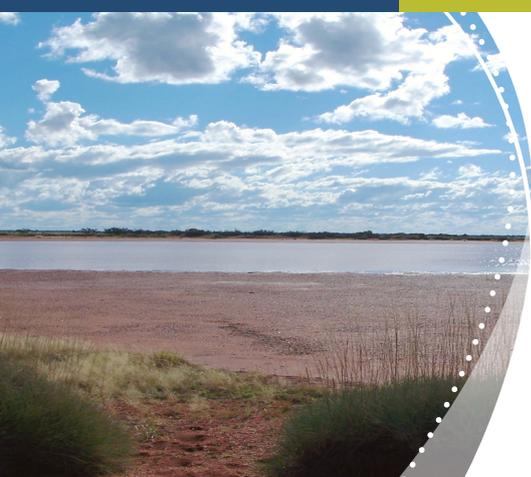




Report and recommendations of the Environmental Protection Authority



Perth-Darwin National Highway (Swan Valley Section) - inquiry under section 46 of the *Environmental Protection Act 1986* to amend Ministerial Statement 1036

Commissioner for Main Roads
Western Australia

Report 1652

October 2019

Inquiry under Section 46 of the *Environmental Protection Act 1986*

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions relating to the Perth-Darwin National Highway (Swan Valley Section) proposal (Ministerial Statement 1036).

Section 46(6) of the *Environmental Protection Act 1986* requires the EPA Report to include:

1. a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be changed
2. any other recommendations that it thinks appropriate.

The following is the EPA's Report and Recommendations to the Minister pursuant to s. 46(6) of the *Environmental Protection Act 1986*.



Dr Tom Hatton
Chairman

8 October 2019

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1. The proposal

The Commissioner for Main Roads Western Australia (Main Roads WA) is currently implementing the Perth-Darwin National Highway (Swan Valley Section) proposal to construct and operate a 38 kilometre (km) long section of the Perth-Darwin National Highway between Malaga and Muchea. The proposal consists of a dual carriageway highway and will connect the intersection of Tonkin Highway and Reid Highway in Malaga with the intersection of the Great Northern Highway and Brand Highway in Muchea.

The Environmental Protection Authority (EPA) assessed the proposal at the level of Public Environmental Review with a four week public review, releasing its Report and Recommendations (Report 1569) in July 2016.

In Report 1569 the EPA identified the following key environmental factors relevant to the proposal:

- Flora and Vegetation
- Terrestrial Fauna
- Hydrological Processes
- Inland Waters Environmental Quality
- Amenity (noise and vibration)
- Offsets (integrating factor).

In applying the *Statement of Environmental Principles, Factors and Objectives* (EPA 2018c) these factors are now represented by:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings.

The EPA concluded in Report 1569, that the proposal may be implemented to meet the EPAs objectives, provided the implementation of the proposal is carried out in accordance with the recommended conditions and procedures.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial Statement 1036 (23 September 2016).

Previously approved changes to conditions

Two changes to the conditions of Ministerial Statement 1036 have previously been approved under s. 46C of the *Environmental Protection Act 1986* (EP Act). In

November 2016 and November 2017, conditions 12-3 and 16-20, respectively were amended to correct clerical mistakes and an unintentional error.

Previously approved changes to the proposal

In June 2017, a change to the proposal was approved under s. 45C of the EP Act. The approved increase in the development envelope of 19.07 hectares (ha) was required to allow for:

- the construction of additional minor roads and driveways
- the connection of the principal shared path constructed as part of the proposal to the existing principal shared path network.

The increase in the development envelope required clearing of an additional 0.34 ha of native vegetation.

2. Requested changes to conditions

In June 2018, the Commissioner for Main Roads Western Australia requested the following changes to the implementation conditions of Ministerial Statement 1036:

- that reference to *Claypans of the Swan Coastal Plain* be removed from conditions 10-1(1), 14-1(1), 14-1(2), 14-9 and Schedule 1 Figure 6
- condition 16-5 be revised to remove the responsibility of Main Roads Western Australia to vest the Ippolo Road site with the Conservation and Parks Commission.

In December 2018, the Minister for Environment requested that the EPA inquire into and report on the matter of changing the implementation conditions relating to the proposal. This report satisfies the requirements of the EPA's inquiry.

The EPA has discretion as to how it conducts this inquiry. The inquiry has considered:

- the currency of its original assessment (Report 1569)
- Ministerial Statement 1036
- information provided by the proponent
- advice from relevant decision making authorities
- advice from interested stakeholders, including the Department of Biodiversity, Conservation and Attractions (DBCA)
- any new information regarding the proposal's potential impacts on the environment.

These documents are instructive in determining the extent and nature of the inquiry under s. 46 of the EP Act.

EPA policy and procedures

The EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* (EPA 2016b) and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016* (EPA 2018b).

3. Inquiry findings

3.1 Claypans of the Swan Coastal Plain

The EPA considered that the following are the key environmental factors relevant to the change to conditions in relation to Claypans of the Swan Coastal Plain:

- Flora and Vegetation
- Inland Waters

The EPA's environmental objective for the factor of Flora and Vegetation is *to protect flora and vegetation so that biological diversity and ecological integrity are maintained.*

The EPA's environmental objective for the factor of Inland Waters is *to maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.*

EPA Report 1569

In assessing the proposal, the EPA noted that 9.8 ha of the state listed Priority 1 Ecological Community 'Clay pans with mid dense shrublands of *Melaleuca lateritia* over herbs', which is a component of the Commonwealth listed Critically Endangered threatened ecological community (TEC) Claypans of the Swan Coastal Plain (Claypans TEC), occurred in close proximity to the development envelope.

