

Environmental Protection Act 1986

Section 39A(7)

PUBLIC ADVICE

Proposal: Expansion of Plantrite Nursery - Lot 88 Bingham Road Bullsbrook

Proponent: Plant Force Investments Pty Ltd trading as Plantrite

Decision:

The EPA considers that the proposal is unlikely to have a significant impact on the environment and does not warrant formal assessment.

Background:

On 25 July 2017, the City of Swan referred the expansion of the Plantrite Nursery at Lot 88 Bingham Road Bullsbrook (Lot 88) to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal is for the 10.67 hectare (ha) expansion of the existing 5 hectare (ha) native plant nursery, proposed to be completed over two stages; Stage 1 covering 4.76 ha and Stage 2 covering 5.91 ha. A crushed compacted limestone access road will be provided between the Stage 1 and 2 areas, with a culvert through the lowest lying land depression to maintain surface water and groundwater flows.

The proposal was advertised for public comment and the EPA notes that two public comments were received. These submissions raised concerns about potential impacts to the Threatened Ecological Community (TEC) - *Assemblages of plants and invertebrate animals of tumulus (organic mound) springs of the Swan Coastal Plain*. Conversely, submissions also raised concerns about approval delays, and the proponent's business efforts and economic output to date.

Relevant Statutory and Administrative Provisions:

The EPA has considered the proposal in accordance with the requirements of the EP Act and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* and *Procedures Manual*.

Materials considered in making this decision:

The EPA has considered and had regard to the referral information, which is available on the EPA's consultation hub, any comments received during the 7 day comment period, information conducted through its own inquiries and any further information requested from the proponent and government agencies.

Consideration:

In making its decision on whether to assess the proposal, the EPA had regard to various matters, including the following (as outlined in the EPA's *Statement of Environmental Principles, Factors and Objectives*):

- a) values, sensitivity and quality of the environment which is likely to be impacted
- b) extent (intensity, duration, magnitude and geographic footprint) of the likely impacts
- c) consequence of the likely impacts (or change)
- d) resilience of the environment to cope with the impacts or change
- e) cumulative impact with other projects
- f) connections and interactions between parts of the environment to inform a holistic view of impacts to the whole environment
- g) level of confidence in the prediction of impacts and the success of proposed mitigation
- h) public information that informs the EPA's consideration of the likely effect of the proposal, if implemented, on the environment

In considering the potential direct and indirect impacts of the proposal on Hydrological Processes, Inland Waters Environmental Quality, and Flora and Vegetation, the EPA has had particular regard to:

- The proposed nursery expansion is not intersecting with areas of remnant vegetation, including the Threatened Ecological Communities (TEC) *Banksia woodlands of the Swan Coastal Plain* and *Assemblages of plants and invertebrate animals of tumulus (organic mound) springs of the Swan Coastal Plain* (Mound Springs), or the Conservation Category Wetland area which is associated with the Mound Springs TEC;
- the environmental values within and surrounding the nursery expansion areas and associated access road;
- the consideration the proponent's documentation, which is consistent with EPA policy and guidance, including having undertaken appropriate investigations for Hydrological Processes, Inland Waters Environmental Quality, and Flora and Vegetation;
- the mitigation strategies proposed by the proponent to avoid and minimise impacts, for example:
 - A Nutrient and Irrigation Management Plan which will operate under the Development Application approval to provide for the implementation of the following contingency measures should elevated nutrient values between upstream and downstream monitoring bores be detected:
 1. Change in fertiliser regime; if no change is observed at the next monitoring round, then,
 2. Change the propagation mix; if no change is observed after this management response, then,
 3. A closed drainage system whereby drainage water from nursery operations is captured by plastic membranes and directed into lined evaporation basins.

