

THIS DOCUMENT

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document.

Copyright in this document is reserved to the Crown in right of the State of Western Australia.

Reproduction except in accordance with copyright law is prohibited.

Published on: 23 September 2016

Statement No. 1036

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED

(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: 1994

Report of the Environmental Protection Authority: 1569

Pursuant to section 45 of the *Environmental Protection Act 1986* it has been agreed that the proposal described and documented in Table 2 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Proposal Implementation

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.

2 Contact Details

- 2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

3 Time Limit for Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after five (5) years from the date on this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

4 Compliance Reporting

- 4-1 The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation, whichever is sooner.
- 4-2 The Compliance Assessment Plan shall indicate:
- (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of Compliance Assessment Reports; and
 - (6) public availability of Compliance Assessment Reports.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.

- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.

5 Public Availability of Plans and Reports

- 5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all environmental plans and reports required under this Statement.
- 5-2 If any parts of the plans or reports, referred to in condition 5-1 contains particulars of:
- (1) a secret formula or process; or
 - (2) confidential commercially sensitive information; or
 - (3) the location of threatened species or other important environmental assets that may be potentially harmed if their location was published;
- the proponent may submit a request for approval from the CEO to not make these environmental plans and reports publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why those parts of the plans or reports should not be made publicly available.

6 Infrastructure Plan (Terrestrial Fauna, Hydrological Processes, Inland Waters Environmental Quality, Amenity (Noise))

6-1 The proponent shall demonstrate that the proposal is designed and constructed consistent with the authorised extent(s) as referred to in Table 2 in Schedule 1 in order to meet the following environmental objectives:

- (1) minimise direct and indirect impacts to conservation significant terrestrial fauna;
- (2) minimise impacts to hydrological regimes of surface water;
- (3) minimise impacts to the quality of groundwater and surface water; and
- (4) minimise impacts to amenity as low as reasonably practicable,

through the implementation of conditions 6-2 to 6-5.

6-2 The proponent shall prepare and submit a pre-construction Infrastructure Plan which is to be approved by the CEO prior to the commencement of ground disturbing activities. The pre-construction Infrastructure Plan shall include:

- (1) the alignment, dimensions and locations of the key proposal elements as referred to in Columns 1 and 2 of Table 2 in Schedule 1;
- (2) the dimensions and locations of fauna underpasses and fauna fencing as referred to in Columns 1 and 2 of Table 2 in Schedule 1. Fauna underpass dimensions and locations should be consistent with the approved Fauna – Construction – Condition Environmental Management Plan as required by condition 12;
- (3) the design and locations of culverts and bridges as referred to in Columns 1 and 2 of Table 2 in Schedule 1;
- (4) the design and location of bioretention swales and infiltration basins in the vicinity of Ellen Brook and within the GUWPCA, consistent with the approved Inland Waters Environmental Quality – Hydrological Processes Condition Environmental Management Plan as required by condition 13;
- (5) the dimensions and locations of noise walls as referred to in Columns 1 and 2 of Table 2 in Schedule 1, consistent with the approved Amenity (Noise) – Condition Environmental Management Plan; and
- (6) spatial data for the proposal elements as detailed in 6-2(1), 6-2(2), 6-2(3), 6-2(4) and 6-2(5).

6-3 The proponent may review and revise the pre-construction Infrastructure Plan required by condition 6-2, or shall review and revise the pre-construction Infrastructure Plan required as and when directed by the CEO.

6-4 The revised pre-construction Infrastructure Plan shall be the Infrastructure Plan

used for implementing construction, following receipt in writing from the CEO that the revised pre-construction Infrastructure Plan satisfies the requirements set out in condition 6-2.

6-5 The proponent shall prepare and submit a post-construction Infrastructure Report to confirm that the key elements of the proposal as referred to in Columns 1 and 2 of Table 2 in Schedule 1 were constructed in accordance with the requirements of condition 6-2, within six (6) months following the completion of construction, or as otherwise agreed in writing by the CEO. The post-construction Infrastructure Report shall include:

- (1) the alignment, dimensions and locations of the key proposal elements as referred to in Columns 1 and 2 of Table 2 in Schedule 1;
- (2) the dimensions and locations of fauna underpasses and fauna fencing as referred to in Columns 1 and 2 of Table 2 in Schedule 1. Fauna underpass dimensions and locations should be consistent with the approved Fauna – Construction – Condition Environmental Management Plan as required by condition 12;
- (3) the design and locations of culverts and bridges as referred to in Columns 1 and 2 of Table 2 in Schedule 1;
- (4) the design and location of bioretention swales and infiltration basins in the vicinity of Ellen Brook and within the GUWPCA, consistent with the approved Inland Waters Environmental Quality – Hydrological Processes Condition Environmental Management Plan as required by condition 13;
- (5) the dimensions and locations of noise walls as referred to in Columns 1 and 2 of Table 2 in Schedule 1, consistent with the approved Amenity (Noise) – Condition Environmental Management Plan; and
- (6) spatial data for the proposal elements as detailed in 6-5(1), 6-5(2), 6-5(3), 6-5(4) and 6-5(5).

7 Condition Environmental Management Plans (management based)

7-1 Prior to the commencement of ground disturbing activities, or as otherwise agreed in writing by the CEO, the proponent shall prepare and submit Condition Environmental Management Plans to the satisfaction of the CEO to demonstrate that the **environmental objectives** in conditions 9-1, 10-1, 11-1, 12-1 and 15-1 will be met.

7-2 The Condition Environmental Management Plans shall:

- (1) prioritise risk-based management actions that will be implemented to meet the environmental management objectives in conditions 9-1, 10-1, 11-1, 12-1 and 15-1;

- (2) specify measurable management targets for determining the efficacy of the risk-based management actions;
- (3) specify monitoring to be conducted to measure the efficacy of management actions against management targets;
- (4) specify, in the event that the management targets are not achieved a procedure for revision of management actions and changes to proposal activities. The procedure shall include an investigation to determine the cause of the management targets being exceeded;
- (5) provide the format and timing for annual reporting required by condition 4-6 for:
 - a) verification of the implementation of management actions to demonstrate that conditions 9-1, 10-1, 11-1, 12-1 and 15-1 have been met for the reporting period; and
 - b) reporting on the efficacy of management actions against management targets;
- (6) provide for reporting when management actions are not implemented.

7-3 After receiving notice in writing from the CEO that a Condition Environmental Management Plans satisfies the requirements of condition 7-2 for conditions 9-1, 10-1, 11-1, 12-1 and 15-1, the proponent shall prior to the commencement of ground disturbing activities:

- (1) implement the provisions of the approved Condition Environmental Management Plans; and
- (2) continue to implement the approved Condition Environmental Management Plans until the CEO has confirmed by notice in writing that the proponent has met the relevant objectives specified in the approved Condition Environmental Management Plan and no longer needs to implement that particular Condition Environmental Management Plan.

7-4 In the event that monitoring, tests, surveys or investigations indicate that management actions specified in a Condition Environmental Management Plan are not implemented or that management targets specified in a Condition Environmental Management Plans are exceeded, the proponent shall:

- (1) report the exceedance or failure to implement management actions in writing within 7 days of identification;
- (2) investigate to determine the cause of the management actions not being implemented and/or management targets being exceeded;
- (3) investigate to provide information for the determination by the CEO of potential environmental harm or alteration of the environment that occurred due to the failure to implement management actions;

- (4) provide a report to the CEO within 60 days of the reporting required by condition 7-4(1). The report shall include:
- a) cause for failure to implement management actions and/or management targets exceeded;
 - b) the findings of the investigation required by conditions 7-4(2) and 7-4(3);
 - c) details of revised and/or additional management actions to be implemented to prevent exceedance of the management targets and/or ensure implementation of management actions;
 - d) relevant changes to proposal activities; and
 - e) measures to prevent, control or abate the environmental harm which may have occurred.

7-5 The proponent may review and revise the Condition Environmental Management Plans, or as otherwise specified by the CEO.

7-6 The proponent shall implement the latest revision of the Condition Environmental Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 7-2.

8 Condition Environmental Management Plans (outcome based)

8-1 Prior to the commencement of ground disturbing activities, or as otherwise agreed in writing by the CEO, the proponent shall prepare and submit Condition Environmental Management Plans to the satisfaction of the CEO to demonstrate that the **environmental outcomes** in conditions 13-1 and 14-1 will be met.

8-2 The Condition Environmental Management Plans shall:

- (1) specify trigger criteria that will trigger the implementation of trigger level actions if exceeded;
- (2) specify threshold criteria that:
 - a) provides a limit beyond which the environmental outcomes identified in conditions 13-1 and 14-1 are not achieved; and
 - b) will trigger the implementation of threshold contingency actions if exceeded;
- (3) specify monitoring to determine if trigger criteria and threshold criteria are exceeded;
- (4) specify trigger level actions to be implemented in the event that trigger criteria have been exceeded;

- (5) specify threshold contingency actions to be implemented in the event that threshold criteria are exceeded;
 - (6) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that conditions 13-1 and 14-1 have been met over the reporting period in the Compliance Assessment Report required by condition 4; and
 - (7) provide for reporting of exceedances of the trigger and threshold criteria.
- 8-3 After receiving notice in writing from the CEO that a Condition Environmental Management Plans satisfies the requirements of condition 8-2 for conditions 13-1 and 14-1, the proponent shall prior to the commencement of ground disturbing activities:
- (1) implement the provisions of the approved Condition Environmental Management Plans; and
 - (2) continue to implement the approved Condition Environmental Management Plans until the CEO has confirmed by notice in writing that the proponent has met the relevant objectives specified in the approved Condition Environmental Management Plan and no longer needs to implement that particular Condition Environmental Management Plan.
- 8-4 In the event that monitoring indicates exceedance of trigger criteria and/or threshold criteria specified in a Condition Environmental Management Plans, the proponent shall:
- (1) report the exceedance in writing within 7 days of the exceedance being identified;
 - (2) immediately implement the trigger level actions and/or threshold contingency actions specified in that Condition Environmental Management Plans and continue implementation of those actions until the trigger criteria are being met, or until the CEO has confirmed by notice in writing that it has been demonstrated that the environmental outcomes in conditions 13-1 and 14-1 are being met and implementation of the trigger level actions and/or threshold contingency actions are no longer required;
 - (3) investigate to determine the cause of the trigger criteria and/or threshold criteria being exceeded;
 - (4) identify additional measures required to prevent the trigger and/or threshold criteria being exceeded in the future;
 - (5) investigate to determine potential environmental harm or alteration of the environment that occurred due to threshold criteria being exceeded; and
 - (6) provide a report to the CEO within 60 days of the exceedance being reported. The report shall include:

- a) details of trigger level actions or threshold contingency actions implemented;
- b) the effectiveness of the trigger level actions or threshold contingency actions implemented, monitored and measured against trigger criteria and threshold criteria;
- c) the findings of the investigations required by condition 8-4(3) and 8-4(5);
- d) additional measures to prevent the trigger or threshold criteria being exceeded in the future; and
- e) measures to prevent, control or abate the environmental harm which may have occurred.

8-5 The proponent:

- (1) may review and revise the Condition Environmental Management Plans; or
- (2) shall review and revise the Condition Environmental Management Plans as and when directed by the CEO.

8-6 The proponent shall implement the latest revision of the Condition Environmental Management Plans, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 8-2.

