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Published on: 29 May 2024

Statement No. 1221

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

**GREAT NORTHERN HIGHWAY – BINDOON BYPASS**

**Proposal:** The proposal is to construct and operate a new 47 kilometre (km) section of the Great Northern Highway within the Shires of Chittering and Gingin. The proposal bypasses the town of Bindoon located approximately 70 km north east of Perth, WA. The proposal consists of a combination of four-lane dual carriageway, four-lane single carriageway, two-lane single carriageway and a bridge across the Brockman River. The proposal diverts from the existing Great Northern Highway at the Chittering roadhouse, runs west of Bindoon, re-joining the existing Great Northern Highway north of Calingiri Road.

**Proponent:** Commissioner of Main Roads Western Australia  
Australian Business Number – 50 860 676 021

**Proponent address:** Waterloo Crescent  
EAST PERTH WA 6004

**Assessment number:** 2135

**Report of the Environmental Protection Authority:** 1742

**Introduction:** Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal entitled Great Northern Highway – Bindoon Bypass described in the 'Proposal Content Document' attachment of the referral of 6 September 2017, as amended by the change to proposal approved under s. 43A on 7 September 2018 and 7 July 2022, may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

**Conditions and procedures**

**Part A: Proposal extent**

**Part B: Environmental outcomes, prescriptions and objectives**

**Part C: Environmental management plans and monitoring**

**Part D: Compliance and other conditions**

## PART A: PROPOSAL EXTENT

### Limitations and Extent of Proposal

A1-1 The proponent must ensure that the proposal is implemented in such a manner that the following limitations or maximum extents are not exceeded:

Proposal element	Location	Maximum extent
Physical elements		
Development envelope	Figure 1	848.5 ha
Direct disturbance of native vegetation	Within the development envelope	490.0 ha

## PART B – ENVIRONMENTAL OUTCOMES, PRESCRIPTIONS AND OBJECTIVES

### B1 Flora and Vegetation

B1-1 The proponent must ensure the implementation of the proposal does not result in:

- (1) **adverse impacts** to native vegetation within fifty (50) metres outside the development envelope.

B1-2 The proponent must ensure the implementation of the proposal achieves the following environmental outcome:

- (1) **disturb** no more than the following environmental values:
  - (a) 2.0 **ha** of vegetation representative of *Banksia attenuata* woodlands over species rich dense shrublands (SCP20a);
  - (b) 3.0 **ha** of vegetation representative of *Corymbia calophylla* – *Eucalyptus marginata* woodlands on sandy clay soils of the southern Swan Coastal Plain (SCP3b) (northern expression);
  - (c) 2.5 **ha** of vegetation representative of the Nooning Vegetation Complex;
  - (d) 53.5 **ha** of vegetation representative of Banksia woodlands of the Swan Coastal Plain ecological community (Priority 3(iii)); and
  - (e) 4.5 **ha** of vegetation representative of Swan Coastal Plain *Banksia attenuata* – *Banksia menziesii* woodlands ('floristic community type 23b') (Priority 3(i)).

B1-3 The proponent must:

- (1) undertake weed control and management during **construction activities** to prevent the introduction or spread of **environmental weeds**;
- (2) implement hygiene protocols consistent with the *Management of Phytophthora cinnamomi for Biodiversity Conservation in Australia, Part 2 National Best Practice Guidelines* as amended or replaced from time to time;
- (3) **revegetate** all areas of native vegetation **disturbed**, but not reasonably expected to be required for ongoing **operations**, within the development envelope within twenty four (24) months of completion of **construction activities**;

- (4) demonstrate the **revegetation** required by condition B1-3(3) is consistent with the pre-construction **vegetation density**;
- (5) undertake annual monitoring consistent with condition C3-1 and implement any **contingency measures** to ensure **revegetation** required by condition B1-3(3) will successfully establish within five (5) years post construction; and
- (6) continue to undertake the monitoring required by condition B1-3(5) until the **CEO** confirms by notice in writing that it has been demonstrated that the **revegetation** required by condition B1-3(3) has successfully established.

## **B2 Terrestrial Fauna**

B2-1 The proponent must ensure the implementation of the proposal achieves the following environmental outcome:

- (1) **disturb** no more than the following environmental values:
  - (a) 204.8 **ha** of **low to moderate or higher value foraging habitat** for Carnaby's cockatoo (*Zanda latirostris*);
  - (b) 168 **ha** of **low to moderate or higher value foraging habitat** for forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*);
  - (c) 10 **nesting trees**;
  - (d) 117 **potential nesting trees** with suitable hollows;
  - (e) 1,358 **potential nesting trees**;
  - (f) 54.4 **ha** of suitable chuditch (*Dasyurus geoffroii*) habitat; and
  - (g) 69.2 **ha** of suitable south-western brush-tailed phascogale (*Phascogale tapoatafa wambenger*) habitat.

