

Draft Environmental Scoping Document

Western Australian Government Strategic Proposal

Environmental Protection Act 1986

A stylized topographic map with green contour lines is positioned on the left side of the page, extending from the top left towards the bottom left.

Kemerton Strategic Industrial Area Strategic Proposal – Draft Environmental Scoping Document

DevelopmentWA

AUGUST 2022

DOCUMENT TRACKING

Project Name	Kemerton Strategic Industrial Area Strategic Proposal – Environmental Scoping Document
Project Number	13774
Project Manager	Libby Payne
Prepared by	Libby Payne, Bec Ovens
Reviewed by	Julia Morgan, Warren McGrath
Approved by	Julia Morgan
Status	Draft
Version Number	V6
Last saved on	23 August 2022

This report should be cited as ‘Eco Logical Australia 2022. *Kemerton Strategic Industrial Area Strategic Proposal – Environmental Scoping Document*. Prepared for DevelopmentWA.’

ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd

Disclaimer

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Eco Logical Australia Pty Ltd and DevelopmentWA. The scope of services was defined in consultation with DevelopmentWA, by time and budgetary constraints imposed by the client, and the availability of reports and other data on the subject area. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information. Eco Logical Australia Pty Ltd accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

Template 2.8.1

Contents

1. Introduction	1
1.1 Indicative timing of the environmental review	1
1.2 Commonwealth Government approvals.....	1
1.2.1 MNES for the Strategic Proposal / Strategic Assessment	5
2. Form and content (required work).....	7
2.1 Preliminary key environmental factors.....	7
2.2 Specific additional work required for assessment of proposal	7
2.3 Cumulative impact assessment – scoping of activities, boundaries, and environmental values for relevant environmental factors	12
3. Decision-making authorities	14
4. References	17
Appendix A Proposal Content Document.....	18

List of Figures

Figure 1: Streamlined assessment approach for the KSIA Strategic Proposal/Assessment	4
--	---

List of Tables

Table 1: Indicative timeline of the environmental review	1
Table 2: MNES subject to assessment for the Strategic Proposal / Strategic Assessment	5
Table 3: Proposal specific additional required work.....	8
Table 4: Cumulative impact assessment definition	13
Table 5: Decision-making authorities.....	14

Invitation to make a submission

The Environmental Protection Authority (EPA) invites people to make a submission on the draft Environmental Scoping Document (ESD) for this proposal.

DevelopmentWA propose to progress the Kemerton Strategic Industrial Area (KSIA) Strategic Proposal to enable development of strategic industrial land to support industry expansion in Western Australia. On 31 March 2022, the Commonwealth Minister for the Environment entered into an agreement with the Minister for Lands and the Minister for State Development of Western Australia to undertake a strategic assessment of the impacts of actions taken in the KSIA (Strategic Assessment). The strategic assessment will be undertaken in accordance with Part 10 of the *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) and as per the agreed Terms of Reference (ToR) for the assessment.

DevelopmentWA has prepared the draft Environmental Scoping Document (ESD) in accordance with Environmental Protection Authority (EPA) *Procedures Manual (Part IV Divisions 1 and 2)* and is released for public review, along with the draft ToR prepared by the former Commonwealth Department of Agriculture, Water and the Environment, now the Department of Climate Change, Energy, the Environment and Water, in consultation with DevelopmentWA. The draft ESD outlines the work required and key areas of focus for the environmental review, required by s. 40(3) of the *Environmental Protection Act 1986* (EP Act). The draft ToR document, prepared as a requirement of section 146(1B) of the EPBC Act, specifies what must be included in the Impact Assessment Report (IAR) and to meet requirements for matters of national environmental significance (MNES under the EPBC Act).

This draft ESD is available for a public review period of 4 weeks from 29th August 2022, closing on 26th September 2022.

WHY WRITE A SUBMISSION?

The EPA seeks information that will inform the EPA's consideration of the likely effect of the proposal, if implemented, on the environment.

The EPA will use the information in the submissions to identify any additional preliminary key environmental factors/issues and the type and extent of any additional work for the environmental review that should be included in the revised ESD.

Submissions will be treated as public documents unless provided and received in confidence, subject to the requirements of the *Freedom of Information Act 1992*.

WHY NOT JOIN A GROUP?

It may be worthwhile joining a group or other groups interested in making a submission on similar issues. Joint submissions may help to reduce the workload for an individual or group. If you form a small group (up to 10 people) please indicate all the names of the participants. If your group is larger, please indicate how many people your submission represents.

DEVELOPING A SUBMISSION

The draft ESD specifies the form, content, indicative timing and procedure of the proponent's environmental review. The draft ESD also outlines the preliminary key environmental factors, any specific work required and key areas of focus for the environmental review. The likely environmental

impacts and the proposed management measures will be addressed in the Environmental Review Document after the proponent undertakes the studies outlined in the ESD.

You may agree or disagree with, or comment on, the general issues discussed in the draft ESD or on specific elements.

When making comments on the draft ESD:

- Suggest other preliminary key (i.e., most important) environmental factors and/or any additional work you consider would be appropriate.
- Clearly state your point of view and give reasons for your conclusions.
- Reference the source of your information, where applicable.
- Suggest recommendations or alternatives.

WHAT TO INCLUDE IN YOUR SUBMISSION

Include the following in your submission to make it easier for the EPA to consider your submission:

- Your contact details – name and address.
- Date of your submission
- Whether you want your contact details to be confidential.
- Summary of your submission, if your submission is long.
- List points so that issues raised are clear, preferably by environmental factor.
- Refer each point to the page, section and if possible, paragraph of the draft ESD.
- Attach any reference material, if applicable.

Make sure your information is accurate.

The closing date for public submissions is: 26th September 2022.

The EPA prefers submissions to be made electronically via the EPA's Consultation Hub at <https://consultation.epa.wa.gov.au>.

Alternatively, submissions can be:

- posted to: Chair, Environmental Protection Authority, Locked Bag 10, Joondalup DC, WA 6919, or
- delivered to: Environmental Protection Authority, Prime House 8 Davidson Terrace, Joondalup Western Australia 6027.

If you have any questions on how to make a submission, please contact EPA Services at the Department of Water and Environmental Regulation on 6364 7000.

1. Introduction

The Environmental Protection Authority (EPA) has determined that the Kemerton Strategic Industrial Area Strategic Proposal (described in further detail in the Proposal Content Document: Appendix A) is to be assessed under Part IV of the *Environmental Protection Act 1986* (EP Act). The purpose of the Environmental Scoping Document (ESD) is to define the form, content, timing and procedure of the environmental review, required by s. 40(3) of the EP Act. DevelopmentWA (the proponent) has prepared this draft ESD according to the procedures in the EPA's Procedures Manual.

The EPA requires the proponent to undertake the environmental review according to the procedure in the EPA's *Administrative Procedures and Procedures Manual*, and the *Instructions and Template: How to prepare an Environmental Review Document*.

1.1 Indicative timing of the environmental review

Table 1 sets out the indicative timeline of the environmental review agreed between the EPA and the Proponent.

Table 1: Indicative timeline of the environmental review

Key assessment milestones	Completion date
EPA approves draft Environmental Scoping Document	August 2022
Proponent submits first draft Environmental Review Document	March 2023
EPA provides comment on first draft Environmental Review Document (6 weeks from receipt of ERD)	April 2023
Proponent submits revised draft Environmental Review Document	May 2023
EPA authorises release of Environmental Review Document for public review (2 weeks from EPA approval of ERD)	July 2023
Proponent releases Environmental Review Document for public review for 12 weeks	July 2023
Close of public review period	October 2023
EPA provides Summary of Submissions (3 weeks from close of public review period)	October 2023
Proponent provides Response to Submissions	January 2024
EPA reviews the Response to Submissions (4 weeks from receipt of Response to Submissions)	March 2024
EPA prepares assessment report and completes assessment (6 weeks from EPA accepting Response to Submissions)	May 2024
EPA finalises assessment report (including two weeks consultation on draft conditions) and gives report to Minister (6 weeks from completion of assessment)	July 2024

1.2 Commonwealth Government approvals

On 31 March 2022, the Commonwealth Minister for the Environment entered into an agreement with the Minister for Lands and the Minister for State Development of Western Australia to undertake a strategic assessment of the impacts of actions taken in the KSIA (Strategic Assessment). The strategic assessment will be undertaken in accordance with Part 10 of the EPBC Act and as per the agreed Terms of Reference (ToR) for the assessment.