9 Flora and Vegetation – Construction – Condition Environmental Management Plan

9-1 The proponent shall manage the construction of the proposal to meet the following **environmental objectives**:

- (1) to ensure that *Phytophthora cinnamomi* is not introduced into disease free areas by construction activities during construction;
- (2) to ensure that impacts to flora and vegetation from dust are minimised as far as practicable during construction; and
- (3) to ensure that impacts to flora and vegetation from the introduction or spread of weeds are minimised as far as practicable during construction, through implementation of the Flora and Vegetation – Construction – Condition Environmental Management Plan approved by the CEO.

9-2 The proponent shall prepare the Flora and Vegetation – Construction – Condition Environmental Management Plan required by condition 7-1 on advice of the Department of Parks and Wildlife.

9-3 For the purpose of establishing **management targets** as required by condition

7-2(2), if adequate site specific *Phytophthora cinnamomi* and weed mapping is not available the proponent shall undertake baseline surveys prior to ground disturbing activities, or as agreed by the CEO.

9-4 In the event baseline surveys are required, prior to the commencement of ground disturbing activities the proponent shall prepare in consultation with the Department of Parks and Wildlife, and submit a Baseline Survey Plan(s) to the CEO. The Baseline Survey Plan(s) shall:

- (1) when implemented, determine the baseline state of areas identified in condition 9-4(3) so that ongoing monitoring can determine that conditions 9-1(1) and 9-1(3) are being met;
- (2) detail the proposed methodology for the baseline surveys;
- (3) identify and spatially define the proposed survey locations and reference/control sites and provide rationale for the location of the sites;
- (4) include a description and map of the areas that are free from *Phytophthora cinnamomi*;
- (5) include a description and map of the areas that are free from weeds and for those areas that contain weeds, provide the level of weed cover and type; and
- (6) detail the proposed frequency and timing for the baseline surveys.

9-5 After receiving notice in writing from the CEO that the Baseline Survey Plan(s) satisfies the requirements of condition 9-4, the proponent shall undertake the baseline surveys in accordance with the requirements of the Baseline Survey Plan(s).

On completion of the baseline surveys the proponent shall report to the CEO on the following:

- (1) completion of the baseline surveys in accordance with the Baseline Survey Plan(s); and
- (2) the results of the baseline surveys.

9-6 The proponent shall undertake monitoring as required by condition 7-2(3) for a period of 3 years post construction in order to demonstrate that the environmental objectives for condition 9-1 have been met.

9-7 In the event that monitoring required by condition 9-6 indicates that the environmental objectives for conditions 9-1 have not been met the proponent shall undertake the requirements of condition 7-4.

9-8 The proponent shall not undertake clearing or construct any laydown areas or stock piles within the 50 m buffer of *Caladenia huegelii*, as delineated in

Figure 2 of Schedule 1 and defined by geographic coordinates in Schedule 2.

9-9 The proponent shall not undertake clearing or construct any laydown areas or stock piles within the 10 m buffer, as delineated in Figure 3 of Schedule 1 and defined by geographic coordinates in Schedule 2, of:

- (1) *Grevillea curviloba* subsp. *incurva*; and
- (2) *Darwinia foetida*.

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, *Claypans of the Swan Coastal Plain* 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, 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 on advice of the Department of Parks and Wildlife.

11 Flora and Vegetation – Progressive Rehabilitation Condition Environmental Management Plan

11-1 The proponent shall manage the implementation of the proposal to meet the following **environmental objectives**:

- (1) to progressively rehabilitate the areas of native vegetation cleared as a result of implementation of the proposal that are no longer required for construction activities or not required for ongoing operations; and
- (2) to rehabilitate the section of Beechboro Road North from Jules Steiner Memorial Drive to Gngangara Road within twelve months of decommissioning this section of road,

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

- 11-2 The proponent shall identify and map areas to be rehabilitated as required by condition 11-1.
- 11-3 Those areas to be rehabilitated as identified in condition 11-2 shall not include areas required for ongoing operations including, but not limited to, drainage basins, road embankments and median strips.
- 11-4 The proponent shall prepare the Flora and Vegetation – Progressive Rehabilitation Condition Environmental Management Plan required by condition 7-1 on advice of the Department of Parks and Wildlife.
- 11-5 The **management targets** as required by condition 7-2(2) must include rehabilitation completion criteria using locally native species.
- 11-6 The proponent shall not plant known species of foraging habitat for black cockatoos, including but not limited to, *Banksia* spp., *Hakea* spp., *Grevillea* spp. and *Eucalyptus* spp. within 10 m of the constructed road carriageway.

12 Fauna – Construction – Condition Environmental Management Plan

- 12-1 The proponent shall manage the construction of the proposal to meet the following **environmental objective**:
 - (1) to ensure that impacts to conservation significant fauna are minimised as far as practicable during final design and construction of the proposal, through implementation of the Fauna – Construction – Condition Environmental Management Plan approved by the CEO.
- 12-2 The proponent shall prepare the Fauna – Construction – Condition Environmental Management Plan required by condition 7-1 on advice of the Department of Parks and Wildlife.
- 12-3 The Fauna – Construction - Condition Environmental Management Plan shall include Threshold contingency actions, including but not limited to:
 - (1) best practice design, including shape, size, furniture and sky lights of fauna underpasses;
 - (2) trapping and relocation of ground dwelling fauna prior to clearing;
 - (3) presence of fauna spotters during clearing;

- (4) dispersal and relocation of fauna identified by fauna spotters as required by condition 12-3(3) during clearing;
- (5) any trenching activities; and
- (6) ensuring that if clearing is to be undertaken, the proponent shall use an appropriately experienced black cockatoo expert to thoroughly inspect the area for Black Cockatoo breeding activity, in particular nesting, and if the area is found to be in use, clearing in the area shall be postponed until such time as determined suitable, on the advice of the Department of Parks and Wildlife.

13 Inland Waters Environmental Quality – Hydrological Processes – Condition Environmental Management Plan

13-1 The proponent shall manage the construction and operation of the proposal to meet the following **environmental outcome**:

- (1) the construction and operation of the proposal shall not result in an unacceptable decline in water quality of the GUWPCA; and
- (2) the construction and operation of the proposal shall not result in an unacceptable decline in water quality of the Ellen Brook as confirmed by monitoring for a period of 5 years post construction,

through implementation of the Inland Waters Environmental Quality – Hydrological Processes – Condition Environmental Management Plan approved by the CEO.

13-2 The proponent shall prepare the Inland Waters Environmental Quality – Hydrological Processes – Condition Environmental Management Plan required by condition 8-1 on advice of the Department of Water.

13-3 For the purpose of establishing **trigger criteria** required by condition 8-2(1), if adequate site specific water quality data is not available the proponent shall undertake baseline surveys prior to the commencement of ground disturbing activities in the GUWPCA and in the vicinity of Ellen Brook.

13-4 In the event baseline surveys are required, the proponent shall prepare in consultation with the Department of Water, and submit a Baseline Survey Plan to the CEO. The Baseline Survey Plan shall:

- (1) when implemented, determine the baseline water quality within the GUWPCA and the Ellen Brook;
- (2) detail the proposed methodology for the baseline surveys;
- (3) identify and spatially define the proposed survey locations and reference/control sites and provide rationale for the location of the sites; and

- (4) detail the proposed frequency and timing for the baseline surveys.
- 13-5 After receiving notice in writing from the CEO that the Baseline Survey Plan satisfies the requirements of condition 13-4, the proponent shall undertake the baseline surveys in accordance with the requirements of the Baseline Survey Plan.
- 13-6 On completion of the baseline surveys the proponent shall report to the CEO on the following:
- (1) completion of the baseline surveys in accordance with the Baseline Survey Plan; and
 - (2) the results of the baseline surveys.
- 13-7 The proponent shall specify **threshold criteria** that are consistent with the *Australian Drinking Water Guidelines* (NHMRC & ARMCANZ 1996), or its revisions, as required by condition 8-2(2).
- 13-8 The proponent shall not construct any laydown areas, stock piles or store chemicals within the well head protection zones in the GUWPCA.
- 13-9 Any fuel or chemicals stored within the GUWPCA shall:
- (1) be contained within double-lined fuel storage tanks;
 - (2) not exceed an individual storage tank capacity of 5,000 L;
 - (3) be placed in bunds capable of storing 125% of the capacity of the largest storage tank; and
 - (4) not be located within well head protection zones.
- 13-10 The proponent shall not construct infiltration basins, including bio-retention basins, within 100 m of drinking water production wells within the GUWPCA.

14 Flora and Vegetation – Inland Waters Environmental Quality – Hydrological Processes – 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 the *Claypans of the Swan Coastal Plain* and *Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)* and Conservation Category Wetlands as shown in Figures 5 and 6; and
 - (2) to ensure that construction of the proposal maintains predevelopment surface water flows to the *Darwinia foetida*, *Claypans of the Swan*

Coastal Plain and Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain) and Conservation Category Wetlands as shown in Figures 3, 5 and 6,

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

- 14-2 The proponent shall prepare the Flora and Vegetation – Inland Waters Environmental Quality – Hydrological Processes – Condition Environmental Management Plan required by condition 8-1 on advice of the Department of Water and Department of Parks and Wildlife.
- 14-3 The proponent shall undertake baseline surveys prior to ground disturbing activities for the purpose of establishing **trigger** and **threshold criteria** as required by condition 8-2.
- 14-4 Prior to the commencement of ground disturbing activities, the proponent shall prepare in consultation with the Department of Water and the Department of Parks and Wildlife, and submit a Baseline Survey Plan(s) to the CEO. The Baseline Survey Plan(s) shall:
 - (1) when implemented, determine the baseline state of areas identified in condition 14-4(3) so that ongoing monitoring can determine that conditions 14-1(1) and 14-1(2) will be met;
 - (2) detail the proposed methodology for the baseline surveys;
 - (3) identify and spatially define the proposed survey locations and reference/control sites and provide rationale for the location of the sites; and
 - (4) detail the proposed frequency and timing for the baseline surveys.
- 14-5 After receiving notice in writing from the CEO that the Baseline Survey Plan satisfies the requirements of condition 14-4, the proponent shall undertake the baseline surveys in accordance with the requirements of the Baseline Survey Plan.
- 14-6 On completion of the baseline surveys the proponent shall report to the CEO on the following:
 - (1) completion of the baseline surveys in accordance with the Baseline Survey Plan; and
 - (2) the results of the baseline surveys.
- 14-7 The proponent shall undertake monitoring as required by condition 8-2(3) for a period of 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.

14-8 In the event that monitoring required by condition 14-7 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.

14-9 The proponent shall not construct laydowns areas or stock piles within 50 m of *Claypans of the Swan Coastal Plain* and *Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)* and Conservation Category Wetlands as shown in Figures 5 and 6.

15 Amenity (Noise) – Condition Environmental Management Plan

15-1 The proponent shall construct the proposal to meet the following **environmental objectives**:

- (1) to ensure that impacts to the noise amenity of existing sensitive receptors delineated in Figure 7 of Schedule 1 and defined by geographic coordinates in Schedule 2, as a result of the ongoing operation of the proposal are minimised as low as reasonably practicable; and
- (2) to ensure that the impacts to the noise amenity of existing sensitive receptors, are consistent with section 5.3 of State Planning Policy 5.4 for properties south of Maralla Road,

through implementation of the Amenity (Noise) – Condition Environmental Management Plan approved by the CEO.

15-2 The Amenity (Noise) – Condition Environmental Management Plan shall include **management actions** for:

- (1) the design of noise mitigation measures, including but not limited to noise attenuation barriers and noise walls;
- (2) the procedures to monitor the effectiveness of noise mitigation measures;
- (3) the procedures to consult with the affected landowners delineated in Figure 7 of Schedule 1 and defined by geographic coordinates in Schedule 2, regarding additional noise mitigation measures; and
- (4) the procedures for noise complaint management and a response framework.

