impact a decision will be made that it is a *controlled action*. The particular matters upon which the action may have a significant impact (such as World Heritage values or threatened species) are known as the *controlling provisions*.

The controlled action is subject to a public assessment process before a final decision can be made about whether to approve it. The assessment approach will usually be decided at the same time as the controlled action decision. (Further information about the levels of assessment and basis for deciding the approach are available on the Department's web site.)

The proposed action would have UNACCEPTABLE impacts and CANNOT proceed

The Minister may decide, on the basis of the information in the referral, that a referred action would have clearly unacceptable impacts on a protected matter and cannot proceed.

Compliance audits

If a decision is made to approve a project, the Department may audit it at any time to ensure that it is completed in accordance with the approval decision or the information provided in the referral. If the project changes, such that the likelihood of significant impacts could vary, you should write to the Department to advise of the changes. If your project is in the Great Barrier Reef Marine Park and a decision is made to approve it, the Authority may also audit it. (See "Is your action in the Great Barrier Reef Marine Park," p.2, for more details).

For more information

- call the Department of Sustainability, Environment, Water, Populations and Communities Community Information Unit on 1800 803 772 or
- visit the web site www.environment.gov.au/epbc

All the information you need to make a referral, including documents referenced in this form, can be accessed from the above web site.

Referral of proposed action

Project title: Lots 13, 14 & 18 Barfield Road and Lots 48 – 51 Rowley

Road, Hammond Park

1 Summary of proposed action

1.1 Short description

Gold Estates Holdings Pty Ltd (GEH), in conjunction with the Department of Housing (DoH), are seeking to have a Local Structure Plan (LSP) approved encompassing Lots 13, 14, 18 Barfield Road and Lots 48-51 Rowley Road, Hammond Park (the site), with a view to undertaking future residential development of the landholdings in accordance with the existing residential zoning of the land and the LSP. (Attachment 1. Hammond Park Local Structure Plan).

In order for the land to be developed existing areas of native vegetation are proposed to be cleared. The area of land within the cadastral boundary is approximately 33.5 ha, after the deduction of land already cleared i.e. firebreaks, residential lots and other areas with no existing trees, an area of 22.92 ha of native vegetation remains that is to be considered the area of the proposed action.

1.2 Latitude and longitude

location point	Latitude			Longitude		
	degrees	Minutes	seconds	degrees	minutes	seconds
Lots 48-51						
Upper left	32	10	31	115	50	51
Upper right	32	10	31	115	51	5
Lower left	32	10	49	115	50	51
Lower right	32	10	49	115	51	5
Lots 13-14						
Upper left	32	10	26	115	51	5
Upper right	32	10	26	115	51	11
Lower left	32	10	49	115	51	5
Lower right	32	10	49	115	51	11
Lot 18						
Upper left	32	10	40	115	51	12
Upper right	32	10	40	115	51	21
Lower left	32	10	45	115	51	12
Lower right	32	10	45	115	51	21

1.3 Locality and property description

The site consists of Lots 13, 14 and 18 Barfield Road and Lots 48 – 51 Rowley Road in Hammond Park, located within the City of Cockburn (**Attachment 2. Site locality map**). Comprising largely intact remnant bushland, the site is bounded by Frankland Avenue to the west, rural properties zoned for residential development to the north, Barfield Road to the east and Rowley Road to the south. The land is zoned "Urban" under the terms of the Metropolitan Region Scheme (State level) and "Residential Development" under the City of Cockburn Town Planning Scheme No. 3. The site is also the subject of the, "Southern Suburbs District Structure Plan", a review of which was endorsed by the City of Cockburn Council in March 2012 for advertising to the public.

1.4 Size of the development footprint or work area (hectares)

33.51 hectares within the cadastral boundaries

22.92 ha of remaining vegetation termed the "referral area"

1.5 Street address of the site

See above (1.3)

1.6 Lot description

The site consists of Lots 13, 14 and 18 Barfield Road and Lots 48 – 51 Rowley Road, Hammond Park. Lots 13, 14, 18 and 51 include residences and sheds, Lot 14 has been historically cleared and parts of it have been earth worked by the previous landowner to enable the construction of level areas (including extensive areas comprising hardstands of imported and compacted limestone sub-base material, concrete, and blue metal) for the building construction materials and soils supply business that was operated on the lot, while Lot 18 is currently being used for horse agistment.

DoH = Department of Housing GEH = Gold Estates Holdings Pty Ltd

LOT	STREET No	OWNERSHIP	C/T	DIA	AREA
13	43 Rowley	K.R. Snooks*	1288/896	30747	5.4961
14	194 Barfield	GEH	1667/69	30747	5.4076
18	205 Barfield	DoH	2058/447	30747	1.8614
48	Frankland	DoH	1418/843	49108	5.1883
49	Frankland	GEH/DoH	1418/844	49108	5.18
50	Frankland	DoH	1418/845	49108	5.1965
51	27 Rowley	GEH	1418/846	49108	5.1865
					33.5164

GEH Total	18.6802
DoH Total	14.8362

^{*} GEH has an irrevocable offer & acceptance to purchase Lot 13 from K.R. Snooks. Settlement is due mid-December 2012. GEH has been granted Power of Attorney by K.R. Snooks enabling GEH to sign legal documents on their behalf.