B2-2 During **construction activities**, the proponent must undertake the following actions:

- (1) within seven (7) days prior to clearing, using a **fauna handler** with experience in surveying for **black cockatoos**, inspect all **nesting trees** and **potential nesting trees** with suitable hollows within the development envelope to determine if any hollows are being used for nesting by **black cockatoos**;
- (2) if any hollows are in use by **black cockatoos**, the proponent shall not **disturb** the **nesting tree**, or vegetation within a ten (10) metre radius of the **nesting tree**, until after the **black cockatoos** have naturally

completed nesting (young have fledged and dispersed) and a **fauna handler** has verified that the hollow(s) are no longer being used by **black cockatoos**; and

- (3) ensure the presence of appropriately qualified and licensed **fauna handler(s)** during clearing activities.

B2-3 The proponent must:

- (1) not plant known foraging species for **black cockatoos** within ten (10) metres of the road;
- (2) install a minimum of seven (7) **fauna crossings** that:
  - (a) align with **ecological linkages**;
  - (b) connect areas of **good** quality vegetation; and/or
  - (c) connect areas with high environmental values;
- (3) ensure the **fauna crossings** required by condition B2-3(2) are:
  - (a) designed to minimise the potential risk of predation;
  - (b) able to be utilised by a variety of native fauna; and
  - (c) are located in areas that will not be subject to flooding;
- (4) consult with **DBCA** on the design and location of the **fauna crossings** to achieve the requirements of condition B2-3(3); and
- (5) maintain the **fauna crossings** required by condition B2-3(2) for the life of the proposal.

### **B3 Inland Waters**

B3-1 The proponent must ensure the implementation of the proposal results in:

- (1) no **adverse impacts** to wetlands or watercourses within fifty (50) metres of groundwater abstraction bores for the proposal.

B3-2 The proponent must ensure the implementation of the proposal achieves the following environmental outcome:

- (1) **disturb** no more than the following environmental values:
  - (a) 0.4 **ha** of vegetation associated with **Conservation Category Wetlands** in **good** or better condition;
  - (b) 0.4 **ha** within Unique Feature Identifier 12779;
  - (c) 0.3 **ha** within Unique Feature Identifier 15154; and

- (d) 2.0 ha within Unique Feature Identifier 12840.

B3-3 During construction, the proponent must:

- (1) ensure that no refuelling, chemical storage, or stockpiling occurs within fifty (50) metres of **Conservation Category Wetlands**.

#### **B4 Social Surroundings (Aboriginal heritage) and Inland Waters**

B4-1 The proponent must implement the proposal to meet the following environmental objective:

- (1) maintain the hydrological regime and water quality of the Brockman River, Udumung Brook, and other waterways within or adjacent to the development envelope, that support:
  - (a) **Aboriginal cultural heritage**; and
  - (b) the **ecological integrity** of the Brockman River, incorporating **Conservation Category Wetland** Unique Feature Identifier 12840.

B4-2 The proponent must, in consultation with relevant Traditional Owner representatives, prepare an environmental management plan that satisfies the requirements of condition C4 and demonstrates how the social surroundings and inland waters environmental objective in condition B4-1 will be achieved, and submit it to the **CEO**.

#### **B5 Social Surroundings (Noise Amenity)**

B5-1 The proponent shall implement the proposal to meet the following environmental objective:

- (1) minimise operational noise impacts on existing and approved noise sensitive receptors, as far as practicable.

B5-2 The proponent must prepare an environmental management plan that satisfies the requirements of condition C4 and demonstrates how the social surroundings environmental objective in condition B5-1 will be achieved, and submit the plan to the **CEO**.

#### **B6 Environmental Offsets**

B6-1 The proponent must implement offsets to counterbalance the significant residual impacts of the proposal on the following environmental values:

- (1) *Banksia attenuata* woodlands over species rich dense shrublands (SCP20a);

- (2) *Corymbia calophylla* – *Eucalyptus marginata* woodlands on sandy clay soils of the southern Swan Coastal Plain (SCP3b) (northern expression);
- (3) Nooning Vegetation Complex;
- (4) Banksia woodlands of the Swan Coastal Plain ecological community (Priority 3(iii));
- (5) **low to moderate or higher value foraging habitat** for Carnaby's cockatoo (*Zanda latirostris*);
- (6) **low to moderate or higher value foraging habitat** for forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*);
- (7) **nesting trees**;
- (8) **potential nesting trees** with suitable hollows;
- (9) **potential nesting trees**;
- (10) suitable chuditch (*Dasyurus geoffroii*) habitat; and
- (11) **Conservation Category Wetlands**.

B6-2 The proponent must ensure the implementation of the offsets achieves the following environmental objectives:

- (1) counterbalance the significant residual impacts to the environmental values identified in condition B6-1;
- (2) revegetate at least 147 **ha** within fifty (50) kilometres of the development envelope to provide **self-sustaining** high quality foraging habitat for Carnaby's cockatoo;
- (3) ensure no net loss of **potential nesting trees** authorised to be cleared by condition B2-1(1)(e) through the **planting and establishment** of species known to develop hollows suitable for nesting by **black cockatoos** within the area required to be revegetated by condition B6-2(2);
- (4) install at least three (3) artificial nesting hollows for every **nesting tree** authorised to be cleared by condition B2-1(1)(c);
- (5) install at least one (1) artificial nesting hollow for every **potential nesting tree** with a suitable hollow authorised to be cleared by condition B2-1(1)(d);
- (6) ensure **acquired** offsets collectively contain at least three (3) times the number of **potential nesting trees** authorised to be cleared by condition B2-1(1)(d) and condition B2-1(1)(e); and

- (7) where it is proposed to contribute to a research program/s for a value/s identified in condition B6-1, consistent with the requirements of condition B6-4(11).