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 Parks and Wildlife;
- (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 Ioppolo 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 Ioppolo Road Site Land Acquisition and Management Plan; and
 - (2) continue to implement the approved Ioppolo 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 Ioppolo Road Site Land Acquisition and Management Plan have been met and therefore the implementation of the actions is no longer required.
- 16-5 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 Ioppolo Road Site Land Acquisition and Management Plan, as required by condition 16-2, for the purpose of conservation. The land identified in the approved Ioppolo 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.
- 16-6 The proponent shall review and revise the Ioppolo 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 Ioppolo 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 16-8;
- (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) potential foraging habitat; and
 - b) 21.4 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) potential 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 16-9(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 Offsets Strategy satisfies the requirements of condition 16-9, 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 Offsets 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 Parks and Wildlife.

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 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 Parks and Wildlife 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); 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;
- (2) identify the environmental attributes of the offset area(s);
- (3) 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;
- (4) 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;
- (5) 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;
- (6) 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.

[Signed 20 September 2016]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the proposal

Proposal Title	Perth-Darwin National Highway (Swan Valley Section)
Short Description	The proposal is to construct and operate a new 38 km long section of the Perth-Darwin National Highway between Malaga and Muchea, Western Australia. The proposal would consist of a dual carriageway highway and would connect the intersection of Tonkin Highway and Reid Highway in Malaga with the Great Northern Highway and Brand Highway in Muchea.

Table 2: Location and authorised extent of physical and operational elements

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Clearing and disturbance for road corridor, drainage structures including infiltration and bioretention basins and swales, laydowns, bridges and culverts, fauna fencing, fauna underpasses, noise walls, road train assembly area and principal shared path.	Located within the development envelope as shown in Figure 1.	Clearing and disturbance of no more than 746 ha consisting of up to 206 ha of native vegetation. This includes up to: • 129.9 ha of Bush Forever areas; • 0.4 ha of Class A Nature Reserve 46920; • 0.2 ha of Class A Nature Reserve 46919; • 32.6 ha of Gngangara-Moore River State Forest No. 65; • 4 ha of Floristic Community Type SCP 20a Threatened Ecological Community; • 31.9 ha of <i>Caladenia huegelii</i> critical habitat; • 2 ha of <i>Grevillea curviloba</i> subsp. <i>incurva</i> critical habitat; and • 16 ha of Conservation Category Wetlands, within a 985 ha development envelope.
Noise walls	Located within the development envelope as shown in Figure 1.	Height of noise walls to be no more than 5 m on residential boundaries between Reid Highway and south of Maralla Road.

Table 3: Abbreviations and definitions

Acronym/ Abbreviation or Term	Definition or term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
Condition environmental objective	The proposal-specific desired state for an environmental factor/s, to be achieved from the implementation of management-based Condition EMP provisions, as required in a management-based implementation condition.
Condition environmental outcome	The proposal-specific desired state for an environmental factor/s to be achieved from the implementation of outcome-based Condition EMP provisions, as required in an outcomes-based implementation condition.
Drinking water production wells	Means a well owned and operated by the Water Corporation and from which groundwater is extracted for the provision of a public water supply as defined in the <i>Metropolitan Water Supply, Sewage and Drainage By-laws 1981</i> or its revisions.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
Ground Disturbing Activity	Activities that are associated with the substantial implementation of the proposal including but not limited to, earthmoving, vegetation clearing, grading, construction of new or widening of existing roads and tracks. Ground disturbing activities does not include Geotechnical investigations (including potholing for services and the installation of piezometers) and other preconstruction activities where no clearing of vegetation is required.
GUWPCA	Gnangara Underground Water Pollution Control Area as delineated in the <i>Metropolitan Water Supply, Sewage and Drainage By-laws 1981</i> or its revisions.
ha	Hectare
km	Kilometre
L	Litre
m	Metre
Management actions	Identified actions undertaken to mitigate the impacts of implementation of a proposal on the environment and achieve the condition environmental objective.
Management target	A measurable boundary of acceptable impact with proposal or site-specific parameters, that assesses the efficacy of management actions against the condition environmental objective and beyond which management actions have to be reviewed and revised. Proposal- or site-specific parameters may include location, scale, time period, specific species/ population/community and a relative benchmark (e.g. baseline or reference).
Nesting activity	Evidence of either eggs or fledglings in the nest.
OEPA	Office of the Environmental Protection Authority

Recovery Plans	Means Recovery Plans as adopted under the EPBC Act or State endorsed Interim Recovery Plans for Threatened Species or Communities.
Rehabilitation	To maximise the return of biodiversity by reinstating self-sustaining and functional ecosystems based on local species.
SCP	Swan Coastal Plain
State Planning Policy 5.4	State Planning Policy 5.4 <i>Road and Rail transport Noise and Freight Considerations in Land Use Planning</i> (2009), prepared under section 26 of the <i>Planning and Development Act 2005</i> by the Western Australian Planning Commission.
Threshold criteria	Environmental criteria representative of the limit of acceptable impact beyond which indicates that the environmental outcome is not being met.
Trigger criteria	Environmental criteria that forewarn of the approach of the threshold criteria and signal the need to undertake trigger level actions to ensure the threshold criteria are not exceeded.
Threshold contingency actions	Response actions that are implemented when monitoring shows that threshold criteria have been exceeded.
Trigger level actions	Response actions that are implemented when monitoring shows that trigger criteria have been exceeded.
Well head protection zone	Means that area within a pollution area that surrounds a wellhead as defined and delineated in the <i>Metropolitan Water Supply, Sewage and Drainage By-laws 1981</i> or its revisions.
Threshold contingency actions	Response actions that are implemented when monitoring shows that threshold criteria have been exceeded.
Trigger level actions	Response actions that are implemented when monitoring shows that trigger criteria have been exceeded.

Figures (attached)

Figure 1 Perth-Darwin National Highway development envelope
(This figure is a representation of the coordinates in Schedule 2)

Figure 2 *Caladenia huegelii* 50 m buffer
(This figure is a representation of the coordinates in Schedule 2)

Figure 3 *Grevillea curviloba* subsp. *incurva* and *Darwinia foetida* 10 m buffer
(This figure is a representation of the coordinates in Schedule 2)

Figure 4 Remaining extent of Floristic Community Type SCP 20a outside the development envelope

Figure 5 Southern section of the alignment showing the development envelope and Conservation Category Wetlands

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

Figure 7 Existing noise sensitive receptors north of Maralla Road
(This figure is a representation of the coordinates in Schedule 2)

Deleted and Replaced



Figure 1 – Perth-Darwin National Highway development envelope.