1.7 Local Government Area and Council contact (if known)

City of Cockburn Mr Robert Colalillo Senior Strategic Planner (08) 9411 3530 rcolalillo@cockburn.wa.gov.au

1.8 Time frame

Construction/operation start date – December 2012 Life of project from commencement – 5 years

1.9	Alternatives to proposed action	√	No
			Yes, you must also complete section 2.2
1.10	Alternative time frames etc	✓	No
			Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).

1.11	State assessment		No
		√	Yes, you must also complete Section 2.5
1.12	Component of larger action	✓	No
			Yes, you must also complete Section 2.7
1.13	Related actions/proposals	✓	No
			Yes, provide details:
1.14	Australian Government	✓	No
	funding		Yes, provide details:
1.15	Great Barrier Reef Marine	✓	No
	Park		Yes, you must also complete Section 3.1 (h), 3.2 (e)

2 Detailed description of proposed action

2.1 Description of proposed action

Gold Estates Holdings Pty Ltd (GEH) in conjunction with the Department of Housing (DoH) is proposing to develop Lots 13, 14, 18 Barfield Road and Lots 48-51 Rowley Road, Hammond Park (the site) as an urban residential development (Attachment 2. Site locality map).

A "referral area" has been determined that encompasses all foraging habitat for the Black Cockatoo species within the cadastral boundary. From the 33.51 ha (that comprises the area within the cadastral boundary), 22.92 ha has been identified through survey as potential foraging habitat. This area of 22.92 ha is the amount of land pertaining to the proposed action. The potential foraging habitat present is comprised of predominately Banksia woodland species and vegetation types.

The site includes residences and sheds, Lot 14 has been historically cleared and parts of it have been earth worked by the previous owner to enable the construction of level areas (including extensive areas comprising hardstands of imported and compacted limestone sub-base material, concrete, and blue metal) for the building construction materials and soils supply business that was operated from the property. Lot 18 is currently being used for horse agistment and is partially devoid of tree species. These areas have been excluded from the "referral area".

Ecoscape (Australia) Pty Ltd has previously undertaken a Level 2 flora and vegetation assessment of the site (2009b) (2009) and a Level 1 fauna assessment of the site and produced a report (2009a). The findings of the fauna report (Attachment 3. Ecoscape Fauna Survey Report) will form the basis of this referral.

2.2 Alternatives to taking the proposed action

N/A

2.3 Alternative locations, time frames or activities that form part of the referred action

N/A

2.4 Context, planning framework and state/local government requirements

The site is zoned "Urban" under the terms of the Metropolitan Region Scheme (State level) and "Residential Development" under the City of Cockburn Town Planning Scheme No. 3. The site is also the subject of the Southern Suburbs District Structure Plan, a review of which was endorsed by the City of Cockburn Council in March 2012 for advertising.

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

A Level 1 fauna assessment of the site was conducted by Ecoscape (Australia) Pty Ltd in accordance with the EPA Guidance Statement 'Guidance for the Assessment of Environmental Factors No 56: Terrestrial Fauna Surveys for Environmental Impact Assessment' (2004), and 'General Requirements for Terrestrial Biological Surveys Position Statement No. 3' (2002) Ecoscape's report is attached (Attachment 3. Ecoscape Fauna Survey Report)

2.6 Public consultation (including with Indigenous stakeholders)

N/A

2.7 A staged development or component of a larger project

N/A

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

Matters of National Environmental Significance or other matters protected by the EPBC Act that are likely to occur at the site have been listed below (**Table 1**). Likely impacts were determined using the following:

- specific values of individual World Heritage properties and National Heritage places and the ecological character of Ramsar wetlands
- profiles of relevant species/communities (where available), that assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds
- Significant Impact Guidelines 1.1 Matters of National Environmental Significance
- associated sectoral and species policy statements available on the web site, as relevant.

The affected area comprises of <u>22.92</u> ha of Banksia woodland in Good or Better Bushland Condition, as scored using the Keighery scale (Keighery 1994). The Ecoscape fauna survey determined that the entire <u>22.92</u> ha of this vegetation type would constitute potential foraging habitat for the two Black Cockatoo species listed by the Protected Matters Search Tool (PMST).