The EPA considered that the proponent has avoided direct impacts to the Claypans TEC at Muchea through design of the proposal and noted the proponent's proposed mitigation measures to reduce impacts associated with construction of the proposal. However, the EPA considered that indirect impacts to the Claypans TEC may occur as a result of changes in groundwater quality and hydrology, and that the proponent would need to manage indirect impacts to the Claypans TEC to ensure impacts from dust, weeds and dieback were minimised as far as practicable.

To manage these impacts, the EPA recommended the following conditions:

- That indirect impacts to the Claypans TEC are minimised by the preparation and implementation of a Flora and Vegetation – Indirect Impacts and Threatened Flora and Communities – Condition Environmental Management Plan (CEMP).
- That construction and operation of the proposal, including from dewatering and abstraction, does not result in indirect impacts to the Claypans TEC and that pre-development surface water flows are maintained for the Claypans TEC by the preparation and implementation of the Flora and Vegetation – Inland Waters – CEMP.
- That laydown areas or stock piles are to be located at least 50 metres from the Claypans TEC.

Assessment of the proposed change to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental Factor Guideline – Flora and Vegetation* (EPA 2016a)
- *Environmental Factor Guideline – Inland Waters* (EPA 2018a)
- *Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA 2016c).

In the proponent's public environmental review document, it was noted that there was some uncertainty regarding the classification of vegetation at the identified location of the Claypans TEC at Lot 809 Great Northern Highway in Muchea. For the purpose of the assessment, a conservative approach was taken, and the community was considered as the Commonwealth Claypans TEC.

In the course of implementing the proposal, Main Roads WA were informed that Emerge Associates (Emerge) had conducted additional surveys of the inferred Claypans TEC on behalf of the landowner, Sirona Capital Management Pty Ltd (Sirona). Emerge had undertaken initial flora and vegetation and wetland assessment surveys of the area in 2012.

In July 2016, the Department of Planning, Lands and Heritage notified Sirona that the Claypans TEC may be present within the area based on the analysis undertaken for the Perth-Darwin National Highway proposal. This analysis was at variance to the original analysis undertaken by Emerge.

Subsequently, Emerge completed further surveys of the wetland vegetation in 2016 to ascertain whether the Claypans TEC was present. Emerge provided an update on the wetland flora and vegetation of the site by combining the 2016 survey data with the pre-existing 2012 data. Analysis determined that the community within the site best represented floristic community type (FCT) 11 Wet forests and woodlands, which is not a component of the Claypans TEC.

Correspondence between Emerge and the DBCA indicated that the additional floristic analysis of the vegetation community was appropriate. It was further agreed that the vegetation at the site was no longer considered to be representative of the Claypans TEC.

The Department of Water and Environmental Regulation (DWER) has previously considered the classification of vegetation at Lot 809 Great Northern Highway, Muchea in regards to a request by Main Roads WA to cease monitoring at the site. Monitoring was required to fulfil the requirements of the Flora and Vegetation – Inland Waters – CEMP required by condition 14 of Ministerial Statement 1036.

Based on the advice provided by the DBCA to Emerge, the DWER considered it appropriate that monitoring should cease at the site previously considered to be representative of the Claypans TEC depicted in Figure 6 of Schedule 1 to Ministerial Statement 1036.

Given the more recent results of floristic analysis undertaken by Emerge and the advice provided by the DBCA, the EPA considers that it is unlikely that the Claypans TEC occurs in proximity to the proposal. Therefore, the EPA recommends that reference to Claypans of the Swan Coastal Plain be deleted from conditions 10-1(1), 14-1(1), 14-1(2) and 14-9 and from Figure 6 of Schedule 1 of Ministerial Statement 1036.

The EPA notes that although not representative of the Claypans TEC, the DBCA considers that the area appears to be a functioning wetland subject to natural hydrological processes, and contains vegetation with a moderate level of species diversity. A preliminary assessment by the DBCA indicates that this wetland has high conservation value.

Noting the advice from the DBCA, the EPA considers that the proposal can still be implemented to achieve its objectives for Flora and Vegetation and Inland Waters. Condition 10 will still require that indirect impacts to flora and vegetation, including from changes to surface water regimes, are minimised as far as practicable through the implementation of a CEMP.

In reviewing the requirements of condition 14, the EPA notes that the proponent has prepared and submitted a baseline survey plan and undertaken baseline surveys for the purpose of establishing trigger and threshold criteria. The EPA notes that the DWER notified Main Roads WA in March 2017 that the requirements of conditions 14-4(1), 14-4(2), 14-4(3) and 14-4(4) of Ministerial Statement 1036 have been met. The EPA further notes that Main Roads WA advised the DWER that baseline surveys were undertaken between December 2015 and May 2017 and results have been used to inform trigger and threshold criteria.

Therefore the EPA considers that conditions 14-3 to 14-6 of Ministerial Statement 1036 are no longer required and can be deleted, and recommends a condition to ensure that trigger and threshold criteria continue to be based on the results of the baseline surveys.