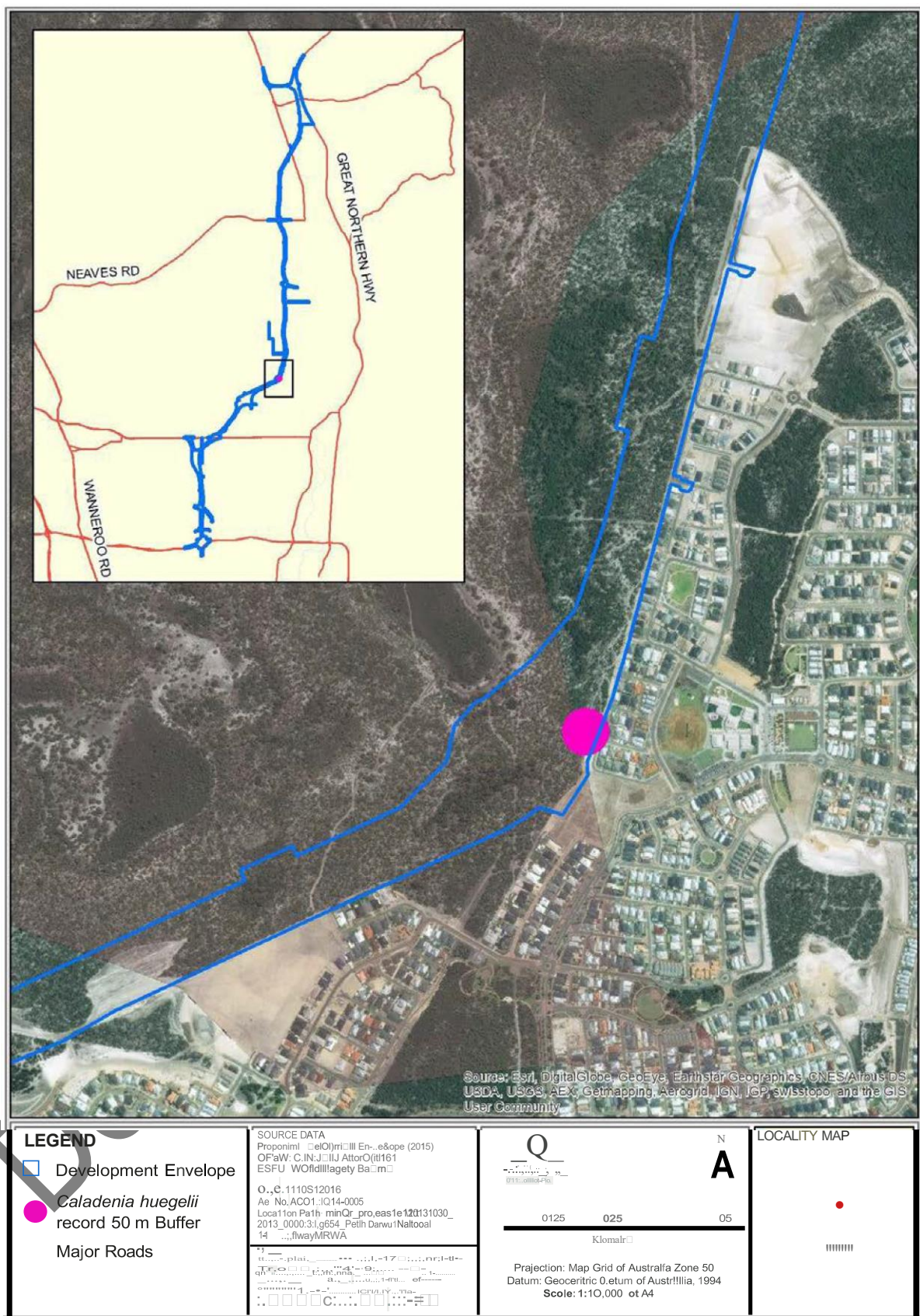


Figure 2 – *Caladenia huegelii* 50 m buffer

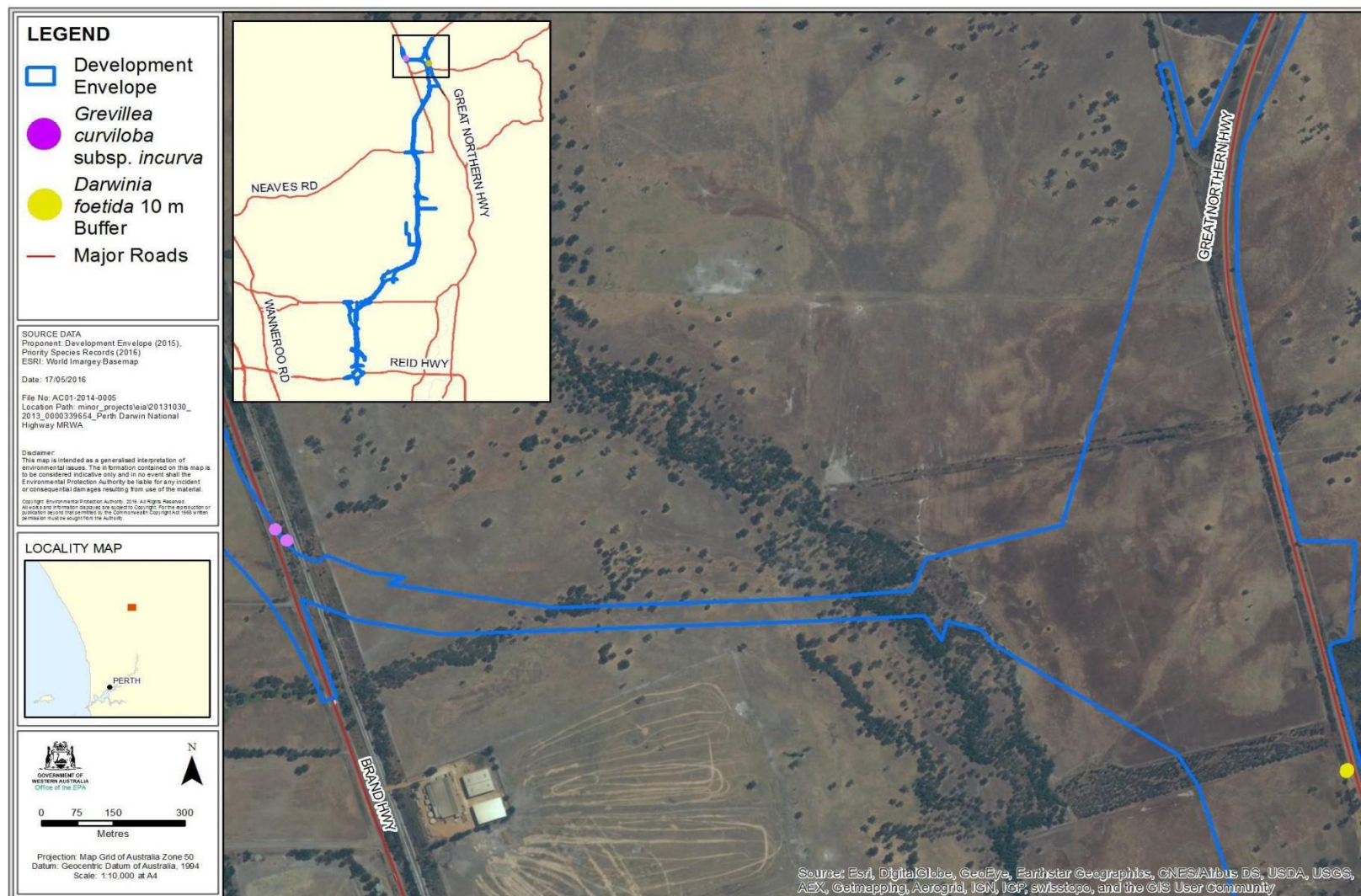


Figure 3 – *Grevillea curviloba* subsp. *incurva* and *Darwinia foetida* 10 m buffer

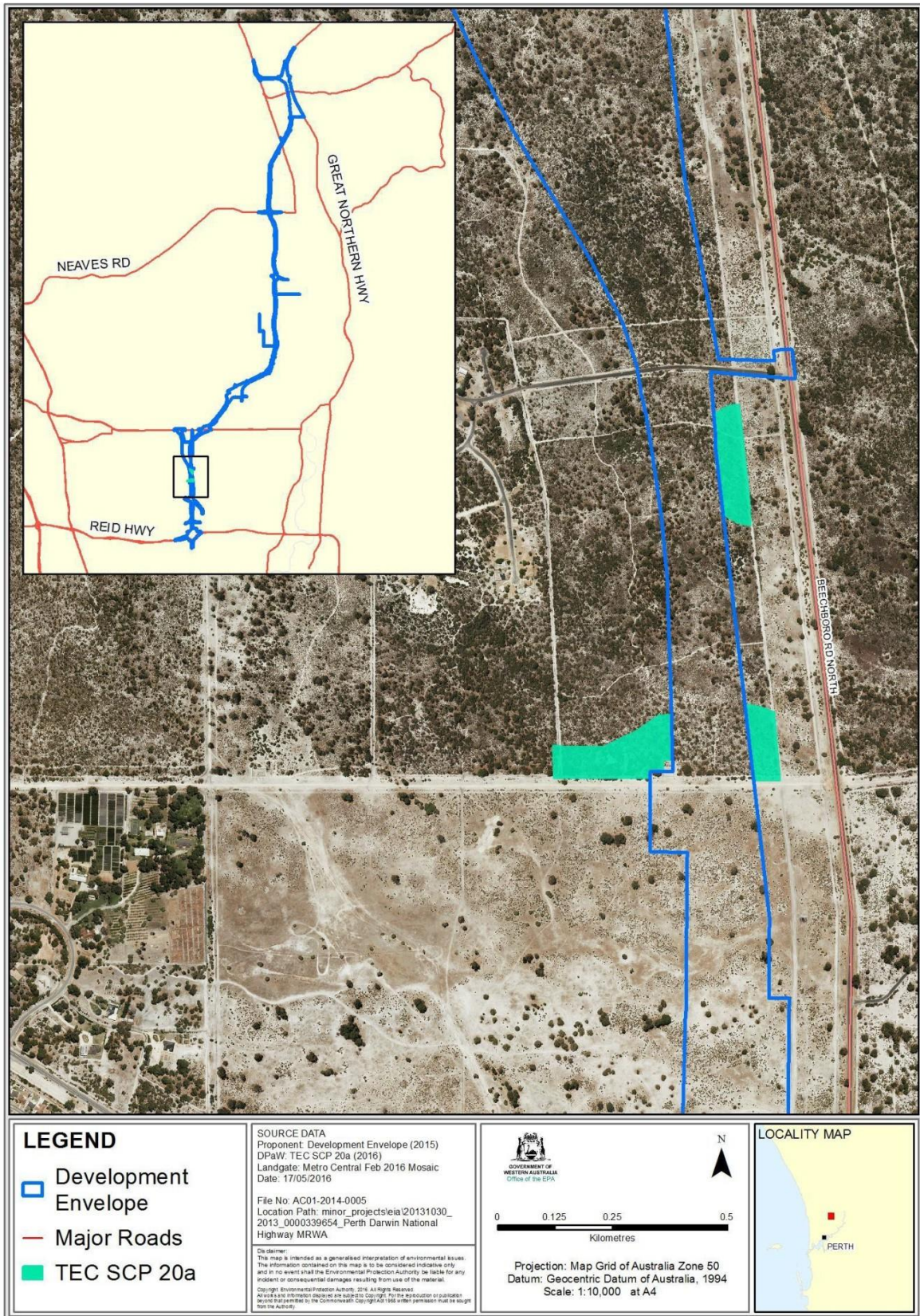


Figure 4 – Remaining extent of Floristic Community Type SCP 20a outside the development envelope

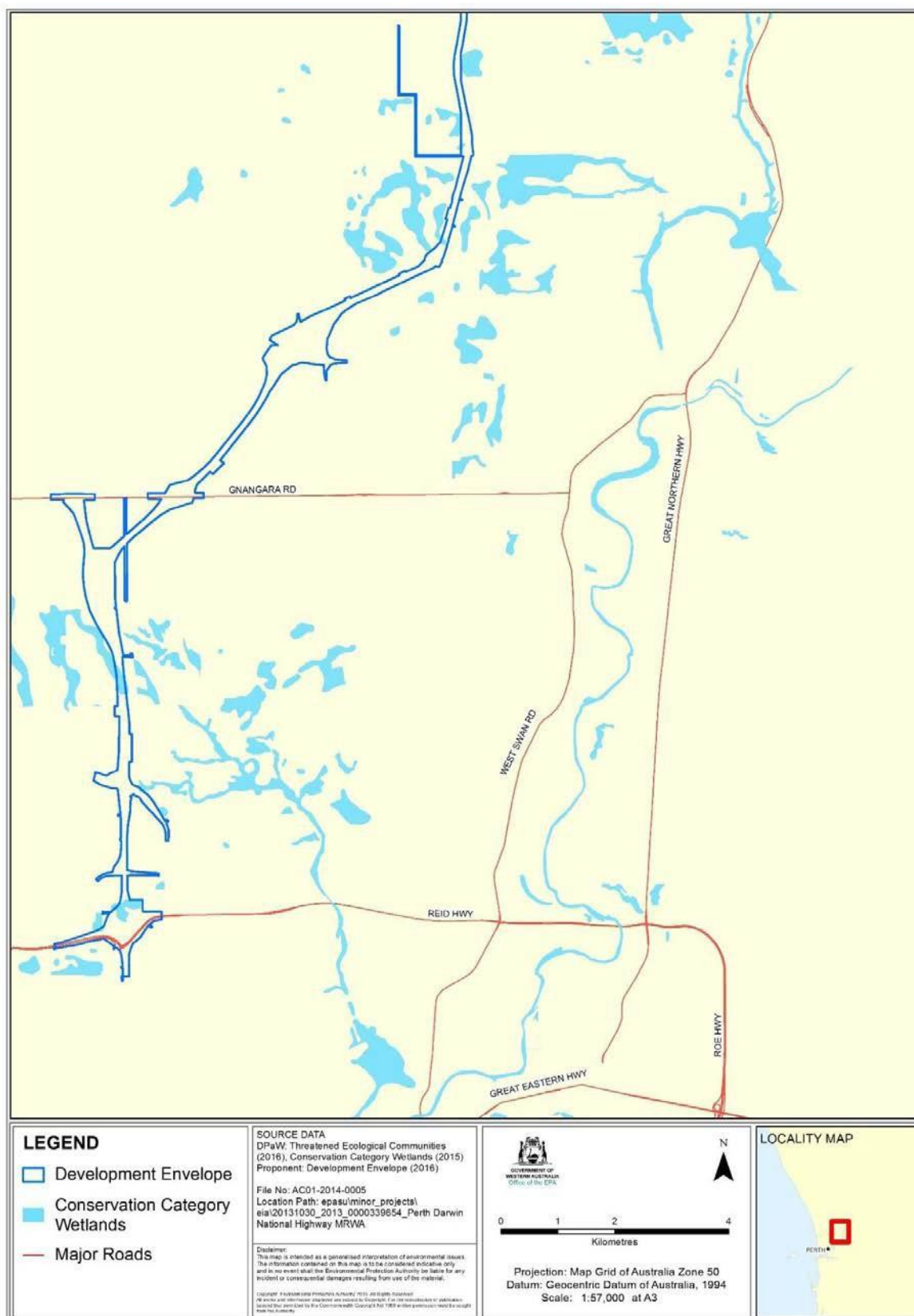


Figure 5 – Southern section of the alignment showing the development envelope and Conservation Category Wetlands

