

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: 7 July 2022

Statement No. 1192

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)**

TURKEY POINT ACCESS ROAD AND BRIDGE

Proposal: The proposal is for a single lane dual carriage road, bridge and dual use path over the Preston River, north of the existing rail bridges in the City of Bunbury.

Proponent: Southern Ports Authority
Australian Business Number 30 044 341 250

Proponent Address: 54 Casuarina Drive
Bunbury WA 6230

Assessment Number: 2275

Report of the Environmental Protection Authority: 1719

Pursuant to section 45 of the *Environmental Protection Act 1986* (EP Act), it has been agreed that the proposal described in section 2 of the proponent's Referral Information (Version 1, July 2020), and subsequently amended by the change to the proposal approved under section 43A of the EP Act on 20 October 2021 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Limitations and extent of proposal

When implementing the proposal, the proponent shall ensure the proposal does not exceed the following extents:

Proposal element	Location	Maximum extent or range
Operational elements		
Construction and operation with a single lane dual carriageway, bridge and dual use path	Located within the development envelope as shown in Figure 1	Clearing and disturbance of no more than 6.52 ha of native vegetation within the development envelope.

2 Flora and Vegetation

- 2-1 The proponent shall implement the proposal to achieve the following environmental **outcomes**:
- (1) clear no more than 0.67 ha of **Subtropical and Temperate Coastal Saltmarsh**; and
 - (2) ensure there are no project attributable **indirect impacts** to the **Subtropical and Temperate Coastal Saltmarsh** within twenty (20) metres outside the **development envelope** (shown in Figure 1).
- 2-2 Prior to **ground-disturbing activities**, the proponent shall undertake monitoring of the **Subtropical and Temperate Coastal Saltmarsh** listed in condition 2-1(2) and submit a report about the preconstruction baseline conditions to the **CEO**.
- 2-3 The proponent shall continue to undertake monitoring during construction and for at least three (3) years after the completion of construction and until the **CEO** is satisfied that the proponent has demonstrated the **outcome** in condition 2-1(2) has been met.
- 2-4 The proponent shall annually submit a report as part of the Compliance Assessment Report required by condition 8-6, that shall:
- (1) outline the monitoring that was undertaken during the implementation of the proposal;
 - (2) outline the results of the monitoring undertaken to report whether the environmental **outcome** in condition 2-1(2) was achieved;
 - (3) report whether the **outcome** in condition 2-1(1) was achieved; and
 - (4) outline any management actions, including **contingency actions**, undertaken during the implementation of the proposal to meet the **outcomes** in conditions 2-1(1) and 2-1(2).

3 Inland Waters

- 3-1 The proponent shall implement the proposal to achieve the following environmental **outcomes**:
- (1) ensure there are no project attributable impacts to the hydrological regime and water quality of the Preston River during both construction and post construction, consistent with preconstruction levels of a suitable upstream reference site; and
 - (2) ensure there are no project attributable indirect impacts to sediment deposition or accumulation which adversely affects the extent of waterbird habitat in the **Preston River mouth delta** (shown in Figure 1).

- 3-2 Prior to **ground-disturbing activities**, the proponent shall undertake monitoring of the values listed in conditions 3-1(1) and 3-1(2) and submit a report about the preconstruction baseline conditions and where relevant, the location of a suitable reference site to the **CEO**.
- 3-3 The proponent shall continue to undertake monitoring during and post-construction, for at least three (3) years after the completion of construction and until the **CEO** is satisfied that the proponent has demonstrated the **outcomes** in conditions 3-1(1) and (2) have been met.
- 3-4 The proponent shall not construct or have in place the temporary construction causeway between 1 May and 30 September (inclusive), in any year.
- 3-5 The proponent shall annually submit a report as part of the Compliance Assessment Report required by condition 8-6, that shall:
- (1) outline the monitoring that was undertaken during the implementation of the proposal;
 - (2) outline the results of the monitoring undertaken to report whether the environmental **outcomes** specified in conditions 3-1(1) and 3-1(2) were achieved;
 - (3) report whether the **outcomes** in conditions 3-1(1) and 3-1(2) were achieved; and
 - (4) outline any management actions, including **contingency actions**, undertaken during the implementation of the proposal to meet the **outcomes** in conditions 3-1(1) and 3-1(2).