The EPA notes that the CEMPs required by conditions 10 and 14 will need to be updated in accordance with these changes to conditions.

3.2 Ioppolo Road Site Land Acquisition and Management Plan

Consistent with condition 16-2 of Ministerial Statement 1036, the objective of the Ioppolo Road Site Land Acquisition and Management Plan (LAMP) is to detail how the proponent will achieve the objective of counterbalancing the significant residual impacts to:

- 7.65 ha of A Class nature reserves
- 202 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat
- 99.1 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) potential foraging habitat.

EPA Report 1569

During its assessment, the EPA noted the proponent's application of the mitigation hierarchy to avoid, minimise and mitigate the potential impacts of the proposal on the environment. The EPA considered that following the implementation of all mitigation measures, a number of significant residual impacts remained.

In the EPA's view, offsets were an appropriate measure to counterbalance the significant residual impact consistent with the WA Environmental Offset Policy and Guidelines. As part of a broader offset package, the EPA noted that the proponent proposed to cede 673.5 ha of a 983 ha block at Lot M2091 Ioppolo Road Chittering (referred to as the Ioppolo Road Site) to the Conservation and Parks Commission for vesting as a conservation reserve.

During its assessment, the EPA considered that the proposed vesting of a portion of the Ioppolo Road Site as a conservation reserve would adequately address the significant residual impacts to 7.65 ha of A Class nature reserve from the proposal.

Environmental values of Ioppolo Road Site

The Ioppolo Road Site contains the following environmental values:

- vegetation in Very Good to Excellent condition
- is contiguous with existing nature reserves
- Carnaby's and forest red-tailed black cockatoo foraging and potential breeding and roosting habitat
- Threatened and Priority Ecological Communities and flora species
- known and potential habitat for significant fauna species including the western brush wallaby.

Memorandum of Understanding

In a letter to Main Roads WA dated December 2016, the then Department of Parks and Wildlife stated that the Ippolo Road Site contains significant conservation values and is an important addition to the existing Ippolo Nature Reserve. The department was of the view that implementation of the required works set out in a Memorandum of Understanding will assist in establishing the area as a conservation reserve and ensure the area is conserved for its intrinsic value and for future generations to enjoy.

Status of Condition 16 – Ippolo Road Site Land Acquisition and Management Plan

In February 2017, the Chief Executive Officer (CEO) of the DWER advised Main Roads WA that the Ippolo Road Site LAMP (Coffey, Rev 2, January 2017) satisfies the requirements of condition 16-3 and is approved for implementation.

According to condition 16-4(2) the actions in the approved LAMP must be implemented by Main Roads WA until the CEO has confirmed in writing that the completion criteria in the Ippolo Road Site LAMP have been met and the implementation of actions is no longer required.

To date, the following actions have been or are currently being implemented as set out in the LAMP:

- ongoing pest animal control (feral deer/pigs)
- installation of motion sensor cameras for ongoing monitoring of pest animals
- survey and control of feral beehives
- track closures and blockages
- track rehabilitation
- green bridge (thick limestone layer) construction for dieback mitigation
- green bridge maintenance and repair
- dieback survey and treatment
- removal of rubbish
- installation of some signage.

These actions have contributed to establishing the area as a conservation reserve and provide the basis for ongoing management of the Ippolo Road Site. The EPA notes that the survey and control of feral bees in areas of black cockatoo habitat may increase the hollow availability for black cockatoos, an important management action for the protection of the species (Department of Parks and Wildlife 2013).

Condition 16-5 requires that:

Prior to the commencement of ground disturbing activities, or as otherwise agreed in writing by the CEO, the proponent shall acquire, or fully fund the acquisition of, the land identified in the approved Ippolo Road Site Land Acquisition and Management Plan, as required by condition 16-2, for the purpose of conservation. The land identified in the approved Ippolo Road Site Land Acquisition and Management Plan shall be vested to the Conservation and Parks Commission for the purpose of conservation of flora and fauna.

According to the LAMP and advice received from the DBCA, Main Roads WA has fully funded the acquisition of land identified in the approved LAMP for the purpose of conservation. Currently, the Ippolo Road Site is owned by the DBCA as freehold land and is being managed as if it were part of the conservation estate. In this regard, the EPA notes that the proponent has satisfied the requirement of condition 16-5 where it falls within the proponent's responsibility.

The second part of condition 16-5 refers to vesting to the Conservation and Parks Commission which cannot be implemented by the proponent because the proponent does not have the legal capacity or ability to vest the site to the Conservation and Parks Commission as they are not the landowner. The DBCA has advised that the creation of a reserve requires other agencies and entities within the state government to coordinate and progress.

It is also understood that the Department of Mines, Industry Regulation and Safety (DMIRS) has yet to agree to the Ippolo Road Site being listed as a conservation reserve.

For this reason, the proponent is seeking a change by removing the second sentence in condition 16-5 about vesting to the Conservation and Parks Commission.

Assessment of the proposed change to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the change to condition 16-5 for this matter:

- *Statement of Environmental Principles, Factors and Objectives* (EPA 2018c).

In addition, the EPA also had regard to the following current environmental policy and guidance regarding offsets:

- *WA Environmental Offsets Policy* (Government of Western Australia 2011)
- *WA Environmental Offsets Guidelines* (Government of Western Australia 2014).