### **Environmental Offset Strategy (Environmental Management Plan)**

B6-3 The proponent must, in consultation with the **DBCA**, revise the Environmental Offset Strategy (Revision 0, 8 November 2022) to demonstrate how the environmental objectives in condition B6-2 will be achieved, and submit it to the **CEO**.

B6-4 The Environmental Offset Strategy (Environmental Management Plan) must:

- (1) demonstrate that the environmental outcomes in condition B6-1 and the environmental objectives in condition B6-2 will be met;
- (2) demonstrate that any floristic community type analysis of proposed offset areas has been reviewed, and the findings supported by the **DBCA**;
- (3) identify an area, or areas, (the **Proposed Offset Conservation Area**) to be **acquired**, to be **acquired** with **on-ground management**, and/or for **on-ground management**, that contains the environmental value/s identified in condition B6-1;
- (4) demonstrate how the environmental values within the **Proposed Offset Conservation Areas** will be maintained, improved and/or managed in order to counterbalance the significant residual impact to the environmental values in condition B6-1 and achieve the environmental objectives in condition B6-2;
- (5) demonstrate application of the principles of the *WA Environmental Offsets Policy*, the *WA Environmental Offsets Metric* and the *WA Offsets Template*, as described in the *WA Environmental Offsets Guidelines*, or any subsequent revisions of these documents;
- (6) identify the proportion of resources allocated for each specific offset addressed by the Environmental Offset Strategy (Environmental Management Plan);
- (7) identify how the ongoing performance of the offset measures, and whether they are achieving the objectives in condition B6-2, will periodically be made publicly available;
- (8) 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;



- (9) for offsets **acquired** specify:
- (a) a timeframe and works associated with establishing the **Proposed Offset Conservation Areas**, including a contribution for maintaining the offset for at least twenty (20) years after completion of purchase;
  - (b) identify the **relevant management body** for the on-going management of the **Proposed Offset Conservation Areas**, including its role, and the role of the proponent, and confirmation in writing that the **relevant management body** accepts responsibility for its role;
- (10) where **on-ground management** is proposed:
- (a) state the targets for each environmental value identified in condition B6-1 to be achieved, including completion criteria, which will result in a **tangible improvement** to the environmental values being offset. For revegetation offsets relating to foraging habitat for Carnaby's cockatoo environmental values, this must include, but not be limited to:
    - (i) completion criteria to measure (at a minimum) whether the objective in condition B6-2(2) has been achieved and is commensurate with high quality foraging habitat for Carnaby's cockatoo within a ten (10) kilometre radius; and
    - (ii) adaptive management to ensure successful revegetation;
  - (b) demonstrate the consistency of the targets with environmental objectives in condition B6-2 and the objectives of any relevant guidance, including but not limited to, recovery plans or area management plans;
  - (c) detail the **on-ground management** actions, with associated timeframes for implementation and completion, to achieve the targets identified in condition B6-4(10)(a);
  - (d) detail the monitoring, reporting and evaluation mechanisms for the targets and actions identified under condition B6-4(10)(a);
- (11) where a **research offset** is proposed, identify an existing or prepare a research program that:
- (a) identifies the objectives and intended outcomes, and specifies the deliverables and completion criteria;

- (b) identifies how the research will result in a positive conservation outcome, and will either improve management and protection or address priority knowledge gaps that have been identified as a research priority needed to improve management and protection, for the environmental values identified in condition B6-1;
  - (c) demonstrate the consistency of the objectives in condition B6-4(11)(a) with any relevant guidance, including but not limited to, recovery plans or area management plans, the principles of the *WA Environmental Offsets Policy*, the *WA Environmental Offsets Guidelines*, or any subsequent revisions of these documents;
  - (d) identifies and justifies how the research will support land **acquired** and/or **on-ground management** in achieving a positive conservation outcome;
  - (e) provides an implementation and reporting schedule, including an outline of key activities, all deliverables, stages of implementation, reporting of research results (including interim results), reporting on implementation status, and milestones towards completion criteria;
  - (f) identifies the governance arrangements including responsibilities for implementing, and oversight of, the research program, agreements with government agencies, agreements with any third parties, and **contingency measures**;
  - (g) identify how a research program summary, and the results (including interim results) of the research program, will be communicated and/or published in an open access format; and
  - (h) identifies the third party(s) to carry out the work required to meet the outcomes of condition B6-4(11)(a), who is satisfactory for the role to the **CEO**. In applying to the **CEO** for endorsement of the selected third party(s), the proponent shall provide:
    - (i) demonstration of the track record, experience, qualifications and competencies of the proposed third party(s) to carry out the work and achieve the outcomes;
- (12) Demonstrate the artificial nesting hollows required by condition B6-2(4) and condition B6-2(5) will:
- (a) be installed at suitable locations determined in consultation with **DBCA**, and in accordance with the specifications detailed in 'Artificial Hollows for Black Cockatoos' (DBCA Fauna Notes 2023), or any subsequent **DBCA** revision of this guideline;

- (b) be designed and placed in accordance with the specifications detailed in 'Artificial Hollows for Black Cockatoos' (DBCA Fauna Notes 2023), or any subsequent **DBCA** revision of this guideline;
- (c) be monitored and maintained in accordance with the specifications detailed in 'Artificial Hollows for Black Cockatoos' (DBCA Fauna Notes 2023), or any subsequent **DBCA** revision of this guideline; and
- (d) be spatially recorded with location data provided to **DBCA**.

