

Environmental Protection Act 1986

Section 40(2)(a)

NOTICE REQUIRING INFORMATION FOR ASSESSMENT

PERSON TO WHOM THIS NOTICE IS GIVEN

Mr Ivan Yujnovich
C/o Ms Sue Brand
Natural Area Consulting
1/164 Barrington Street
BIBRA LAKE WA 6164

PROPOSAL TO WHICH THIS NOTICE RELATES:

Lot 123 Mortimer Road Casuarina

Pursuant to section 40(2)(a) of the *Environmental Protection Act 1986*, I, as a delegate of the Environmental Protection Authority (EPA), require that you provide the EPA with the following information for its assessment.

1. Providing context and clarifying potential environmental impacts

Preliminary Key Environmental Factor - Flora and Vegetation

- Identify, quantify and assess the values and significance of flora and vegetation, including the communities and condition, within the proposal area and the immediate adjacent area (within the context of the proposal) in accordance with EPA guidance. Please describe these values in a local and regional context.
- Outline and justify the proposed application of the mitigation hierarchy in the proposal. Detail actions undertaken to avoid, minimise and mitigate proposal impacts. Include management and/or monitoring plans to be implemented to demonstrate that residual impacts are not greater than predicted. Management and/or monitoring plans are to be presented in accordance with [EPA instructions](#).
- Provide a summary of residual impacts of the proposal.
- Identify management and mitigation measures for the proposal which demonstrate that the EPA's objective can be met.

Preliminary Key Environmental Factor - Terrestrial Fauna

- Identify, quantify and assess the values and significance of fauna, fauna habitat and habitat connectivity within the proposal area and the immediate adjacent area (within the context of the proposal) and describe these values in a local and regional context in accordance with EPA guidance.
- Describe and assess the potential impacts as a result of the proposal (including fragmentation) on fauna and significant fauna, including short-range endemic (SRE) invertebrate fauna. Estimate the number of significant species that are likely to be impacted, in the context of the existing population, as a result of direct and indirect impacts to fauna habitat.
- Outline and justify the proposed application of the mitigation hierarchy in the proposal. Detail actions undertaken to avoid, minimise and mitigate proposal impacts. Include management and/or monitoring plans to be implemented to demonstrate that residual impacts are not greater than predicted. Management and/or monitoring plans are to be presented in accordance with [EPA instructions](#).
- Consult with Department of Biodiversity, Conservation and Attractions (DBCA) when dealing with matters related to management actions to ameliorate impacts to fauna.
- Provide a summary of residual impacts of the proposal.
- Identify management and mitigation measures for the proposal which demonstrate that the EPA's objective can be met.

Preliminary Key Environmental Factor – Inland Waters

- Identify, describe and assess the values and significance of inland waters (quality and quantity, including hydrological processes) within the development envelope and the area upstream and downstream of the development envelope. Describe these values in local and regional contexts. Wetland identification and assessment should utilise the DBCA Geomorphic Wetlands Swan Coastal Plain Dataset.
- Describe and assess the extent, severity and duration of potential impacts (direct and indirect) to the values identified, including from changes to local and regional surface and groundwater flows and levels, groundwater drawdown, local surface and groundwater quality and impacts to surface and groundwater users as a result of implementation of the proposal. Particularly consider potential impacts from development of finished floor levels.
- Outline and justify the proposed application of the mitigation hierarchy in the proposal. Detail actions undertaken to avoid, minimise and mitigate proposal impacts. Include management and/or monitoring plans to be implemented to demonstrate that residual impacts are not greater than predicted. Management and/or monitoring plans are to be presented in accordance with [EPA instructions](#).

- Specifically, provide water balance information on pre and post development inland water quality and quantity, including management, monitoring and mitigation measures to address potential impacts. Provide maps of and justification for the location and number of any proposed drainage and stormwater infrastructure.
- Provide a summary of residual impacts of the proposal.
- Identify management and mitigation measures for the proposal which demonstrate that the EPA's objective can be met.