As mentioned above, the DBCA has advised that they will continue to manage the Ippolo Road Site as if it were a conservation reserve and in accordance with the Memorandum of Understanding between Main Roads WA and the DBCA. However,

retaining the site as freehold does not afford the DBCA or the Minister for Environment with a formal legal role in determining, or being consulted about, whether, and under what conditions, activities such as mineral exploration and development may occur on the land. As such, any proposed activities will need to be referred to the EPA for a determination.

The EPA notes that vesting of the land in the conservation estate is beyond the control of Main Roads WA and there is no further action that Main Roads WA can reasonably undertake to either initiate or expedite the vesting of the Ippolo Road Site in the conservation estate.

Having considered the DBCA's advice, and noting that vesting of the Ippolo Road Site is not within the control of the proponent, the EPA recommends that condition 16-5 of Ministerial Statement 1036 be amended to only refer to actions that can be implemented by the proponent.

The EPA considers that steps still need to be taken to progress a change in the tenure of the land to a formal *Conservation and Land Management Act 1984* (CALM Act) nature reserve. The EPA further recommends that the relevant agencies should continue to work together to ensure that the tenure of the Ippolo Road Site is converted to an A Class nature reserve under the CALM Act, for the purpose of conservation of flora and fauna.

Until the tenure of the Ippolo Road Site is changed, the EPA considers that the ongoing implementation of the approved LAMP will continue to ensure that the Ippolo Road Site is managed to conserve flora and fauna. The EPA also notes that the area is included and shown in the state government's offset register consistent with the *WA Environmental Offset Guidelines*.

While the change in tenure is being progressed the EPA recommends that should there be any activities that have the potential to significantly impact on the conservation values of the Ippolo Road site (for example mineral exploration activities) then they should be referred to the EPA under section 38 of the EP Act, by the relevant decision making authority.

Further, the Ippolo Road Site contains numerous Matters of National Environmental Significance and any proposed 'action' would require referral under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

4. Conclusions and recommendations

Change to condition 10-1(1)

The proponent has requested removing reference to Claypans of the Swan Coastal Plain. The EPA considers this is appropriate.

Change to condition 14-1(1)

The proponent has requested removing reference to Claypans of the Swan Coastal Plain. The EPA considers this is appropriate.

Change to condition 14-1(2)

The proponent has requested removing reference to Claypans of the Swan Coastal Plain. The EPA considers this is appropriate.

Change to conditions 14-3, 14-4, 14-5 and 14-6

The EPA has recommended the removal of conditions requiring the preparation, submission and implementation of a baseline survey plan and associated surveys. Baseline surveys have been completed and have informed trigger and threshold criteria for ongoing monitoring. The EPA has recommended a new condition 14-3, which would replace conditions 14-3, 14-4, 14-5 and 14-6, requiring trigger and threshold criteria to be based on results of baseline surveys.

Change to conditions 14-7 and 14-8

The deletion of conditions 14-4, 14-5 and 14-6 has resulted in the numbering of conditions 14-7 and 14-8 changing to conditions 14-4 and 14-5 respectively.

Change to condition 14-9

The proponent has requested removing reference to Claypans of the Swan Coastal Plain. The EPA considers this is appropriate. Condition numbering has changed; the relevant condition is 14-6.

Change to condition 16-5

The proponent has requested the condition be amended to remove the reference in the condition to vest the Ippolo Road Site with the Conservation and Parks Commission. The EPA considers it is appropriate to remove this requirement. The EPA recommends that steps continue to be taken to progress a change in the tenure of the land to an A Class nature reserve and that the relevant agencies continue to work together to ensure that the tenure of the Ippolo Road Site is changed.

Change to Schedule 1 Figure 6

The proponent has requested removing reference to Claypans of the Swan Coastal Plain. The EPA considers this is appropriate.

Conclusions

In relation to the environmental factors, and considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA concludes that:

- There are no changes to the proposal.
- There is no significant new or additional information that changes the conclusions reached by the EPA under any of the relevant environmental factors since the proposal was assessed by the EPA in Report 1569 (July 2016).
- No new key environmental factors relevant to the proposal have arisen since the EPA's original assessment.
- The potential impacts to the key environmental factors are considered manageable, based on the requirements of existing conditions, and the implementation of the attached recommended conditions.

Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment under s. 46 of the EP Act:

1. While retaining the environmental requirements of the original conditions of Ministerial Statement 1036, it is appropriate to change implementation conditions 10-1(1), 14-1(1), 14-1(2), 14-9 and Schedule 1 Figure 6 to remove reference to Claypans of the Swan Coastal Plain, and replace them with new implementation conditions.
2. While retaining the environmental requirements of the original conditions of Ministerial Statement 1036, it is appropriate to remove implementation conditions 14-3, 14-4, 14-5 and 14-6 to remove the requirement to prepare and submit a Baseline Survey Plan and undertake baseline surveys, and replace them with a new implementation condition.
3. While retaining the environmental requirements of the original conditions of Ministerial Statement 1036, it is appropriate to change implementation condition 16-5 to remove the reference to vest the Ippolo Road Site with the Conservation and Parks Commission.
4. After complying with s. 46(8) of the EP Act, the Minister may issue a statement of decision to change conditions 10, 14 and 16 and Schedule 1 Figure 6 of Statement 1036 in the manner provided for in the attached recommended Statement (Appendix 1).