Wetlands of International Significance (including Ramsar Sites) identified in the EPBC protected Matters Search Tool are as follows:

- PEEL YALGORUP SYSTEM
- FORRESTDALE & THOMSONS LAKES

The site is approximately 150 m from the boundary edge of the Forrestdale Lake/Gibbs Road Swamp complex, as determined by the Wetlands of Importance dataset, DSEWPaC 2008. The northern boundary of the site is approximately 1.74 km from the boundary of the Thomsons Lake Ramsar Site. The site is over 40 km from the edge of the Peel - Yalgorup system. The site is elevated from all these wetlands and outside of the natural groundwater flow and therefore no impacts are expected.

Table 1. EPBC Protected Matters Search Tool (Australian Government 2011). Marine Species have been omitted here as the site is located inland.

Species	Common Name	Status	Type of Presence
			.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Birds	•	•	,
Calyptorhynchus banksii	Forest Red-tailed Black-	Vulnerable	Species or species habitat may occur
naso	Cockatoo		within area
Calyptorhynchus	Carnaby's Black-Cockatoo,	Endangered	Species or species habitat likely to
latirostris	Short-billed Black-Cockatoo		occur within area
Insects			
Synemon gratiosa	Graceful Sun Moth	Endangered	Species or species habitat may occur
			within area
Mammals			
Dasyurus geoffroii	Chuditch, Western Quoll	Vulnerable	Species or species habitat likely to
			occur within area
Phascogale calura	Red-tailed Phascogale	Endangered	Species or species habitat may occur
			within area
Setonix brachyurus	Quokka	Vulnerable	Species or species habitat may occur
			within area
Plants		·	
Andersonia gracilis	Slender Andersonia	Endangered	Species or species habitat may occur
			within area
Centrolepis caespitosa		Endangered	Species or species habitat likely to
			occur within area
Darwinia foetida	Muchea Bell	Critically	Species or species habitat likely to

		Endangered	occur within area
Lepidosperma rostratum	Beaked Lepidosperma	Endangered	Species or species habitat likely to
			occur within area
Migratory Species			
Migratory Terrestrial Spec	cies		
Haliaeetus leucogaster	White-bellied Sea-Eagle		Species or species habitat likely to occur within area
Merops ornatus	Rainbow Bee-eater		Species or species habitat may occur within area
Migratory Wetland Specie	es		
Ardea alba	Great Egret, White Egret		Species or species habitat may occur within area
Ardea ibis	Cattle Egret		Species or species habitat may occur within area

3.1 (a) World Heritage Properties

None identified

Description

N/A

Nature and extent of likely impact

N/A

3.1 (b) National Heritage Places

None identified

Description

N/A

Nature and extent of likely impact

N/A

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

Two identified

Description

Wetlands of International Significance (Ramsar Sites) identified in the EPBC protected Matters Search Tool:

- PEEL YALGORUP SYSTEM
- FORRESTDALE & THOMSONS LAKES

Nature and extent of likely impact

The site is 40 km from the Peel-Yalgorup System boundary and 1.74 km from Forrestdale and Thomsons Lakes.

There are no defined streamlines or floodways within the site and the *Perth Groundwater Atlas* (Department of Environment and Conservation, 2004) indicates that groundwater flow direction beneath the site is in a westerly direction. Due to the highly permeable nature of the sands and the location of multiple depression areas on-site, the majority of surface runoff is being retained on-site (Cardno, 2010).

Based on landform, surface and groundwater movements and distance and elevation of the site from the Ramsar wetlands, no impacts on the Ramsar wetlands are predicted.

3.1 (d) Listed threatened species and ecological communities

Fourteen threatened species were identified through the PMST, four of these are migratory species and are described in 3.1(e).

Description

See **Table 1**: EPBC PMST Results. Six listed fauna species (vulnerable/endangered) and four flora species were identified by the search tool:

Fauna

- Calyptorhynchus banksii naso Forest Red-tailed Black-Cockatoo
- Calyptorhynchus latirostris Carnaby's Black-Cockatoo
- Synemon gratiosa Graceful Sun Moth
- Dasyurus geoffroii Chuditch
- Phascogale calura Red-tailed Phascogale
- Setonix brachyurus Quokka

Flora

- Andersonia gracilis Slender Andersonia
- Centrolepis caespitose Matted Centrolepis
- Darwinia foetida Muchea Bell
- Lepidosperma rostratum Beaked Lepidosperma

Nature and extent of likely impact

Listed species unlikely to occur

- Synemon gratiosa (Graceful Sun Moth) No Lomandra maritima or L. hermaphrodita (larval food plants for the Graceful Sun Moth) were identified during the flora survey (Ecoscape, 2009b). Therefore, the site does not comprise suitable habitat for the Graceful Sun Moth.
- Dasyurus geoffroii (Chuditch) Occurs predominantly in jarrah forest, none of which occurs within the site and is therefore unlikely to be present. The vegetation is described as Banksia low woodland (Ecoscape, 2009b).
- Phascogale calura (Red-tailed Phascogale) No preferred habitat exists within the site for this predominantly Wheatbelt species. Very unlikely to occur as the site is outside the known distribution.
- Setonix brachyurus (Quokka) This species is extremely unlikely to occur as the site is not included in the known distribution. NatureMap records indicate one Quokka specimen from the 1960's being recorded 10 km to the north of the site.
- Andersonia gracilis (Slender Andersonia) not recorded by survey or targeted search.
- Centrolepis caespitose (Matted Centrolepis) not recorded by survey or targeted search.
- Darwinia foetida (Muchea Bell) not recorded by survey or targeted search.
- Lepidosperma rostratum (Beaked Lepidosperma) not recorded by survey or targeted search.