The Strategic Proposal process under the EP Act and Strategic Assessment under the EPBC Act will occur concurrently (not under an accredited assessment or bilateral agreement); and a streamlined approach will allow preparation of documents and processes to meet the requirements under both state and commonwealth approvals.

This draft ESD has been prepared to include the work to be carried out and reported on in the Impact Assessment Report (IAR) to meet the requirements of the Environmental Review Document under the EP Act. The ToR document, which was prepared as a requirement of section 146(1B) of the EPBC Act, specifies what must be included in the IAR and to meet requirements for matters of national environmental significance (MNES under the EPBC Act). The IAR will be developed as a streamlined report that meets the requirements of both the State EP Act and Commonwealth EPBC Act.

Key streamlining components of the assessment process are summarised below and presented in Figure 1.

1. Environmental Scoping Document / Terms of Reference
 - a. The draft ToR and Environmental Scoping Document (ESD) will be released for public consultation concurrently (i.e., released on the same day for 4 weeks).
 - b. Draft ESD / ToR are publicly advertised.
 - c. ESD / ToR finalised considering comments.
2. Impact Assessment Report (IAR) / Environmental Review Document.
 - a. A single IAR document is prepared that meets requirements for both Commonwealth and State assessment documents. MNES impact assessment will have dedicated chapter/s.
3. The Strategic Assessment Plan (the Plan).
 - a. Covers management of the KSIA, with conservation commitments for MNES.
 - b. The draft Plan will be released for consultation, at the same time as IAR.
 - c. Single public exhibition period for the IAR and draft Plan.
 - d. Consultation on Plan and IAR will be undertaken at the same time by the State on behalf of the State and Commonwealth.
 - e. All documents published on the State's website and the State provides comments on the Plan to DCCEEW for review.
4. Supplementary Report / Response to Submissions (IAR / Plan)
 - a. Single document that addresses submissions and further information relating to the evaluation of impacts and meets requirements for both Response to Submissions document under State EP Act process and Supplementary Report under Part 10 EPBC Act process.
5. EPA Bulletin – EPA prepares Report and Recommendations to the Minister.
 - a. This is prepared parallel to DCCEEW's report / briefing to its Minister.
6. Approval by WA Minister for Environment occurs.
7. Appeals period / Appeals considered.
8. Endorsement by Federal Minister following finalisation of WA Appeals process.
9. Approval of Classes of Actions.

The benefits of the proposed streamlining approach include:

- Reduces duplication – only one IAR and one public comment period required.

- Simplifying processes makes it easier for the public to engage with the process.
- Commonwealth can rely on the State assessment report (for the sections covering Commonwealth and joint State and Commonwealth matters) to inform the outcomes of the Plan.
- Commonwealth can align with the State's conditions of approval, where appropriate.

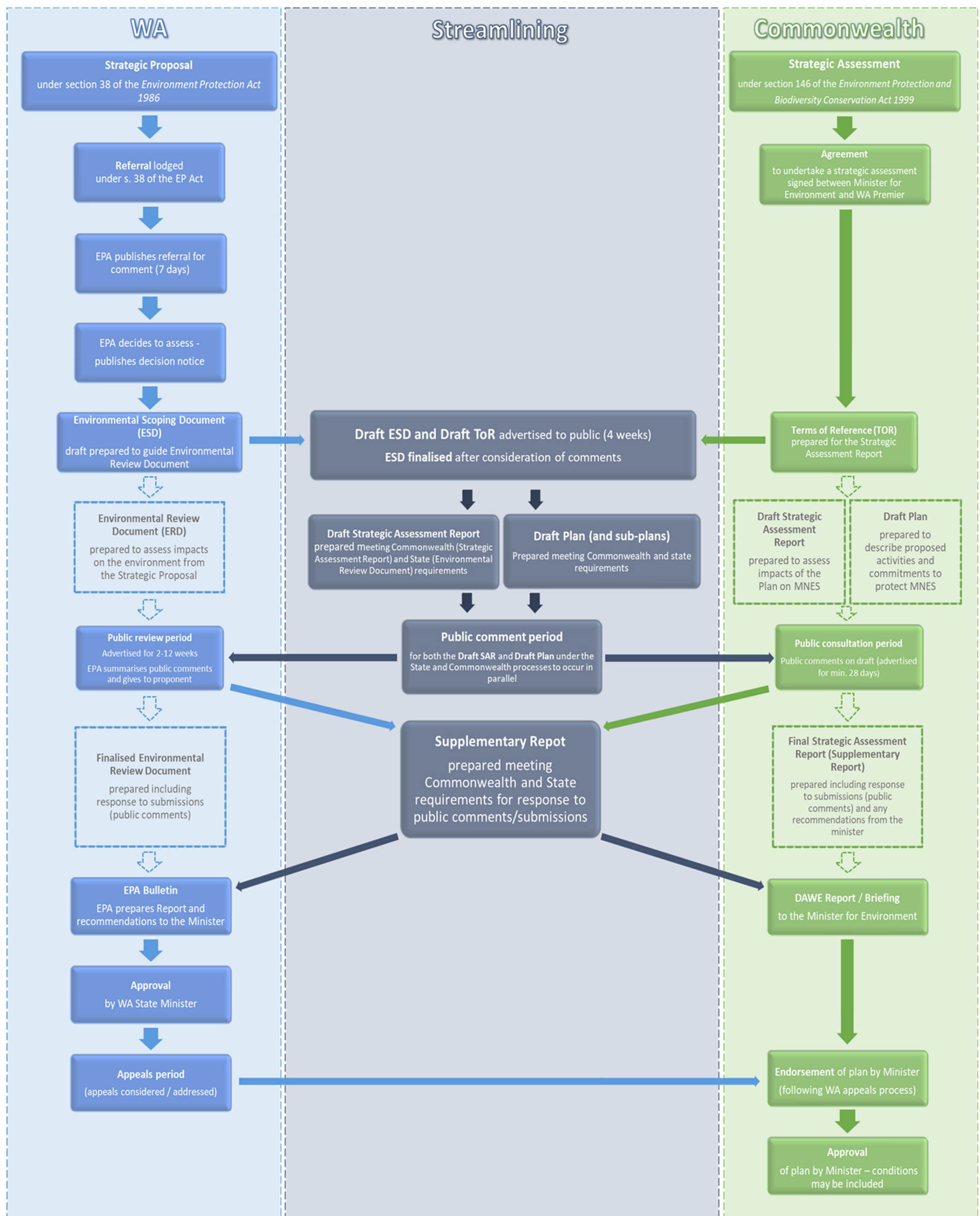


Figure 1: Streamlined assessment approach for the KSIA Strategic Proposal/Assessment

1.2.1 MNES for the Strategic Proposal / Strategic Assessment

The relevant MNES identified to date for the Strategic Proposal / Strategic Assessment are presented in Table 2. Any additional MNES identified during development of the IAR will also be included.

Table 2: MNES subject to assessment for the Strategic Proposal / Strategic Assessment

MNES	EPBC Act status	BC Act / DBCA status	Known occurrence in the KSIA
<u>Threatened fauna</u>			
Carnaby's Black Cockatoo	Endangered	Endangered	Industry Core and Buffer
Forest Red-tailed Black Cockatoo	Vulnerable	Vulnerable	Industry Core and Buffer
Baudin's Black Cockatoo	Vulnerable	Endangered	Industry Core and Buffer
Western Ringtail Possum	Critically Endangered	Critically Endangered	Buffer
Black-stripe Minnow	Endangered	Endangered	Not yet surveyed.
Chuditch	Vulnerable	Vulnerable	Vagrant
Australasian Bittern	Endangered; Migratory	Endangered	Vagrant
Carter's Freshwater Mussel	Vulnerable	Vulnerable	Not yet surveyed.
<u>Migratory species</u>			
Australian Painted snipe	Vulnerable; Migratory	Migratory	Vagrant
Fork-tailed Swift	Migratory	Migratory	Vagrant
Grey Plover	Migratory	Migratory	Irregular visitor
Pacific Golden Plover	Migratory	Migratory	Irregular visitor
Greater Sand Plover	Migratory	Migratory	Irregular visitor
Little Curlew	Migratory	Migratory	Vagrant
Black-tailed Godwit	Migratory	Migratory	Vagrant
Ruff	Migratory	Migratory	Vagrant
Broad-billed Sandpiper	Migratory	Migratory	Vagrant
Sharp-tailed Sandpiper	Migratory	Migratory	Irregular visitor
Curlew Sandpiper	Migratory	Migratory	Irregular visitor
Long-toed Stint	Migratory	Migratory	Irregular visitor
Red-necked Stint	Migratory	Migratory	Irregular visitor
Pectoral Sandpiper	Migratory	Migratory	Irregular visitor
Common Sandpiper	Migratory	Migratory	Regular visitor
Common Greenshank	Migratory	Migratory	Regular visitor
Wood Sandpiper	Migratory	Migratory	Irregular visitor
Marsh Sandpiper	Migratory	Migratory	Irregular visitor
Oriental Pratincole	Migratory	Migratory	Vagrant