References

Department of Parks and Wildlife 2013, *Carnaby's cockatoo (*Calyptorhynchus latirostris*) Recovery Plan*, Department of Parks and Wildlife, Perth, WA.

Environmental Protection Authority (EPA) 2016a, *Environmental Factor Guideline – Flora and Vegetation*, Environmental Protection Authority, Perth, WA.

EPA 2016b, *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016*, Environmental Protection Authority, Perth, WA.

EPA 2016c, *Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment*, Environmental Protection Authority, Perth, WA.

EPA 2018a, *Environmental Factor Guideline – Inland Waters*, Environmental Protection Authority, Perth, WA.

EPA 2018b, *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016*, Environmental Protection Authority, Perth, WA.

EPA 2018c, *Statement of Environmental Principles, Factors and Objectives*, Environmental Protection Authority, Perth, WA.

Government of Western Australia 2011, *WA Environmental Offsets Policy*, Perth WA.

Government of Western Australia 2014, *WA Environmental Offsets Guidelines*, Perth WA.

Appendix 1: Identified Decision-Making Authorities and recommended environmental conditions

Identified Decision-Making Authorities

The following decision-making authorities have been identified for the purposes of s. 45 as applied by s. 46(8) of the *Environmental Protection Act 1986*:

1. Minister for Environment
2. Minister for Transport
3. Minister for Water
4. Minister for Aboriginal Affairs
5. Minister for Planning
6. Minister for Lands
7. Director General, Department of Water and Environmental Regulation
8. Chair, Western Australian Planning Commission

RECOMMENDED ENVIRONMENTAL CONDITIONS

STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO A PROPOSAL

(Section 46 of the *Environmental Protection Act 1986*)

PERTH-DARWIN NATIONAL HIGHWAY (SWAN VALLEY SECTION)

Proposal: The proposal is to construct and operate a dual carriageway highway from the intersection of Tonkin Highway and Reid Highway in Malaga to the intersection of the great Northern Highway and Brand Highway in Muchea.

Proponent: Commissioner for Main Roads Western Australia
Australian Business Number 50 860 676 021

Proponent Address: Waterloo Crescent
EAST PERTH WA 6004

Assessment Number: 2188

Report of the Environmental Protection Authority: 1652

Previous Assessment Number: 1994

Previous Report of the Environmental Protection Authority: 1569

Preceding Statement Relating to this Proposal: Statement 1036

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 1036, be changed as specified in this Statement.

Condition 10 is changed.

Condition 10 of Ministerial Statement 1036 is deleted and replaced with:

10 Flora and Vegetation – Indirect Impacts and Threatened Flora and Communities – Condition Environmental Management Plan

10-1 The proponent shall manage the implementation of the proposal to meet the following **environmental objectives**:

- (1) to ensure that indirect impacts, including but not limited to weeds, unauthorised access, increased fire risk and litter, changes to surface

water regimes, to flora and vegetation, including but not limited to *Caladenia huegelii* habitat, *Grevillea curviloba* subsp. *incurva*, *Darwinia foetida*, Conservation Category Wetlands and *Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)* are minimised as far as practicable; and

- (2) to maintain or improve the condition of the remaining extent of SCP 20a as shown in Figure 4 of Ministerial Statement 1036, through implementation of the Flora and Vegetation – Indirect Impacts and Threatened Flora and Communities – Condition Environmental Management Plan approved by the CEO.

10-2 The proponent shall prepare the Flora and Vegetation – Indirect Impacts and Threatened Flora and Communities – Condition Environmental Management Plan required by condition 7-1 of Ministerial Statement 1036 on advice of the Department of Biodiversity, Conservation and Attractions.

Condition 14 is changed.

Condition 14 of Ministerial Statement 1036 is deleted and replaced with:

14 Flora and Vegetation – Inland Waters – Condition Environmental Management Plan

14-1 The proponent shall manage the construction of the proposal to meet the following **environmental outcomes**:

- (1) to ensure that construction and operation of the proposal, including from dewatering and groundwater abstraction, does not result in indirect impacts to *Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)* and Conservation Category Wetlands as shown in Figure 5 of Ministerial Statement 1036 and Figure 6 attached to this Statement; and
- (2) to ensure that construction of the proposal maintains predevelopment surface water flows to *Darwinia foetida*, *Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)* and Conservation Category Wetlands as shown in Figures 3 and 5 of Ministerial Statement 1036 and Figure 6 attached to this Statement,

through implementation of the Flora and Vegetation – Inland Waters – Condition Environmental Management Plan approved by the CEO.

14-2 The proponent shall prepare the Flora and Vegetation – Inland Waters – Condition Environmental Management Plan required by condition 8-1 of

Ministerial Statement 1036 on advice of the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions.

- 14-3 The proponent shall determine the trigger and threshold criteria required by conditions 8-2(1) and 8-2(2) of Ministerial Statement 1036 based on the results of baseline surveys.
- 14-4 The proponent shall undertake monitoring as required by condition 8-2(3) of Ministerial Statement 1036 for a period of three (3) years, or as otherwise agreed in writing by the CEO, post construction in order to demonstrate that the outcomes in condition 14-1(1) and 14-1(2) have been met.
- 14-5 In the event that monitoring required by condition 14-4 indicates that the outcomes in condition 14-1(1) and 14-1(2) have not been met the proponent shall undertake the requirements of condition 8-4 of Ministerial Statement 1036.
- 14-6 The proponent shall not construct laydown areas or stockpiles within 50 m of *Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)* and Conservation Category Wetlands as shown in Figure 5 of Ministerial Statement 1036 and Figure 6 attached to this Statement.

