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Published on: 20 November 2019

Statement No. 1116

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS
APPLYING TO A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

PERTH-DARWIN NATIONAL HIGHWAY (SWAN VALLEY SECTION)

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

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

Proponent Address: Waterloo Crescent
EAST PERTH WA 6004

Assessment Number: 2188

Report of the Environmental Protection Authority: 1652

Previous Assessment Number: 1994

Previous Report of the Environmental Protection Authority: 1569

Preceding Statement Relating to this Proposal: 1036

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

Condition 10 is changed.

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

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

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

- (1) to ensure that indirect impacts, including but not limited to weeds, unauthorised access, increased fire risk and litter, changes to surface water regimes, to flora and vegetation, including but not limited to *Caladenia huegelii* habitat, *Grevillea curviloba* subsp. *incurva*, *Darwinia foetida*, Conservation Category Wetlands and *Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)* are minimised as far as practicable; and
- (2) to maintain or improve the condition of the remaining extent of SCP 20a as shown in Figure 4 of Ministerial Statement 1036, through implementation of the Flora and Vegetation – Indirect Impacts and Threatened Flora and Communities – Condition Environmental Management Plan approved by the CEO.

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

Condition 14 is changed.

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

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

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

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

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

14-2 The proponent shall prepare the Flora and Vegetation – Inland Waters – Condition Environmental Management Plan required by condition 8-1 of Ministerial Statement 1036 on advice of the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions.

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

Condition 16 is changed.

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

16 Residual Impacts and Risk Management Measures

- 16-1 The objective of conditions 16-2 to 16-22 is to offset the following significant residual impacts:
- (1) 4 ha of Threatened Ecological Community SCP 20a, 'Banksia attenuata woodlands over species rich dense shrublands';
 - (2) 5.5 ha of Yanga Vegetation Complex;
 - (3) 31.9 ha of *Caladenia huegelii* critical habitat;
 - (4) 129.9 ha of Bush Forever sites;
 - (5) 7.65 ha of A Class Nature Reserves;
 - (6) 207.2 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat;
 - (7) 120.5 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) foraging habitat; and
 - (8) 16 ha of Conservation Category Wetlands.

Ippolo Road Site Land Acquisition and Management Plan

- 16-2 Prior to the commencement of ground disturbing activities, or as otherwise agreed in writing by the CEO, the proponent shall submit an Ippolo Road Site Land

Acquisition and Management Plan to the requirements of the CEO, with the objective of counterbalancing the significant residual impact to:

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

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

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

16-4 After receiving notice in writing from the CEO that the Ippolo Road Site Land Acquisition and Management Plan satisfies the requirements of condition 16-3, the proponent shall:

- (1) prior to the commencement of ground disturbing activities, commence the implementation of the actions in accordance with the requirements of the approved Ippolo Road Site Land Acquisition and Management Plan; and