Listed Species likely to occur

Calyptorhynchus latirostris (Carnaby's Black-Cockatoo)

This species is listed as Schedule 1 (rare or likely to become extinct) under the *Western Australian Wildlife Conservation Act* (1950) and Endangered under the *Environment Protection and Biodiversity Conservation Act* (1999). Flocks of Carnaby's Black Cockatoo have been recorded in the locality and evidence of feeding on Banksia cones was noted. A single bird was sighted flying over the site during the survey. The remaining 22.92 ha of vegetation provides potential foraging habitat.

Calyptorhynchus banksii naso (Forest Red-tailed Black-Cockatoo)

Listed as Schedule 1 (rare or likely to become extinct) under the *Western Australian Wildlife Conservation Act* (1950) and Vulnerable under the *Environment Protection and Biodiversity Conservation Act* (1999). Although this species was not recorded by survey there are many flocks that are now appearing in the locality of the site, therefore this species is a possible visitor due to the 22.92 ha of foraging habitat.

Listed flora and vegetation

There were no conservation significant flora species, as identified by EPBC database searches recorded during the field survey of the site (Ecoscape 2009b). No Threatened Ecological Communities or Priority Ecological Communities were identified during Ecoscape's (2009b) field flora survey of the site. The inferred Floristic Community Type on the site is SCP23a – Central *Banksia attenuata* – *B. menziesii* woodlands, which is Well Reserved and Low Risk.

The nature and extent of the likely impacts on the Black Cockatoo species have been determined with reference to the *Significant Impact Guidelines 1.1* (DEWHA 2009). From these guidelines the removal of the 22.92 ha of native vegetation is likely to adversely affect habitat critical to the survival of the Black Cockatoo species.

3.1 (e) Listed migratory species

Description

See Table 1. EPBC Protected Matters Search Tool Results (Attachment 5. EPBC Protected Matters Search Tool Results). The following migratory species were identified through the search tool:

- Haliaeetus leucogaster White-bellied Sea Eagle
- Merops ornatus Rainbow Bee-eater
- Ardea alba Great Egret
- Ardea ibis Cattle Egret

Nature and extent of likely impact

The Rainbow Bee-eater does not depend on any particular habitat or vegetation type for feeding or breeding, and is considered to require no particular habitat protection. Historical disturbance does not represent a major issue to this species and it is common in cleared and semi-cleared habitats (DSEWPaC 2011). The other migratory bird species may utilise waterways and wetlands and therefore are not likely to be reliant on the site. Consequently, development on the site would not significantly impact on these species.

3.1 (f) Commonwealth marine area

(If the action is <u>in</u> the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

Description

N/A

Nature and extent of likely impact

N/A

3.1 (g) Commonwealth land

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

Description

N/A

Nature and extent of likely impact

N/A

3.1 (h) 1	The Great Barrier Reef Marine Park		
Descripti	ion		
N/A			
14//			
	nd extent of likely impact		
N/A			
agency	Nuclear actions, actions taken by y), actions taken in a Commonwer onwealth land, or actions taken in	alth m	
3.2 (a)	Is the proposed action a nuclear action?	√	No
			Yes (provide details below)
3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency? If yes, nature & extent of likely impact on	the who	No Yes (provide details below) le environment
3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?	√	No Yes (provide details below)
	If yes, nature & extent of likely impact on	the who	, ,
3.2 (d)	Is the proposed action to be taken on Commonwealth land?	✓	No Yes (provide details below)
	If yes, nature & extent of likely impact on	the who	ele environment (in addition to 3.1(g))
3.2 (e)	Is the proposed action to be taken in the Great Barrier Reef Marine Park?	✓	No

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))

Yes (provide details below)

3.3 Other important features of the environment

3.3 (a) Flora and fauna

Flora

No threatened flora species were located during the Level 2 Flora and Vegetation Survey undertaken on the site (Ecoscape, 2009b).

Fauna

Carnaby's Black-Cockatoo was recorded during the field survey (Ecoscape, 2009a). While there is an absence of suitable nesting habitat for the Carnaby's Black-Cockatoo, the area provides potential foraging habitat and evidence of Cockatoo feeding on vegetation was also observed at the site. The site supports habitat values providing shelter and food resources to a variety of fauna species in the local vicinity.