Condition 16 is changed.

Condition 16 of Ministerial Statement 1036 is deleted and replaced with:

16 Residual Impacts and Risk Management Measures

- 16-1 The objective of conditions 16-2 to 16-22 is to offset the following significant residual impacts:
 - (1) 4 ha of Threatened Ecological Community SCP 20a, 'Banksia attenuata woodlands over species rich dense shrublands';
 - (2) 5.5 ha of Yanga Vegetation Complex;
 - (3) 31.9 ha of *Caladenia huegelii* critical habitat;
 - (4) 129.9 ha of Bush Forever sites;
 - (5) 7.65 ha of A Class Nature Reserves;
 - (6) 207.2 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat;
 - (7) 120.5 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) foraging habitat; and

- (8) 16 ha of Conservation Category Wetlands.

Ippolo Road Site Land Acquisition and Management Plan

16-2 Prior to the commencement of ground disturbing activities, or as otherwise agreed in writing by the CEO, the proponent shall submit an Ippolo Road Site Land Acquisition and Management Plan to the requirements of the CEO, with the objective of counterbalancing the significant residual impact to:

- (1) 7.65 ha of A Class Nature Reserves;
- (2) 202 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat; and
- (3) 99.1 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) foraging habitat.

16-3 The Ippolo Road Site Land Acquisition and Management Plan shall:

- (1) identify the environmental attributes of the land to be acquired which must contain:
 - (a) at least 673.5 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) potential foraging habitat; and
 - (b) at least 279 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) potential foraging habitat;
- (2) detail the arrangements and funding for the upfront works associated with establishing the conservation reserve and ongoing management of the land acquired on advice from the Department of Biodiversity, Conservation and Attractions;
- (3) identify activities to be undertaken including improvement actions for areas identified as being in a degraded condition or cleared areas requiring rehabilitation;
- (4) detail timeframes for undertaking improvement actions and management activities;
- (5) identify roles and responsibilities of the proponent and any agreements with third parties;
- (6) detail completion criteria; and
- (7) include monitoring and reporting requirements.

- 16-4 After receiving notice in writing from the CEO that the Ippolo Road Site Land Acquisition and Management Plan satisfies the requirements of condition 16-3, the proponent shall:
- (1) prior to the commencement of ground disturbing activities, commence the implementation of the actions in accordance with the requirements of the approved Ippolo Road Site Land Acquisition and Management Plan; and
 - (2) continue to implement the approved Ippolo Road Site Land Acquisition and Management Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the completion criteria in the Ippolo Road Site Land Acquisition and Management Plan have been met and therefore the implementation of the actions is no longer required.
- 16-5 The proponent shall acquire, or fully fund the acquisition of, the land identified in the approved Ippolo Road Site Land Acquisition and Management Plan, as required by condition 16-2, for the purpose of conservation.
- 16-6 The proponent shall review and revise the Ippolo Road Site Land Acquisition and Management Plan as and when directed by the CEO.
- 16-7 The proponent shall implement the latest revision of the Ippolo Road Site Land Acquisition and Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 16-2.

Land Acquisition and Rehabilitation Offsets Strategy

- 16-8 Within twelve months of the publication of this Statement, the proponent shall prepare and submit a Land Acquisition and Rehabilitation Offsets Strategy to the CEO, with the objective of counterbalancing the significant residual impact to:
- (1) 5.5 ha of Yanga Vegetation Complex;
 - (2) 129.9 ha of Bush Forever sites;
 - (3) 5.2 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat;
 - (4) 21.4 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) foraging habitat; and
 - (5) 16 ha of Conservation Category Wetlands.

16-9 The Land Acquisition and Rehabilitation Offsets Strategy required by condition 16-8 shall:

- (1) identify an area or areas to be protected, managed and/or restored for conservation or enhancement of the values identified in condition 16-9;
- (2) identify the area(s) of land to be protected, managed and/or restored which must contain:
 - (a) no less than 48 ha of wetlands which are of the same quality as Conservation Category Wetlands at the time of acquisition or after rehabilitation;
 - (b) 181 ha with vegetation communities and/or complexes and conditions commensurate with the Bush Forever sites being impacted; and
 - (c) no less than 5.5 ha of Yanga Complex;
- (3) include a completed WA Offsets Template, as described in the WA Environmental Offsets Guidelines 2014, as well as the Commonwealth's Offset Assessment Guide, to demonstrate how the proposed offset counterbalances the significant residual impact to:
 - (a) 5.2 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat; and
 - (b) 21.4 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) foraging habitat;
- (4) identify the environmental attributes of the offset area(s);
- (5) commit to a protection mechanism for any areas of land acquisition, being either the area is ceded to the Crown for the purpose of conservation, or the area is managed under a Conservation Covenant in perpetuity;
- (6) if any land is to be ceded to the Crown for the purpose of conservation, the proponent will determine:
 - (a) the quantum of, and provide funds for, the upfront works associated with establishing the conservation area;
 - (b) the quantum of, and provide a contribution of funds for, the management of this area for no less than seven years;

- (c) the quantum identified in conditions 16-9(6)(a) and 16-9(6)(b) shall provide for the requirements defined in condition 16-9(7)(a) to be met; and
 - (d) an appropriate management body for the ceded land;
- (7) state the management and/or rehabilitation actions to be undertaken including:
- (a) the objectives and targets to be achieved, including completion criteria;
 - (b) the consistency of the objectives and targets identified in condition 16-10(7)(a) with the management objectives of the relevant Recovery Plans;
 - (c) management and/or rehabilitation actions and a timeframe for the actions to be undertaken;
 - (d) risk management;
 - (e) funding arrangements and timing of funding for conservation activities; and
 - (f) monitoring, reporting and evaluation mechanisms for management and/or rehabilitation actions;
- (8) define the role of the proponent and/or any third parties.