## **B7 Environmental Performance Reporting**

- B7-1 The proponent shall submit an Environmental Performance Report to the Minister for the Environment every five (5) years, until the **CEO** has **confirmed** in writing that submission of an Environmental Performance Report is no longer required.
- B7-2 The first Environmental Performance Report shall be submitted within three (3) months of the expiry of the five (5) year period commencing from the date of substantial commencement of the proposal, or such other time as may be approved by the **CEO**.
- B7-3 Each Environmental Performance Report shall report on proposal impacts to **black cockatoos**, terrestrial fauna, *Banksia attenuata* woodland over species rich dense shrublands (SCP20a) and *Corymbia calophylla* – *Eucalyptus marginata* woodlands on sandy clay soils of the southern Swan Coastal Plain (SCP3b) (northern expression) in relation to:
- (1) use of **black cockatoo nesting trees** retained adjacent to the road;
  - (2) use of **black cockatoo potential nesting trees** with suitable hollows retained adjacent to the road;
  - (3) success of installed artificial nest hollows;
  - (4) utilisation of fauna crossings by native terrestrial fauna and potential future application of this to other projects;
  - (5) maintenance of values commensurate with and representative of *Banksia attenuata* woodlands over species rich dense shrublands (SCP20a) within the areas identified as this community retained adjacent to the road; and
  - (6) maintenance of values commensurate with and representative of *Corymbia calophylla* – *Eucalyptus marginata* woodlands on sandy clay soils of the southern Swan Coastal Plain (SCP3b) (northern expression)

within the areas identified as this community retained adjacent to the road.

B7-4 The Environmental Performance Report must include:

- (1) a comparison of the environmental values identified in condition B7-3 at the end of the five (5) year period; against the state of each environmental value prior to substantial commencement;
- (2) a comparison of the environmental values identified in condition B7-3 at the end of every five (5) year period; against the state of the environmental values identified in the first Environmental Performance Report submitted in accordance with condition B7-1;
- (3) proposed adaptive management and continuous improvement strategies; and
- (4) a discussion of how monitoring, knowledge, and learnings from the implementation of the proposal will be applied to future proposals to minimise impacts on each relevant environmental value.

B7-5 Each Environmental Performance Report must be published on the proponent's website and provided to the **CEO** in electronic form suitable for on-line publication by the Department of Water and Environmental Regulation within twenty (20) business days of being provided to the Minister for the Environment.

## PART C – ENVIRONMENTAL MANAGEMENT PLANS AND MONITORING

### C1 Environmental Management Plans: Conditions Related to Commencement of Implementation of the Proposal

C1-1 The proponent must not undertake:

- (1) **ground disturbing activities** in relation to the Brockman River, Udumung Brook, and other waterways within or adjacent to the development envelope until the **CEO** has **confirmed** in writing that the environmental management plan required by condition B4-2 meets the requirements of that condition and conditions C4-1 and C4-2;
- (2) **ground disturbing activities** until the **CEO** has **confirmed** in writing that the environmental management plan required by condition B5-2 meets the requirements of that condition and condition C4-3; and
- (3) **ground disturbing activities** until the **CEO** has **confirmed** in writing that the Environmental Offset Strategy (Environmental Management Plan) required by condition B6-3 meets the requirements of that condition.

### C2 Environmental Management Plans: Conditions Relating to Approval, Implementation, Review and Publication

C2-1 Upon being required to implement an environmental management plan under Part B, or after receiving notice in writing from the **CEO** under condition C1-1 that the environmental management plan(s) required in Part B satisfies the relevant requirements, the proponent must:

- (1) implement the most recent version of the **confirmed** environmental management plan; and
- (2) continue to implement the **confirmed** environmental management plan referred to in condition C2-1(1), other than for any period which the **CEO** confirms by notice in writing that it has been demonstrated that the relevant requirements for the environmental management plan have been met, or are able to be met under another statutory decision-making process, in which case the implementation of the environmental management plan is no longer required for that period.