Other matter to be addressed - Greenhouse Gas Emissions

- Estimate the expected Scope 1 (direct) and Scope 2 (indirect) net greenhouse gas emissions (i.e. quantity of carbon dioxide equivalent (CO₂-e)) on an annual basis and over the life of the proposal inclusive of changes to land use (clearing of vegetation). Detail the methods used to estimate the net greenhouse emissions.
- Describe the considered and proposed mitigations that demonstrate all reasonable and practicable measures have been applied at each step of the mitigation hierarchy (avoid, reduce and/or offset) regarding the effect on greenhouse gas emissions.
- Where scope 1 emissions are estimated to exceed 100,000 tonnes per year, develop a Greenhouse Gas Management Plan in accordance with the EPA's *Environmental Factor Guideline: Greenhouse Gas Emissions* and demonstrate how the EPA's objective for this factor can be met.

2. Environmental offsets

- Determine and quantify any significant residual impacts by applying the Residual Impact Significance Model (page 11) and WA Offset Template (Appendix 1) in the WA Environmental Offsets Guidelines (2014).
- Where significant residual impacts remain, propose an appropriate offsets package that is consistent with the WA Environmental Offsets Policy and Guidelines. Spatial data defining the area of significant residual impacts for each environmental value should also be provided (e.g. vegetation type, vegetation condition, specific fauna species habitat).

3. Matters of National Environmental Significance (MNES)

- Provide additional information which describes the direct, indirect, and cumulative impact of the proposed action on the remaining Banksia Woodland Swan Coastal Plain TEC on the site and in the surrounding areas in accordance with relevant Commonwealth guidelines. This information should also include:
 - hydrological changes (including increased runoff during rain events, changes in depth to groundwater, movement of contaminants within stormwater, and use of phosphorus-based fertilisers in turfed areas),

- The introduction of invasive species (including weeds) to the site and to the surrounding areas, and
- Potential *Phytophthora* Dieback, resulting in the loss or degradation of remaining Banksia Woodland TEC on the proposed action site and surrounding areas.

When discussing potential direct and indirect impacts please give consideration to the local, regional, state and national scale and the precautionary principle.

- For Carnaby's Black-Cockatoo (CBC) (*Calyptorhynchus latirostris*), Baudin's Black-Cockatoo (*Calyptorhynchus baudinii*), and Forest Red-tailed Black-Cockatoo (*Calyptorhynchus banksii naso*) (Black Cockatoos) provide further information on the direct and indirect impact on Black Cockatoos, including on foraging, roosting, and breeding habitat on site and in the surrounding area. This should include information on the correct number of hollow bearing trees on the study site, the number of hollows per tree, how many of the hollows are currently suitable for use, how many hollows show evidence of current or recent use, as well as the number of large trees which may develop hollows in the future.
- The Glossy-leafed Hammer Orchid (*Drakaea elastica*), King Spider-orchid (*Caladenia huegelii*), and Dwarf Bee-orchid (*Diuris micrantha*) (Threatened Orchids) have differing peak flowering periods, and flower over a short period, usually in the order of weeks and sometimes as little as a few days. Flowering periods may also be heavily dependent on climactic factors such as rainfall and some orchids may also not bloom at all in some years. Multiple surveys should be undertaken across several weeks or for survey periods to be based on flowering of known populations in the local area. It is recommended that additional surveys are conducted, in line with the draft survey guidelines for Australia's threatened orchids (<http://www.environment.gov.au/resource/draft-survey-guidelines-australias-threatened-orchids>), in order to definitively establish the presence or absence of these three species on the proposed site area, or that further information is provided which conclusively rules them out.
- There are two instances of the Assemblages of Plants and Invertebrate Animals of Tumulus (organic mound) Springs of the Swan Coastal Plain TEC within 1 km and 1.5 km of the proposed action area. Unlike other occurrences of this TEC, it is understood that the hydrology of these instances is not driven by the Gnangara Mound. Further information should be provided on the direct, indirect, and compounded impact of the proposed action on any instances of the Mound Spring TEC in the surrounding area, including details on the potential impact of hydrological changes (including increased runoff during rain events, changes in depth to groundwater, movement of contaminants within stormwater, and use of phosphorus-based fertilisers in turfed areas).
- Further information which describes the role of the site as a vegetation corridor and potential use as a wildlife corridor should be provided.
- Include details of proposed management and mitigation actions (including indirect impacts) for each of the MNES consistent with relevant guidelines and with