MNES	EPBC Act status	BC Act / DBCA status	Known occurrence in the KSIA
Common Gull-billed Tern	Migratory	Migratory	Vagrant
Caspian Tern	Migratory	Migratory	Vagrant
Glossy Ibis	Migratory	Migratory	Vagrant
Eastern Osprey	Migratory	Migratory	Vagrant
<u>Threatened flora</u>			
<i>Drakaea elastica</i>	Endangered	Critical	Industry Core and Buffer
<i>Drakaea micrantha</i>	Vulnerable	Endangered	Industry Core and Buffer
<i>Caladenia procera</i>	Critically Endangered	Critical	Buffer
<i>Austrostipa bronwenae</i>	Endangered	Endangered	Buffer
<i>Diuris drummondii</i>	Vulnerable	Vulnerable	Buffer
<i>Diuris micrantha</i>	Threatened	Vulnerable	Buffer
<u>Threatened Ecological Communities</u>			
Banksia Woodlands of the Swan Coastal Plain	Endangered	Priority 3	Industry Core and Buffer
Tuart woodlands and forests of the Swan Coastal Plain	Critically Endangered	-	Buffer

2. Form and content (required work)

The EPA requires that the form of the report on the environmental review required under section 40 of the EP Act is in accordance with the *Instructions and Template: How to prepare an Environmental Review Document*.

The EPA requires that the content of the ERD (in this case, the IAR) is in accordance with the *Instructions and Template: How to prepare an Environmental Review Document*. The EPA also requires that the IAR includes the proposal specific additional content outlined in Section 2.

The IAR will consider both State environmental factors and Commonwealth protected matters listed under the EPBC Act. The impact assessment sections of the IAR will be divided into the relevant environmental factors, with a separate section addressing MNES.

2.1 Preliminary key environmental factors

The preliminary key environmental factors for the IAR, as identified in the EPA Chair's Determination (required by s39[b] of the EP Act), are:

- Flora and vegetation
- Terrestrial fauna
- Subterranean fauna
- Terrestrial environmental quality
- Inland waters
- Air quality
- Greenhouse gas emissions
- Social surroundings.

It is noted there may be changes to these factors as the assessment progresses.

2.2 Specific additional work required for assessment of proposal

The KSIA has been set aside for heavy industry since the mid 1980's and has been subject to extensive baseline studies and consideration as part of strategic and local planning including the GBRS, Industry 2030 (EPA Bulletin 902, August 1998; EPA Bulletin 1108, September 2003) and the KSIA Structure Plan (2017).

The IAR will consider baseline studies completed to date and incorporate results of contemporary studies, including those to support the KSIA Structure Plan and engagement with key regulators and Decision-Making Authorities (DWER, DCCEEW and DBCA) as part of ongoing KSIA working group meetings. Outcomes-based commitments will be defined in the IAR and discuss steps to deliver commitments, whilst providing for flexibility in implementation over the course of the 50-year Strategic Proposal.

Table 3 outlines the proposal specific additional work required as it relates to the assessment of preliminary environmental factors.

Table 3: Proposal specific additional required work

Preliminary Environmental Factor	
Flora and vegetation	
Required work	<ol style="list-style-type: none"> 1. Identify and characterise the flora and vegetation of the Strategic Proposal Area, in accordance with the EPA <i>Technical Guidance – Flora and Vegetation Surveys for Environmental Impact assessment</i> (EPA 2016a). Demonstrate how surveys are relevant and consistent with current EPA policy and guidance. If multiple surveys have been undertaken to support the assessment, provide a consolidated report including the integrated results of the surveys. Ensure database searches and taxonomic identifications are up to date, including utilisation of DBCA database information. 2. Detail the survey effort applied in relation to the Strategic Proposal Area that have been undertaken to inform the local and regional context, including targeted surveys for conservation significant flora. 3. Provide maps depicting vegetation condition, known weed occurrences (WONs and Declared Plants/weeds), and locations of recorded significant flora, listed ecological communities and significant vegetation types in relation to the Proposal area, in accordance with <i>Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment</i> (EPA 2016a). 4. Describe the values and significance of flora and vegetation within the Strategic Proposal Area, in a local and regional context. 5. Identify the potential direct and indirect impacts of the Proposal on Flora and Vegetation values. 6. Describe and justify proposed avoidance and mitigation measures aimed at reducing potential impacts of the Strategic Proposal, ensuring residual direct and indirect impacts to identified key Flora and Vegetation values are not greater than predicted. 7. Assess the potential direct, indirect and cumulative impacts on significant flora, vegetation units, listed ecological communities, wetlands and potential groundwater dependent ecosystems, considering local and regional context, known existing threats, and predicted climate change 8. Define outcomes-based environmental commitments for Flora and Vegetation, in consideration of the EPA objective for this factor. Describe how outcomes-based commitments will be achieved over the life of the Strategic Proposal, including measures to be implemented to achieve them. 9. Apply the Residual Impact Significance Model and WA Offset Template from the WA Environmental Offsets Guidelines (2014, or any subsequent revisions). Where significant residual impacts are predicted, propose an appropriate offsets package that is consistent with the WA Environmental Offsets Policy and Guidelines, and EPBC Act Offset Policy 2012 where appropriate. 10. Demonstrate and document how the EPA's objective for Flora and Vegetation will be met and the predicted environmental outcomes. 11. Detail the governance arrangements for future derived proposals in relation to the assessed outcomes of the Flora and Vegetation factor, including identification of the responsible party(s) for this ongoing role.
Terrestrial Fauna	
Required work	<ol style="list-style-type: none"> 12. Identify and characterise the terrestrial fauna and fauna habitats (including short-range endemic (SRE) invertebrate fauna) of the Strategic Proposal Area, in accordance with the EPA Technical Guidance. Demonstrate how surveys are relevant and consistent with current EPA policy and guidance. If multiple surveys have been undertaken to support the assessment, provide a consolidated report including the integrated results of the surveys. Ensure database searches and taxonomic identifications are up to date, including utilisation of DBCA database information. 13. Detail the survey effort applied in relation to the Strategic Proposal Area that have been undertaken to inform the local and regional context, including targeted surveys for conservation significant fauna. 14. Provide maps depicting fauna habitat types, and the recorded locations of conservation or other significant species and SRE invertebrate species in relation to the Strategic Proposal Area and habitat types.

Preliminary Environmental Factor

15. Describe the values and significance of fauna and fauna habitat, including SRE species, in a local and regional context. Identify habitat conditions and important or restricted habitats (e.g., breeding habitat, foraging/feeding/dispersal habitat).
16. Identify the potential direct and indirect impacts of the Proposal on Terrestrial fauna values, including SRE species.
17. Describe and justify proposed avoidance and mitigation measures aimed at reducing potential impacts of the Strategic Proposal, ensuring residual direct and indirect impacts to identified key Terrestrial Fauna values are not greater than predicted.
18. Assess the potential direct, indirect and cumulative impacts of the Proposal on Terrestrial Fauna, considering local and regional context, known existing threats and predicted climate change.
19. Define outcomes-based environmental commitments for Terrestrial Fauna, in consideration of the EPA objective for this factor. Describe how outcomes-based commitments will be achieved over the life of the Strategic Proposal, including measures to be implemented to achieve them.
20. Apply the Residual Impact Significance Model and WA Offset Template from the WA Environmental Offsets Guidelines (2014, or any subsequent revisions). Where significant residual impacts are predicted, propose an appropriate offsets package that is consistent with the WA Environmental Offsets Policy and Guidelines.
21. Demonstrate and document how the EPA's objective for Terrestrial Fauna will be met and the predicted environmental outcomes.
22. Detail the governance arrangements for future derived proposals in relation to the assessed outcomes of the Terrestrial Fauna factor, including identification of the responsible party(s) for this ongoing role

