

Your Ref: CMS15134
Our Ref: AQUA Doc # 12822798
Enquiries: Natalie Jackson
Telephone: 6330 6741



8 May 2014

Dr Paul Vogel
Chairman
Environmental Protection Authority
Locked Bag 33
CLOISTERS SQUARE WA 6850

Dear Dr Vogel

**RE: ELLENBROOK WATER SUPPLY TANKS PROJECT
REFERRAL UNDER S38 OF THE ENVIRONMENTAL PROTECTION ACT 1986**

The Water Corporation is pleased to submit the Environmental Protection Authority's (EPA) Referral Form and supporting documentation in relation to the Water Corporation's proposal for the development of a new water supply tank and associated infrastructure to be located in Ellenbrook, approximately 20 kilometers (km) north east of Perth.

Please note this letter is to be read in conjunction with the attached EPA Referral Form and associated supporting information.

Background

To ensure the security of the community's future water supply, the Water Corporation has determined that three 80 ML water storage tanks, and associated infrastructure, are required. The assets will be located within the Water Corporation's Reserve 49043, and will be progressed in three stages.

The proposal involves the clearing of 16.52 ha of native and non-native vegetation. Construction for Stage 1 (Tank 1) of the project is proposed to commence late 2015. Stage 2 (Tank 2) is predicted to be required by 2034 and Stage 3 (Tank 3) is not expected to be required before 2058.

Basis for Referral

The proposed project falls within the *Environmental Protection Gnangara Mound Crown Land Policy 1992* area. Part 15 of the *Environmental Protection Gnangara Mound Crown Land Policy 1992* states that 'a person shall not clear, destroy or remove any native vegetation on or from the policy area unless (a) the person is authorised under the Act to do so and is acting in accordance with that authorisation...', where Part 10 of the *Environmental Protection Gnangara Mound Crown Land Policy 1992* states 'authorised under the Act means –

- (a) Authorised under a works approval, a licence, a requirement contained in a pollution abatement notice, a condition under Section 45 of the Act, a direction under 73 of the Act or an exemption under 75 of the Act; or
- (b) In relation to a proposal, informed by the Authority under Section 40 (1)(a) of the Act that the proposal does not need to be assessed under Part IV of the Act.'

The project area intersects Bush Forever Site No. 399 (*Melaleuca Park and Adjacent Bushland, Bullsbrook/ Lexia*), which is listed as being part of a regionally significant contiguous bushland/wetland linkage. It is of particular significance as it provides corridors through otherwise highly cleared lands and provide linkages of regional significance.

The Priority 3 Ecological Community (PEC) 'Swan Coastal Plain *Banksia attenuata* - *Banksia menziesii* woodlands', (SCP23b) is present within the northern section of the project area and is associated within the vegetation type *Banksia* Low Open Forest (11.86 ha).

In addition, there is potential for the project area to support threatened Flora and Fauna protected under the Wildlife Conservation Act 1950 and listed by the DER, however none were found during the field surveys.

The Proposal

The Water Corporation believes that the proposed work does not require formal assessment under Part IV of the EP Act and can be appropriately managed under Part V of the EP Act.

Other Matters

In September/October 1992, the then Water Authority submitted a Proposal Application to the EPA with reference to a 12 ha area for the purposes of constructing the reservoir on the 'Ellenbrook Tank Site'. The EPA decided to informally assess the proposal and provide advice in relation to the management of environmental issues during project implementation. This current referral refers to 9.6 ha of vegetation within the 'Ellenbrook Tank Site' which covers portions of Bush Forever Site No. 399 and PEC SCP23b.


The Water Corporation has submitted a referral under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the Department of the Environment (DoE) in January 2015. The DoE decided that the proposed action is a controlled action as it is likely to have a significant impact on foraging habitat for the listed endangered Carnaby's Black-Cockatoo (*Calyptorhynchus latirostris*). At this stage, a decision has not been made on the approach that must be used to assess the project. The Water Corporation has advised the DoE of this referral to the EPA. The Water Corporation's intention, if it is determined that the project will be dealt with under Part V of the EP Act, is to request the WA Government to apply the assessment bilateral agreement between the Commonwealth Government and the WA Government.

The Water Corporation is currently in consultation with the Department of Parks and Wildlife and the DER in regards to investigating a number of potential offset options, including financial contribution to land acquisition and revegetation, to counterbalance any significant residual impacts associated with the project.

If you have any queries regarding this proposal, please do not hesitate to contact Natalie Jackson (Natalie.Jackson@watercorporation.com.au) or 6330 6741.

Yours sincerely



 Rupert Duckworth
Manager, EIA & Approvals Section,
Environment and Aboriginal Affairs Branch
Water Corporation

Enclosed: EPA Referral Form
Attachments 1 – Figures and Appendices
Enclosure 1 – Spatial data