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Attention: Native Vegetation Regulation
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REFERRAL OF PROPOSED CLEARING SUPPORTING INFORMATION – FILL STORAGE, LOT 803 MARIGINIUP ROAD & LOT 1673 ROUSSET ROAD, MARIGINIUP

1 INTRODUCTION

Stockland Development Pty Limited (the Proponent) have engaged Emerge Associates (Emerge) to provide environmental consultancy services in relation to proposed fill storage works on Lot 803 Mariginiup Road and Lot 1673 Rousset Road, Mariginiup.

This document provides supporting information for a Referral of Proposed Clearing (section 51DA of the *Environmental Protection Act 1986* (EP Act)) in relation to proposed clearing of identified native vegetation, where it intersects the proposed fill storage works area.

This supporting memo provides an assessment of the proposed clearing against all clearing referral criteria listed in Section 51DA(4) of the EP Act. Based on an assessment undertaken by Emerge against these criteria, it would appear that there are reasonable grounds to suggest that the clearing within the clearing referral area would result in very low environmental impacts.

Pre-referral discussions in relation to this referral of proposed clearing were held with Mat Ganaway (Manager – Native Vegetation Regulation) on 19 December 2024.

2 PROPOSED FILL STORAGE WORKS NECESSITATING CLEARING

2.1 Context

Stockland's Illyarrie residential development project, located in Sinagra adjacent to the Wanneroo town centre, is currently being constructed and has an excess volume of sand fill. If left as is, the surplus fill material would require storage in stockpiles up to 6m in height that would be redundant (i.e. not required for the Illyarrie development) and also present a sand drift risk, potentially resulting in amenity impacts (dust and visual) to nearby residents in the surrounding residential area.

2.2 Proposed works

Stockland are seeking to relocate and store the surplus sand fill at a more suitable nearby location; approximately 3.8 km away within part of Lot 803 Mariginiup Rd and part of Lot 1673 Rousset Rd, Mariginiup. The surplus fill can be appropriately stored at this location with a reduced risk of sand drift and associated potential amenity impacts (noting the site is in a rural area with less nearby sensitive receptors). The fill storage earthworks plan is provided in **Attachment A**.

2.3 Referral area

The referral area comprises the extent of all native vegetation occurring within the proposed fill storage area, totalling 0.74 ha and referred to as ‘the site’, as shown in **Figure 1**.

2.4 Development Approval

Stockland have submitted a development application (ref. no. DA2024/1803) to the City of Wanneroo (CoW) to move and store the excess fill at the site. A determination on the DA is expected in April 2025. The extent of the development application area is shown in **Figure 1**.

As part of the development application, a Construction Environmental Management Plan (CEMP) is proposed to be prepared and implemented (as a condition of CoW development approval) as part of the fill storage works to manage any residual environmental risks. The CEMP will include environmental management controls related to:

- Clearing protocols, with the objective of ensuring clearing does not exceed approved limits.
- Hygiene management (dieback and weeds), with the objective of minimising the spread or introduction of weeds and dieback.
- Fauna management, consistent with CoW *Local Planning Policy (LPP) 3.3 Fauna Management*, with the objective of minimising impacts to nature fauna during clearing and fill storage works. Management measures will include pre-clearing inspections for fauna, use of a fauna spotter during clearing works and implementation of directional clearing to encourage fauna dispersal.
- Dust management, consistent with CoW *LPP 4.18 Earthworks and Sand Drift* (or alternatively a separate Dust Management Plan can be prepared), with the objective of minimising the generation and emission of dust that may impact upon nearby vegetation, fauna habitat & adjacent residents. This will include consideration of construction and long-term dust management measures, including soil stabilisation.
- Any other environmental applicable impact pathways that require management actions to suitably mitigate.

2.5 Future land use planning context

The site and surrounding land parcels are planned for future urban development, in accordance with the approved East Wanneroo District Structure Plan (EWDSP). As such, whilst the site will initially comprise cleared land and fill storage (spread out across the site), the sand fill will remain there permanently and ultimately contribute to the future fill requirements for the planned future urban development of that land. On this basis the proposed native clearing will be permanent.

3 EXISTING ENVIRONMENT

3.1 Baseline environmental investigations completed to date

The following baseline environmental surveys have been completed to date across the site and surrounding land parcels, and have informed preparation of this referral:

- Detailed Flora and Vegetation Assessment (Emerge, August 2023)
- Detailed Fauna and Targeted Black Cockatoo Assessment (Emerge, July 2023)
- Black Cockatoo Habitat Assessment Technical Memorandum (Emerge, October 2024)

These surveys have been completed to a ‘detailed’ and ‘targeted’ (in relation to black cockatoos) level with reference to the *Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA 2016), *Technical Guidance - Terrestrial vertebrate fauna surveys for environmental impact assessment* (EPA 2020) and the *Environment Protection and Biodiversity Conservation Act 1999 Black Cockatoo Referral Guidelines* (DAWE 2022).