Subterranean Fauna

- | | |
|---------------|--|
| Required work | 23. Identify and characterise the subterranean fauna and their habitats of the Strategic Proposal Area in accordance with the requirements of EPA Technical Guidance. |
| | 24. Identify where any future targeted surveys would be required to be implemented as part of Derived Proposals. |
| | 25. Provide maps showing the extent of subterranean fauna habitat in relation to the Strategic Proposal Area and species distributions. |
| | 26. Describe the values and significance of subterranean fauna in a local and regional context. Include relevant geological and hydrological information to determine habitat suitability, extent and connectivity, including inside and outside of potential impact areas. |
| | 27. Identify the potential direct and indirect impacts of the Proposal on Subterranean fauna. |
| | 28. Describe and justify proposed avoidance and mitigation measures aimed at reducing potential impacts of the Strategic Proposal to ensure residual direct and indirect impacts to subterranean fauna are not greater than predicted. |
| | 29. Assess the direct, indirect and cumulative impacts of the Proposal on subterranean fauna, considering local and regional context. |
| | 30. Define outcomes-based environmental commitments for Subterranean Fauna, in consideration of the EPA objective for this factor. Describe how outcomes-based commitments will be achieved over the life of the Strategic Proposal, including measures to be implemented to achieve them. |
| | 31. Apply the Residual Impact Significance Model and WA Offset Template from the WA Environmental Offsets Guidelines (2014, or any subsequent revisions). Where significant residual impacts are predicted, propose an appropriate offsets package that is consistent with the WA Environmental Offsets Policy and Guidelines. |

Preliminary Environmental Factor	
	32. Demonstrate and document how the EPA's objective for Subterranean Fauna will be met and the predicted environmental outcomes.
	33. Detail the governance arrangements for future derived proposals in relation to the assessed outcomes of the Subterranean Fauna factor, including identification of the responsible party(s) for this ongoing role.
Terrestrial Environmental Quality	
Required work	34. Compile and present information on soil mapping units, known or suspected contaminated sites and potential acid sulfate soils within the Strategic Proposal Area.
	35. Identify potential direct and indirect impacts of the Proposal to soil quality. Include an analysis of the likely nature, magnitude and duration of potential impacts.
	36. Discuss proposed avoidance and mitigation measures aimed at reducing potential impacts of the Strategic Proposal, with particular reference to acid sulfate soils and potential future industrial waste streams.
	37. Demonstrate and document how the EPA's objective for Terrestrial Environmental Quality will be met and the predicted environmental outcomes.
	38. Detail the governance arrangements for future derived proposals in relation to the assessed outcomes of the Terrestrial Environmental Quality factor, including identification of the responsible party(s) for this ongoing role.
Inland Waters	
Required work	39. Characterise the hydrological and hydrogeological regimes within the Strategic Proposal Area including, but not limited to, catchment boundaries, surface water flows, flood patterns, aquifers, groundwater levels and water quality.
	40. Identify and describe the environmental values they support, including wetlands. Describe these values in their local and regional contexts.
	41. Provide a hydrogeological model for the Proposal Area with consideration of surface water interactions and potential future climate scenarios.
	42. Provide a conceptual water supply and management strategy and rationale. The strategy will include a site water balance model over the life of the Proposal (including consideration of potential future climate scenarios), assessment of water management options including water reuse and stormwater discharge.
	43. Identify and describe potential direct and indirect impacts to surface water and groundwater associated with the Proposal. This will include but not be limited to the nature, extent and duration of potential changes to groundwater levels, surface water flows and water quality.
	44. Describe and justify proposed avoidance and mitigation measures aimed at reducing potential impacts of the Strategic Proposal. Proposed mitigation measures will consider adaptation to reasonable climate change scenarios and what effect this would have on the outcome of the proposal.
	45. Assess the potential impacts on significant water dependent ecosystems as a result of altered hydrological or hydrogeological regimes and water quality, in the context of future climate change scenarios.
	46. Define outcomes-based environmental commitments for Inland waters, in consideration of the EPA objective for this factor. Describe how outcomes-based commitments will be achieved over the life of the Strategic Proposal, including measures to be implemented to achieve them.
	47. Demonstrate and document how the EPA's objective for Inland Waters will be met and the predicted environmental outcomes.
	48. Detail the governance arrangements for future derived proposals in relation to the assessed outcomes of the Inland Waters factor, including identification of the responsible party(s) for this ongoing role.

Preliminary Environmental Factor

Air Quality

Required work	49. Identify the potential sources and types of air emissions during the life of the Strategic Proposal.
	50. Develop a contemporary air pollution/air shed model incorporating current and potential future industrial land uses and associated emissions. The model will consider current and potential future climatic conditions across the Strategic Proposal Area.
	51. Based on modelling, predict the residual air quality impacts on sensitive receivers over the life of the Strategic Proposal. Evaluate and compare maximum predicted emissions and ground level concentrations against relevant air quality standards/guidelines.
	52. Propose an overall management program for air quality, to mitigate impacts to sensitive receptors. This will outline proposed management and monitoring, including installation of a meteorological monitoring network, to ensure impacts to nearby existing residential areas and future residences on adjoining land will be managed to acceptable levels.
	53. Demonstrate and document how the EPA's objective for Air Quality will be met and the predicted environmental outcomes.
	54. Detail the governance arrangements for future derived proposals in relation to the assessed outcomes of the Air Quality factor, including identification of the responsible party(s) for this ongoing role.

Greenhouse Gas Emissions

Required work	55. Characterise and estimate the potential sources of Scope 1 (direct) greenhouse gas emissions associated with clearing of the Strategic Proposal Area.
	56. Detail how future Derived Proposals will assess greenhouse gas emissions (Scope 1, Scope 2 and Scope 3), including where emissions will warrant management via a Greenhouse Gas Management Plan.
	57. Detail how future Derived Proposals will apply the mitigation hierarchy to avoid and minimise greenhouse gas emissions.
	58. Demonstrate and document how the EPA's objective for Greenhouse Gases will be met and the predicted environmental outcomes.
	59. Detail the governance arrangements for future derived proposals in relation to the assessed outcomes of the Greenhouse Gas Emissions factor, including identification of the responsible party(s) for this ongoing role.

Social Surroundings

Heritage

Required work	60. In consultation with the Traditional Owners, identify and characterise the Aboriginal heritage and cultural values in the proposal area in accordance with EPA guidance. Undertake surveys (including anthropological and archaeological) in the Strategic Proposal area and surrounding areas that are likely to be directly or indirectly impacted by the Strategic Proposal.
	61. Identify and assess potential direct and indirect impacts to Aboriginal heritage and cultural values associated with the Proposal.
	62. Provide maps showing the locations of sites of European significance within the Strategic Proposal Area and surrounding region and identify potential direct and indirect impacts to these values.
	63. Describe any proposed avoidance and mitigation measures to avoid or minimise the potential direct and indirect impacts on Aboriginal heritage values that are to be implemented in consultation with Traditional Owners. Include actions that will be undertaken to manage the potential for disturbance to unknown sites of Aboriginal heritage significance during construction.
	64. Demonstrate how the mitigation hierarchy of avoid, minimise and mitigate has been applied during the planning and design stages of the Proposal to minimise potential impacts on Aboriginal and European heritage.

Preliminary Environmental Factor

Noise

Required work	65. Identify potential sensitive receptors, including residential properties, hospitals, hotels, caravan parks, schools, places of worship, aged care facilities, childcare facilities, shopping centres and playgrounds (and excluding commercial and industrial premises) within the Strategic Proposal Area and surrounds.
	66. Identify potential sources of noise including existing industrial premises and operations located within the Strategic Proposal Area.
	67. Present baseline noise levels and determine appropriate threshold noise levels at the nearest identified potential sensitive receptors/Buffer Area boundary consistent with the Environmental Protection (Noise) Regulations 1997.
	68. Model predicted noise levels at identified potential sensitive receptors/Buffer Area boundary based on existing sources of noise, potential new sources of noise and the calculated Influencing Factor.
	69. Determine the process to ensure noise is minimised from Derived Proposal activities.
	70. Propose an appropriate noise monitoring strategy (including monitoring sites and frequency) to ensure identified noise thresholds are not exceeded at potentially sensitive receptors/Buffer Area boundary.
	71. Define outcomes-based environmental commitments for Social Surroundings, in consideration of the EPA objective for this factor. Describe how outcomes-based commitments will be achieved over the life of the Strategic Proposal, including measures to be implemented to achieve them.
	72. Demonstrate and document how the EPA's objective for Social Surroundings will be met and the predicted environmental outcomes.
	73. Detail the governance arrangements for future derived proposals in relation to the assessed outcomes of the Social Surroundings factor, including identification of the responsible party(s) for this ongoing role

In addition to specific consideration of each environmental factor, the IAR will also provide a holistic assessment of environmental impacts, including an environmental values assessment, and drawing together the overall impact of the proposal on the environment and identifying any interactions between individual factors.