The following is a list of fauna species recorded during Ecoscape's (2009a) fauna survey of the site:

Species	Common Name	Observation Type
Mammals		
*Oryctolagus cuniculus	Rabbit	Scats, diggings
Birds		
Anthochaera carunculata	Red wattlebird	Observed
Phylidonyris nigra	White-cheeked honeyeater	Observed
Rhipidura leucophrys	Willie wagtail	Observed
Cracticus tibicen	Australian magpie	Observed
Calyptorhynchus latirostris	Carnaby's Black Cockatoo	Fly-over
Platycercus zonarius semitorquatus	Twenty eight parrot	Observed
Lichenostomus virescens	Singing honeyeater	Observed
Lichmera indistincta	Brown honeyeater	Observed
Coracina novaehollandiae	Black-faced Cuckoo-shrike	Observed
Petroica multicolor	Scarlet Robin	Observed
Acanthorhynchus superciliosus	Western Spinebill	Observed
Turnix varia	Painted Button-Quail	Observed
Menetia greyii	Common Dwarf Skink	Observed
Macropus fuliginosus	Western Grey Kangaroo	Observed
Cryptoblepharus plagiocephalus	Fence Skink	Observed
Corvus coronoides	Australian Raven	Observed
Acanthiza chrysorrhoa	Yellow- rumped Thornbill	Observed

3.3 (b) Hydrology, including water flows

No water flows (streamlines or floodways) are present within the site. A number of wetlands occur in the vicinity of the site. Thomsons Lake, Forrestdale Lake and Mt Brown Lake are located approximately 650 m from the site and Banganup Lake approximately 2 km.

Listed wetlands and their catchments within 10km of the site:

- PEEL-YALGORUP SYSTEM –upstream from Ramsar site
- FORRESTDALE & THOMSONS LAKES within 10km of Ramsar site

See 3.1 (c) above.

3.3 (c) Soil and Vegetation characteristics

According to Churchward and McArthur (1980) the site is located at the transition of the Spearwood and Bassendean Dune Systems of the Swan Coastal Plain (SCP). Both systems are of aeolian origin, with the Spearwood System overlying the older Bassendean System that lies to the east (McArthur and Bettenay 1960). The Spearwood Dunes consist of a core of Tamala Limestone with a hard capping of calcite (cap-rock) overlain by a variable depth

of yellow to brown sands. The Bassendean Dunes consist of low hills and intervening swampy areas, with iron or humus podzols (McArthur 1991).

A search of the soil-landscape maps (DAFWA 2007) revealed that the Spearwood S1b and Bassendean B1 soil phases occur within the site. The Spearwood S1b phase is characterised by dune ridges with deep siliceous yellow brown sands or pale sands with yellow-brown subsoil and slopes up to 15%. The Bassendean B1 phase has extremely low to very low relief dunes, undulating sandplain and discrete sand rises, with deep bleached grey sands sometimes with a pale yellow B horizon or a weak iron-organic hardpan at depths generally greater than 2 m.

The Ecoscape Level 2 Flora and Vegetation Survey (2009) for the site confirmed that it is within the Beard Vegetation Association 'Banksia low woodland' in the Bassendean System with a semi-open understorey and a thick layer of leaf litter.

Within the SCP the site is mapped by Heddle et al (1980) as comprising vegetation of the Bassendean Central and South Vegetation Complex of which 27% remains uncleared on the SCP which is above the 10% level at which the EPA applies a general presumption against clearing in constrained areas (Environmental Protection Authority 2003). According to Heddle et al. (1980), the Bassendean Central and South Complex is highly variable, ranging from woodland of *E. marginata - C. fraseriana - Banksia spp.* to low woodland of *Melaleuca spp.* and sedgelands on the moister sites. This area includes the transition of *E. marginata* to *E. todtiana* in the vicinity of Perth.

3.3 (d) Outstanding natural features

N/A

3.3 (e) Remnant native vegetation

The Ecoscape Level 2 Flora and Vegetation Survey (2009) of the remnant vegetation of the site specified it is within the Beard Vegetation Association 'Banksia low woodland' in the Bassendean System with a semi-open understorey and a thick layer of leaf litter. The Bassendean System is broadly described as Banksia low woodland dominated by Banksia attenuata, B. menziesii, B. ilicifolia, Eucalyptus todtiana and Nuytsia floribunda, with Allocasuarina fraseriana joining the tree layer south of Gingin, and Eucalyptus marginata replacing Eucalyptus todtiana south of Lake Gnangara. In this case, Beard (1981) vegetation association 1001, medium very sparse woodland; jarrah, with low woodland; Banksia & Allocasuarina, was the only mapped unit within the site.