3.2 Summary of existing native vegetation and environmental values within referral area

Lot 803 and Lot 1673 have been subject to historical vegetation clearing in select areas and currently supports an existing rural land use. Notwithstanding this, some areas of native vegetation remain within the lots, including within the referral area. Based on the outcomes of the various environmental investigations completed to date, the site (referral area) contains the following existing environmental values:

- Native vegetation within the site totals 0.74 ha and comprises scattered shrubs and trees over a cleared understorey of paddock grasses and weeds.
- The western portions of the referral area occur within the mapped '**Non-native**' plant community, described as "*heavily disturbed areas comprising non-native or planted vegetation with occasional scattered native trees, shrubs or forbs. Buildings, bare ground and areas of horticulture were also included in this community*", shown in **Plate 1** and **Plate 2**. This area is mapped in 'completely degraded' condition. Native species within this portion of the site are scattered amongst historically cleared areas and include:
 - *Xanthorrhoea preissii* (grass tree)
 - *Nuytsia floribunda* (Christmas tree)
 - *Adenanthos cygnorum* (common woollybush)
 - *Eucalyptus rudis* (flooded gum)
 - *Jacksonia furcellata* (grey stinkwood)
 - *Macrozamia fraseri* (sandplain zamia)
 - *Melaleuca preissiana* (modong)
- The eastern portions of the referral area occur within the mapped '**Mt**' plant community, described as "*Open shrubland of Melaleuca teretifolia over forbland of *Carpobrotus edulis and *Lotus angustissimus over grassland of *Bromus diandrus, *Ehrharta spp (veldt grass) and *Pentameris airoides*", shown in **Plate 2**. This area is mapped in 'degraded' condition. Native species occurring within this portion of the site include:
 - *Melaleuca teretifolia* (banbar) – dominant species.
 - *Melaleuca preissiana* (modong)
 - *Exocarpos sparteus*
 - *Kunzea glabrescens* (spearwood)
- The site does not contain any conservation-significant threatened or priority ecological communities, nor any threatened or priority flora.
- Habitat for threatened black cockatoo species within the site is limited to approximately 35 grass trees, which provide secondary foraging habitat for Carnaby's black cockatoo (and no foraging value for other threatened black cockatoo species). No primary foraging habitat (e.g. marri, banksia, jarrah, etc.) occurs within the site, nor does any potential roosting habitat or potential breeding habitat occur. All grass trees within the site will be translocated for retention external to the site (within the balance of Lot 803 and Lot 1673), to avoid impacts to black cockatoo foraging habitat (see **Section 4.2**).
- The site does not intersect any existing conservation reserves, Bush Forever sites or mapped ecological linkages.
- The site does not intersect any mapped conservation category wetlands or resource enhancement wetlands. A portion of a multiple use wetland (MUW) intersects the eastern portion of the site but does not support conservation significant environmental values.
- The site does not contain any known Aboriginal cultural heritage values. The eastern section of the site intersects the publicly mapped extent of Aboriginal Cultural Heritage Directory Place 22160, however the actual extent (publicly restricted) of Place 22160 is approximately 0.5 km east of the site and outside of the referral area.



Plate 1: western portion of referral area, showing cleared areas with occasional shrubs and trees in 'completed degraded' condition.



Plate 2: western portion of referral area, showing cleared areas with occasional shrubs and trees in 'completed degraded' condition.



Plate 3: Eastern portion of referral area, comprising 'Mt' plant community in 'degraded' condition.

4 IMPACT MITIGATION

4.1 Impact avoidance

The proposed fill storage area (and associated clearing referral area) has been strategically sited and designed to avoid and minimise potential environmental impacts as follows:

- Lots 803 & 1673 contain large patches of native vegetation, as well as discrete areas which have been subject to significant historical disturbance and clearing associated with rural land uses and cattle grazing. The proposed fill storage area and clearing referral area has been strategically sited to align with a historically cleared area with minimal remaining environmental values, which are generally limited to scattered shrubs and trees, avoiding impacts to areas of intact bushland and vegetation elsewhere on the lots (which also contain extensive black cockatoo habitat).
- Where scattered native trees within the proposed fill storage area remain, the clearing of any such trees that provide black cockatoo breeding, roosting or foraging habitat (excluding grass trees – discussed in **Section 4.2**) have been strategically avoided from the fill storage footprint and therefore excluded from the referral area as they will be retained, with appropriate exclusion zones and batters provided to facilitate their retention. Exclusion zones and batters to retained trees are shown on the fill storage earthworks plan provided in **Attachment A**.