2.3 Cumulative impact assessment – scoping of activities, boundaries, and environmental values for relevant environmental factors

Cumulative impact assessment will be undertaken to assess the potential maximum impacts of the Strategic Proposal and other projects at a local and regional scale. The other projects that will be considered include the Kemerton General Industrial Area and any other project within the Strategic Proposal Area that is identified as current or reasonably foreseeable.

Table 4 lists the values to be included in the cumulative assessment and defines the local and regional scales for assessment.

Table 4: Cumulative impact assessment definition

Factor	Values	Scale
Flora and Vegetation	<ul style="list-style-type: none"> • Vegetation mapping units • State listed TECs and PECs • Significant flora (as far as practicable) • Wetlands and associated vegetation 	Local and Regional
Terrestrial Fauna	<ul style="list-style-type: none"> • Locally and regionally significant terrestrial fauna habitat • Ecological linkages 	Local and Regional
Subterranean Fauna	<ul style="list-style-type: none"> • Geological unit (where identified as habitat for significant species) 	Local and Regional
Inland Waters	<ul style="list-style-type: none"> • Hydrology and water quality and associated sensitive receptors 	Local and Regional Catchments
Air Quality and Social Surroundings	<ul style="list-style-type: none"> • Air quality • Noise 	Sensitive receptors within the Greater Bunbury region within the likely extent of direct or indirect impacts of the Strategic Proposal.

3. Decision-making authorities

The EPA has identified the following decision-making authorities (DMAs) for the Proposal (Table 5). No changes to the identified DMAs have been made since the s38 Referral was completed. Additional DMAs may be identified during the assessment.

Table 5: Decision-making authorities

Decision Making Authority	Legislation Agreement regulating Activity	or the	Approval Required	Can the Statutory Decision Making Process Regulate Impacts on the Environment? (Yes/No and Summary of Reasons)
WA Minister for Environment Administered by DBCA	<i>Biodiversity Conservation Act 2016</i>	Act	Impacts to threatened flora and fauna species are managed through DBCA:	Yes. Provides authorisations to take threatened flora species Provides authorisations to take or disturb threatened flora species
Minister for Water Administered by DWER	<i>Rights in Water and Irrigation Act 1914</i>		Section 5c licence to take water Section 26D licence to construct or alter a well Permit to Obstruct or Interfere with Bed/Banks	Yes. Assessment of impacts associated with specific activities of future proposals (as relevant).
Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i>		S. 16 authorisation to enter, excavate, examine or remove anything on an Aboriginal site S. 18 consent where the impact on an Aboriginal site is unavoidable	Yes. Provides authorisation to enter, excavate, examine or remove anything on an Aboriginal site. Provides an assessment on impacts to Aboriginal sites if an impact is unavoidable.
Executive Director Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety	<i>Mining Act 1972</i>			

Decision Making Authority	Legislation Agreement regulating the Activity	or	Approval Required	Can the Statutory Decision Making Process Regulate Impacts on the Environment? (Yes/No and Summary of Reasons)
Chief Dangerous Goods Officer, Department of Mines, Industry Regulation and Safety	<i>Dangerous Goods and Safety Act 2004</i>		Dangerous goods storage and transport licences	Yes. Assessment of the storage and handling of dangerous goods.
State Mining Engineer, DMIRS	<i>Mines Safety and Inspection Act 1994</i> <i>Mines Safety and Inspection Regulations 1995</i>		Approves Project Management Plans and imposes general duty of care provisions to maintain safe and healthy workplaces at mining operations and protect people at work from hazards.	No A Project Management Plan is concerned with occupational health and safety.
Chief Executive Officer, DWER	<i>EP Act 1986 Part V</i>		Works Approval and Licence Operating Licence	Yes. Assessment of construction and operation of future proposals.
Minister for Planning Administered by DPLH	<i>Planning and Development Act 2005</i>		Planning / Development Approval	No. A development approval considers the impacts from small portions of the Strategic Proposal to an extent but does not regulate all emissions.
Minister for Lands Administered by DPLH	<i>Land Administration Act 1997</i> <i>Public Works Act 1902</i>		Licence to use Crown Land	No
CEO, Shire of Harvey	<i>Building Act 2011</i> <i>Planning and Development Act 2005</i> <i>Health Act 2011</i> <i>Extractive Industries Local Law 2017 (Clause 2.3)</i>		Development Applications Building and Health approvals Extractive industries licences	No

Decision Making Authority	Legislation Agreement regulating Activity	or	Approval Required	Can the Statutory Decision Making Process Regulate Impacts on the Environment? (Yes/No and Summary of Reasons)
CEO, Department of Health	<i>Public Health Act 2016</i>		Approval of wastewater treatment infrastructure (if necessary)	No The Public Health Act is an Act 'to protect, promote and improve the health and wellbeing of the public of Western Australia and to reduce the incidence of preventable illness, and for related purposes'. This does, in some respects, align with the Social Surrounding environmental factor, however it does not consider other environmental impacts associated with the Proposal.

4. References

EPA 2014, *WA Environmental Offsets Guidelines*, Environmental Protection Authority, 2014.

EPA 2016, *Technical Guidance – Flora and Vegetation Surveys for Environmental Impact assessment*, Environmental Protection Authority, 2016.

EPA 2021, *Environmental Protection Authority Procedures Manual (Part IV Divisions 1 and 2)*, Environmental Protection Authority, 2021.

Appendix A Proposal Content Document

Proposal Content Document

Table 1: General proposal content description

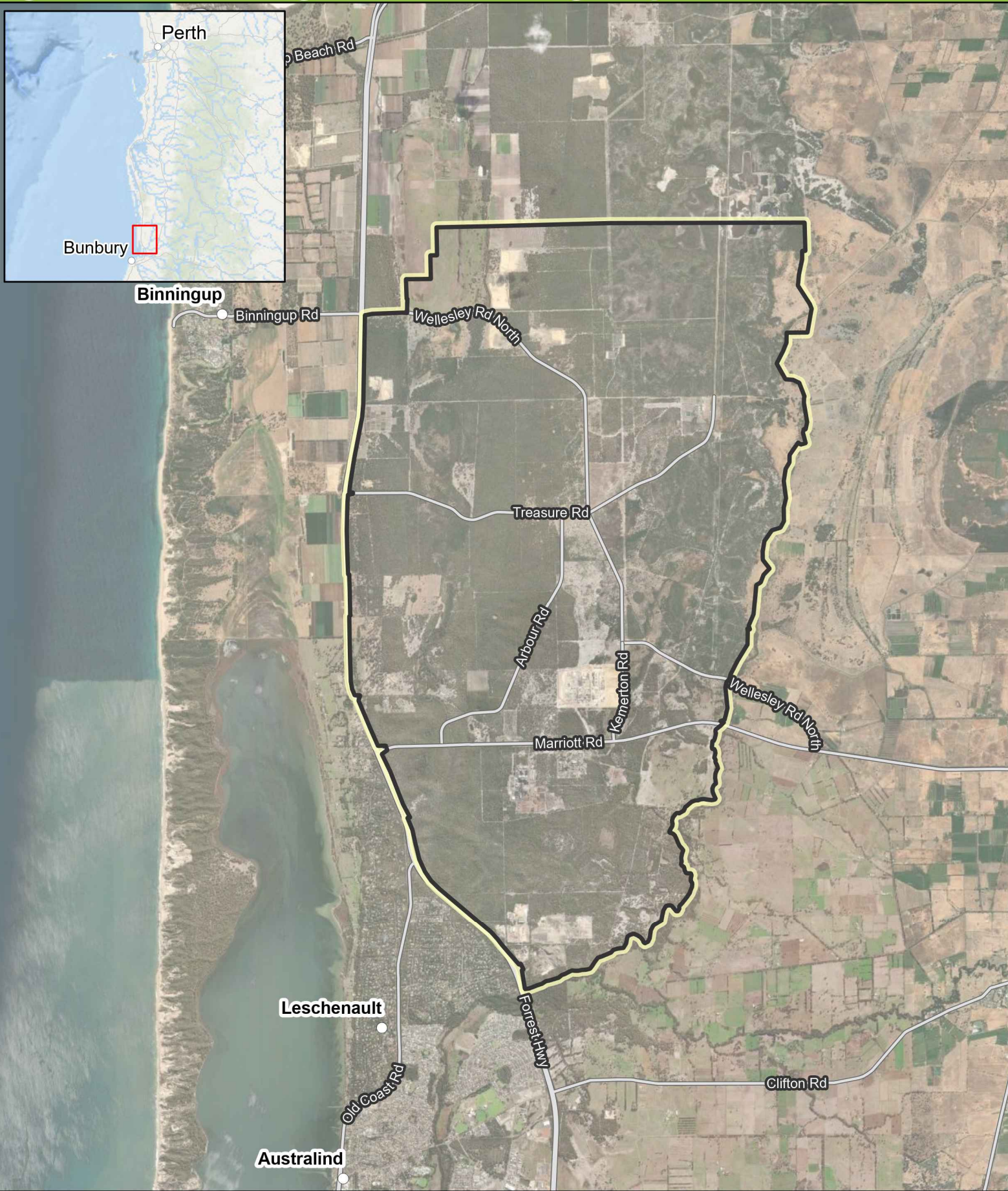
Proposal title	Kemerton Strategic Industrial Area Strategic Proposal
Proponent name	DevelopmentWA
Short description	<p>The Proponent is seeking to develop the Kemerton Strategic Industrial Area (KSIA) for the purpose of industrial and infrastructure development as a strategic proposal. The KSIA is located within the Shire of Harvey, 17 km north of Bunbury in the southwest of Western Australia (Figure 1). Originally established in 1985, the KSIA is approximately 7,508 ha in size and consists of approximately 2,024 ha of the Kemerton Strategic Industry Zone (Industry Core) and 5,200 ha of the Kemerton Industry Buffer Zone (Buffer).</p> <p>A range of land uses, and landowners currently exist within the KSIA. Some current land uses will continue, with the potential for future activities including but not limited to:</p> <ul style="list-style-type: none"> - Basic raw materials extraction/mining - Noxious/heavy industry - Light and general industry - Renewable energy developments - Infrastructure - Telecommunications - Agriculture/forestry - Conservation <p>The Strategic Proposal is to develop the Industry Core over an approximate 50-year time period while providing protection for the Buffer, the majority of which is to be managed by the Department of Biodiversity, Conservation and Attractions in the future.</p>

