

**Subdivision of Lot 48 Furnissdale Road,  
Furnissdale**

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**SAS Global Furnissdale Pty Ltd**

**Report and Recommendations  
of the Environmental Protection Authority**

**Environmental Protection Authority  
Perth, Western Australia  
Bulletin 1292  
June 2008**

### **Environmental Impact Assessment Process Timelines**

<b>Date</b>	<b>Progress stages</b>	<b>Time (weeks)</b>
<b>20/2/06</b>	<b>Referral received</b>	
<b>5/6/08</b>	<b>Proponent's Final EPS document received by EPA</b>	<b>123</b>
<b>30/6/08</b>	<b>EPA report to the Minister for the Environment</b>	<b>4</b>

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# 1. Introduction and background

This report provides the Environmental Protection Authority's (EPA's) advice and recommendations to the Minister for the Environment on the proposal by SAS Global Furnissdale Pty Ltd for the subdivision of Lot 48 Furnissdale Road, Furnissdale.

Section 44 of the *Environmental Protection Act 1986* (EP Act) requires the EPA to report to the Minister for the Environment on the outcome of its assessment of a proposal. The report must set out the:

- key environmental factors identified in the course of the assessment; and
- EPA's recommendations as to whether or not the proposal may be implemented, and, if the EPA recommends that implementation be allowed, the conditions and procedures to which implementation should be subject. The EPA may include in the report any other advice and recommendations as it sees fit.

The EPA was advised of the proposal in February 2006. Based on the information provided, the EPA considered that while the proposal had the potential to have an effect on the environment, the proposal, as described, could be managed to meet the EPA's environmental objectives. Consequently it was decided that, subject to preparation of a suitable Environmental Protection Statement (EPS) document, the EPA intended to set the level of assessment at EPS.

The proponent has prepared the EPS document which accompanies this report (*RPS, 2008*). The EPS document sets out the details of the proposal, potential environmental impacts and appropriate commitments to manage those impacts. The EPA notes that the proponent has consulted with relevant stakeholders.

The EPA considers that the proposal for the subdivision of Lot 48 Furnissdale Road, Furnissdale which impacts a 'Conservation' category wetland (CCW), can be managed to meet the EPA's environmental objectives, subject to the EPA's recommended conditions being made legally binding. The EPA has recommended a condition which requires the proponent to prepare and implement an "Offset Implementation Strategy" to provide an environmental offset to address the impacts on the CCW before the proposal can be implemented.

The EPA therefore has determined, under Section 40 of the EP Act, that the level of assessment for the proposal is EPS, and this report provides the EPA advice and recommendations in accordance with Section 44 of the EP Act.

## 2. The proposal

The proposal is described in detail in the proponent's EPS document (*RPS, 2008*). The proposal is for the subdivision of Lot 48 Furnissdale Road, Furnissdale into 30 residential lots and one commercial lot. The Furnissdale townsite is approximately 70 kilometres (km) south of Perth and 5km south-east of the Mandurah townsite.

The subject site has an area of approximately 4.1 hectares (ha) and is bounded by an unconstructed road reserve to the north, Furnissdale Road to the west and existing residential development to the south and west. The site is zoned 'Urban' under the Peel

Region Scheme (PRS) and 'Residential' and 'Commercial' under the Shire of Murray Local Planning Scheme.

0.9 ha of the subject site is mapped as CCW with the remainder of the site supporting associated remnant native vegetation. The wetland is classified as 'Estuary Peripheral' wetland and the portion contained within Lot 48 is part of a larger connected wetland of approximately 281ha. Figure 1 shows an aerial photograph of the subject site and the mapped CCW. Figure 2 shows the subject site in relation to the larger CCW of 281ha. Figure 2 also shows the PRS zoning of the subject land noting that other portions of the CCW are zoned 'Urban' whilst the largest intact portion of the CCW is zoned 'Rural' or already reserved for Regional Open Space in the PRS.

The subject land also supports remnant native vegetation mapped as the Vasse Complex (*Hedde et al, 1980*) which is in 'Good' or better condition on the Keighery condition scale (*Government of Western Australia, 2000*). This complex has 29% of its pre-clearing extent remaining. The standard retention target for native vegetation is to retain at least 30% of the pre-clearing extent of the ecological communities on the Swan Coastal Plain. Where consolidated areas of urban, urban deferred and industrial zoned land occur on the Swan Coastal Plain they are defined as 'Constrained' and the retention target is modified such that the objective is to seek to retain at least 10% of the pre-clearing extent of each ecological community.