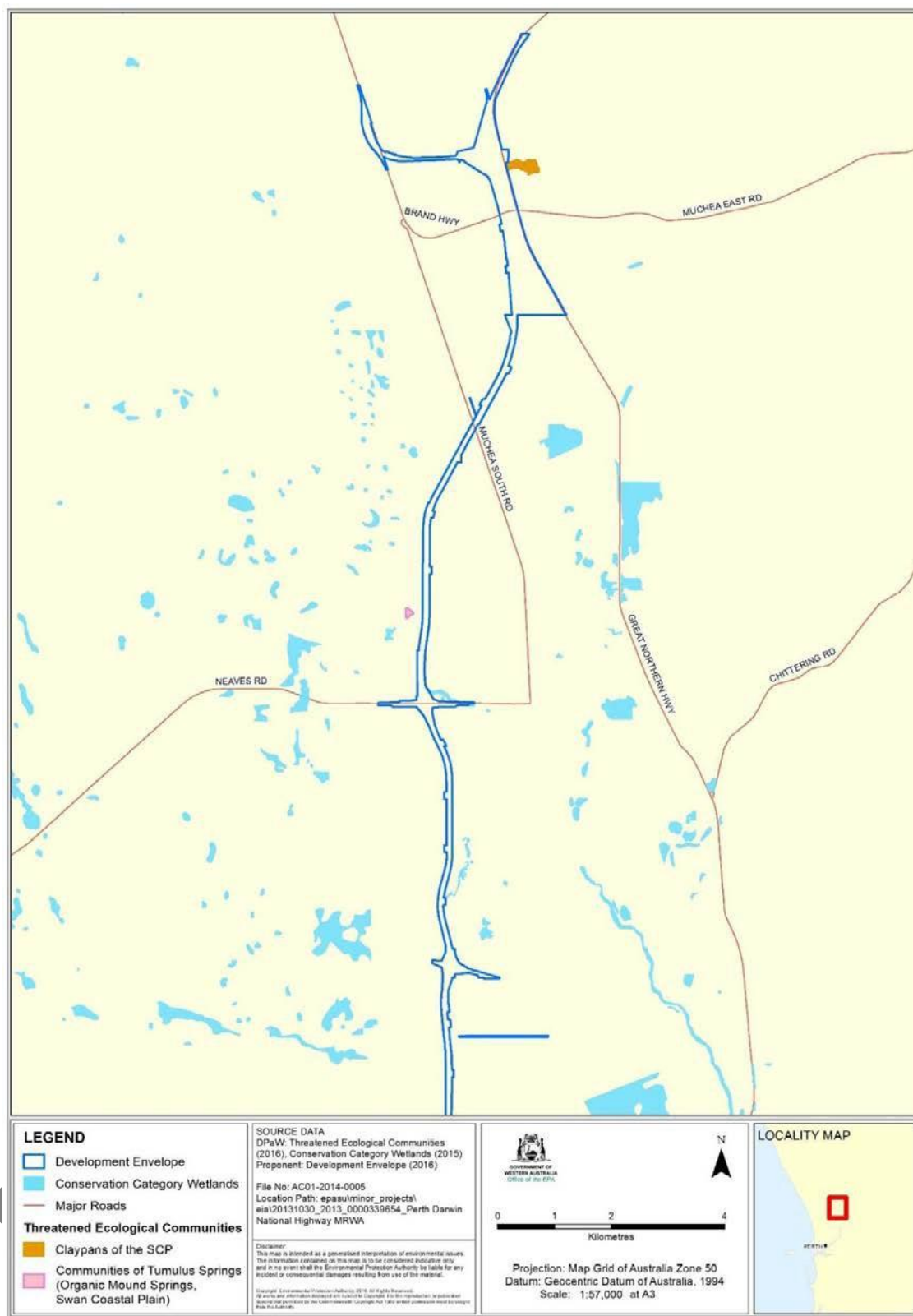


Figure 6 - Northern section of the alignment showing the development envelope and Conservation Category Wetlands, *Claypans of the Swan Coastal Plain* and *Mound Springs of the Swan Coastal Plain*

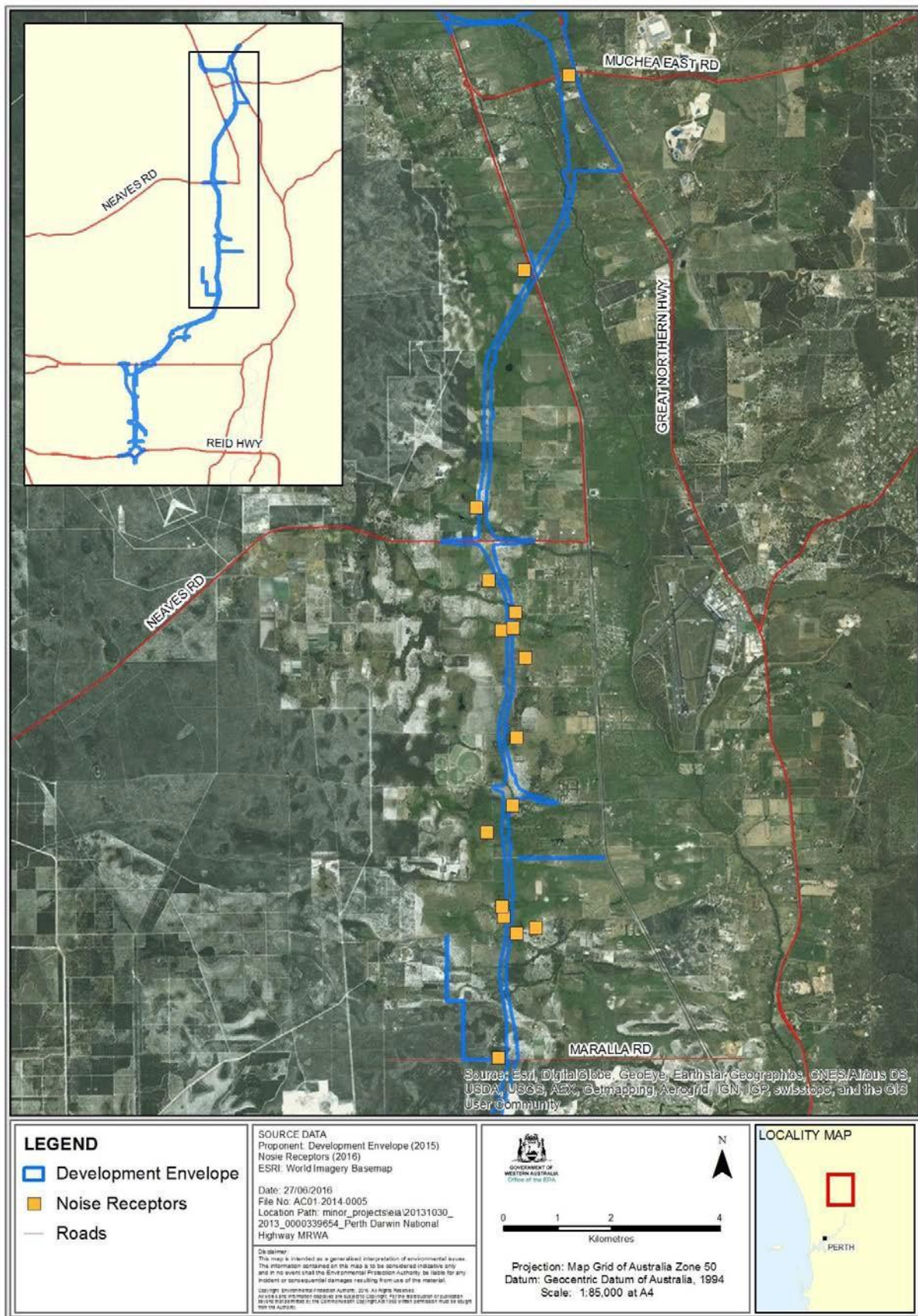


Figure 7 – Existing noise sensitive receptors north of Maralla Road

Schedule 2

Coordinates defining the Perth-Darwin National Highway Development Envelope in Figure 1 are held by the Office of the Environmental Protection Authority, Document Reference Number 2016-1466664076274.

Coordinates defining the 50 m buffer *Caladenia huegelii* 50 m buffer in Figure 2 are held by the Office of the Environmental Protection Authority, Document Reference Number 2016-1466664076274.

Coordinates defining the *Grevillea curviloba* subsp. *incurva* and *Darwinia foetida* 10 m buffer in Figure 3 are held by the Office of the Environmental Protection Authority, Document Reference Number 2016-1466664076274.

Coordinates defining the existing noise sensitive receptors in Figure 7 are held by the Office of the Environmental Protection Authority, Document Reference Number 2016-1466664076274.

Deleted and Replaced

[Minister's letterhead]

ATTACHMENT 1 TO STATEMENT 1036

NOTICE OF CHANGES TO IMPLEMENTATION CONDITIONS

(section 46C of the *Environmental Protection Act 1986*)

PERTH-DARWIN NATIONAL HIGHWAY (SWAN VALLEY SECTION)

Pursuant to section 46C(1)(b)(i) of the *Environmental Protection Act 1986*, the implementation conditions applying to the above proposal are changed in accordance with this Notice. I consider these changes to be of a minor nature and desirable in order to correct a clerical mistake and an unintentional error in the implementation conditions.

[Signed 24 November 2016]

HON ALBERT JACOB MLA
MINISTER FOR ENVIRONMENT; HERITAGE

1. Condition 12-3 is deleted, and replaced with:

12-3 The Fauna – Construction – Condition Environmental Management Plan shall include **management actions**, including but not limited to:

- (1) best practice design, including shape, size, furniture and sky lights of fauna underpasses;
- (2) trapping and relocation of ground dwelling fauna prior to clearing;
- (3) presence of fauna spotters during clearing;
- (4) dispersal and relocation of fauna identified by fauna spotters as required by condition 12-3(3) during clearing;
- (5) any trenching activities; and
- (6) ensuring that if clearing is to be undertaken, the proponent shall use an appropriately experienced black cockatoo expert to thoroughly inspect the area for Black Cockatoo breeding activity, in particular nesting, and if the area is found to be in use, clearing in the area shall be postponed until such time as determined suitable, on the advice of the Department of Parks and Wildlife.

Attachment 2 to Ministerial Statement 1036

Change to proposal approved under section 45C of the *Environmental Protection Act 1986*

This Attachment replaces Schedule 1 and Schedule 2 of Ministerial Statement 1036

Proposal: Perth-Darwin National Highway (Swan Valley Section)

Proponent: Commissioner for Main Roads Western Australia

Changes:

- Alteration of development envelope to allow for the construction of additional minor roads and driveways.
- Increase in the development envelope of 19.07 hectares (ha) from 985 ha to 1,004.07 ha.
- Up to 0.34 ha of native vegetation will be cleared in the additional areas of the development envelope.

Schedule 1

Table 1: Summary of the Proposal

Proposal Title	Perth-Darwin National Highway (Swan Valley Section)
Short Description	The proposal is to construct and operate a new 38 km long section of the Perth-Darwin National Highway between Malaga and Muchea, Western Australia. The proposal would consist of a dual carriageway highway and would connect the intersection of Tonkin Highway and Reid Highway in Malaga with the Great Northern Highway and Brand Highway in Muchea.