C2-2 The proponent:

- (1) may review and revise a **confirmed** environmental management plan provided it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan;

- (2) must review and revise a **confirmed** environmental management plan and ensure it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan, as and when directed by the **CEO**; and
  - (3) must revise and submit to the **CEO** the **confirmed** environmental management plan if there is a material risk that the outcomes or objectives it is required to achieve will not be complied with, including but not limited to as a result of a change to the proposal.
- C2-3 Despite condition C2-1, but subject to conditions C2-4 and C2-5, the proponent may implement minor revisions to an environmental management plan if the revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.
- C2-4 If the proponent is to implement minor revisions to an environmental management plan under condition C2-3, the proponent must provide the **CEO** with the following at least twenty (20) business days before it implements the revisions:
- (1) the revised environmental management plan clearly showing the minor revisions;
  - (2) an explanation of and justification for the minor revisions; and
  - (3) an explanation of why the minor revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.
- C2-5 The proponent must cease to implement any revisions which the **CEO** notifies the proponent (at any time) in writing may not be implemented.
- C2-6 **Confirmed** environmental management plans, and any revised environmental management plans under condition C2-4(1), must be published on the proponent's website and provided to the **CEO** in electronic form suitable for on-line publication by the Department of Water and Environmental Regulation within twenty (20) business days of being implemented, or being required to be implemented (whichever is earlier).

### **C3 Conditions Related to Monitoring**

- C3-1 The proponent must undertake monitoring capable of:
- (1) substantiating whether the proposal limitations and extents in Part A are exceeded; and

- (2) **detecting** and substantiating whether the environmental outcomes identified in Part B are achieved (excluding any environmental outcomes in Part B where an environmental management plan is expressly required to monitor achievement of that outcome).

C3-2 The proponent must submit as part of the Compliance Assessment Report required by condition D2, a compliance monitoring report that:

- (1) outlines the monitoring that was undertaken during the implementation of the proposal;
- (2) identifies why the monitoring was capable of substantiating whether the proposal limitation and extents in Part A are exceeded;
- (3) for any environmental outcomes to which condition C3-1(2) applies, identifies why the monitoring was scientifically robust and capable of **detecting** whether the environmental outcomes in Part B are met;
- (4) outlines the results of the monitoring;
- (5) reports whether the proposal limitations and extents in Part A were exceeded and (for any environmental outcomes to which condition C3-1 (2) applies) whether the environmental outcomes in Part B were achieved, based on analysis of the results of the monitoring; and
- (6) reports any actions taken by the proponent to remediate any potential non-compliance.

#### **C4 Environmental Management Plans: Conditions Related to Management Actions and Targets for Objective Based Conditions**

C4-1 The environmental management plans required under condition B4-2, condition B5-2 and condition B6-3 must contain provisions which enable the achievement of the relevant objectives of those conditions and substantiation of whether the objectives are reasonably likely to be met, and must include:

- (1) **management actions**;
- (2) **management targets**;
- (3) **contingency measures** if **management targets** are not met; and
- (4) reporting requirements.

C4-2 The environmental management plan required under condition B4-2 is also required to demonstrate reasonable steps with appropriate and relevant Traditional Owner representatives to consult about inland waters environmental outcomes prior to and during construction of the Brockman River bridge and the Udumung Brook crossing.

C4-3 The environmental management plan required under condition B5-2 is:

- (1) required to describe the relevant mitigation measures to meet the outdoor noise targets in the *State Planning Policy 5.4 Road and Rail Noise* and indoor noise targets for potentially affected dwellings;
- (2) to provide the location, height and timing of construction of the noise walls;
- (3) required to include a noise level contour map based on the final road design and demonstrate that design and construction of mitigation measures will meet the objective in conditions B5-1 and C4-3(1) and is consistent with the *Road and Rail Noise Guidelines*;
- (4) required to include evidence of reasonable steps for consultation with potentially affected residences and proponents of **approved** subdivisions;
- (5) required to include the responsibilities for implementing noise mitigation measures (including noise walls) for future dwellings in **approved** subdivisions adjacent to the proposal; and
- (6) required to specify the timing for the review of the approved environmental management plan, prior to commencing **construction activities** of subsequent stages of the proposal.

C4-4 Without limiting condition C2-1, the failure to achieve an environmental objective, or implement a **management action**, regardless of whether **contingency measures** have been or are being implemented, represents a non-compliance with these conditions.



## **PART D – COMPLIANCE, TIME LIMITS, AUDITS AND OTHER CONDITIONS**

### **D-1 Non-Compliance Reporting**

D1-1 If the proponent becomes aware of a potential non-compliance, the proponent must:

- (1) report this to the **CEO** within seven (7) days;
- (2) implement **contingency measures**;
- (3) investigate the cause;
- (4) investigate environmental impacts;
- (5) advise rectification measures to be implemented;
- (6) advise any other measures to be implemented to ensure no further impact; and
- (7) provide a report to the **CEO** within twenty-one (21) days of being aware of the potential non-compliance, detailing the measures required in conditions D1-1(1) to D1-1(6) above.

D1-2 Failure to comply with the requirements of a condition, or with the content of an environmental management plan required under a condition, constitutes a non-compliance with these conditions, regardless of whether the **contingency measures**, rectification or other measures in condition D1-1 above have been or are being implemented.

### **D2 Compliance Reporting**

D2-1 The proponent must provide an annual Compliance Assessment Report to the **CEO** for the purpose of determining whether the implementation conditions are being complied with.

D2-2 Unless a different date or frequency is approved by the **CEO**, the first annual Compliance Assessment Report must be submitted within fifteen (15) months of the date of this Statement, and subsequent plans must be submitted annually from that date.

D2-3 Each annual Compliance Assessment Report must be endorsed by the proponent's Chief Executive Officer, or a person approved by proponent's Chief Executive Officer to be delegated to sign on the Chief Executive Officer's behalf.