16-10 After receiving notice in writing from the CEO that the Land Acquisition and Rehabilitation Offset Strategy satisfies the requirements of condition 16-10, the proponent shall:

- (1) implement the actions in accordance with the requirements of the approved Land Acquisition and Rehabilitation Offsets Strategy; and
- (2) continue to implement the approved Land Acquisition and Rehabilitation Offsets Strategy until the CEO has confirmed by notice in writing that it has been demonstrated that the completion criteria in the Land Acquisition and Rehabilitation Offsets Strategy have been met and therefore the implementation of the actions is no longer required.

16-11 The proponent shall review and revise the Land Acquisition and Rehabilitation Offset Strategy as and when directed by the CEO.

***Caladenia huegelii* Habitat Management Plan**

- 16-12 Prior to commencement of ground disturbing activities, or as otherwise agreed in writing by the CEO, the proponent shall prepare and submit a *Caladenia huegelii* Habitat Management Plan to maintain or improve the conservation status of *Caladenia huegelii*, to the requirements of the CEO.
- 16-13 The proponent shall prepare the *Caladenia huegelii* Habitat Management Plan required by condition 16-12 on advice of the Department of Biodiversity, Conservation and Attractions.
- 16-14 The *Caladenia huegelii* Habitat Management Plan identified in condition 16-12, shall include details on the:
- (1) activities to be undertaken;
 - (2) consistency of the activities identified in condition 16-14(1) with the management objectives of the relevant Recovery Plan;
 - (3) timeframes for undertaking management activities;
 - (4) roles and responsibilities;
 - (5) funding arrangements for implementation of the plan;
 - (6) monitoring, reporting and evaluation mechanisms; and
 - (7) completion criteria.
- 16-15 The *Caladenia huegelii* Habitat Management Plan required by condition 16-12 shall apply to A Class Nature Reserves 23756, 46919 and 46875 and Bush Forever Site 300.
- 16-16 The activities to be undertaken as identified in condition 16-14(1) shall address the requirement for:
- (1) the provision of cable fencing and heavy duty gates;
 - (2) weed mapping and control;
 - (3) *Phytophthora cinnamomi* mapping;
 - (4) the development of a hygiene plan based on the mapping as identified in condition 16-16(3);
 - (5) *Caladenia huegelii* surveys and critical habitat mapping; and
 - (6) other activities to be undertaken that would maintain or improve the conservation status of *Caladenia huegelii*.

16-17 Prior to commencement of ground disturbing activities, and after receiving notice in writing from the CEO on the advice of the Department of Biodiversity, Conservation and Attractions that the *Caladenia huegelii* Habitat Management Plan satisfies the requirements of conditions 16-13 to 16-16, or as otherwise agreed by the CEO, the proponent shall implement the *Caladenia huegelii* Habitat Management Plan until the CEO advises implementation may cease.

16-18 The proponent shall review and revise the *Caladenia huegelii* Habitat Management Plan as and when directed by the CEO.

SCP 20a Offsets Strategy

16-19 The proponent shall undertake an offset with the objective of counterbalancing the significant residual impact to:

- (1) 4 ha of Threatened Ecological Community SCP 20a, '*Banksia attenuata* woodlands over species rich dense shrublands' as a result of the implementation of the proposal.

16-20 Within twelve months of the publication of this Statement, the proponent shall prepare and submit an SCP 20a Offsets Strategy to the CEO. The SCP 20a Offsets Strategy shall:

- (1) identify an area or areas to be protected, managed and/or rehabilitated for conservation or enhancement of SCP 20a, or habitat necessary to maintain or enhance SCP 20a, identified in condition 16-19(1);
- (2) include a completed WA Offsets Template, as described in the WA Environmental Offsets Guidelines 2014, as well as the Commonwealth's Offset Assessment Guide, to demonstrate how the proposed offset counterbalances the significant residual impact;
- (3) identify the environmental attributes of the offset area(s);
- (4) commit to a protection mechanism for any areas of land acquisition, being either the area is ceded to the Crown for the purpose of conservation, or the area is managed under a Conservation Covenant in perpetuity;
- (5) if any land is to be ceded to the Crown for the purpose of conservation, the proponent will identify:
 - (a) the quantum of, and provide funds for, the upfront works associated with establishing the conservation area;

- (b) the quantum of, and provide a contribution of funds for, the management of this area for no less than seven years;
 - (c) the quantum identified in conditions 16-20(5)(a) and 16-20(5)(b) shall provide for the requirements defined in condition 16-20(6)(a) to be met; and
 - (d) an appropriate management body for the ceded land;
- (6) state the management and/or rehabilitation actions to be undertaken including:
- (a) the objectives and targets to be achieved, including completion criteria;
 - (b) management and/or rehabilitation actions and a timeframe for the actions to be undertaken;
 - (c) funding arrangements and timing of funding for conservation activities; and
 - (d) monitoring, reporting and evaluation mechanisms for management and/or rehabilitation actions;
- (7) define the role of the proponent and/or any third parties.