4.2 Impact minimisation

- All grass trees within the referral area (approximately 35, representing approximately 0.007 ha of native vegetation) will be relocated for retention elsewhere within Lots 803 & 1673. Whilst these grass trees provide secondary foraging habitat for Carnaby's black cockatoo, their proposed relocation to adjacent areas will not impact local habitat availability.
- The proposed fill storage works are proposed to be implemented in accordance with a Construction Environmental Management Plan, to minimise and suitably manage any construction-related environmental risks. Preparation and implementation of the CEMP is anticipated to be required as a condition of CoW development approval for the works. The proposed objectives and content of the CEMP are outlined in **Section 2.4**.

4.3 Residual impacts

Once impact avoidance and minimisation measures are applied, residual impacts to native vegetation are anticipated to be the removal of up to 0.74 ha of native vegetation, comprising scattered native shrubs and trees. This 0.74 ha area includes the translocation of all grass trees (approximately 35) from within the clearing referral area for retention elsewhere within Lots 803 & 1673, such that the local habitat availability for black cockatoos will not be impacted.

4.4 Offsets

Based on the proposed clearing and proposed impact mitigation measures, no significant residual impacts are anticipated to occur. As such, no offsets are required.

5 RESPONSE TO CLEARING REFERRAL CRITERIA

DWER's referrals process supports a risk-based approach to assessing native vegetation clearing proposals by establishing a pathway to assess very low impact clearing activities that are deemed not to require a permit. When assessing the clearing referral, DWER have regard to the referral criteria listed in Section 51DA(4) of the EP Act. In support of this clearing referral, the four referral criteria have been considered and responded to, provided in **Table 1**.

Table 1: Response to EP Act clearing referral criteria

EP Act s51DA(4) criteria	Response to the EP Act clearing referral criteria
<p><i>Criterion 1: The area proposed to be cleared is small relative to the total remaining vegetation</i></p> <ul style="list-style-type: none"> Relative to the total remaining vegetation in the region where the proposed clearing is located, and Relative to the total remaining vegetation of the ecological community that the vegetation proposed to be cleared forms a part of 	<p>The site is located within the Metropolitan Perth Region Scheme constrained area. The 'constrained area' of Metropolitan Perth is the Swan Coastal Plain IBRA portion of the Perth Region Scheme. The <i>Native Vegetation Clearing Referrals Guideline</i> ('the Guideline') (DWER 2021) states that if the extent of the proposed clearing is more than 1 ha, a clearing permit is required. The proposed clearing totals up to 0.74 ha of native vegetation, which is less than the 1 ha threshold and is anticipated to result in a very low environmental impact.</p> <p>Vegetation complex mapping for the Swan Coastal Plain (DBCA-046) indicates that the referral area is situated within the 'Pinjar' vegetation complex (35% of pre-European extent remaining). However, vegetation within the clearing referral area is highly disturbed and was mapped as 'completely degraded' and 'degraded' as part of the Detailed Flora and Vegetation Assessment (Emerge 2023) and is not representative of an intact occurrence of this complex.</p> <p>A review of the current native vegetation extent dataset (DPIRD-005) indicates approximately 23% of native vegetation cover remains within the surrounding 5 km area of the site. This exceeds the 10% threshold specified in the Guideline.</p>
<p><i>Criterion 2: There are no known or likely significant environmental values within the area</i></p> <ul style="list-style-type: none"> Biological values (e.g. flora, fauna, ecological communities) Conservation values (e.g. impact to ecological linkages, conservation areas and heritage values) Land and water resource values (e.g. wetlands and watercourses, water resources, land and soil quality) 	<p>No known or likely significant environmental values occur within the area, as summarised below. As such, the proposed clearing is not at variance with this criterion.</p> <p><u>Biological values</u></p> <ul style="list-style-type: none"> The referral area is mapped as comprising vegetation in 'Completely Degraded' and 'Degraded' condition, based on the Detailed Flora and Vegetation Assessment (Emerge 2023). Applicable significant fauna are black cockatoos. The wider land parcels contain significant black cockatoo habitat, which has been avoided and excluded from the clearing referral boundary. Whilst grass trees may be considered a secondary or occasional foraging resource for Carnaby's cockatoo, all grass trees within the referral boundary (approximately 35) are proposed to be translocated and retained elsewhere within the landholding. As such, the amount of black cockatoo habitat and availability will not change across the site or local area. It is noted that the wider land parcels are estimated to contain thousands of grass trees. The referral area does not contain any threatened or priority ecological community occurrences. Detailed flora and vegetation surveys have been completed across the entire landholding confirming this. The referral area does not contain any threatened or priority flora occurrences. Detailed flora and vegetation surveys have been completed across the entire landholding confirming this.