D2-4 Each annual Compliance Assessment Report must:

- (1) state whether each condition of this Statement has been complied with, including:

- (a) exceedance of any proposal limits and extents;
  - (b) achievement of environmental outcomes;
  - (c) achievement of environmental objectives;
  - (d) requirements to implement the content of environmental management plans;
  - (e) monitoring requirements;
  - (f) implement **contingency measures**;
  - (g) requirements to implement adaptive management; and
  - (h) reporting requirements;
- (2) include the results of any monitoring (inclusive of any raw data) that has been required under Part C in order to demonstrate that the limits in Part A, and any outcomes or any objectives are being met;
  - (3) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance;
  - (4) include the corrective, remedial and preventative actions taken in response to any potential non-compliance;
  - (5) be provided in a form suitable for publication on the proponent's website and online by the Department of Water and Environmental Regulation;
  - (6) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition D2-5 which the **CEO** has **confirmed** by notice in writing satisfies the relevant requirements of Part C and Part D.

D2-5 The proponent must prepare 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 D2-2, or prior to implementation of the proposal, whichever is sooner.

D2-6 The Compliance Assessment Plan must include:

- (1) what, when and how information will be collected and recorded to assess compliance;
- (2) the methods which will be used to assess compliance;
- (3) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the implementation conditions are being complied with;

- (4) the retention of compliance assessments;
- (5) the table of contents of Compliance Assessment Reports, including audit tables; and
- (6) how and when Compliance Assessment Reports will be made publicly available, including usually being published on the proponent's website within sixty (60) days of being provided to the **CEO**.

### **D3 Contact Details**

D3-1 The proponent must 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.

### **D4 Time Limit for Proposal Implementation**

- D4-1 The proposal must be substantially commenced within five (5) years from the date of this Statement.
- D4-2 The proponent must provide to the **CEO** documentary evidence demonstrating that they have complied with condition D4-1 no later than fourteen (14) days after the expiration of period specified in condition D4-1.
- D4-3 If the proposal has not been substantially commenced within the period specified in condition D4-1, implementation of the proposal must not be commenced or continued after the expiration of that period.

### **D5 Public Availability of Data**

D5-1 Subject to condition D5-2, within a reasonable time period approved by the **CEO** upon the issue of this Statement and for the remainder of the life of the proposal, the proponent must make publicly available, in a manner approved by the **CEO**, all validated environmental data collected before and after the date of this Statement relevant to the proposal (including sampling design, sampling methodologies, monitoring and other empirical data and derived information products (e.g. maps)), environmental management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

D5-2 If:

- (1) any data referred to in condition D5-1 contains trade secrets; or
- (2) any data referred to in condition D5-1 contains particulars of confidential information (other than trade secrets) that has commercial value to a person that would be, or could reasonably be expected to be, destroyed or diminished if the confidential information were published,

the proponent may submit a request for approval from the **CEO** to not make this data publicly available and the **CEO** may agree to such a request if the **CEO** is satisfied that the data meets the above criteria.

D5-3 In making such a request the proponent must provide the **CEO** with an explanation and reasons why the data should not be made publicly available.

## **D6 Independent Audit**

D6-1 The proponent must arrange for an independent audit of compliance with the conditions of this statement, including achievement of the environmental outcomes and/or the environmental objectives and/ or environmental performance with the conditions of this statement, as and when directed by the **CEO**.

D6-2 The independent audit must be carried out by a person with appropriate qualifications who is nominated or approved by the **CEO** to undertake the audit under condition D6-1.

D6-3 The proponent must submit the independent audit report with the Compliance Assessment Report required by condition D2, or at any time as and when directed in writing by the **CEO**. The audit report is to be supported by credible evidence to substantiate its findings.

D6-4 The independent audit report required by condition D6-1 is to be made publicly available in the same timeframe, manner and form as a Compliance Assessment Report, or as otherwise directed by the **CEO**.

[signed on 29 May 2024]

Hon Reece Whitby MLA  
**MINISTER FOR ENVIRONMENT; CLIMATE ACTION**

<b>Key decision-making authorities consulted under section 45(2):</b>
Minister for Water Minister for Aboriginal Affairs Minister for Lands Minister for Transport