The proposal was first referred in 2006 and after considering the existing planning context (i.e. zoned for residential development under both the region and local planning schemes) and following discussions with the Chairman of the EPA, the proponent was advised that the proposal had the potential to be progressed as an EPS.

Subsequently the proponent has developed a proposal which would result in its entire land holding being developed for residential purposes. If implemented this would result in the clearing of the 0.9ha of CCW and 3.2 ha of vegetation on Lot 48.

As part of its proposal to develop the entire area including the CCW, the proponent has committed to provide an offset for the impacts of its development on the CCW. The proponent's reasoning for deriving its preferred offset for the impacts on the CCW is outlined in the EPS document (*RPS, 2008*).

In summary, initially the proponent developed 4 offset options. These included:

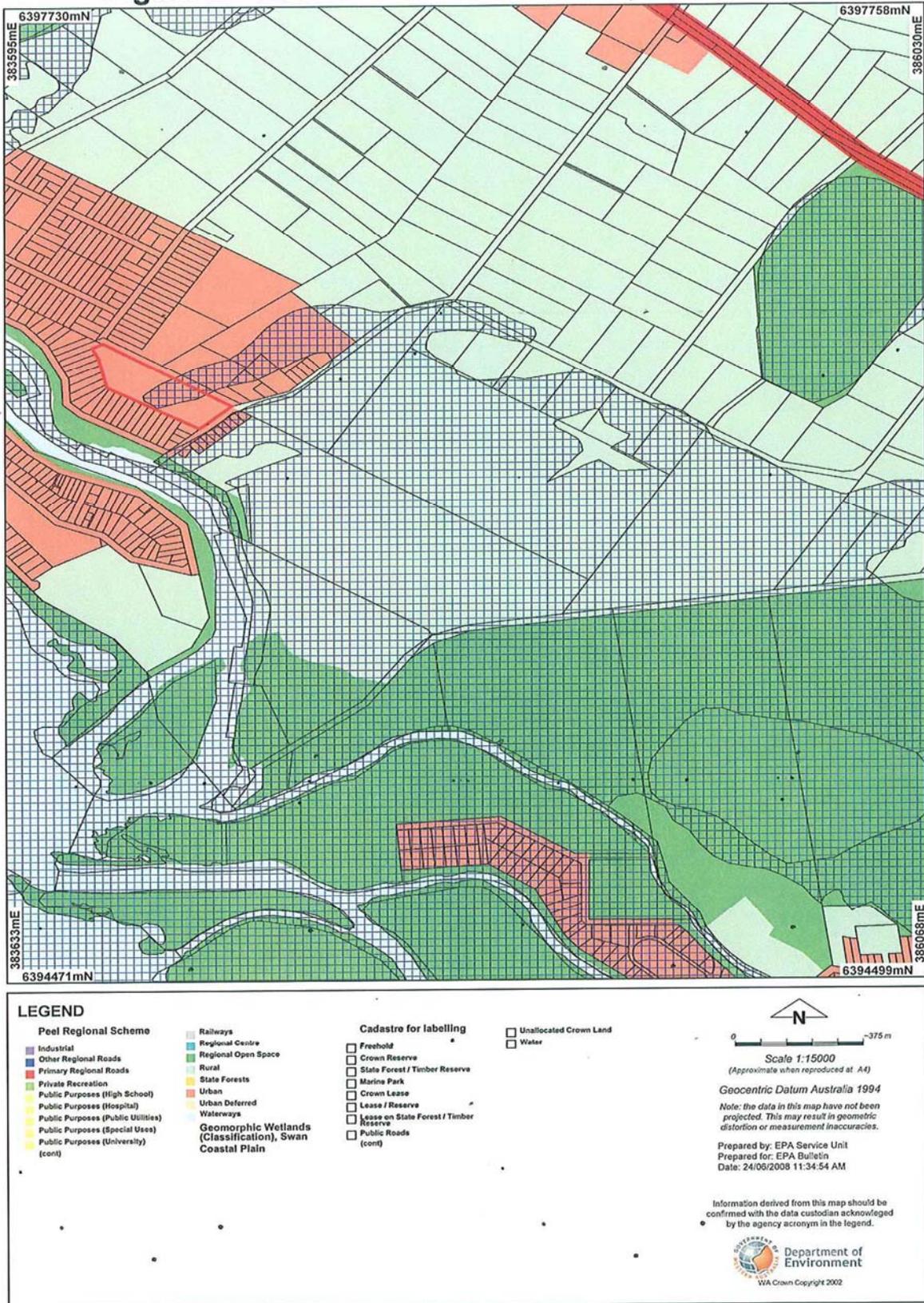
- Cost to purchase equivalent area;
- Cost the wetland values;
- Establishment of a charitable trust to aid protection or restoration initiatives; and
- Rehabilitation works in areas already set aside for conservation.