Table 2: Location and authorised extent of physical and operational elements

Column 1	Column 2	Column 3	Column 4
Element	Location	Previously Authorised Extent	Authorised Extent
Clearing and disturbance for road corridor, drainage structures including infiltration and bioretention basins and swales, laydowns,	Located within the development envelope as shown in Figure 1	Clearing and disturbance of no more than 746 ha consisting of up to 206 ha of native vegetation. This includes up to: • 129.9 ha of Bush Forever areas; • 0.4 ha of Class A Nature Reserve 46920;	Clearing and disturbance of no more than 765.07 ha consisting of up to 206 ha of native vegetation. This includes up to: • 129.9 ha of Bush Forever areas; • 0.4 ha of Class A Nature Reserve 46920;

Column 1	Column 2	Column 3	Column 4
Element	Location	Previously Authorised Extent	Authorised Extent
bridges and culverts, fauna fencing, fauna underpasses, noise walls, road train assembly area and principal shared path.		• 0.2 ha of Class A Nature Reserve 46919; • 32.6 ha of Gngangara-Moore River State Forest No. 65; • 4 ha of Floristic Community Type SCP 20a Threatened Ecological Community; • 31.9 ha of <i>Caladenia huegelii</i> critical habitat; • 2 ha of <i>Grevillea curviloba</i> subsp. <i>incurva</i> critical habitat; and • 16 ha of Conservation Category Wetlands, within a 985 ha development envelope.	• 0.2 ha of Class A Nature Reserve 46919; • 32.6 ha of Gngangara-Moore River State Forest No. 65; • 4 ha of Floristic Community Type SCP 20a Threatened Ecological Community; • 31.9 ha of <i>Caladenia huegelii</i> critical habitat; • 2 ha of <i>Grevillea curviloba</i> subsp. <i>incurva</i> critical habitat; and • 16 ha of Conservation Category Wetlands, within a 1,004.07 ha development envelope.
Noise walls	Located within the development envelope as shown in Figure 1.	Height of noise walls to be no more than 5 m on residential boundaries between Reid Highway and south of Maralla Road.	Height of noise walls to be no more than 5 m on residential boundaries between Reid Highway and south of Maralla Road.

Note: Text in **bold** in Table 2 indicates a change to the proposal.

Table 3: Abbreviations and definitions

Abbreviation/Acronym or Term	Definition of term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate
Condition environmental objective	The proposal-specific desired state for an environmental factor/s, to be achieved from the implementation of management-based Condition EMP provisions, as required in a management-based implementation condition.
Condition environmental outcome	The proposal-specific desired state for an environmental factor/s to be achieved from the implementation of outcome-based Condition EMP provisions, as required in an outcomes-based implementation condition.

Abbreviation/Acronym or Term	Definition of term
Drinking water production wells	Means a well owned and operated by the Water Corporation and from which groundwater is extracted for the provision of a public water supply as defined in the <i>Metropolitan Water Supply, Sewage and Drainage By-laws 1981</i> or its revisions.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
Ground Disturbing Activity	Activities that are associated with the substantial implementation of the proposal including but not limited to, earthmoving, vegetation clearing, grading, construction of new or widening of existing roads and tracks. Ground disturbing activities does not include Geotechnical investigations (including potholing for services and the installation of piezometers) and other preconstruction activities where no clearing of vegetation is required.
GUWPCA	Gnangara Underground Water Pollution Control Area as delineated in the <i>Metropolitan Water Supply, Sewage and Drainage By-laws 1981</i> or its revisions.
ha	Hectare
km	Kilometre
L	Litre
m	Metre
Management actions	Identified actions undertaken to mitigate the impacts of implementation of a proposal on the environment and achieve the condition environmental objective.
Management target	A measurable boundary of acceptable impact with proposal or site specific parameters, that assesses the efficacy of management actions against the condition environmental objective and beyond which management actions have to be reviewed and revised. Proposal- or site-specific parameters may include location, scale, time period, specific species/ population/community and a relative benchmark (e.g. baseline or reference).
Nesting activity	Evidence of either eggs or fledglings in the nest.
OEPA	Office of the Environmental Protection Authority
Recovery Plans	Means Recovery Plans as adopted under the EPBC Act or State endorsed Interim Recovery Plans for Threatened Species or Communities.
Rehabilitation	To maximise the return of biodiversity by reinstating self-sustaining and functional ecosystems based on local species.
SCP	Swan Coastal Plain
State Planning Policy 5.4	State Planning Policy 5.4 <i>Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i> (2009), prepared under section 26 of the <i>Planning and Development Act 2005</i> by the Western Australian Planning Commission.
Threshold criteria	Environmental criteria representative of the limit of acceptable impact beyond which indicates that the environmental outcome is not being met.

Abbreviation/Acronym or Term	Definition of term
Trigger criteria	Environmental criteria that forewarn of the approach of the threshold criteria and signal the need to undertake trigger level actions to ensure the threshold criteria are not exceeded.
Threshold contingency actions	Response actions that are implemented when monitoring shows that threshold criteria have been exceeded.
Trigger level actions	Response actions that are implemented when monitoring shows that trigger criteria have been exceeded.
Well head protection zone	Means that area within a pollution area that surrounds a wellhead as defined and delineated in the <i>Metropolitan Water Supply, Sewage and Drainage By-laws 1981</i> or its revisions.
Threshold contingency actions	Response actions that are implemented when monitoring shows that threshold criteria have been exceeded.
Trigger level actions	Response actions that are implemented when monitoring shows that trigger criteria have been exceeded.

All previous figures are replaced by the following:

- Figure 1 Perth-Darwin National Highway development envelope
(This figure is a representation of the coordinates in Schedule 2)
- Figure 2 *Caladenia huegelii* 50 m buffer
(This figure is a representation of the coordinates in Schedule 2)
- Figure 3 *Grevillea curviloba* subsp. *incurva* and *Darwinia foetida* 10 m buffer
(This figure is a representation of the coordinates in Schedule 2)
- Figure 4 Remaining extent of Floristic Community Type SCP 20a outside the development envelope
- Figure 5 Southern section of the alignment showing the development envelope and Conservation Category Wetlands
- Figure 6 Northern section of the alignment showing the development envelope and Conservation Category Wetlands, *Claypans of the Swan Coastal Plain* and *Mound Springs of the Swan Coastal Plain*
- Figure 7 Existing noise sensitive receptors north of Maralla Road
(This figure is a representation of the coordinates in Schedule 2)