**Table 1: Abbreviations and definitions**

<b>Acronym or abbreviation</b>	<b>Definition or term</b>
<b>Aboriginal cultural heritage</b>	Means the tangible and intangible elements that are important to the Aboriginal people of the State, and are recognised through social, spiritual, historical, scientific, or aesthetic values, as part of Aboriginal tradition to the extent they directly affect or are affected by physical or biological surroundings.
<b>Acquired</b>	The protection of environmental values on an area of initially unprotected land for the purpose of conservation through improved security of tenure or restricting the use of land (e.g. ceding land to the Crown or perpetual conservation covenants). This includes upfront costs of establishing the offset site and the on-going management of costs of maintaining the offset for the long term (20 years).
<b>Adverse impact /adversely impacted</b>	Negative change that is neither trivial nor negligible that could result in a reduction in health, diversity or abundance of the receptor/s being impacted, or a reduction in environmental value. Adverse impacts can arise from direct or indirect impacts, or other impacts from the proposal.
<b>Approved</b>	Refers to residential subdivision adjacent to the development envelope that has received planning approval from the Western Australian Planning Commission.
<b>Black cockatoo/s</b>	Carnaby's black cockatoo ( <i>Zanda latirostris</i> ) and forest red-tailed black cockatoo ( <i>Calyptorhynchus banksii naso</i> ).
<b>CEO</b>	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 the <b>CEO's</b> delegate.
<b>Confirmed</b>	In relation to a plan required to be made and submitted to the <b>CEO</b> , means, at the relevant time, the plan that the <b>CEO</b> confirmed, by notice in writing, meets the requirements of the relevant condition.  In relation to a plan required to be implemented without the need to be first submitted to the <b>CEO</b> , means that plan until it is revised, and then means, at the relevant time, the plan that the <b>CEO</b> confirmed, by notice in writing, meets the requirements of the relevant condition.
<b>Conservation Category Wetland</b>	Wetlands classified as conservation management category wetlands in the Geomorphic Wetlands, Swan Coastal Plain dataset maintained by the <b>DBCA</b> .
<b>Construction activities</b>	Activities that are associated with the substantial implementation of a proposal including but not limited to, earthmoving, vegetation clearing, grading or construction of right of way. Construction activities do not include Geotechnical investigations (including potholing for services and the installation of piezometers) and other preconstruction activities where no clearing of vegetation is required.

Acronym or abbreviation	Definition or term
<b>Contingency measures</b>	Planned actions for implementation if it is identified that an environmental outcome, environmental objective, <b>threshold criteria</b> or <b>management target</b> are likely to be, or are being, exceeded. Contingency measures include changes to operations or reductions in disturbance to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold, <b>management target</b> and to ensure that the environmental outcome and/or objective can be met.
<b>DBCA</b>	Department of Biodiversity, Conservation and Attractions
<b>Detecting/ Detectable</b>	The smallest statistically discernible effect size that can be achieved with a monitoring strategy designed to achieve a statistical power value of at least 0.8 or an alternative value as determined by the <b>CEO</b> .
<b>Disturb/ed</b>	Means directly has or materially contributes to the disturbance effect on the health, diversity or abundance of the receptor/s being impacted or on an environmental value.  In relation to flora, vegetation, or fauna habitat, includes to result in the death, destruction, removal, severing or doing substantial damage to an environmental value.  In relation to fauna, includes to have the effect of altering the natural behaviour of fauna to its detriment.
<b>Ecological integrity</b>	The composition, structure, function and processes of ecosystems and the natural range of variation of these elements.
<b>Ecological linkages</b>	Ecological linkages identified in the Shire of Chittering <i>Local Biodiversity Strategy 2022</i> .
<b>Environmental weeds</b>	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' Swan Region Impact and Invasiveness Ratings list, as amended, or replaced from time to time.
<b>Fauna crossings</b>	Infrastructure to reduce fauna vehicle strike, habitat fragmentation and facilitate fauna movement.
<b>Fauna handler</b>	A person who is qualified and licenced under section 40 of the <i>Biodiversity Conservation Act 2016</i> .
<b>'Good'</b>	Means the condition of native vegetation rated in accordance with the <i>Technical guidance – Flora and vegetation surveys for environmental impact assessment</i> (EPA 2016) including any revision to this technical guidance.