**Figure 1 - Lot 48 Furnissdale Road, Furnissdale**



**Figure 1 - Lot 48 Furnissdale Road, Furnissdale (showing mapped Conservation Category Wetland)**

**Figure 2 - Lot 48 Furnissdale Road, Furnissdale**



*Figure 2 - Lot 48 Furnissdale Road, Furnissdale (in relation to the larger Conservation Category Wetland)*

Following consultation with a number of relevant government departments and community groups, as well as its own further consideration and investigation, the proponent has proposed that option 1 be progressed as the potential offset. This option, referred to as ‘Cost to Purchase Equivalent Area’ involves:

- Using available information on rural sales in the area (or seek advice from a professional valuer), estimate a per hectare cost to purchase an equivalent area of wetland land and provide this amount of funds to Department of Environment and Conservation (DEC) (or other appropriate entity).
- Prepare an 'Offset Implementation Strategy', to the satisfaction of DEC and in consultation with the Shire of Murray that details the offset process and implementation strategy.

The proponent considers that this option provides an independently derived value related to the cost of purchase of a similar portion of land with similar environmental values, is defensible and open, and allows the appropriate entity to utilise the funds in the most appropriate manner as they decide, which may involve ‘pooling’ resources to enable the purchase of a larger land holding.

The key components of the proponent’s proposal are summarised in Table 1 below.

**Table 1: Summary of key proposal characteristics**

<b>Element</b>	<b>Description</b>
Size of land parcel	Lot 48 is approximately 4.1ha
Area to be developed	4.1ha
Current use	Vacant Land Remnant bushland Seasonally wet ‘estuary peripheral’ wetland
Proposed use	Residential development
Current zoning	Urban under Peel Region Scheme Urban and commercial under Shire of Murray Town Planning Scheme No. 4
Works	Clearing of vegetation Fill Provision of reticulated water, vacuum sewer, power, telephone Internal road system plus creation of gazetted road reserve along northern boundary
Local Government	Shire of Murray
Offset	Wetland area (0.9ha) rural equivalent value
Proposed environmental management measures	Offset Water Sensitive Urban Design incorporated in stormwater management Bandicoot relocation in consultation with DEC Dust and fire control during construction Fill used to manage low potential for acid generation Mobile lime dosing unit for dewatering discharge (managed through Department of Water permit)

The potential impacts of the proposal are discussed by the proponent in the EPS document (*RPS, 2008*).

### **3. Consultation**

During the preparation of the EPS, the proponent has undertaken consultation with government agencies and key stakeholders including the Peel Harvey Catchment Council, the South West Catchment Council, the Peel Preservation Group, the Wildflower Society of Western Australia and the Conservation Council. The agencies, groups and organisations consulted, the comments received and the proponent's response are detailed in the EPS (*RPS, 2008*).

It is the proponent's view that although there was general concern expressed at the potential development of a portion of a CCW there was also recognition that from a planning perspective, development of the subject land represented a logical extension of the Furnissdale town site.

The EPA considers that the consultation process has been appropriate and that reasonable steps have been taken to inform the community and stakeholders on the proposed development.

### **4. Key environmental factors**

It is the EPA's opinion that the following key environmental factor relevant to the proposal requiring evaluation in this report is:

- (a) Wetlands – the impact on the ecological functions and values of the CCW and its vegetation, contained within the boundaries of the subject land.

The key environmental factors are discussed in Sections 4.1. The description of each factor shows why it is relevant to the proposal and how it will be affected by the proposal. The assessment of each factor is where the EPA decides whether or not a proposal meets the environmental objective set for that factor.