4 Lighting

- 4-1 The proponent must implement the proposal incorporating the design and mitigation measures within the DotEE (2020) Light Pollution Guidelines: National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds, Commonwealth of Australia to ensure that street lighting is designed to minimise light spill to adjacent fauna habitat, as far as practicable.

5 Offsets

- 5-1 The proponent shall implement offset measures to counterbalance the significant residual impact to the following environmental value:
- (1) 0.67 ha of **Subtropical and Temperate Coastal Saltmarsh**.
- 5-2 To meet the requirements of condition 5-1 the proponent shall achieve the following environmental **objectives**:

- (1) ensure that the areas identified in Table 1 meet the criteria to be considered the **Subtropical and Temperate Coastal Saltmarsh**; and
- (2) achieve **ecological integrity** through implementation of **on-ground management** at the sites and to the extents specified in Table 1.

Table 1: Location and extent of offset measures required to meet the requirement of condition 5-1.

Offset number	Location	Site (extent)	Action
1.	Lot 1 Estuary Drive, Pelican Point	Site 1A (at least 0.53 ha)	On-ground management
2.	Lot 963 Estuary Drive, Vittoria	Site 1B (at least 0.7 ha)	On-ground management
3.	Lot 61 Estuary Drive, Pelican Point	Site 2A (at least 0.35 ha) Site 2B (at least 0.34 ha)	On-ground management
4.	Lot 61 Estuary Drive, Pelican Point	Site 2C (at least 1 ha)	On-ground management

Subtropical and Temperate Coastal Saltmarsh Offset Plan

- 5-3 Within six (6) months of the publication of this Statement, or as agreed by the **CEO**, the proponent shall prepare and submit the Subtropical and Temperate Coastal Saltmarsh Offset Plan (the Plan) to the requirements of the **CEO**.
- 5-4 The Plan shall:
- (1) demonstrate that the objectives in condition 5-2 will be met;
 - (2) describe how and when the offset measures will be implemented consistent with condition 5-2;
 - (3) spatially identify the areas (**Proposed Offset Conservation Areas** inclusive of a suitable wetland buffer) to receive **on-ground management** offset measures consistent with condition 5-2. Submit shapefiles for each of the **Proposed Offset Conservation Areas**;
 - (4) demonstrate how the environmental values within the **Proposed Offset Conservation Areas** will be maintained and improved in order to counterbalance the significant residual impact to the environmental value in condition 5-1 through application of the principles of the *WA Environmental Offsets Policy* and completion of the WA Offsets Template, as described in the *WA Environmental Offsets Guidelines*, and the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy Assessment Guide*, or any subsequent revisions of these documents;

- (5) identify how the **Proposed Offset Conservation Areas** will be protected, being either the sites are ceded to the Crown for the purpose of management for conservation, or the sites are managed under other suitable mechanism for the purpose of conservation as agreed by the **CEO** by notice in writing;
- (6) state the targets to be achieved, **on-ground management**, including completion criteria for the revegetation, which will result in a **tangible improvement** to the environmental value being offset.
- (7) demonstrate the consistency of the targets with the objectives of any relevant guidance, including but not limited to, conservation advice or area management plans;
- (8) detail the **on-ground management** actions, with associated timeframes for implementation and completion, to achieve the targets identified in condition 5-4(6) and objectives in condition 5-2;
- (9) detail the monitoring, reporting and evaluation mechanisms for the targets and actions identified under conditions 5-4(6) and 5-4(8); and
- (10) detail a mechanism for reporting on the achievement of offset objectives will be made publicly available.

5-5 The proponent:

- (1) may review and revise the Plan; or
- (2) shall review and revise the Plan as and when directed by the **CEO** by a notice in writing.

5-6 The proponent shall implement the latest revision of the Plan approved by the **CEO**.

5-7 The proponent shall continue to implement the Plan for a minimum of three (3) years after revegetation has occurred or until the **CEO** has confirmed by notice in writing that the proponent has demonstrated that the objectives in condition 5-2 are being met.