- Revegetation of existing degraded land between nursery operation areas and wetlands (including the Mound Springs TEC area) will be undertaken with native species to ensure nutrient impacts are minimised and provide a net environmental gain;
- The access road between the Stage 1 and 2 expansion areas is proposed to be constructed of crushed compacted limestone to provide attenuation of any nutrient containing materials. A culvert under the slight depression cross over will be provided to maintain surface water flows and groundwater hydraulic connectivity.
- Advice from the Department of Biodiversity, Conservation and Attractions (DBCA) that that a groundwater level 'trigger' could be used to prevent impacts to the Mound Springs, using a combination of existing and new monitoring bores. DBCA provided a recommended trigger level for an existing DWER monitoring bore and advised that a trigger level on a new 'fit for purpose' monitoring bore could be developed on advice from DBCA through the water licencing process.
- Advice from the Department of Water and Environmental Regulation (DWER) that there is provision within the water licencing process to require an operational strategy to include commitments to measure groundwater levels in existing and purpose built monitoring bores, including groundwater depth 'trigger' levels and contingency measures to prevent impacts to the Mound Springs TEC. Contingency measures should a 'trigger' level be reached may include reducing abstraction, reducing the area of irrigation, or ceasing abstraction. This operational strategy will be developed under the Department of Water Operational Policy 5.08 – *Use of operating strategies in the water licencing process*, and can incorporate the DBCA recommendations regarding the drilling, location and depth of a purpose built monitoring bore and the implementation of a groundwater 'trigger' level on both the existing and a purpose build monitoring bores. Regarding nutrient impacts, DWER advised that a chemical component analysis within a monitoring report could be a commitment within an operating strategy, which would be supported by the EPA. DWER also advised that the NIMP implementation and contingency measures regarding nutrient impacts could be required by the City of Swan and approved as part of the development application process.

In addition to the above, the EPA notes the presence of other statutory processes that can manage the potential impacts to Hydrological Processes, Inland Waters Environmental Quality, and Flora and Vegetation, including:

- The proponent has already applied for an additional groundwater abstraction licence under section 5C of the *Rights in Water and Irrigation Act 1914* to the DWER, with the assessment currently being undertaken. DWER advice is summarised above.
- In accordance with the *Planning and Development Act 2005* and the City of Swan Local Planning Scheme No. 17, development approval is required from the City of Swan through the development application process, which has the ability to impose conditions on the expansion of the nursery.

In summary, although the proposal raises a number of environmental issues, the EPA considers that its objectives for Hydrological Processes, Inland Waters Environmental Quality, and Flora and Vegetation can be met.

This is primarily on the basis that the proponent is undertaking significant avoidance and mitigation measures including revegetation and the implementation of a NIMP, and that the monitoring of groundwater levels and the implementation of groundwater 'trigger' levels and contingency measures can be regulated through the groundwater abstraction licencing process.

In consideration of the points above, the EPA considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment. The EPA is of the view that the potential impacts of the proposal can be adequately managed by the proponent's mitigation measures and dealt with by other statutory processes. These include through the *Rights in Water and Irrigation Act 1914* and the *Planning and Development Act 2005*.

1. Environmental Factors:

The EPA has identified the following environmental factors relevant to this proposal:

- a) Hydrological Processes;
- b) Inland Waters Environmental Quality; and
- c) Flora and Vegetation.

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act. The EPA considers that the potential effects on the environment can be regulated by other statutory decision-making processes and mitigated through the implementation of proponent commitments and best practice measures in accordance with this advice.

2. Advice and Recommendations regarding Environmental Issues:

Hydrological Processes, Inland Waters Environmental Quality and Flora and Vegetation

While the EPA is of the view that the potential impacts of the proposal can be adequately managed by the proponent's mitigation measures and dealt with by other statutory processes, the EPA expects that the condition of the Mound Spring TEC should not deteriorate due to the operation of the nursery.

Therefore in addition to these measures, the EPA recommends that in considering the development application for the proposal that the City of Swan require the proponent to prepare and implement a Threatened Ecological Community Condition Monitoring and Management Plan, in order to mitigate any uncertainty around ability of the NIMP and groundwater licencing process to manage impacts to the Mound Spring TEC. The plan should be prepared in consultation with the DBCA and include, but not be limited to, monitoring both prior to and during construction, and regular post construction

monitoring to capture any potential long term impacts for five years from commencement of the nursery expansion.

The EPA also recommends that the choice of species used in the revegetation areas should be finalised in consultation with DBCA prior to planting being undertaken to minimise potential impacts to the Mound Springs TEC.



Tom Hatton
Chairman

27 November 2017