#### **4.1 Wetlands**

##### **Description**

The proposal is for the subdivision of Lot 48 Furnissdale Road, Furnissdale and the provision of an environmental offset in the form of an 'Offset Implementation Strategy'.

The proposed subdivision will impact on a wetland which is identified as a CCW on the DEC's Geomorphic Wetlands Swan Coastal Plain dataset. This wetland has had its conservation status confirmed by the proponent's environmental consultant.

The implementation of this proposal will result in the loss of 0.9ha of the CCW, which equates to 0.3% of the entire 281ha CCW. With the loss of the CCW contained within the subject land, its surrounding buffer and other vegetation, the proposed area to be cleared totals 4.1ha. The proponent is proposing to offset the loss of the CCW by preparing and implementing an 'Offset Implementation Strategy', which will result in a

financial contribution being made to an appropriate entity to be applied towards future conservation purposes. The proponent is proposing that it will offset for the 0.9ha of the CCW impacted by the development with the value of the financial contribution calculated based upon a rural land valuation. The proponent considers that developing an offset strategy in this way will allow an equivalent area of wetland to be secured for conservation purposes.

### **Assessment**

The EPA's environmental objective for this factor is to maintain the integrity, ecological functions and environmental values of wetlands.

The EPA's Position Statement No. 9 *Environmental Offsets* recognises the presumption against recommending approval for proposals that are likely to have significant adverse impacts to 'Critical assets' representing the most important environmental assets in the State that must be fully protected and conserved. Position Statement No. 9 defines CCWs as critical assets, noting however that they are to be viewed in the context of whether they have a reasonable chance of medium to long-term survival of their environmental values.

The option to avoid or minimise the impacts of this proposal on the wetland is not possible for this proposal with a wetland of this size (including an appropriate buffer), in comparison to the total area of the subject site.

The proponent's position is that the area to be impacted is 0.9ha of a larger 281ha CCW area, which equates to 0.3% of the total wetland area, and therefore the loss of environmental values in a local, regional or State context are not significant. The EPA concurs with this view having regard to the adjacent larger intact CCW, portions of which are already reserved for 'Regional Open Space' under the PRS. The pre-existing urban zonings on this 'finger' of the larger CCW also means that future development of the remaining urban zoned land will further compromise this portion of the CCW.

The EPA's previous experience of proposals such as this recognises that it is a judgement as to whether the environmental values will be sustained into the future. There has been no resolution of a mechanism to ensure that such urban zoned sites are managed to retain and protect their environmental values.

As previously discussed the proposed offset involves the preparation of an 'Offset Implementation Strategy' which will result in a financial contribution being made to an appropriate entity to be applied towards future conservation purposes. In considering the environmental merits of the proponent's offset the EPA has had regard for the purpose and principles detailed in the EPA's Position Statement No. 9 *Environmental Offsets*. The purpose of Position Statement No. 9 is that environmental offsets should be used with an aspirational goal of achieving a 'net environmental benefit' which recognises that the environment has been significantly compromised in the past and that halting and reversing the decline of the environment is now a priority. Achieving a net environmental benefit goal means that each offset proposal should consider direct and contributing offsets to meet the principles of Position Statement No. 9. Direct offsets counter balance the adverse environmental impacts directly with the aim of achieving no net loss and where combined with contributing offsets produce a net environmental benefit outcome. Position Statement No. 9 also recognises that where important environmental assets are outside the conservation estate and are subject to threatening

processes, the acquisition and inclusion of these areas in the conservation estate can counterbalance the adverse environmental impacts of development and can be considered direct offsets.

The EPA acknowledges that approaching the preparation of an offset from a financial perspective can contribute to developing a framework for determining an appropriate environmental offset. However, in considering the proponent's offset proposal the EPA considers that it requires refinement, particularly with regard to meeting the principles of the Position Statement No. 9 in relation to ensuring that the direct impacts of the development on the CCW and its buffer are appropriately accounted for, and ensuring that the offset is adequate to enable acquisition of land that is 'like for like' or better. In this regard the proponent is only proposing to offset for the 0.9ha of CCW impacted. The proponent has not taken account of buffer requirements (nominally 50 metres) that would normally be applied to development proposed adjacent to a CCW. It is the EPA's opinion that the offset should account for the impacts on the CCW and its buffer. The proponent is also proposing that its offset be based upon rural land valuation. The EPA is concerned that such an approach will provide no surety that wetlands with equivalent environmental values or indeed size can be acquired for conservation purposes. In addition, it is unclear how the offset will allow for additional contributing offsets which are necessary in order to achieve a net environmental benefit given the combined effects referred to above of the proponent only recognizing the need to offset for the 0.9ha direct area of CCW impacted and the use of rural land values to determine the offset.