EP Act s51DA(4) criteria	Response to the EP Act clearing referral criteria
	<p><u>Conservation values</u></p> <ul style="list-style-type: none"> • The referral area does not intersect any mapped regional ecological linkages. • The referral area does not intersect any conservation reserves (e.g. Bush Forever, Environmental Protection Policy areas, DBCA managed land, Regional Open Space, or crown reserves vested for conservation purposes). • The referral area does not intersect any Aboriginal cultural heritage values. Broad publicly available ACH mapping identifies lodged place DPLH 22160 across part of the clearing area, however the actual ACH site boundary (publicly restricted) is approximately 500m away from clearing boundaries. <p><u>Land and water resource values</u></p> <ul style="list-style-type: none"> • The referral area does not contain, nor is it in proximity to, any wetlands listed under the Convention on Wetlands of International Importance (Ramsar Convention) or the Directory of Important Wetlands in Australia, or wetlands classified as 'conservation category' or 'resource enhancement' in the DBCA <i>Geomorphic wetlands</i> database. The referral area intersects part of 'multiple use' wetland UFI 15022. • The referral area does not intersect with or impact upon a watercourse. • The clearing area is not within a public drinking water source area. The East Wanneroo area is expected to experience rising groundwater levels in the future; however, this not considered a relevant consideration to the proposed clearing given such groundwater rises are anticipated to occur in the medium to long-term following the planned urbanisation of East Wanneroo. Furthermore, the proposed clearing works involve filling the land (which would increase separation to groundwater) rather than any reductions in surface elevations. • The DWER Contaminated Sites Database does not indicate any known contamination within the referral area or the surrounding area. • Proposed clearing works do not have a high risk of land or soil degradation. Whilst the clearing area is mapped within an ASS risk area (based on regional DWER mapping), the proposed works are associated with filling the land and therefore would not involve any excavation nor any risk of interacting with or exposing potential ASS.
<i>Criterion 3: The state of scientific knowledge of native vegetation within the region is adequate</i>	The site is located within the Swan Coastal Plain. Various databases, spatial datasets and other relevant readily available information is available for the site and the broader region. Additionally, site-specific flora, vegetation and fauna investigations have been completed which include coverage across the site (see Section 3.1). The state of scientific knowledge of native vegetation in the region (and locally) is adequate. As such, the proposed clearing is not at variance with this criterion.
<i>Criterion 4: Conditions will not be required to manage environmental impacts</i>	No conditions of native clearing approval are anticipated to be required to manage environmental impacts. It is also noted CoW typically include conditions of DA approval wherever necessary, which is expected to apply to the proposed fill storage works associated with the implementation of a CEMP (see Section 2.4). As such, the proposed clearing is not at variance with this criterion.

6 SUMMARY AND CLOSING

Stockland Development Pty Limited propose to relocate and store surplus sand fill within the site, which will involve clearing of 0.74 ha of native vegetation. The proposed works are subject to a development application that has been lodged with the City of Wanneroo. The works will be implemented in accordance with a CEMP, which is anticipated to be required as a condition of CoW development approval and will address construction environmental management considerations such as clearing protocols, hygiene (dieback and weeds), fauna and dust.

The proposed clearing subject to this referral comprises 0.74 ha of scattered native shrubs and trees amongst a predominantly historically cleared landscape. The proposed fill storage area and clearing referral area has been strategically sited to align with a historically cleared area with minimal remaining environmental values, such that potential impacts to significant environmental values elsewhere on Lots 803 and 1763 are avoided and excluded from the referral area. Furthermore, all grass trees within the clearing referral area (approximately 35) will be translocated elsewhere within Lots 803 & 1673. Whilst these grass trees provide secondary foraging habitat for Carnaby's black cockatoo, their proposed relocation to adjacent areas will not impact local habitat availability. No other impacts to black cockatoo habitat will occur.

Overall, the proposed clearing activities are assessed to have a very low environmental impact and are not considered to be at variance with the four referral criteria outlined in the EP Act and the Guideline, which have been addressed in detail within this letter.