The vegetation of the site is mostly in *excellent* bushland condition (Keighery 1994), with few weeds and little sign of human disturbance. Areas of vegetation associated with fencelines, through the centres of Lots 49 and 50 and around houses are weedy, mostly veldt grass (*Ehrharta calycina*) but retain most of their native species. Vegetation in Lot 18 is partly *degraded* mostly due to grazing by horses, and has little native vegetation. Areas associated with houses, gardens and other areas of high disturbance including the sandpit on Lot 14, are *completely degraded*.

3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

The site has an undulating topography ranging from 40 mAHD to 24 mAHD with the most elevated area being located in the south-west corner. Lowpoints in the topography occur along the northern and eastern boundaries. Gradients on the site are varied with areas in Lots 49, 51 and 18 being up to 15%. The general area has multiple high points and ridge lines running through it (Attachment 6. Topographic Contours).

3.3 (g) Current state of the environment

The site consists of largely intact remnant native bushland, found to be in predominantly excellent bushland condition (Keighery 1994). The only signs of feral animal presence on the site were Rabbit (*Oryctolagus cuniculus*) scats, diggings and warrens observed across the site (Ecoscape, 2009).

3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values N/A

3.3 (i) Indigenous heritage values

The Department of Indigenous Affairs Aboriginal Heritage Inquiry System indicates that no Registered Sites of Aboriginal heritage occur within the site (Department of Indigenous Affairs 2010).(Attachment 7. Aboriginal Heritage Inquiry System Search)

3.3 (j) Other important or unique values of the environment

N/A

3.3 (k) Tenure of the action area (eg freehold, leasehold)

A total of 18.68 hectares of land within the site is owned freehold by Gold Estates Holdings Pty Ltd. The remaining 14.83 hectares is owned freehold by the Department of Housing.

3.3 (I) Existing land/marine uses of area

Lots 13, 14, 18 and 51 – areas of clearing for residences and sheds

Lot 14 – areas of clearing for previous landscaping business

Lot 18 - grazed by horses

Lots 48, 49 and 50 - largely intact remnant bushland

3.3 (m) Any proposed land/marine uses of area

All Lots - Urban development

4 Measures to avoid or reduce impacts

Public Open Space:

In order to reduce the impact of the proposed clearing on threatened species identified in the area, Gold Estates Holdings Pty Ltd and the Department of Housing have planned for 2.5 hectares of bushland in good condition to be retained in Public Open Space (which totals 5.08ha). This 2.5ha represents 11% of the 22.92 hectares of potential foraging habitat found on-site.

Streetscaping:

Gold Estates Holdings Pty Ltd and the Department of Housing intend to design the streetscape to include Black Cockatoo foraging species listed by the Department of Environment and Conservation in their document *Plants Used by Carnaby's Black Cockatoo* (Groom C 2011).

This will include proteaceous and eucalypt species that, with time, will provide foraging resources along streets and POS areas within the proposed development. Revegetation will be integrated into the landscape and stormwater management planning for the proposed development and will endeavour to source local provenance species where possible.

Acquisition of Conservation Estate:

Gold Estates Holdings Pty Ltd and the Department of Housing have liaised with Mr Alex Errington (Land Acquisitions Officer) of the Department of Environment and Conservation (DEC) in order to identify prospective landholdings with a view to providing funding towards the acquisition of an offset for potential Black Cockatoo foraging habitat. This consultation process will enable the identification of suitable offset sites consistent with both the DEC and DSEWPC objectives for the conservation of the Black Cockatoos. The proponents have undertaken this process in order to provide environmental benefit through land purchases for the conservation estate as an offset to the clearing of native vegetation within the proposed development.

The proponents consider an appropriate offset package to be negotiated at rates and land values consistent with other development actions on the Swan Coastal Plain regardless of location. This is due to the large discrepancy in costs between approved actions in the northern suburbs of Perth as compared to the available offsets for development actions in the southern suburbs. There are few remaining land holdings available to the south of Perth creating an unbalanced price difference to prospective land buyers as offsets become onerous to developers and prohibitive to effective planning of the urban landscape of Perth.

5 Conclusion on the likelihood of significant impacts

5.1 Do you THINK your proposed action is a controlled action?

	No, complete section 5.2
\checkmark	Yes, complete section 5.3

5.2 Proposed action IS NOT a controlled action.

5.3 Proposed action IS a controlled action

Matters likely to be impacted

	World Heritage values (sections 12 and 15A)
	National Heritage places (sections 15B and 15C)
	Wetlands of international importance (sections 16 and 17B)
✓	Listed threatened species and communities (sections 18 and 18A)
	Listed migratory species (sections 20 and 20A)
	Protection of the environment from nuclear actions (sections 21 and 22A)
	Commonwealth marine environment (sections 23 and 24A)
	Great Barrier Reef Marine Park (sections 24B and 24C)
	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
	Protection of the environment from Commonwealth actions (section 28)
	Commonwealth Heritage places overseas (sections 27B and 27C)

The clearing of native vegetation associated with Lots 13, 14 and 18 Barfield Road, and Lots 48 – 51 Rowley Road, Hammond Park, Western Australia is likely to have an impact on the threatened species *Calyptorhynchus latirostris* (Carnaby's Black Cockatoo) due to the clearing of 22.92 hectares of potential foraging habitat of this species.