5-8 If the objective, actions or targets in the Plan are unable to be met, the proponent shall:

- (1) notify the **CEO** in accordance with condition 8-5; and
- (2) provide a report to the **CEO** within sixty (60) days including details and timing of the **contingency actions** to be undertaken, to the satisfaction of the **CEO**.

5-9 The proponent shall report to the **CEO** on the objectives of the **contingency actions** as required by condition 5-8 within sixty (60) days of completion.

5-10 The proponent shall continue to implement **contingency actions** as required by condition 5-8 until the **CEO** has confirmed by notice in writing that the proponent has demonstrated that the objectives in condition 5-2 are being met.

6 Contact Details

6-1 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.

7 Time Limit for Proposal Implementation

7-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.

7-2 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.

8 Compliance Reporting

8-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the **CEO** at least six (6) months prior to the first Compliance Assessment Report required by condition 8-6, or prior to implementation of the proposal, whichever is sooner.

8-2 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.

- 8-3 After receiving notice in writing from the **CEO** that the Compliance Assessment Plan satisfies the requirements of condition 8-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 8-1.
- 8-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 8-1 and shall make those reports available when requested by the **CEO**.
- 8-5 The proponent shall advise the **CEO** of any potential non-compliance within seven (7) days of that non-compliance being known.
- 8-6 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 8-1.

9 Public Availability of Data

- 9-1 Subject to condition 9-2, 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 validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.
- 9-2 If any data referred to in condition 9-1 contains particulars of:
 - (1) a secret formula or process; or
 - (2) confidential commercially sensitive information,

the proponent may submit a request for approval from the **CEO** to not make these data publicly available. In making such a request the proponent shall provide the **CEO** with an explanation and reasons why the data should not be made publicly available.

[signed on 7 July 2022]

Hon Reece Whitby MLA
MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Key decision-making authorities consulted under section 45(2):

Minister for Water
Minister for Lands

Table 2: Abbreviations and Definitions

Acronym or abbreviation	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/her delegate.
Contingency actions	Actions to be implemented when monitoring determines that a management target, outcome or objective may not be met, and where the actions will bring the impact within the management target, outcome or objective.
Development envelope	The area within the <i>red</i> line marked in Figure 1 of this Statement.
Environmental weeds	Any plant declared under section 22(2) of the <i>Biosecurity and Agriculture Management Act 2007</i> , any plant listed on the Weeds of National Significance List and any weeds listed on the Department of Biodiversity, Conservation and Attractions South West Region Impact and Invasiveness Ratings list, as amended or replaced from time to time.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare
indirect impacts	Any potential impacts outside the development envelope as a result of the clearing and disturbance authorised in this Statement. This includes but is not limited to: hydrological change, spread or introduction of environmental weeds , altered fire regimes, introduction or spread of disease, changes in erosion/deposition/accretion and edge effects.
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.
Objective	An objective is the proposal-specific desired state for an environmental factor/s to be achieved from the implementation of management actions.
On-ground management	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (including repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a tangible improvement to the environmental values in the offset area.
Outcome	A proposal-specific result to be achieved when implementing the proposal.

Acronym or abbreviation	Definition or term
Ecological integrity	For the purposes of condition 5-2(2), the areas have demonstrated evidence of recruitment for key species and presence of a range of age cohorts, considered to be in a good or better condition consistent with Keighery, B.J. (1994). <i>Bushland Plant Survey: a Guide to Plant Community Survey for the Community</i> , and active management of threatening processes is no longer required.
Subtropical and Temperate Coastal Saltmarsh	Vegetation that can be considered to meet the requirements identified in the <i>Conservation Advice for Subtropical and Temperate Coastal Saltmarsh</i> (Department of Sustainability, Environment, Water, Population and Communities, 2013).
Proposed Offset Conservation Area	The area of land, inclusive of a suitable wetland buffer, identified in Table 1.
tangible improvement	A perceptible, measurable and definable improvement that provides additional ecological benefit and/or value.