Accordingly the EPA has concluded that the proponent's offset is not adequate because it does not take account of the wetland buffer impacted by the development and does not provide surety in terms of meeting a net environmental benefit outcome. The EPA has recommended a condition that provides for an offset to be determined consistent with the purpose and principle of the EPA's Position Statement No. 9 *Environmental Offsets*.

In summary, given the small area of the wetland to be impacted, the uncertainty surrounding the long-term survival of the environmental values of the wetland and its vegetation, the planning context in that the land is already zoned for urban purposes and the difficulty in identifying or securing a clear mechanism for management intervention, the EPA considers that with the provision of an offset, which is consistent with the purpose and principle of the EPA's Position Statement No. 9 *Environmental Offsets* the proposal can meet the EPA's objectives for the protection of wetlands and is recommended for implementation.

The EPA recommends a condition be imposed which ensures that the proponent's offset is resolved and in place before the clearing of the wetland and vegetation for development at Lot 48 Furnissdale Road, Furnissdale can occur (Appendix 2).

## **5. Recommended Conditions**

The EPA has developed a set of conditions that the EPA recommends be imposed if the proposal by SAS Global Furnissdale Pty Ltd to subdivide Lot 48 Furnissdale Road, Furnissdale is approved for implementation. These conditions are presented in Appendix 2. In particular the EPA has recommended a condition which ensures that the

offset proposed by the proponent is in place before the clearing of the wetland and its vegetation for development at Lot 48 Furnissdale Road, Furnissdale can occur.

## **6. Conclusions**

The EPA has considered the proposal by SAS Global Furnissdale Pty Ltd to subdivide Lot 48 Furnissdale Road, Furnissdale.

The proposal will result in the clearing of a portion of a CCW and its associated vegetation. The EPA would not normally support the loss of these environmental values. The EPA's Position Statement No. 9 *Environmental Offsets* defines CCWs as critical assets, noting however that they are to be viewed in the context of whether they have a reasonable chance of medium to long-term survival of their environmental values. Given the small area of the wetland to be impacted, the uncertainty of its survival, the site's planning context and the difficulty in identifying or securing a clear mechanism for management intervention, the EPA has concluded that the proposal incorporating an offset can be managed to meet the EPA's objectives for the protection of wetlands and is recommended for implementation. However, the EPA has concluded that the proponent's offset is not adequate because it does not take account of the wetland buffer impacted by the development and does not provide surety in terms of meeting a net environmental benefit outcome. Accordingly the EPA has recommended a condition (Appendix 2) that provides for an offset to be determined consistent with the purpose and principle of the EPA's Position Statement No. 9 *Environmental Offsets*.

## **7. Recommendations**

The EPA submits the following recommendations to the Minister for the Environment:

1. That the Minister notes that the proposal being assessed is for the subdivision of Lot 48 Furnissdale Road, Furnissdale;
2. That the Minister considers the report on the key environmental factors as set out in Section 4;
3. That the Minister notes that the EPA has concluded that the proponent's 'Offset Implementation Strategy' is inadequate but the proposal can be managed to meet the EPA's environmental objectives, provided there is satisfactory implementation by the proponent of the recommended conditions set out in Appendix 2. The recommended conditions provide for an offset which is consistent with the purpose and principles of the EPA's Position Statement No. 9 *Environmental Offsets*; and
4. That the Minister imposes the conditions and procedures recommended in Appendix 2 of this report.

## **Appendix 1**

### **References**

Environmental Protection Authority (2006) Position Statement No. 9 *Environmental Offsets*.

Government of Western Australia (2000) *Bush Forever Volume 2 Part A*. Department of Environmental Protection, Perth, Western Australia.

Hedde, E, Loneragan, O and Havel, J. (1980) "Vegetation Complexes of the Darling System, Western Australia" in *Atlas of Natural Resources of the Darling System of Western Australia*. Department of Conservation of Environment, Perth, Western Australia.