Table 2: Proposal content elements

Proposal elements	Location / description	Maximum extent, capacity or range
Physical elements		
Land development and associated infrastructure within the Strategic Industrial Zone	Within the Strategic Proposal Area (Figure 2)	Up to 1,373 ha of land within the Strategic Proposal Area will be developed for industrial facilities.
Infrastructure within the Buffer Zone	Within the Strategic Proposal Area (Figure 2)	<p>Clearing of land within the Buffer to facilitate installation and upgrade of services, installation of fencing and other measures to support industrial development of the Industry Core and conservation measures.</p> <p>The location and areas to be cleared to support the development will be confirmed during the assessment process</p>
Construction elements		
Clearing of native vegetation	Within the Strategic Proposal Area (Figure 2)	Clearing of up to 1,022 ha of native vegetation within the Strategic Proposal Area for ongoing construction of industrial facilities and associated infrastructure.

Proposal elements	Location / description	Maximum extent, capacity or range
Operational elements		
Dewatering/groundwater abstraction/dewater management	Within the Strategic Proposal Area (Figure 2)	The maximum extent of dewatering/groundwater abstraction required to support development within the Industry Core will be determined as part of more detailed water management studies and planning.
Air emissions	Within the Strategic Proposal Area (Figure 2)	Airshed analysis and air quality modelling will confirm the anticipated maximum extent of emissions and thresholds to be established for SO _x and NO _x .
Noise emissions	Within the Strategic Proposal Area (Figure 2)	Noise emissions will be in accordance with the Environmental Protection (Noise) Regulations 1997 and maximum thresholds will be determined during assessment process.
Waste discharges	Within the Strategic Proposal Area (Figure 2)	Potential type of wastes to be identified during assessment process.
Rehabilitation		
Rehabilitation for environmental offsetting purposes	Within the Strategic Proposal Area (Figure 2)	Rehabilitation potential will be identified as a means of offsetting significant residual environmental impacts where appropriate.
Commissioning		
N/A		
Decommissioning		
N/A		
Other elements which affect extent of effects on the environment		
Proposal time	Maximum project life	There is an approximate 50-year time period for development.
	Construction phase	To be undertaken as per approved Derived Proposal timeline.
	Operations phase	
	Decommissioning phase	

Figure 1: Kemerton Strategic Assessment / Strategic Proposal Area



Legend

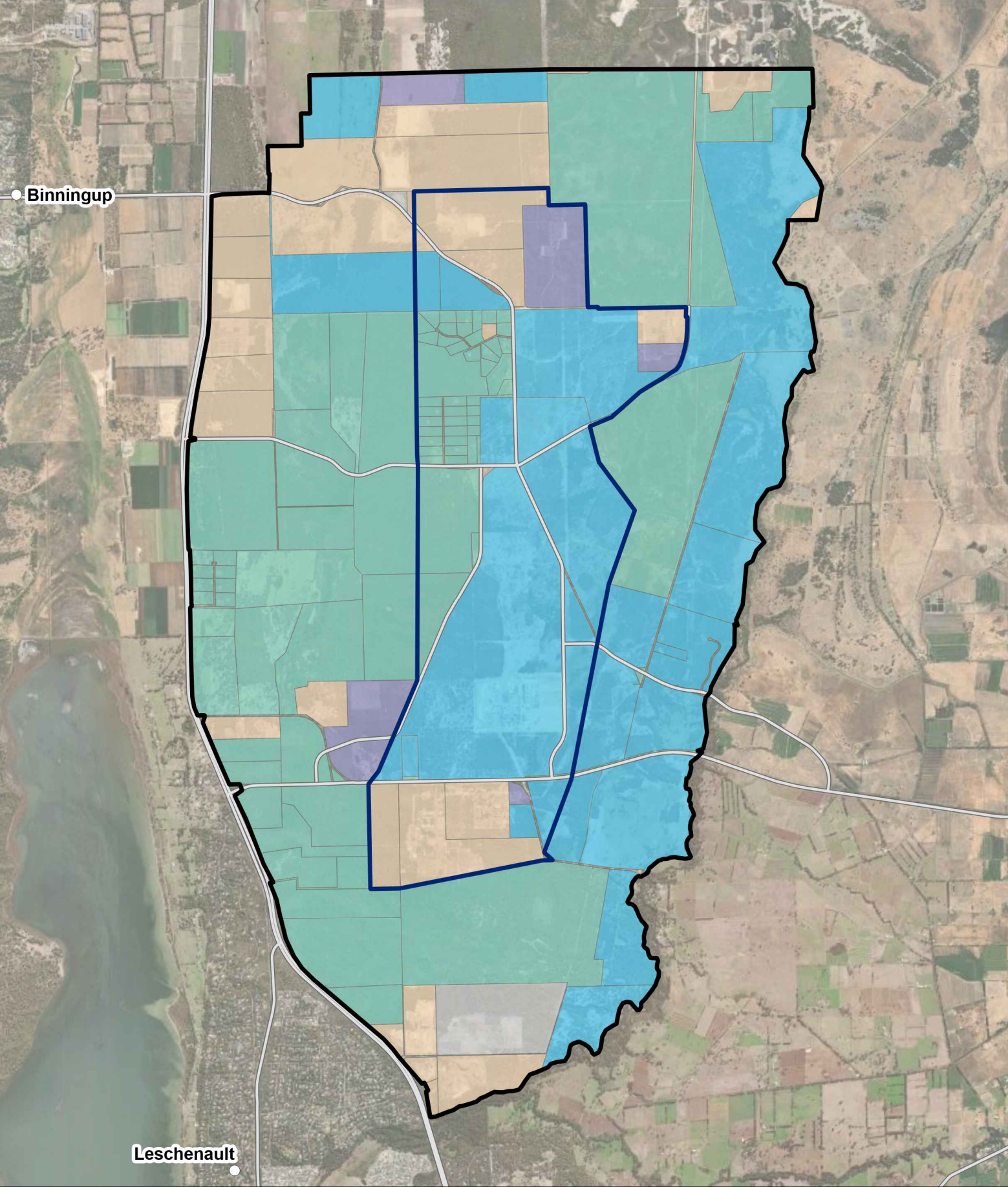
- Kemerton Strategic Industrial Area
- Kemerton Strategic Assessment / Strategic Proposal Area
- Major Road