Figure (attached)

Figure 1 Proposal development envelope and location of the Subtropical and Temperate Coastal Saltmarsh Priority Ecological Community. (This figure is a representation of the co-ordinates held by DWER (Record no. DWERDT511980))

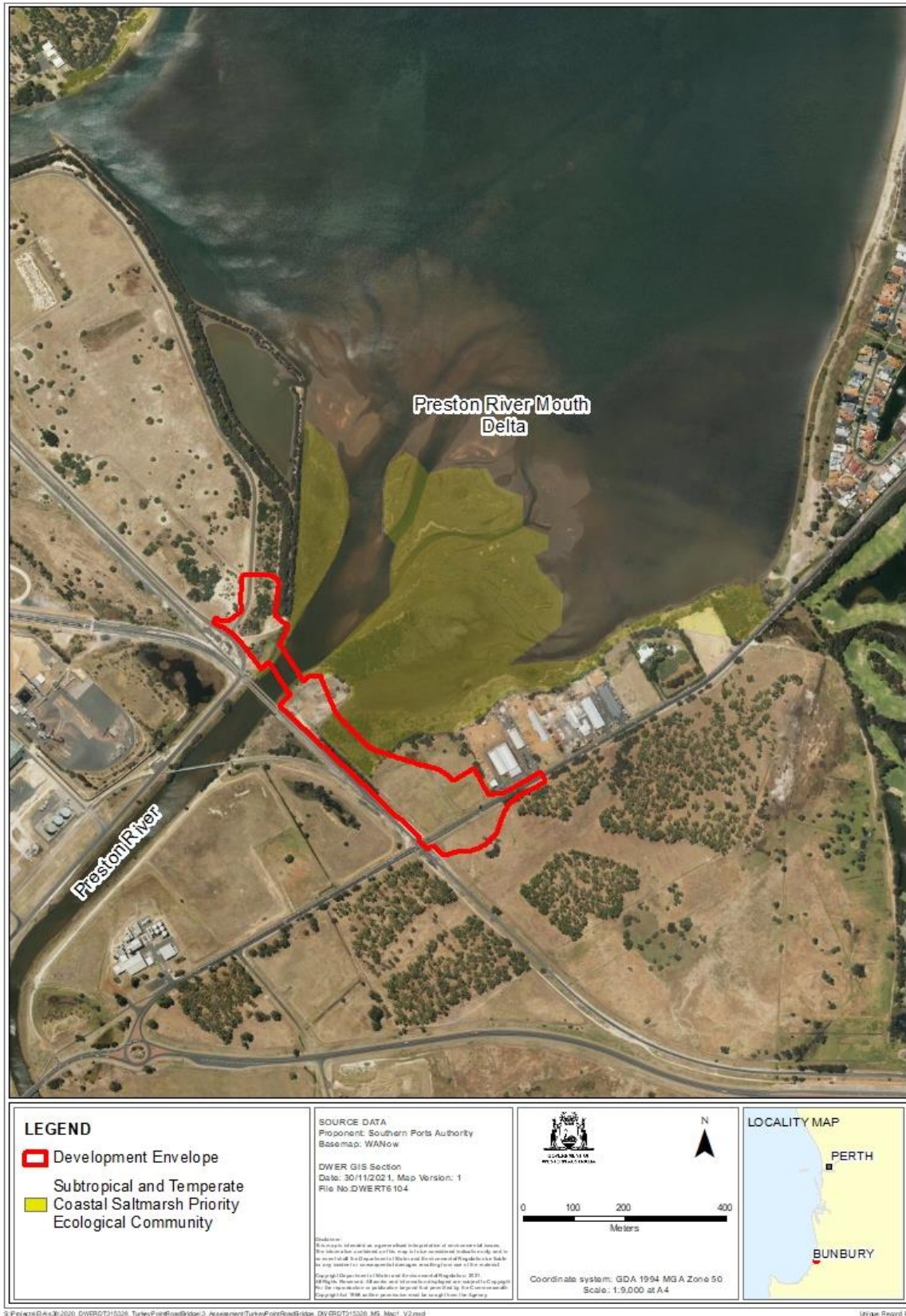


Figure 1 Proposal development envelope and location of the Subtropical and Temperate Coastal Saltmarsh Priority Ecological Community. (This figure is a representation of the co-ordinates held by DWER (Record no. DWERDT511980))

Schedule 1

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50) datum of Geocentric Datum of Australia 1994 (GDA94).

Spatial data depicting the figure are held by the Department of Water and Environmental Regulation. Record no. DWERDT511980.