Hill, A.L, Semeniuk, C.A, Semeniuk, V and Del Marco, A. (1996) *Wetlands of the Swan Coastal Plain Vol 2A and 2B*. Department of Environmental Protection/Water and Rivers Commission, Perth, Western Australia.

RPS (2008) *Environmental Assessment Lot 48 Furnissdale Road, Furnissdale*. Prepared for SAS Global Furnissdale Pty Ltd, June 2008, Subiaco, Western Australia.

## **Appendix 2**

### **Recommended Environmental Conditions**

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED  
(PURSUANT TO THE PROVISIONS OF THE  
ENVIRONMENTAL PROTECTION ACT 1986**

SUBDIVISION OF LOT 48 FURNISSDALE ROAD, FURNISSDALE

**Proposal:** Subdivision of Lot 48 Furnissdale Road, Furnissdale (refer to Schedule 1 attached).

**Proponent:** SAS Global Furnissdale Pty Ltd

**Proponent Address:** 7 Ventnor Avenue, WEST PERTH WA 6005

**Assessment number:** 1746

**Report of the Environmental Protection Authority:** Bulletin 1292

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

**1 Proposal Implementation**

1-1 The proponent shall implement the proposal as documented and described in schedule 1 of this statement subject to the condition and procedures of this statement.

**2 Proponent Nomination and Contact Details**

2-1 The proponent for the time being nominated by the Minister for the Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

2-2 The proponent shall notify the Chief Executive Officer of the Department of Environment and Conservation (CEO) of any change of the name and address of the proponent for the serving of a notice or other correspondence within 30 days of such change.

3 **Time Limit of Authorisation**

3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.

3-2 The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

4 **Clearing of native vegetation at Lot 48 Furnissdale Road, Furnissdale**

4-1 Clearing of native vegetation shall only occur at Lot 48 Furnissdale Road, Furnissdale subject to the satisfactory demonstration of the preparation and implementation of an 'Offset Implementation Strategy' in accordance with condition 4-2.

4-2 The 'Offset Implementation Strategy' is to detail an offset that will provide an amount of funds to an appropriate entity towards future conservation purposes to the satisfaction and requirements of the Department of Environment and Conservation. The amount of funds should be reflective of the environmental values of the Conservation Category Wetland (and its buffer) contained within Lot 48 Furnissdale Road, Furnissdale that will be lost with the implementation of this proposal. It should be calculated based upon, as a minimum, the area of the Conservation Category Wetland and a nominal buffer of 50 metres and be consistent with the purpose and principles of the Environmental Protection Authority's Position Statement No. 9 *Environmental Offsets*.

## Schedule 1

### The Proposal (Assessment No. 1746)

#### General Description

The proposal is for the Subdivision of Lot 48 Furnissdale Road, Furnissdale.

The proposal is described in the following document – RPS: *Environmental Assessment Lot 48 Furnissdale Road, Furnissdale, 2008*

#### Summary Description

A summary of the key proposal characteristics is presented in Table 1

**Table 1 – Summary of Key Proposal Characteristics**

<b>Element</b>	<b>Description</b>
Size of land parcel	Lot 48 is approximately 4.1 hectares
Area to be developed	4.1 hectares
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Proposed use	Residential development
Current zoning	Urban under Peel Region Scheme Urban and Commercial under Shire of Murray Town Planning Scheme No. 4
Works	Clearing of vegetation Fill Provision of reticulated water, vacuum sewer, power, telephone Internal road system plus creation of gazetted road reserve along northern boundary
Local Government	Shire of Murray
Proposed environmental management measures	Water Sensitive Urban Design incorporated in stormwater management Bandicoot relocation in consultation with DEC Dust and fire control during construction Fill used to manage low potential for acid generation Mobile lime dosing unit for dewatering discharge (managed through Department of Water permit)

#### Figures

Figure 1 - Lot 48 Furnissdale Road, Furnissdale (showing mapped Conservation Category Wetland)

**Figure 1 - Lot 48 Furnissdale Road, Furnissdale**



**Figure 1 - Lot 48 Furnissdale Road, Furnissdale (showing mapped Conservation Category Wetland)**

## **Appendix 3**

**Proponent's Environmental Protection Statement (EPS) document**