16-21 After receiving notice in writing from the CEO that the SCP 20a Offsets Strategy satisfies the requirements of condition 16-20, the proponent shall:

- (1) implement the actions in accordance with the requirements of the approved SCP 20a Offsets Strategy; and
- (2) continue to implement the approved SCP 20a Offsets Strategy until the CEO has confirmed by notice in writing that it has been demonstrated that the completion criteria in the SCP 20a Offsets Strategy have been met and therefore the implementation of the actions is no longer required.

16-22 The proponent shall review and revise the SCP 20a Offsets Strategy as and when directed by the CEO.

Figure 6 of Schedule 1 of Ministerial Statement 1036 is deleted and replaced with:

Figure 6 Northern section of the alignment showing the development envelope and Conservation Category Wetlands and *Mound Springs of the Swan Coastal Plain*.

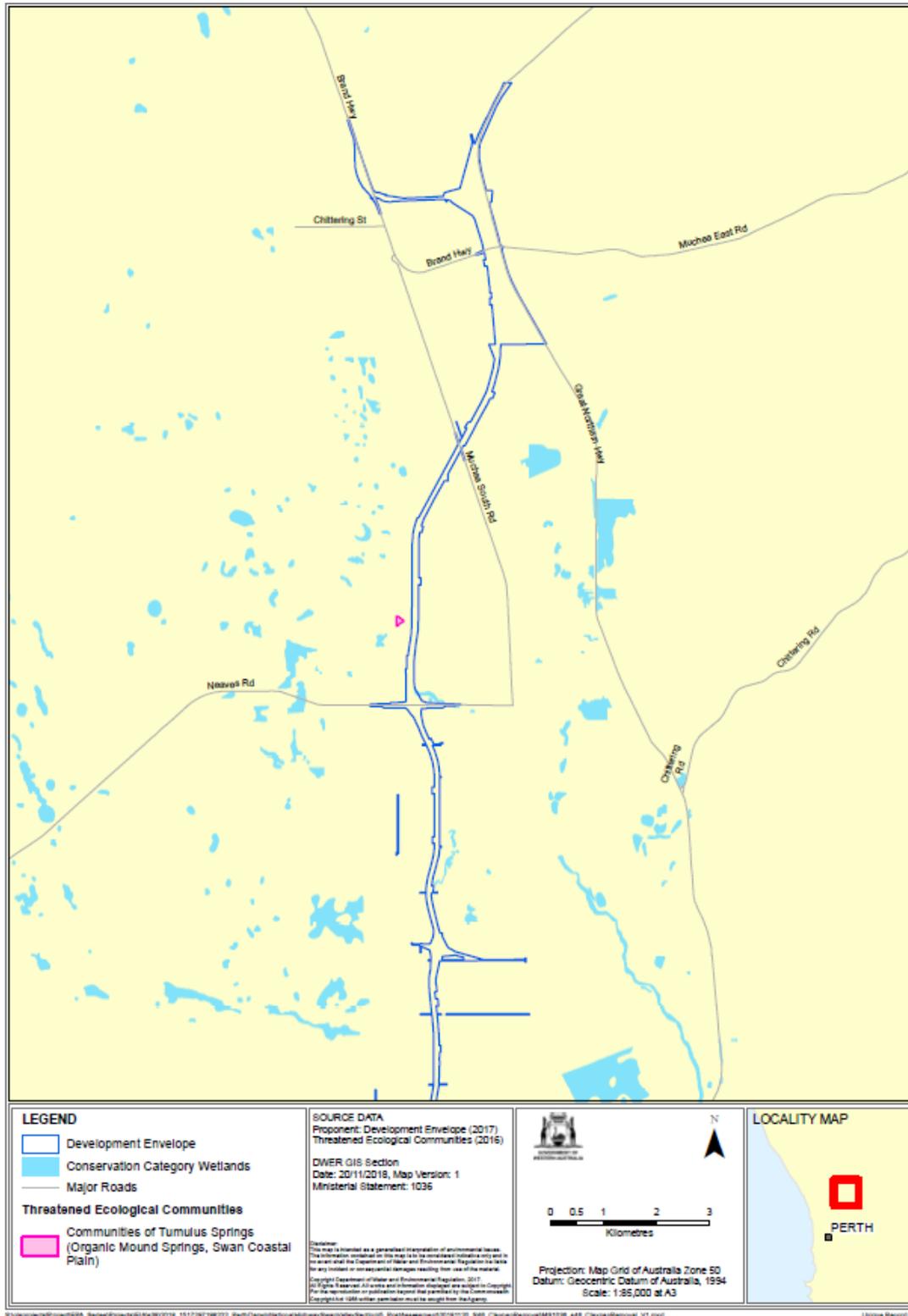


Figure 6 – Northern section of the alignment showing the development envelope and Conservation Category Wetlands and *Mound Springs of the Swan Coastal Plain*.