reference to relevant Conservation Advices, Recovery Plans and Threat Abatement Plans. Discuss the short, medium and long-term advantages and disadvantages of any feasible alternatives.

- Provide details of the likely residual impacts on MNES and include reasons why avoidance or mitigation is not reasonably achieved. Where significant residual impacts remain, provide details of the proposed offset strategy consistent with Commonwealth guidelines and analyse how the offset(s) meet the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Environmental Offset Policy October 2012 (EPBC Act Offset Policy). This information should include an appropriate reference to the Offset Guide (i.e. offset calculator and justification of figures used in the calculation).

In the event that offsets are proposed then the following should be addressed:

- the type of offsets proposed;
 - extent to which the proposed offset actions correlate to, and adequately compensate for, EPBC listed species;
 - suitability of the location of any proposed offset site for EPBC Act listed species;
 - conservation gain to be achieved by the offset i.e. positive management strategies that improve the site or averting the future loss, degradation or damage of the protected matter;
 - time it will take to achieve the proposed conservation gain;
 - level of certainty that the proposed offset will be successful;
 - current land tenure of any proposed offset and the methods of securing and managing the offset for the lift of the impact;
 - a completed Offset Assessments Guide for the proposed offset area including further discussion/justification for the figures used to complete the offset calculations; and
 - demonstration of how the proposed offset is consistent with the EPBC Act Environmental Offsets Policy, October 2012.
- For the relevant MNES, provide an overall conclusion as to the environmental acceptability of the proposal. Include a discussion on the consideration with the requirements of the EPBC Act; justification for undertaking the proposal in the manner proposed, acceptability of the avoidance and mitigation measures; and residual impacts and any offsets and compensatory measures
 - Include a discussion on the social and economic costs and/or benefits of undertaking the proposed action, including the:
 - a) basis for any estimations of costs and/or benefits;
 - b) potential employment opportunities expected to be generated at each phase of the proposed action;

- c) benefits to the local and wider community as a result of the proposed action;
and
- d) details of any public and stakeholder consultation activities, including the outcomes.

The EPA recommends that the Referral Information documentation be revised to include and address the requested additional information above, including appending any Environmental Management Plans.

Your response should be sent by email to registrar@dwer.wa.gov.au marked for the attention of Gerard O'Brien, or by post to the Environmental Protection Authority, Locked Bag 10, Joondalup DC, WA 6919. Please quote the case number CMS17435 on any further correspondence.

The EPA will not proceed with its assessment of the proposal until you have provided the requested information and it is considered to be adequate, or if you advise the EPA that the further information is not available and/or cannot be obtained.

Yours sincerely



Tom Hatton
CHAIRMAN

29 September 2020

Att. Department Agriculture, Water and the Environment decision on assessment approach dated 4 September 2020



Mr Mike Rowe
Director General
Department of Water and Environmental Regulation
8 Davidson Terrace
JOONDALUP DC WA 6919

Dear Mr Rowe

**Decision on assessment approach - accredited assessment
Residential Development, Lot 123 Mortimer Road, Casuarina, WA (EPBC
2018/8379)**

I am writing to you in relation to the proposal to clear native vegetation for the purposes of residential development including activities associated with site preparation, construction of facilities and infrastructure on Lot 123 Mortimer Road, Casuarina, Western Australia.

On 2 April 2019, I decided that the proposed action is a controlled action and that it requires assessment and a decision about whether approval for it should be given under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). At that time, an assessment approach decision was not advised in order to await advice from your Department as to whether the proposal could be assessed as an accredited assessment.