6 Environmental record of the responsible party

		Yes	Ν
	Does the party taking the action have a satisfactory record of responsible environmental management?	✓	
	Provide details		
	Gold Estates Holdings Pty Ltd (through the development entity, "Gold Estates Australia (1903) Ltd") has undertaken the development of its landholding at Thomsons Lake Private Estate in the suburb of Success in the Perth metropolitan area. Totalling over 2,000 housing lots, Gold Estates Holdings Pty Ltd worked closely with the Water Corporation, the Department of Environment and Conservation and the Environmental Protection Authority in developing a regional drainage strategy to allow the residential development to occur adjoining the sensitive Thomsons Lake/Beeliar Park regional reserve and the important Jandakot water mound. This strategy entailed the development of a Regional Headworks Contribution Scheme which funded the regional drainage infrastructure.		
	Gold Estates Holdings Pty Ltd has an Environmental Policy to ensure "best reasonable practice" in environmental management (Attachment 8. GEH Environmental Policy)		
	The Department of Housing is the State Government's major residential land developer. Over the last five years the Department has typically accounted for around 14% of the residential lot production. It plays a significant role in maintaining housing affordability with 83% of its lots sold below the median price.		
	The Department is familiar with addressing and managing a broad cross-section of environmental issues relative to land development. The Department successfully negotiated a series of planning solutions in respect to the protection of Bush Forever sites in conjunction with State agencies. The Department works closely with environmental agencies to scope and assess environmental issues and prepare appropriate management plans. Over recent years it has resolved the protection of nationally significant habitats at Dalyellup and Butler and is currently in discussion with SEWPaC in respect to sites at Kwinana.		
-	Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?		•
	If yes, provide details		
-	If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?		,
		I	1

6.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?



Provide name of proposal and EPBC reference number (if known)

EPBC 2009/4830 – Gold Estates Holdings Pty Ltd/Residential development/Lot 4, 560 Bussell, Broadwater, Shire of Busselton/WA/25 Lot Residential Subdivision

EPBC 2011/5882 – Department of Housing WA/Residential development/lot 2 corner of Durrant Avenue and Sicklemore Road, Parmelia/WA/Lot 2 Corner Durrant Avenue and Sicklemore Road – Residential Development

7 Information sources and attachments

(For the information provided above)

7.1 References

- Australian Government (2011), *EPBC Protected Matters Search Tool*, Department of the Environment, Water, Heritage and the Arts. Retrieved 2012, from http://www.environment.gov.au/arcgis-framework/apps/pmst/pmst.jsf
- Beard, JS (1981), Vegetation Survey of Western Australia: Swan 1:1,000,000 vegetation series, University of Western Australia Press, Nedlands, WA.
- Churchward, HM & McArthur, WM (1980), 'Landforms and Soils of the Darling System Western Australia', in Division of Land Resources Management (ed.), *Atlas of Natural Resources Darling System Western Australia: Explanatory Text*, Department of Conservation and Environment, Perth.
- DAFWA (2007), *Soil Landscape Mapping of the South West of Western Australia*, Department of Agriculture and Food Western Australia, Perth.
- Department of Indigenous Affairs (2010), 'Aboriginal Heritage Inquiry System'. Government of Western Australia, 2012.
- Department of Sustainability, Environment, Water, Population & Communities (2011), *Species Profiles and Threats Database (SPRAT)*, Australian Government, from http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl
- Ecoscape (2009a), Fauna Survey for Lots 13, 14 and 18 Barfield Road and Lots 48-51 Rowley Road, Hammond Park, Unpublished report for Gold Estates and the Department of Housing.
- Ecoscape (2009b), Level 2 Vegetation Survey for Lots 13, 14, 18 Barfield Road and 48-51 Rowley Road, Hammond Park, Unpublished report for Department of Housing and Gold Estates Holdings Pty Ltd.
- Environmental Protection Authority (2002), *Position Statement No. 3 Terrestrial Biological Surveys* as an Element of Biodiversity Protection, EPA, Perth.
- Environmental Protection Authority (2004), *Guidance Statement No. 56: Terrestrial Fauna Surveys* for Environmental Impact Assessment in Western Australia, Environmental Protection Authority.
- Groom C (2011), *Plants Used by Carnaby's Black Cockatoo*, Department of Environment and Conservation, from http://www.dec.wa.gov.au/content/view/5983/1556/
- Heddle, EM, Longeragan, OW & Havel, JJ (1980), 'Vegetation complexes of the Darling System Western Australia', in M Mulcahy (ed.), *Atlas of Natural Resources, Darling System Western Australia*, Department of Conservation and Environment., Perth, pp. pp 25-33 and accompanying map.
- Keighery, BJ (1994), *Bushland Plant Survey A Guide to Plant Community Survey for the Community*, Wildflower Society of WA (Inc.), Nedlands, Western Australia.