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

Land Acquisition and Rehabilitation Offsets Strategy

- 16-8 Within twelve months of the publication of this Statement, the proponent shall prepare and submit a Land Acquisition and Rehabilitation Offsets Strategy to the CEO, with the objective of counterbalancing the significant residual impact to:
- (1) 5.5 ha of Yanga Vegetation Complex;
 - (2) 129.9 ha of Bush Forever sites;
 - (3) 5.2 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat;
 - (4) 21.4 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) foraging habitat; and
 - (5) 16 ha of Conservation Category Wetlands.
- 16-9 The Land Acquisition and Rehabilitation Offsets Strategy required by condition 16-8 shall:
- (1) identify an area or areas to be protected, managed and/or restored for conservation or enhancement of the values identified in condition 16-8;
 - (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) foraging habitat; and
 - (b) 21.4 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) foraging habitat;
- (4) identify the environmental attributes of the offset area(s);
- (5) commit to a protection mechanism for any areas of land acquisition, being either the area is ceded to the Crown for the purpose of conservation, or the area is managed under a Conservation Covenant in perpetuity;
- (6) if any land is to be ceded to the Crown for the purpose of conservation, the proponent will determine:
 - (a) the quantum of, and provide funds for, the upfront works associated with establishing the conservation area;
 - (b) the quantum of, and provide a contribution of funds for, the management of this area for no less than seven years;
 - (c) the quantum identified in conditions 16-9(6)(a) and 16-9(6)(b) shall provide for the requirements defined in condition 16-9(7)(a) to be met; and
 - (d) an appropriate management body for the ceded land;
- (7) state the management and/or rehabilitation actions to be undertaken including:
 - (a) the objectives and targets to be achieved, including completion criteria;
 - (b) the consistency of the objectives and targets identified in condition 16-9(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 Biodiversity, Conservation and Attractions.
- 16-14 The *Caladenia huegelii* Habitat Management Plan identified in condition 16-12, shall include details on the:
- (1) activities to be undertaken;
 - (2) consistency of the activities identified in condition 16-14(1) with the management objectives of the relevant Recovery Plan;
 - (3) timeframes for undertaking management activities;
 - (4) roles and responsibilities;
 - (5) funding arrangements for implementation of the plan;

- (6) monitoring, reporting and evaluation mechanisms; and
- (7) completion criteria.

16-15 The *Caladenia huegelii* Habitat Management Plan required by condition 16-12 shall apply to A Class Nature Reserves 23756, 46919 and 46875 and Bush Forever Site 300.

16-16 The activities to be undertaken as identified in condition 16-14(1) shall address the requirement for:

- (1) the provision of cable fencing and heavy duty gates;
- (2) weed mapping and control;
- (3) *Phytophthora cinnamomi* mapping;
- (4) the development of a hygiene plan based on the mapping as identified in condition 16-16(3);
- (5) *Caladenia huegelii* surveys and critical habitat mapping; and
- (6) other activities to be undertaken that would maintain or improve the conservation status of *Caladenia huegelii*.

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

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

SCP 20a Offsets Strategy

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

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

16-20 Within twelve (12) months of the publication of this Statement, the proponent shall prepare and submit an SCP 20a Offsets Strategy to the CEO. The SCP 20a Offsets Strategy shall:

- (1) identify an area or areas to be protected, managed and/or rehabilitated for conservation or enhancement of SCP 20a, or habitat necessary to maintain or enhance SCP 20a, identified in condition 16-19(1);
- (2) include a completed WA Offsets Template, as described in the WA Environmental Offsets Guidelines 2014, as well as the Commonwealth's Offset Assessment Guide, to demonstrate how the proposed offset counterbalances the significant residual impact;
- (3) identify the environmental attributes of the offset area(s);
- (4) commit to a protection mechanism for any areas of land acquisition, being either the area is ceded to the Crown for the purpose of conservation, or the area is managed under a Conservation Covenant in perpetuity;
- (5) if any land is to be ceded to the Crown for the purpose of conservation, the proponent will identify:
 - (a) the quantum of, and provide funds for, the upfront works associated with establishing the conservation area;
 - (b) the quantum of, and provide a contribution of funds for, the management of this area for no less than seven years;
 - (c) the quantum identified in conditions 16-20(5)(a) and 16-20(5)(b) shall provide for the requirements defined in condition 16-20(6)(a) to be met; and
 - (d) an appropriate management body for the ceded land;
- (6) state the management and/or rehabilitation actions to be undertaken including:
 - (a) the objectives and targets to be achieved, including completion criteria;
 - (b) management and/or rehabilitation actions and a timeframe for the actions to be undertaken;
 - (c) funding arrangements and timing of funding for conservation activities; and
 - (d) monitoring, reporting and evaluation mechanisms for management and/or rehabilitation actions;
- (7) define the role of the proponent and/or any third parties.

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

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

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

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

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

[signed on 20 November 2019]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT



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