On 24 July 2020 [REDACTED] wrote to the Department noting that an accredited assessment could be undertaken and that a revised notice could be issued to the proponent taking into account the Department's additional information requirements.

**I have now decided that the proposed action is to be assessed by state
assessment under an accredited assessment.**

I would appreciate if you could please progress the issuing of a revised notice to incorporate the Department's information request, which was provided to [REDACTED] on 08 July 2020 and is copied at [Attachment A](#) to this letter, as soon as practicable.

If you have any questions about the referral process or this decision, please contact the project manager, [REDACTED], by email to [REDACTED] or telephone [REDACTED] and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Kylie Calhoun
Assistant Secretary
Environment Assessments West (WA, SA, NT) Branch

4 September 2020



Request for Additional Information – EPBC 2018/8379

Matters of National Environmental Significance:

- For Carnaby's Black-Cockatoo (CBC) (*Calyptorhynchus latirostris*), Baudin's Black-Cockatoo (*Calyptorhynchus baudinii*), and Forest Red-tailed Black-Cockatoo (*Calyptorhynchus banksii naso*) (Black Cockatoos) the Department would like to see further information provided on the direct and indirect impact on Black Cockatoos, including on foraging, roosting, and breeding habitat on site and in the surrounding area. This should include information on the correct number of hollow bearing trees on the study site, the number of hollows per tree, how many of the hollows are currently suitable for use, and how many hollows show evidence of current or recent use.
- For the Glossy-leafed Hammer Orchid (*Drakaea elastica*), King Spider-orchid (*Caladenia huegelii*), and Dwarf Bee-orchid (*Diuris micrantha*) (Threatened Orchids) the Department notes that, while the consultant has stated in recent correspondence that no orchids are present, data which confirms this has not been formally provided and the survey conducted prior to the referral being submitted to the Department may not be adequate.

The Glossy-leafed Hammer Orchid has a peak flowering period of late September to early November, King Spider-orchid is best detected between mid-September to October and the Dwarf Bee-orchid is at peak detectability from August to early October. While there is some overlap of flowering periods and the time the survey was undertaken (mid to late October), most orchids flower over a short period, usually in the order of weeks and sometimes as little as a few days. Flowering periods may also be heavily dependent on climactic factors such as rainfall and some orchids may also not bloom at all in some years. The Department therefore generally requires multiple surveys across several weeks or for survey periods to be based on flowering of known populations in the local area. It is recommended that additional surveys are conducted, in line with the draft survey guidelines for Australia's threatened orchids (<http://www.environment.gov.au/resource/draft-survey-guidelines-australias-threatened-orchids>), in order to definitively establish the presence or absence of these three species on the proposed site area, or that further information is provided which conclusively rules them out.

- For the Banksia Woodlands of the Swan Coastal Plain TEC the Department requests that the proponent provides additional information which describes the direct, indirect, and compounded impact of the proposed action on the remaining Banksia Woodland TEC on the site and in the surrounding areas, including:
 - hydrological changes (including increased runoff during rain events, changes in depth to groundwater, movement of contaminants within stormwater, and use of phosphorus-based fertilisers in turfed areas),

- The introduction of invasive species (including weeds) to the site and to the surrounding areas, and
- Potential Phytophthora Dieback, resulting in the loss or degradation of remaining Banksia Woodland TEC on the proposed action site and surrounding areas.
- The Department also notes that there are two instances of the Assemblages of Plants and Invertebrate Animals of Tumulus (organic mound) Springs of the Swan Coastal Plain TEC within 1 km and 1.5 km of the proposed action area. Unlike other occurrences of this TEC the Department understands that the hydrology of these instances is not driven by the Gnangara Mound. The Department would therefore like to see further information on the direct, indirect, and compounded impact of the proposed action on any instances of the Mound Spring TEC in the surrounding area, including details on the potential impact of hydrological changes (including increased runoff during rain events, changes in depth to groundwater, movement of contaminants within stormwater, and use of phosphorus-based fertilisers in turfed areas).
- Further information which describes the role of the site as a vegetation corridor and potential use as a wildlife corridor should also be provided.

