



Government of Western Australia
Public Transport Authority

Your ref :
Our ref : A10429895
Enquiries : Danielle Matthews
9326 3423

1 May 2024

Andrew Trosic
Director Development Services
Shire of Serpentine Jarrahdale
6 Paterson Street
MUNDIJONG WA 6123

Dear Andrew

**Brickwood Reserve Environmental Offset Proposal - Byford Rail Extension (SJ2201):
Response to Council Resolution of 18 March 2024**

Thank you for briefing representatives of the Public Transport Authority (PTA) and the Office of Major Transport Infrastructure Delivery (OMTID) on this matter. I wish to provide the following information in response to the Shire of Serpentine-Jarrahdale Council's resolution and request for additional information.

a. How additional land equivalent to the offset area (12 ha) will be secured and vested for the purposes of future offsetting needs that can be utilised by the Shire.

In relation to the 'offset area (12 ha)', the PTA wishes to clarify that it proposes to secure an approximate 7.5 ha 'offset allocation area' within a 12 ha 'onground management area,' as illustrated in the attached figure and explained further below:

- The approximate 7.5 ha 'offset allocation area' within Brickwood Reserve includes at least 6.5 ha of threatened ecological community (TEC) Swan Coastal Plain type 3a '*Corymbia calophylla – Kingia australis woodlands on heavy soils community of the Swan Coastal Plain*' (SCP 3a) and 4.2 ha of Conservation Category Wetland (CCW). This would be the 'offset allocation area' referenced in any offset strategy or management plans required under [Ministerial Statement 1183](#) and [EPBC 2020/8764](#).
- The PTA proposes that the offset allocation area be buffered within a larger 'onground management area' (12 ha), defined by existing firebreaks and property boundaries. This larger area would provide flexibility for the Shire in its implementation of onground management activities (e.g. weed control), to improve the condition of environmental values within the offset allocation area. The portion of the proposed onground management area outside of the proposed offset allocation area (equivalent to approximately 4.5 ha) would still be available for the Shire to allocate as an environmental offset for another project.

- Outside the PTA's proposed approximate 7.5 ha offset allocation area, Brickwood Reserve contains approximately 33 ha of TEC SCP 3a and 31 ha of CCW that would still be available for the Shire to use for any future environmental offsets.

Under WA and Commonwealth government policies, environmental offsets are required to provide 'like for like' compensation for residual significant impacts to environmental values. The [WA Environmental Offset Guidelines](#) states that "...impacts to an environmental value are required to be offset by actions that benefit the same environmental value being impacted" (p.13), and the [Commonwealth Environmental Offsets Policy](#) states that "Offsets must directly contribute to the ongoing viability of the protected matter impacted by the proposed action..." (p.17). In the case of the Byford Rail Extension (BRE) project, the PTA is providing direct (on-ground) and indirect (research) offsets to improve the condition of various environmental values, including TEC SCP 3a, CCW, black cockatoo foraging habitat and potential black cockatoo breeding trees.

The PTA is unable to secure and vest additional land for the Shire's future offsetting needs. However, once the Shire has determined its project impacts to specific environmental values, the PTA can provide advice to the Shire on environmental offset requirements. This may include assistance with interpretation of WA and Commonwealth requirements, inputs to offset calculations, review of existing government spatial data, and identification of environmental values on Crown land (potential offset sites).

b. A written legal position provided by the State Solicitor's Office, that clearly states the mechanisms by which the Shire will have no statutory compliance obligations in respect of fulfilling the offset requirements imposed by way of State and Federal Government statutory environmental approvals of the PTA project.

The PTA has sought advice from the State Solicitor's Office (SSO) and has been informed that the SSO does not advise or assist entities other than the State government and its agencies. Therefore, the SSO will not be able to provide advice to the Shire on this matter. The SSO has explained that any protections or limitation on liability that the Shire is seeking will be contained in the Memorandum of Understanding (MoU), which will be prepared under the SSO's guidance.

The [WA Environmental Offset Guidelines](#) states that "...while third party delivery arrangements may occur, the legal obligation remains with the proponent or permit holder" (p.29) and the [Commonwealth Environmental Offsets Policy](#) states that "regardless of the offset delivery mechanism, project proponents remain responsible for ensuring that their conditions of approval are met" (p.26). The PTA is the proponent for both [Ministerial Statement 1183](#) and [EPBC 2020/8764](#) will therefore remain legally responsible for compliance with the relevant offset conditions.

The SSO has been involved in the preparation of all MoUs for METRONET environmental offsets. The attached draft MoU is based on a recently executed MoU between the PTA and the Department of Biodiversity Conservation and Attractions (DBCA) for Roman Road Nature Reserve in Mundijong. The PTA invites the Shire's feedback on the draft MoU for Brickwood Reserve, which will then be reviewed by the SSO.

We thank the Shire for its continued interest in supporting the PTA in delivering the BRE project's environmental offset commitments and look forward to your response. Should you have any queries regarding this correspondence, please contact Danielle Matthews, Principal Environmental Planner (email: Danielle.Matthews@pta.wa.gov.au, phone (08) 9326 3423).

Yours sincerely



Chrissie Delfos
A/ENVIRONMENTAL MANAGER
PUBLIC TRANSPORT AUTHORITY

Att: (1) Map of Proposed Brickwood Reserve Environmental Offset; (2) Draft PTA-Shire MoU for Brickwood Reserve