

29-May-2013

Ms Liesl Rohl
Manager, Environmental Planning Branch
Office of the Environmental Protection Authority
Locked Bag 10
EAST PERTH WA 6892

Dear Madam

RE: PROPONENT REFERRAL OF WETLAND DISTURBANCE MATTER

Land Assessment has been recently engaged by the owners of Lot 54 Wolfe Road, in the Banjup locality of the City of Cockburn to provide environmental advice in relation to matters that are before the State Administrative Tribunal (SAT Matters No DR 12 and 69 of 2013) and are currently the subject of mediation between themselves (Applicants) and the City of Cockburn (Respondents). These matters relate to the clearing of vegetation and establishment of a constructed lake within a designated wetland area that is listed under the 1992 Environmental Protection (Swan Coastal Plain Lakes) Policy.

The landholder's actions were undertaken in ignorance of the relevant legislation and with the objective of restoring aesthetic and environmental benefits to a portion of their property which they perceived as substantially degraded after failing to exhibit any degree of seasonal inundation since 2005. Notwithstanding this, the landholders are now aware of the environmental status of this portion of their 2 ha property and of the prohibited nature of their actions, and as part of the mediation process have therefore proposed to re-vegetate an area equivalent to that which has been disturbed immediately adjacent to the newly constructed lake.

As these 'proposed works' (vegetation restoration) also occur within the broadly defined EPP wetland (see appended Attachments A and F), and because the original disturbance has not previously been referred to the EPA by any decision making authority, the City of Cockburn has requested the proponent now direct the matter to the EPA for comment.

During the mediation process concern has been expressed that in the event of a mediated outcome, any resulting conditions such as the proposed area of vegetation restoration (Attachment F) could be compromised by the lack of EPA advice on the matter. Accordingly, such advice is now being sought.

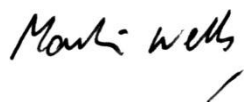
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25/06/13 11:42

In relation to consultation to date, it should be pointed out that the matter was referred to the Department of Environment and Conservation by the City of Cockburn and also by an immediately abutting neighbour to the east, and that the DEC has elected to deal with the vegetation clearing by way of a formal letter of warning (copy attached). Furthermore, DEC's Principal Coordinator Wetlands Section, Dr Michael Coote has also been a participant in the latest on-site mediation meeting.

Following this explanation of the context and background to the referral, please find attached a completed copy of the required Part A referral form. The referral form is accompanied by two related reports prepared by this consultant as part of the mediation process between the landowners and the City of Cockburn which is being managed on behalf of the Applicants by Mr Peter Webb of town planning consultants, Peter Webb and Associates.

In view of the procedural complexity of this matter, in that the attached referral relates to potential works proposed as 'compensation' for unauthorised actions to an EPP listed wetland, and the desire to obtain EPA advice prior to the next meeting under the SAT mediation process, I would be pleased to meet with you to assist with any queries. I look forward to your response and can be contacted on 9388 2427.

Yours faithfully



MARTIN WELLS
Principal Consultant
Land Assessment Pty Ltd

ATTACHMENTS TO THIS LETTER

- A Environmental Protection (Coastal Plain Lakes) Policy Area within Lot 54
- F Suggested Dampland Revegetation Area
- H Copy of DEC May 8 Correspondence

ATTACHMENTS TO PART A - EPA REFERRAL FORM (PROPONENT)

- 1 Location Map
- 2A Copy of Land Assessment March 26 Report to Peter Webb & Associates
- 2B Copy of Land Assessment May 2013 Supplementary Report