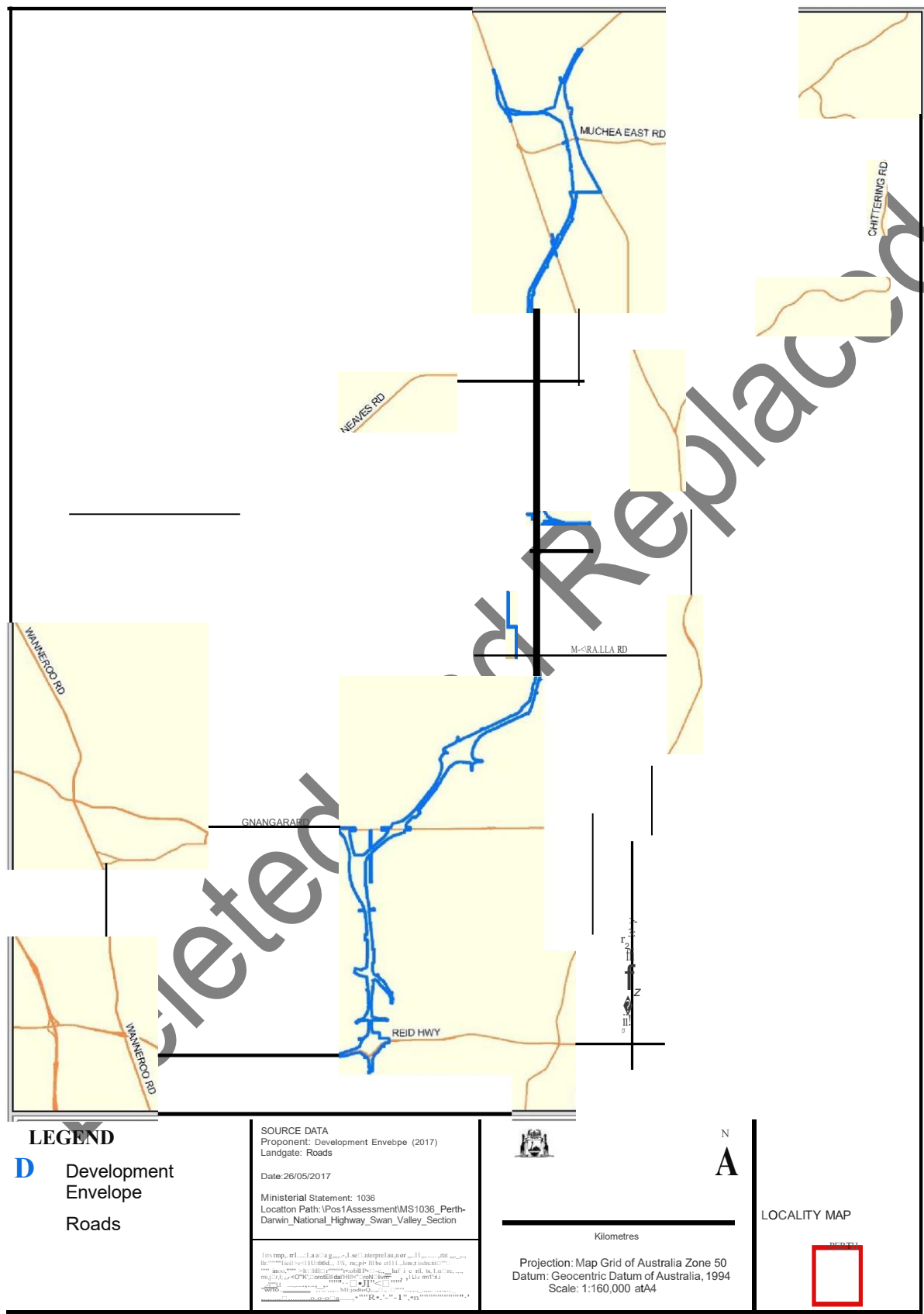


Figure 1 – Perth-Darwin National Highway development envelope

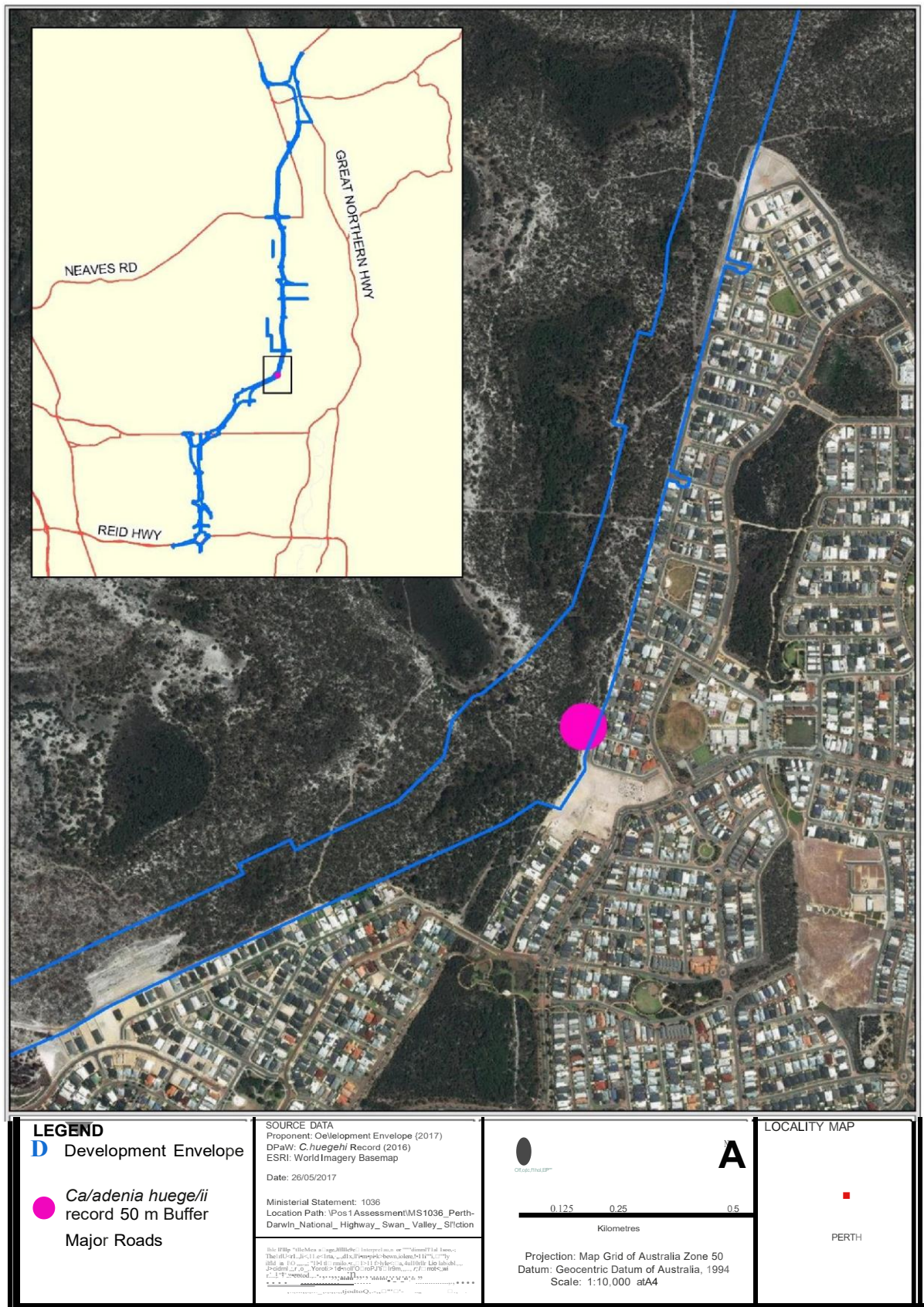


Figure 2 – *Caladenia huegelii* 50 m buffer

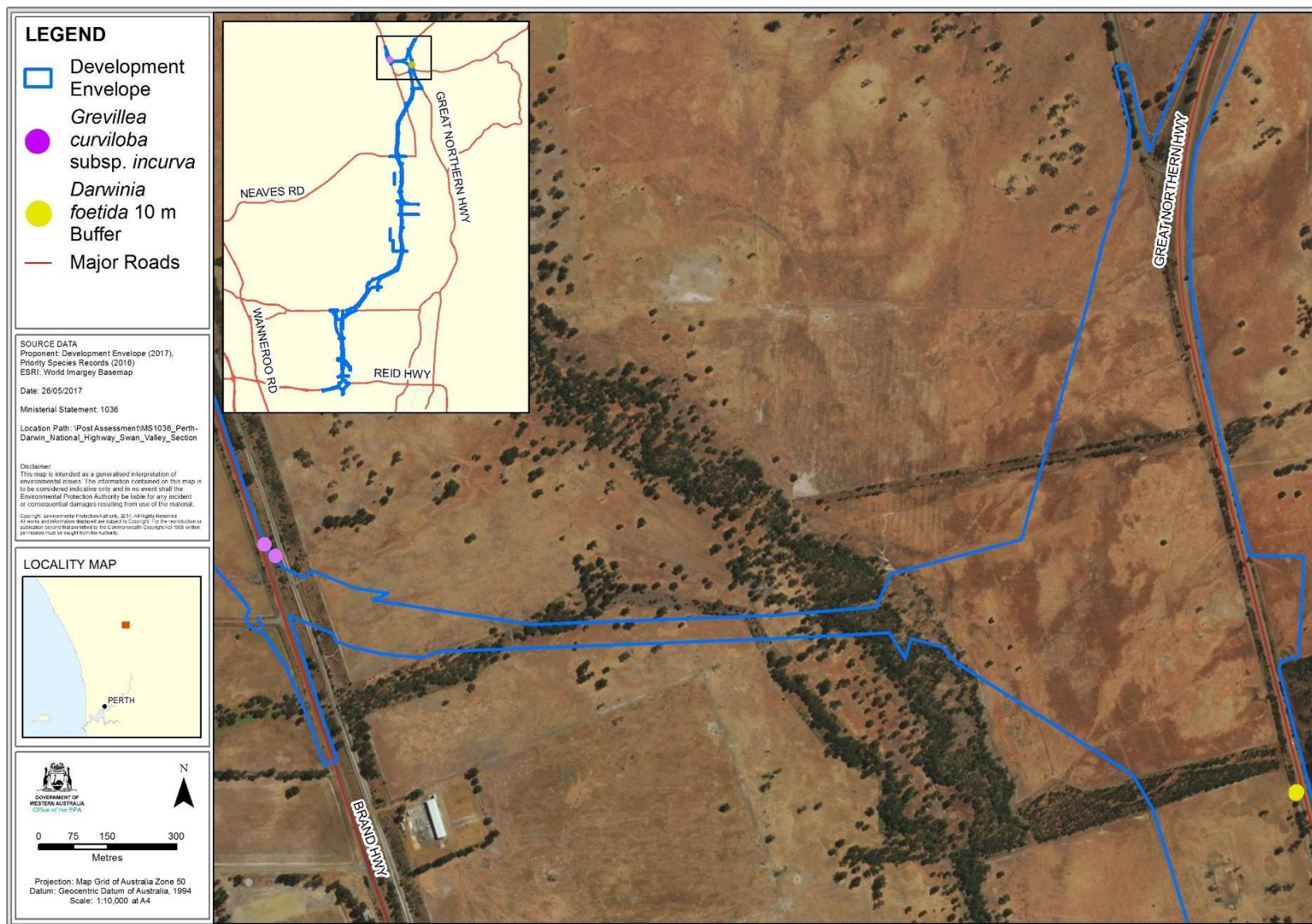


Figure 3 – *Grevillea curviloba* subsp. *incurva* and *Darwinia foetida* 10 m buffer

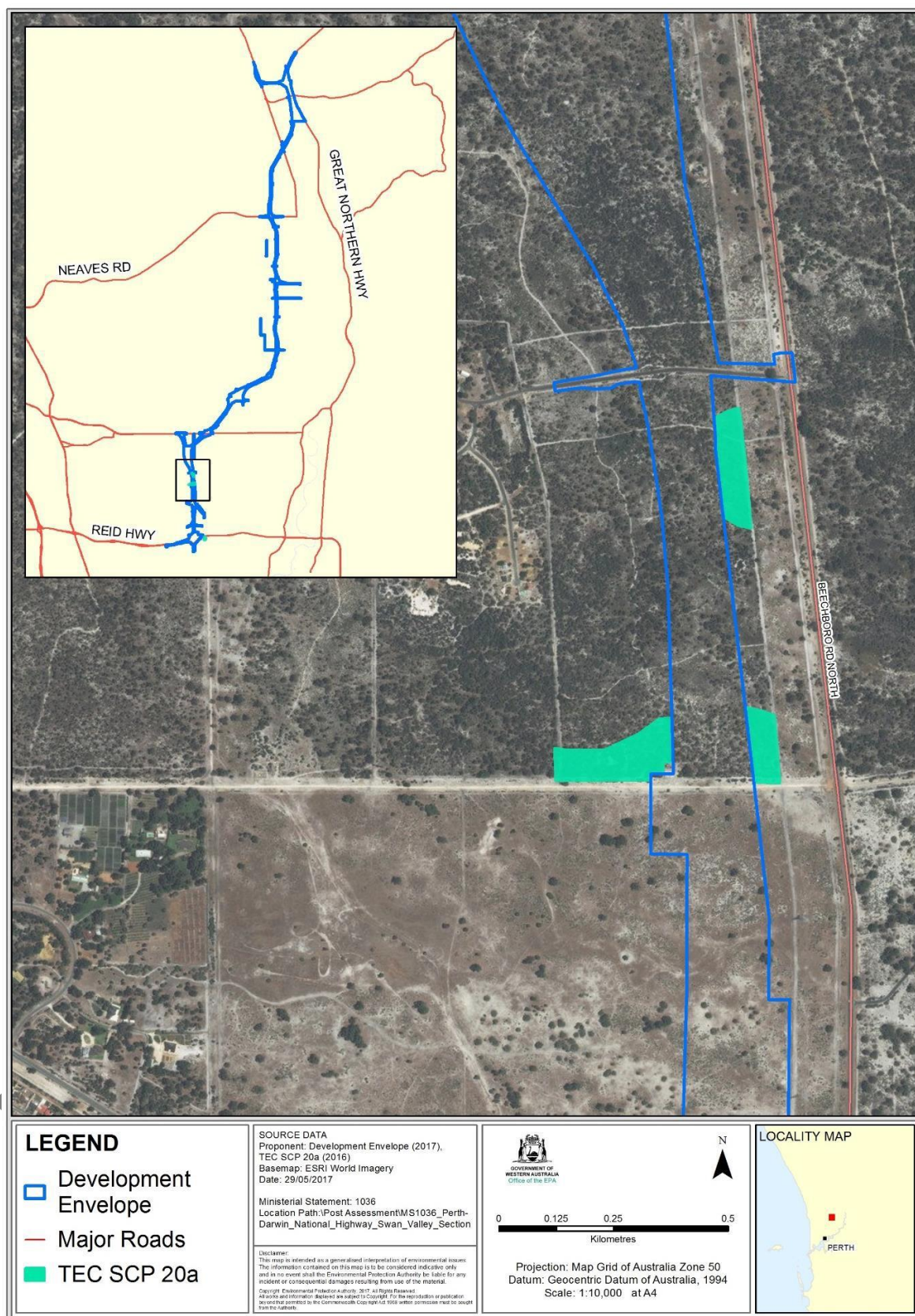


Figure 4 – Remaining extent of Floristic Community Type SCP 20a outside the development envelope