Landgate (2010), WA Atlas – Shared Land Information Platform (SLIP), from https://www2.landgate.wa.gov.au/bmvf/app/waatlas/

7.2 Reliability and date of information

Ecoscape Fauna Report 2009a Ecoscape Flora Report 2009b Hammond Park Local Structure Plan 2012

7.3 Attachments

Indicate the documents you have attached. All attachments must be less than two megabytes (2mb) so they can be published on the Department's website. Attachments larger than two megabytes (2mb) may delay the processing of your referral.

		✓	
		attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)	√	Attachment 1. Hammond Park Local Structure Plan
			Attachment 2. Site Locality Map
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	Attachment 6. Topographic Contours
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)		
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)	√	Attachment 3. Ecoscape 2009 Fauna Survey Report Attachment 4. Ecoscape Flora and Vegetation Survey Report
	copies of any flora and fauna investigations and surveys (section 3)	√	Attachment 3 Attachment 4 Attachment 5. EPBC Protected Matters Search Tool Results
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	Attachment 3 Attachment 4
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)	✓	Attachment 7. Aboriginal Heritage Desktop Assessment
			Attachment 8. GEH Environmental Policy

8 Contacts, signatures and declarations

Project title:

8.1 Person proposing to take action

Name Alexander Stevenson Gregg

Title Director

Organisation Gold Estates Holdings Pty Ltd

ACN / ABN (if applicable) 097 065 944

Postal address PO Box 8210, Subiaco East, WA, 6008

Telephone (08) 9380 3800

Email agregg@rnoble.com.au

Declaration

I declare that to the best of my knowledge the information I have given on, or attached

to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

I agree to be the proponent for this action.

I acknowledge that I may be liable for fees related to my proposed action following the

introduction of cost recovery under the EPBC Act.

Signature

Date 27 August 2012

8.1 Person proposing to take action

Name Monique Beusen

Title Project Manager

Organisation Department of Housing

ACN / ABN (if applicable)

Postal address 99 Plain Street, East Perth, WA, 6004

Telephone (08) 9222 4825

Email monique.beusen@housing.wa.gov.au

Declaration

I declare that to the best of my knowledge the information I have given on, or attached

to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

I agree to be the proponent for this action.

I acknowledge that I may be liable for fees related to my proposed action following the

introduction of cost recovery under the EPBC Act.

Signature

Date 27 August 2012

8.2 Person preparing the referral information (if different from 8.1)

Name Bruce Turner

Title Principal Environmental Scientist

Organisation Ecoscape (Australia) Pty Ltd

ACN / ABN (if applicable) 70 070 128 675

Postal address 9 Stirling Highway, North Fremantle, 6159

Telephone (08) 9430 8955

Email brucet@ecoscape.com.au

Declaration I declare that to the best of my knowledge the information I have given on, or attached

to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

Date: 21/8/2012

Signature

REFERRAL CHECKLIST

Completed all required sections of the referral form?
Included accurate coordinates (to allow the location of the proposed action to be mapped)?
Provided a map showing the location and approximate boundaries of the project area?
Provided a map/plan showing the location of the action in relation to any matters of NES?
Provided complete contact details and signed the form?
Provided copies of any documents referenced in the referral form?

Ensured that all attachments are less than two megabytes (2mb)?

Department of Environment Water Heritage and the Arts 2009, *Matters of National Environmental Significance. Significant impact guidelines 1.1 - Environment Protection and Biodiversity Conservation Act 1999*, Australian Government.

Sent the referral to the Department (electronic and hard copy preferred)?

- Department of Sustainability Environment Water Population and Communities. 2011. *Species Profile and Threats Database*. Available from: http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl. [May 2011].
- Ecoscape (Australia) Pty Ltd. 2009a. Fauna Survey for Lots 13, 14, 18 Barfield Road and 48-51 Rowley Road, Hammond Park.
- Ecoscape (Australia) Pty Ltd. 2009b. Level 2 Vegetation Survey for Lots 13, 14, 18 Barfield Road and 48-51 Rowley Road, Hammond Park.
- Environmental Protection Authority 2002. Position Statement No. 3 Terrestrial Biological Surveys as an Element of Biodiversity Protection.
- Environmental Protection Authority 2004. Guidance Statement No. 56: Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia.
- Keighery, B.J. 1994. *Bushland Plant Survey A Guide to Plant Community Survey for the Community* Nedlands, Western Australia, Wildflower Society of WA (Inc.).