Should you have any questions regarding the referral or content of this supporting letter please do not hesitate to contact the undersigned.

Yours sincerely
Emerge Associates



Andreas Biddiscombe
PRINCIPAL ENVIRONMENTAL CONSULTANT

cc: Sheridan Hunter – Stockland Development Pty Limited

Encl: Figure 1: Clearing Referral Area
Attachment A: Fill Storage Earthworks Plan (Cossill and Webley 2024)

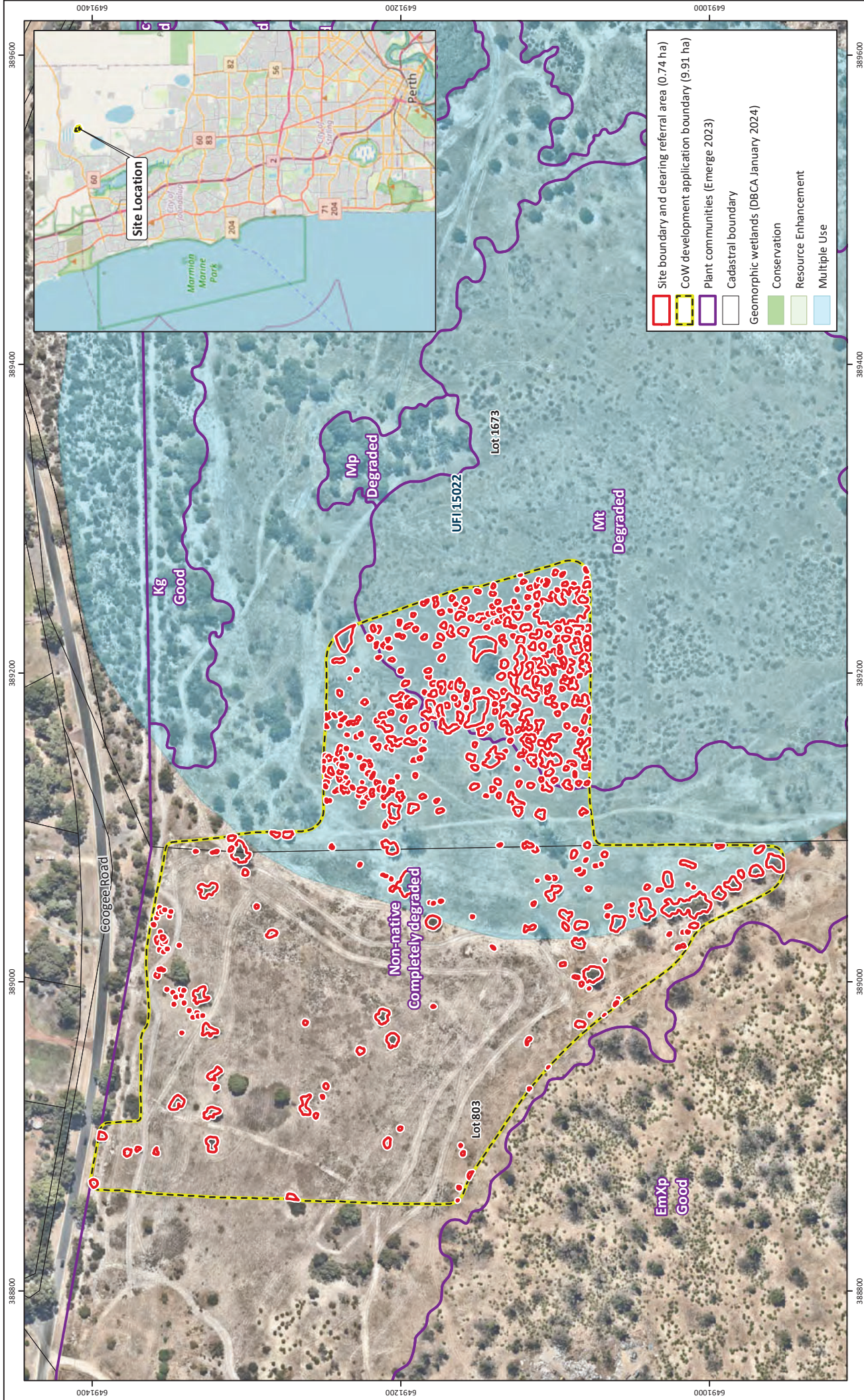


Figure 1: Clearing Referral Area

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Drawn: CTH
Date: 01/04/2025
Checked: ADB
Approved: ADB
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0 50 100
Metres

Attachment A: Fill Storage Earthworks Plan (Cossill and Webley 2024)

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