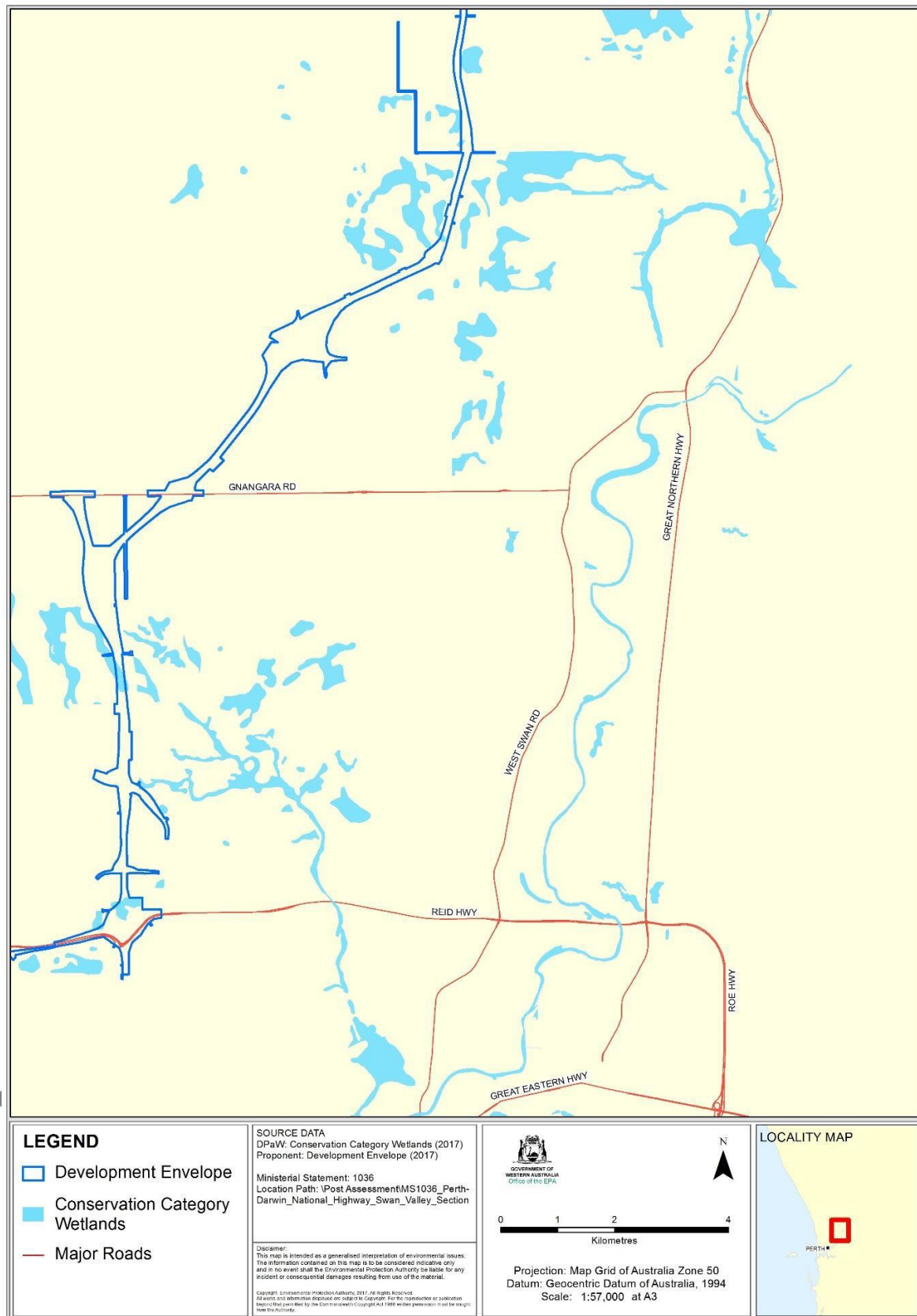


Figure 5 – Southern section of the alignment showing the development envelope and Conservation Category Wetlands

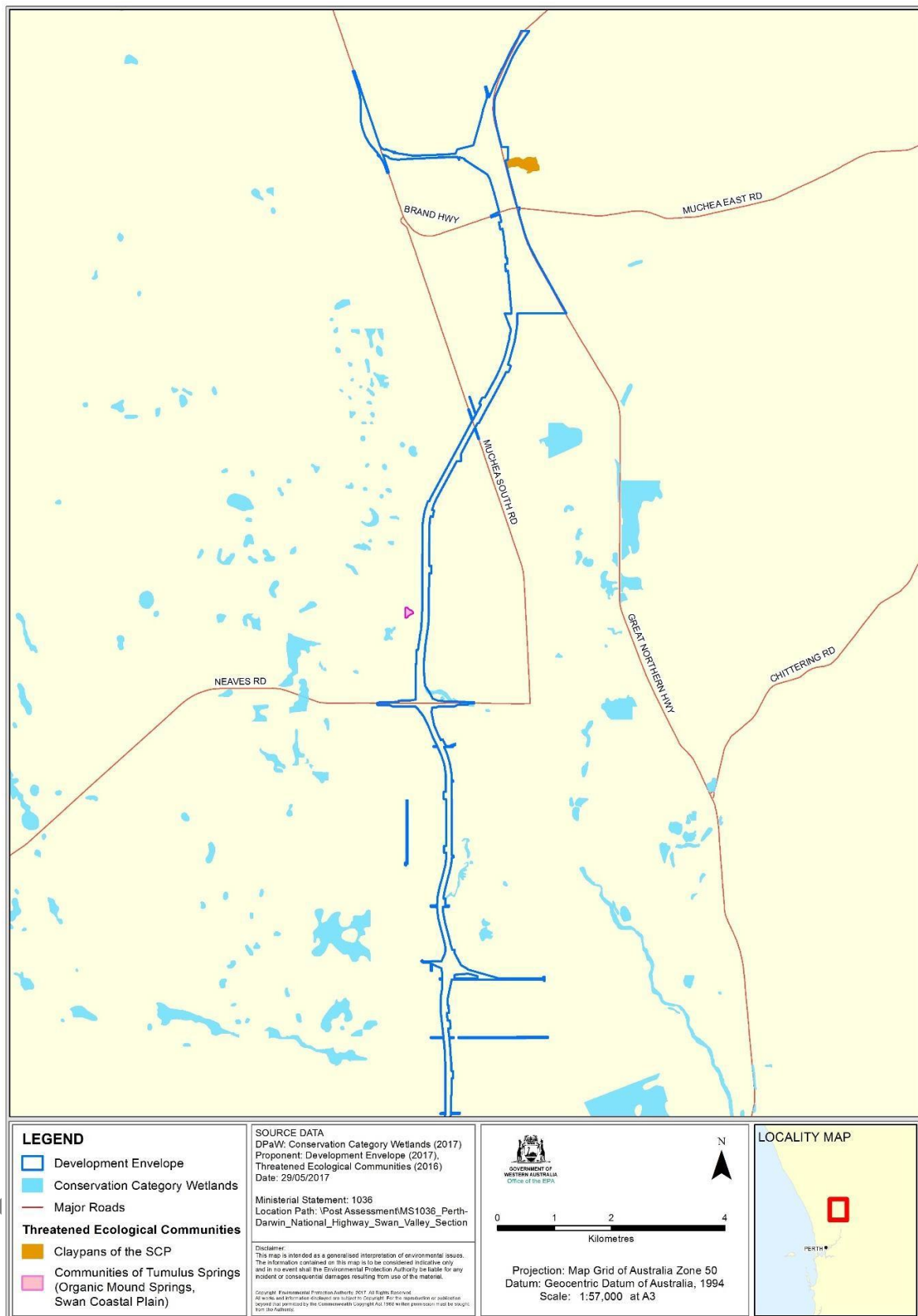


Figure 6 – Northern section of the alignment showing the development envelope and Conservation Category Wetlands, *Claypans of the Swan Coastal Plain* and *Mound Springs of the Swan Coastal Plain*

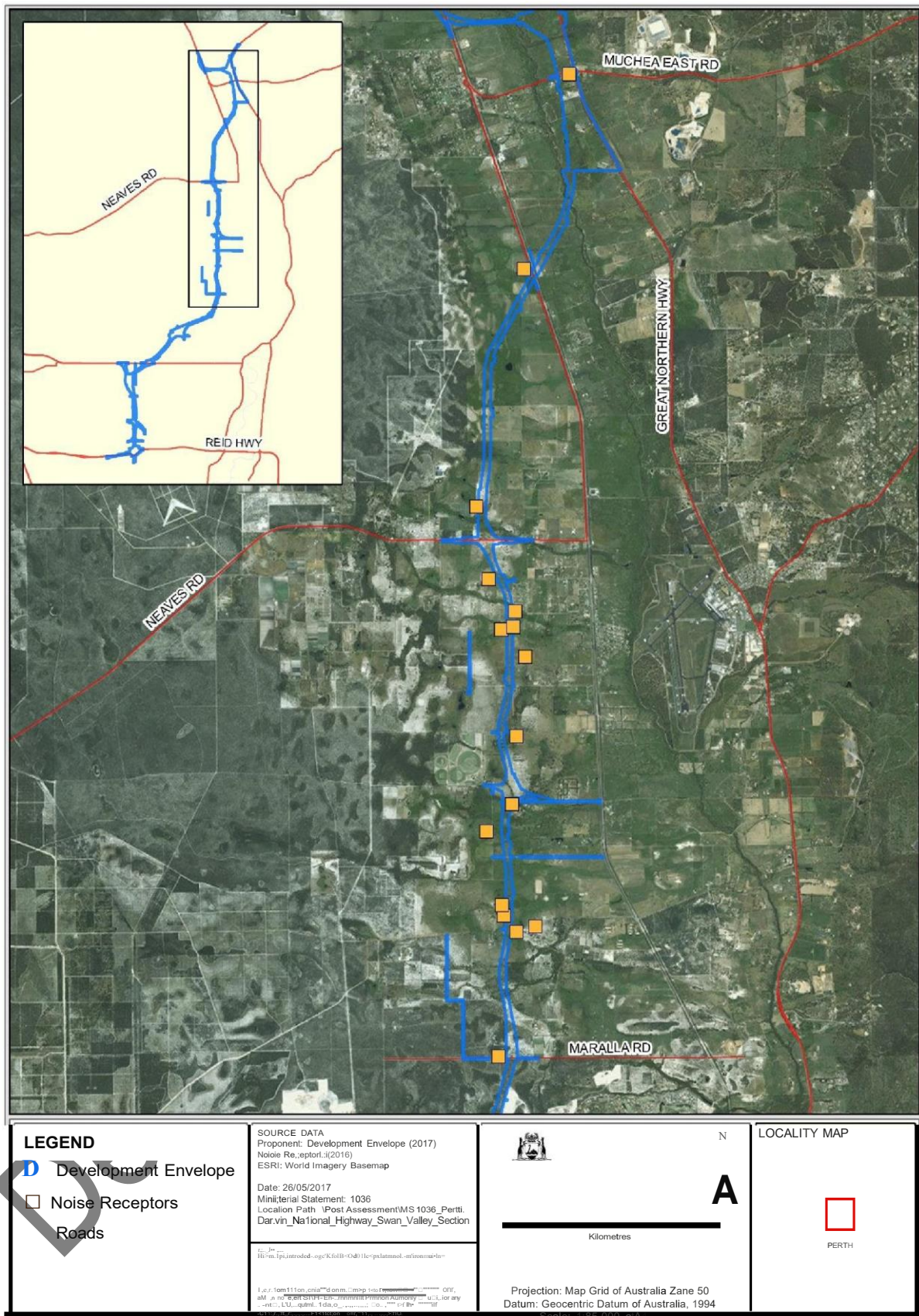


Figure 7 – Existing noise sensitive receptors north of Maralla Road

Coordinates that define the Proposal are deleted and replaced with:

Coordinates defining the Perth-Darwin National Highway Development Envelope in Figure 1 are held by the Office of the Environmental Protection Authority, Document Reference Number 2017-1496104116565

Coordinates defining the *Caladenia huegelii* 50 m buffer in Figure 2 are held by the Office of the Environmental Protection Authority, Document Reference Number 2017-1496104116565

Coordinates defining the *Grevillea curviloba* subsp. *incurva* and *Darwinia foetida* 10 m buffers in Figure 3 are held by the Office of the Environmental Protection Authority, Document Reference Number 2017-1496104116565

Coordinates defining the existing noise sensitive receptors in Figure 7 are held by the Office of the Environmental Protection Authority, Document Reference Number 2017-1496104116565

[Signed 7 June 2017]

Dr Tom Hatton

CHAIRMAN

Environmental Protection Authority
under delegated authority

Approval date: _____

ATTACHMENT 3 TO STATEMENT 1036

NOTICE OF CHANGES TO IMPLEMENTATION CONDITIONS

(section 46C of the *Environmental Protection Act 1986*)

PERTH-DARWIN NATIONAL HIGHWAY (SWAN VALLEY SECTION)

Pursuant to section 46C(1)(b)(i) of the *Environmental Protection Act 1986*, the implementation conditions applying to the above proposal are changed in accordance with this Notice. I consider these changes to be of a minor nature and necessary in order to correct a clerical mistake.

[Signed 7 November 2017]

HON STEPHEN DAWSON MLC
MINISTER FOR ENVIRONMENT

1. Condition 16-20 is deleted, and replaced with:

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.