Offsets

- In the case where impacts cannot be fully avoided or mitigated, the assessment documentation should provide further details on offsets proposed to compensate for any significant residual impacts, including:
 - a) type of offsets proposed;
 - b) extent to which the proposed offset actions correlate to, and adequately compensate for, the significant residual impacts of the proposed action on the protected matter;
 - c) suitability of the location of any proposed offset site for the protected matter;
 - d) conservation gain to be achieved by the offset i.e. positive management strategies that improve the site or averting the future loss, degradation or damage of the protected matter;
 - e) time it will take to achieve the proposed conservation gain;
 - f) level of certainty that the proposed offset will be successful;
 - g) current land tenure of any proposed offset and the method of securing and managing the offset for the life of the impact;
 - h) a completed *Offset Assessments Guide* for the proposed offset area including further discussion/justification for the figures used to complete the offset calculations; and
 - i) a demonstration of how the proposed offset is consistent with the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy, October 2012*.

Social and Economic Impacts

- The assessment documentation should include a discussion on the social and economic costs and/or benefits of undertaking the proposed action, including the:
 - a) basis for any estimations of costs and/or benefits;
 - b) potential employment opportunities expected to be generated at each phase of the
 - c) proposed action;
 - d) benefits to the local and wider community as a result of the proposed action; and
 - e) details of any public and stakeholder consultation activities, including the outcomes.

Other Matters

- The assessment documentation should clearly demonstrate that the proposed action is not inconsistent with any relevant recovery plan or threat abatement plan and should also have regard to any relevant approved conservation advice for EPBC listed species and threatened ecological communities.

Request for Additional Information from the Department of Agriculture, Water, and the Environment (08 July 2020)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Meeting with DAWE and EPA Services re Lot 123 Mortimer Rd Subdivision [SEC=OFFICIAL]
Date: Wednesday, 8 July 2020 10:59:00 AM
Attachments: image005.png
image006.png

Dear [REDACTED]

Thank you for the opportunity to comment on the referral that was submitted to the WA EPA.

Overall, the nature of the project and the possible impacts as outlined in our referral documentation and the WA EPA referral documentation are comparable, which should enable an accredited assessment to progress. I will work on preparing an assessment approach decision with the expectation that we will take this approach. I would appreciate it if you could please notify me as soon as the EPA makes a determination on whether or not to assess so that I can hand that decision on to the delegate.

Please note that an accredited assessment will need to fully cover matters of national environmental significance (namely threatened species and communities, specifically those outlined below) and include an appropriate public comment period.

The Department encourages the EPA, should they decide to assess, to seek further information from the proponent as there were some outstanding matters identified during our referral that we would like to see addressed during the State-led assessment process, and which may also be relevant for your own considerations. These points include:

- For Carnaby's Black-Cockatoo (CBC) (*Calyptorhynchus latirostris*), Baudin's Black-Cockatoo (*Calyptorhynchus baudinii*), and Forest Red-tailed Black-Cockatoo (*Calyptorhynchus banksii naso*) (Black Cockatoos) the Department would like to see further information provided on the direct and indirect impact on Black Cockatoos, including on foraging, roosting, and breeding habitat on site and in the surrounding area. This should include information on the correct number of hollow bearing trees on the study site, the number of hollows per tree, how many of the hollows are currently suitable for use, and how many hollows show evidence of current or recent use.
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- Further information which describes the role of the site as a vegetation corridor and potential use as a wildlife corridor should also be provided.

Should the EPA seek further information following a decision on whether or not to assess the Department would appreciate the opportunity to comment on any additional information request/scoping document prior to it being finalised, in order to ensure our information needs are met.

Please let me know if you have any questions about our information requirements or the accredited process.

Regards,