0 0.5 1 2
Kilometres
Datum/Projection:
GDA 1994 MGA Zone 50

N

eco
logical
AUSTRALIA
A TETRA TECH COMPANY
Project:13774-SM Date: 30/09/2021

Figure 2: Current land ownership details of the KSIA



Legend

Kemerton Strategic Industrial Area

Industrial Core

Major Road

Land ownership

Development WA

DBCA / State of WA

State Utilities & MRWA

Local Government

Private

0 0.5 1 2
Kilometres
Datum/Projection:
GDA 1994 MGA Zone 50



Draft Terms of Reference

Commonwealth Government Strategic Proposal

Environment Protection and Biodiversity Conservation Act 1999

DRAFT TERMS OF REFERENCE FOR THE KEMERTON STRATEGIC INDUSTRIAL AREA IMPACT ASSESSMENT REPORT UNDER THE EPBC ACT

On **9th February 2022**, the Western Australian Minister for State Development and the Western Australian Minister for Lands entered into an agreement (**the Agreement**) with the Commonwealth Minister for the Environment (**the Commonwealth Minister**), pursuant to section 146(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), to undertake a strategic assessment of the impacts of actions taken within the defined Kemerton Strategic Industrial Area (**strategic assessment area**) on matters protected by a provision of Part 3 of the EPBC Act (**protected matters**).

The Agreement requires the Western Australian Minister for State Development, as represented by the Department of Jobs, Tourism, Science and Innovation, and the Western Australian Minister for Lands, as represented by DevelopmentWA, to prepare the following documents which will be considered by the Commonwealth Minister:

- A Plan (**the Plan**). The purpose of the Plan is to provide opportunities for the sustainable development of the strategic assessment area in accordance with the requirements of the EPBC Act.
- An Impact Assessment Report (**the Report**). The purpose of the Report is to:
 - assess the impact of implementing the Plan, including from an action or a class of actions proposed under the Plan on protected matters; and
 - address how those impacts will be avoided, mitigated and offset (where necessary or appropriate) to ensure the long-term protection of those protected matters.

These Terms of Reference specify what must be included in the Report to satisfy Commonwealth requirements under Part 10 of the EPBC Act.

Steps or processes in the assessment of the impacts of the actions to be taken in accordance with the Plan under Part 10 of the EPBC Act may be done concurrently with the Western Australian Strategic Proposal Assessment under the *Environmental Protection Act 1986* (WA), as provided for in Clause 4 of the Agreement.

1. PURPOSE OF THE REPORT

- 1.1. The Report must assess the impacts of implementing the Plan, including the impacts of an action or a class of actions proposed under the Plan, on protected matters.
- 1.2. The Report will enable the Commonwealth Minister to evaluate the ability of the Plan to ensure the long-term protection and conservation of the protected matters within the strategic assessment area.
- 1.3. The Report must demonstrate how the Plan has been developed to meet the requirements of the Agreement, including the endorsement criteria.

2. DESCRIPTION OF THE PLAN

- 2.1. To assess the impacts of implementing the Plan, the Report must describe and summarise the key elements of the Plan to which the Agreement relates, including:
- a. A summary outlining the Plan's overall purpose, key elements, spatial extent and timeframes, including how long the Plan is to be in effect.
 - b. The conservation objectives and commitments to be delivered for protected matters including measures to avoid, mitigate and offset the impacts of implementing the Plan.
 - c. The identification of an action or a class of actions to be taken under the Plan over the life of the approval¹.
 - d. The identification of an action or a class of actions that is outside the scope of the Plan.
 - e. The relationship of the Plan to other relevant Commonwealth and State policies, plans, guidelines, commitments, regulations and legislation (including environmental approvals). In particular, an assessment of why implementing the Plan will not be inconsistent with any relevant Recovery Plan or Threat Abatement Plan, and how the Plan has had regard to any relevant Conservation Advice.
 - f. The legal and administrative frameworks to implement and ensure compliance with the Plan, and the persons and authorities responsible for the implementation of and compliance with the Plan.
 - g. Management and funding arrangements for implementing the Plan and complying with any approval given with respect to the Plan under Part 10 of the EPBC Act, including but not limited to a description of the mechanism that will be used by DevelopmentWA to verify the persons who are proposing to take an action in accordance with the Plan, and to inform those persons of any relevant obligations and conditions of the approval.
- 2.2. The Report must describe the need and justification for the Plan, including the environmental, social and economic drivers for its implementation.
- 2.3. The Report must describe the decision-making framework used in considering alternatives and developing the objectives and commitments for the Plan. It should identify the alternative options that were evaluated to reach the draft Plan, and why these options were not supported.

¹ Please note that actions or classes of actions that have not been assessed through the Report cannot be covered by a Part 10 approval.

- 2.4. The Report must describe how the principles of ecologically sustainable development (as set out in section 3A of the EPBC Act) are considered and incorporated into the development and implementation of the Plan.

3. DESCRIPTION OF THE PROTECTED MATTERS IMPACTED BY THE PLAN

- 3.1. The Report must describe the nature of the environment within the strategic assessment area that may be impacted by actions proposed to be taken under the Plan. This must include, at a minimum:
- a. A description and map of current and historical land-use, including consideration of areas which may be subject to environmental impact.
 - b. The broad extent, type and quality of vegetation present in the strategic assessment area.
 - c. A description of the nature of the environment, including the state of natural and physical resources, ecological processes, and threatening processes.
 - d. A description of the landscape containing key environmental matters, such as any known habitat connectivity, habitat fragmentation, and ecological processes.
 - e. A map or maps of areas that are already protected, including national parks, nature reserves, and known offset areas under both Commonwealth and State legislation.
- 3.2. The Report must identify and describe each protected matter that may be impacted directly, indirectly and cumulatively by actions proposed to be taken under the Plan. This must include, at a minimum:
- a. Descriptive and spatial information for listed threatened and/or migratory species found within or adjacent to the strategic assessment area outlining habitat type, quality and area (in hectares), landscape context, listing status, threatening processes, estimates of population size or abundance and distribution.
 - b. Descriptive and spatial information for listed ecological communities found within or adjacent to the strategic assessment area, outlining their known and potential extents (in hectares), condition, listing status, threatening processes, habitat quality and landscape context.
 - c. The identification of any critical or important areas for protected matters, including consideration of the importance of both small and large areas of habitat, habitat connectivity, their position in the landscape and areas likely to be important for maintaining ecological processes for protected matters.
 - d. Maps detailing habitat type and extent for the listed threatened species, migratory species and ecological communities found within the strategic assessment area.

- e. The location of any declared World Heritage properties or National Heritage places found within the strategic assessment area, including a description of the associated heritage values.
 - f. A description of 'the environment'² of Commonwealth land (if present).
 - g. A description of 'the environment' if any action proposed under the Plan meets the definition of a nuclear action under section 22 of the EPBC Act; excluding those nuclear activities prohibited by section 146M of the EPBC Act.
 - h. A description of the ecological character of any Ramsar wetland (including upstream catchment areas) found within the strategic assessment area including the biological, physical and chemical components of the wetland ecosystem, and their interactions, which maintain the wetland and its products, functions, and attributes.
 - i. Justification as to the suitability of the methodologies, surveys or processes used to identify/estimate the presence/absence and potential extent of protected matters within the strategic assessment area.
 - j. Details of any information gaps or uncertainties in identifying the protected matters found within the strategic assessment area, including any further studies or measures required to address these gaps.
- 3.3. The Report, in identifying the protected matters potentially impacted by the Plan, must:
- a. Be compiled and assessed with regards to relevant EPBC Act statutory documents or policies, including but not limited to: Recovery Plans, Conservation Advices, Threat Abatement Plans and Referral Guidelines.
 - b. Assume the worst-case scenario where there is a high degree of uncertainty or risk, in line with the precautionary principle (for example, assume the presence of a listed threatened species unless it can be proven otherwise).

4. ASSESSMENT OF THE IMPACTS OF IMPLEMENTING THE PLAN ON PROTECTED MATTERS

- 4.1. The Report must describe and assess the likely direct, indirect and cumulative impacts of implementing the Plan, including any actions taken under the Plan, on protected matters. The level of assessment will be proportionate to the level of likely risk to each protected matter.

² In the event that the 'environment' is a protected matter, a description of any other relevant features of the strategic assessment area required to assess the impacts of the Plan to the 'environment' as defined by section 528 of the EPBC Act. See also *Significant impact guidelines 1.2: Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies*.