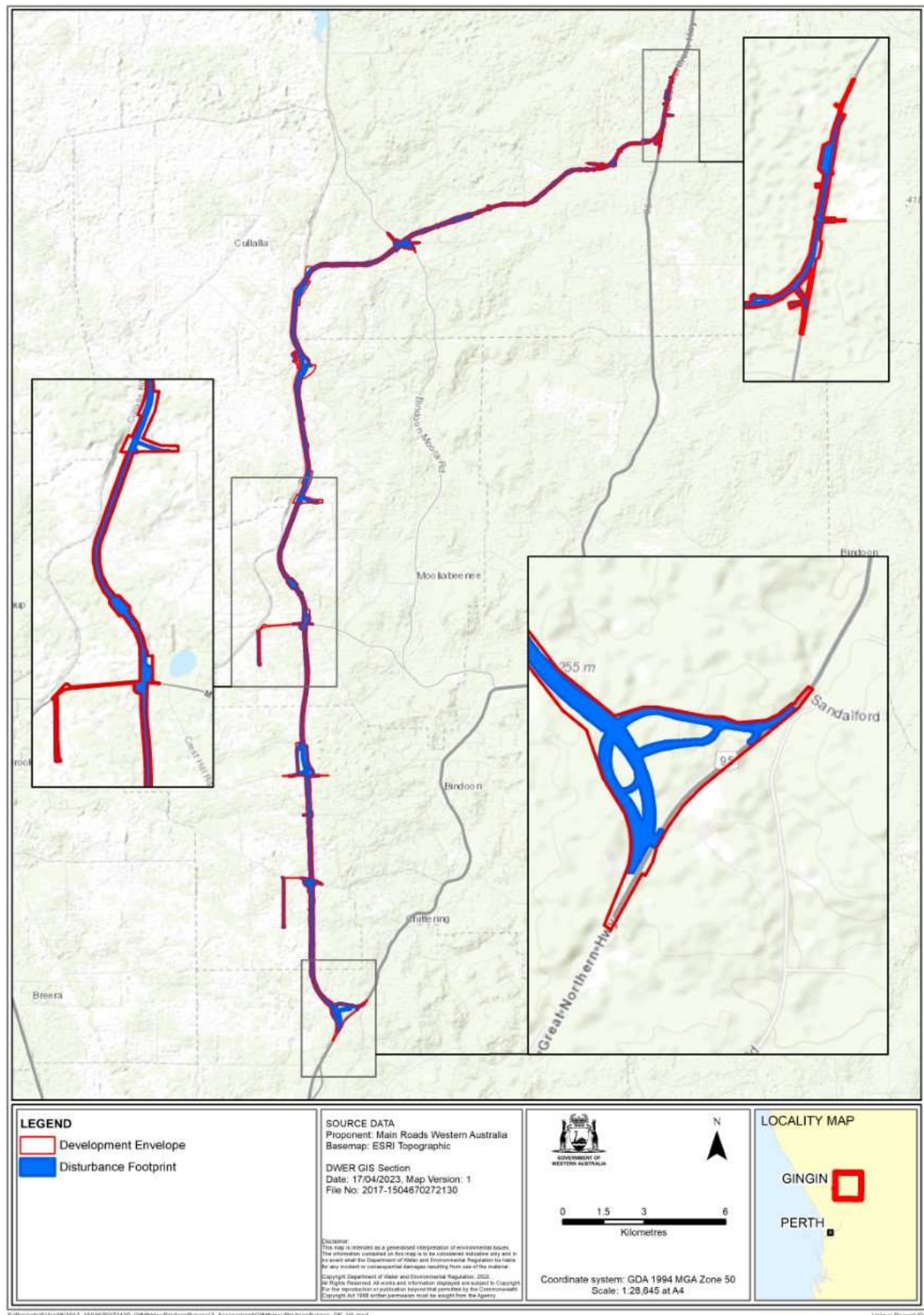
Acronym or abbreviation	Definition or term
<b>Ground disturbing activities</b>	Any activity or activities undertaken in the implementation of the proposal, including any clearing, civil works, or construction activities, other than preliminary works to which approval has been given under the <b>EP Act</b> .
<b>Ha</b>	Hectare
<b>Low to moderate or higher value foraging habitat</b>	Black cockatoo foraging habitat described as low to moderate value, moderate value, moderate to high value or high value in the report and supporting spatial data in the <i>Great Northern Highway Bindoon Bypass Project: Revised Fauna Assessment</i> (June 2019) by Bamford Consulting Ecologists.
<b>Management action</b>	The identified actions implemented with the intent of achieving the environmental objective.
<b>Management target</b>	A type of indicator to evaluate whether an environmental objective is being achieved.
<b>Nesting tree/s</b>	Any existing tree with a hollow exhibiting evidence of use for nesting by <b>black cockatoos</b> .
<b>On-ground management</b>	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a <b>tangible improvement</b> to the environmental values in the offset area.
<b>Operations</b>	Means operation of the road infrastructure for the proposal.
<b>Planting and establishment</b>	The re-establishment of vegetation by creating favorable soil conditions and planting seeds and/or seedlings of the desired species, and actions to help ensure survival post planting.
<b>Potential nesting trees</b>	Any existing tree of a species known to support <b>black cockatoo</b> breeding which has a diameter at breast height of 500 millimetres or greater that therefore may develop a nest hollow.
<b>Proposed Offset Conservation Area</b>	The area of land identified in condition B6-4(3).
<b>Relevant management body</b>	A party or parties that has a role in the establishment and/or on-going management of the Proposed Offset Conservation Area. Note: This includes the role of the proponent.
<b>Revegetate/ revegetation</b>	Re-establishment of native vegetation/habitat in degraded areas.

<b>Acronym or abbreviation</b>	<b>Definition or term</b>
<b>Research offset</b>	A program or study that must be reasonably related to the impact and is designed to result in a positive conservation outcome. It may include improving the management and protection of existing conservation estate, adding to existing State Government initiatives, policies or strategies, or addressing priority knowledge gaps.
<b>Self-sustaining</b>	Refers to vegetation that can survive (continue indefinitely) without on-going management actions such as watering, weed control or infill planting.
<b>Tangible improvement</b>	A perceptible, measurable and definable improvement that provides additional ecological benefit and/or value.
<b>Threshold Criteria</b>	The indicators that have been selected to represent limits of impact beyond which the environmental outcome is not being met.
<b>Vegetation density</b>	The number of individual plants of a defined group that are present in a given area at a particular time (for example stems per <b>ha</b> ).

### **Figures (attached)**

Figure 1 Development envelope for the Great Northern Highway – Bindoon Bypass (this figure is a representation of the co-ordinates referenced in Schedule 1).





**Figure 1: Development envelope for the Great Northern Highway – Bindoon Bypass**

## **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 2020 (GDA20).

Spatial data depicting the figures are held by the Department of Water and Environmental Regulation. Record no. DWERT622325.