4.2. The Report must describe and provide justification for the method used to assess likely impacts to all protected matters arising from actions proposed to be taken under the Plan. The method must:

- a. Be appropriate for assessment at a strategic scale.
- b. Rely on the best available information.
- c. Preference, where possible, the collection of site-specific data (e.g. field surveys).
- d. Discuss uncertainty, including reference to the data and information sources relied upon.
- e. Assume the worst-case scenario where there is a high degree of uncertainty or risk (i.e. apply the precautionary principle to the assessment of impacts).

4.3. The Report must identify:

- a. How impacts to protected matters will be avoided.
- b. The duration, extent, area and likely severity of the impacts, assessed in accordance with the precautionary principle.
- c. The mitigation measures that will be implemented and their likely effectiveness to reduce impacts to protected matters.
- d. How residual impacts that cannot be avoided or mitigated will be offset in accordance with the principles of the EPBC Act, *Environmental Offsets Policy, 2012*³.
- e. The proposed funding arrangements and timeframes for the delivery of avoidance, mitigation and offset requirements.
- f. Environmental objectives and commitments for the management and conservation of protected matters for the life of the Plan.

4.4. The Report must provide evidence as to the adequacy and likely effectiveness of the environmental objectives and commitments proposed in the Plan in conserving and managing protected matters. To do this, the Report must:

- a. Demonstrate how the environmental objectives and commitments will effectively manage and conserve protected matters for the life of the Plan.
- b. Demonstrate how environmental objectives and commitments for protected matters are to be documented, delivered and adequately resourced throughout the life of the Plan.
- c. Demonstrate the effectiveness of implementation frameworks, funding arrangements and administrative processes to deliver the environmental

³ As amended from time to time, or any other Commonwealth policy that relates to offsets that replaces this policy

objectives and commitments proposed in the Plan, including the identification of individuals who will be responsible for the delivery of proposed commitments.

- d. Outline how the proposed environmental objectives and commitments will be tracked and adaptively managed to improve their implementation, especially in situations where monitoring demonstrates the delivery of the objectives and commitments is not leading to the effective management and conservation of protected matters.
 - e. Identify how new information relating to protected matters, including legislative changes, will be assessed and accounted for in the implementation of the Plan.
 - f. Provide evidence to demonstrate how the proposed objectives and commitments will be enforced and administered to third-parties to ensure protected matters are managed and protected over the life of the Plan.
- 4.5. The Report must provide evidence as to the adequacy and likely effectiveness of proposed objectives and commitments for the achievement of administrative and regulatory efficiencies. To do this, the Report must:
- a. Identify and assess how the proposed implementation of the Plan and Part 10 Approval will deliver reduced administrative burden to third-parties who will utilise the approval, other parties who may be impacted by the approval, and regulators.
 - b. The effectiveness of the proposed administrative systems to inform, educate, verify, administer and track third-party requests to undertake an endorsed action under the Plan.
 - c. The effectiveness of proposed administrative systems to capture/monitor the environmental impacts of each action taken under the Plan and ensure compliance with the Plan will be monitored and non-compliance reported.
- 4.6. The Report may also consider matters that are potentially eligible for listing as a result of inclusion in a final priority assessment listing held by the Commonwealth, or a recommendation to the Commonwealth Minister for listing by the Threatened Species Scientific Committee, prior to the Report being submitted, to ensure that all protected matters listed at the time of the endorsement decision have been considered.
- 4.7. The Report must detail how adaptation to reasonable climate change scenarios has been considered where such data exists or is required to be considered by a particular EPBC Act statutory document for a protected matter (such as a Recovery Plan), and what (if any) effect this would have on the outcome for protected matters.
- 4.8. The Report must consider the extent to which the impacts to protected matters of actions proposed under the Plan would be consistent with the requirements and objectives of the EPBC Act, including but not limited to:

- a. How approving an action or class of actions to be taken in accordance with the Plan, if endorsed, would not be inconsistent with Australia's international obligations, including but not limited to, the Biodiversity Convention, Apia Convention, CITES, World Heritage Convention, Ramsar Convention, Bonn Convention, CAMBA, JAMBA and any other international agreement (section 146G, 146J, 146K and 146L of the EPBC Act).
 - b. How approving an action or class of actions to be taken in accordance with the Plan would not be inconsistent with any relevant Recovery Plans or Threat Abatement Plans (section 146K(2) of the EPBC Act).
 - c. How regard will be given to the objectives, conservation actions and other relevant information in any relevant Conservation Advices (section 146K(3) of the EPBC Act).
 - d. How approving an action or class of actions to be taken in accordance with the Plan would not be inconsistent with management plans for National Heritage places (sections 324S and 324X of the EPBC Act), management plans for declared World Heritage properties (sections 146G of the EPBC Act), the Australian World Heritage management principles (section 146G of the EPBC Act) and the National Heritage management principles (section 146H of the EPBC Act).
- 4.9. The Report must assess how the Plan meets the objectives of the EPBC Act, including how the plan promotes the principles of ecologically sustainable development (as set out in section 3A of the EPBC Act).

5. IMPLEMENTATION AND ASSURANCE FRAMEWORK

- 5.1. As established in the Agreement, the Plan must commit to and outline an Implementation Framework (Clause 5.3(e)) that describes how the Plan will be efficiently and effectively implemented (including how objectives and commitments for the conservation of protected matters set out in the Plan will be achieved) and Assurance Framework (Clause 5.3(f)) that describes how the named approval holder (or holders) will demonstrate and adaptively manage the effectiveness of proposed regulatory, administrative and protected matter objectives.
- 5.2. The Report must assess the effectiveness and efficiency of the proposed Implementation Framework and Assurance Framework to explain how:
- a. The verification process will be used to administer and track the use of the Part 10 Approval by persons who are undertaking an action in accordance with the Plan.
 - b. Third-parties undertaking actions under the Part 10 Approval are informed of, and understand, their obligations under the Plan and approval.
 - c. Objectives and commitments for protected matters, and regulatory and administrative efficiencies, will be monitored, documented, delivered, and adequately resourced throughout the life of the Plan.

- d. Governance arrangements will be developed to implement the Part 10 Approval, including the roles and responsibilities of the Parties and the named approval holder (or holders) throughout the life of the Plan.
- e. The named approval holder (or holders) will monitor, evaluate, review and adaptively manage the effectiveness of proposed regulatory, administrative and protected matter objectives, commitments and approval conditions; this must include a process for auditing and reporting to provide transparency for stakeholders.

6. EVALUATION OF THE OVERALL OUTCOMES OF THE PLAN

- 6.1. The Report must evaluate the overall conservation commitments and environmental objectives for protected matters, taking into account likely impacts to protected matters from implementing the Plan (including any actions proposed to be taken under the Plan) and the Assurance and Implementation Framework.
- 6.2. The evaluation must include:
 - a. The extent to which protected matters are represented in the strategic assessment area.
 - b. The extent to which protected matters are represented in areas to be protected or managed under the Plan.
 - c. The extent to which any areas to be protected or managed under the Plan will ensure the long-term protection of each protected matter, and the on-going function of any key ecosystem services needed for the on-going viability of protected matters.
 - d. Whether there will be serious and irreversible impacts to any protected matter.
 - e. The extent to which the objectives and commitments proposed under the Plan address any significant vulnerabilities of protected matters including under reasonable climate change scenarios.
 - f. The likely effectiveness of the objectives and commitments proposed under the Plan in protecting and managing protected matters and any risks and uncertainties.
 - g. An assessment of how the Plan meets the endorsement criteria, as set out in the Agreement at Attachment 2.
 - h. An analysis and justification as to why DevelopmentWA considers that the impacts of implementing the Plan are acceptable.

7. ADDRESSING UNCERTAINTY AND RISK

- 7.1. The Report must identify key uncertainties and risks associated with implementing the Plan, responses to these and proposed adaptations to changing circumstances. Key uncertainties may include:

- a. Knowledge gaps in scientific understanding and responding to new knowledge.
- b. Assumptions made in assessing potential impacts and benefits.
- c. How changes to Commonwealth, State and local government legislation, policies, plans and advice are to be accounted for in the management of the areas impacted by the implementation of the Plan.
- d. The effectiveness or capacity to ensure the Plan is implemented.

8. INFORMATION SOURCES

- 8.1. The Report must identify the sources of information and data relied upon including the reliability and currency of the data.
- 8.2. The Report may include summaries of independent peer review processes. If the review(s) are publicly available, the Report will provide details of where they are publicly available.