

***Environmental Protection Act 1986***

**Section 40(2)(a)**

**NOTICE REQUIRING INFORMATION FOR ASSESSMENT**

**PERSON TO WHOM THIS NOTICE IS GIVEN**

Commissioner of Main Roads  
Main Roads Western Australia (ABN 50 860 676 021)  
PO BOX 6202  
**EAST PERTH WA 6892**

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

Tonkin Highway Grade Separated Interchanges Kelvin Road

Pursuant to section 40(2)(a) of the *Environmental Protection Act 1986*, I, as a delegate of the Environmental Protection Authority (EPA), require that you provide the EPA with the following information for its assessment.

**1. Mitigation hierarchy**

The EPA notes that the proposal has the potential to impact on the following environmental values:

- SCP20a *Banksia attenuata* woodlands over species rich dense shrublands Threatened Ecological Community (Endangered)
- Guildford Complex, an underrepresented vegetation complex
- Environmental values of Bush Forever Site 53 – Clifford Street Bushland
- an important population of *Conospermum undulatum* (Threatened flora)
- an important population of *Morelotia australiensis* (Threatened flora)
- vegetation in Excellent condition associated with a Conservation Category Wetland
- Bickley Brook
- moderate to low value Carnaby's cockatoo foraging habitat
- high to low value forest red-tailed black cockatoo foraging habitat
- high to low value Baudin's cockatoo foraging habitat
- 125 black cockatoo potential breeding trees

Having regard to:

- the sensitivities and aggregation of the above environmental values at the Clifford Street Bushland
- the public comments and concerns received at the referral stage about the environmental values and potential impacts,

- a preliminary understanding (based on recent assessments) that there may be challenges in identifying appropriate offsets for some of the above environmental values,

the EPA considers that clearly demonstrating application of the mitigation hierarchy will be particularly important for this assessment. An emphasis will need to be given to clearly demonstrating avoidance and minimisation, wherever possible.

#### Comments on the referral supporting document

Please note in applying the mitigation hierarchy, measures to *minimise the impacts on adjacent native vegetation*, or to *minimise impacts...as much as possible* are unlikely to sufficiently avoid adverse environmental impacts altogether and are better described as minimisation measures (not avoidance measures). Similarly, please note that measures such as *containing associated infrastructure within the development envelope* are not considered avoidance or minimisation measures.

The table, *Summary of potential impacts, proposed mitigation and environmental outcomes* (Table ES 3) indicates that occurrences of communities SCP3a, SCP3c and SCP20c have been avoided. However, there is no explanation on how these communities were avoided in the supporting document. If these values have been avoided by the current proposal, an explanation of how these values were avoided should be provided in the consolidated report.

The referral supporting document does not adequately identify any environmental values that have been avoided during the design of the proposal. It would be informative to understand what environmental values have been avoided by the selection of the referred alignment when compared to the alternatives considered. Please include such a comparison in a consolidated report.

In the referral supporting document, an offset strategy is included as a mitigation measure to minimise impacts to flora and vegetation, terrestrial fauna, and inland waters. The EPA does not consider offsets as a minimisation measure. As mentioned above, an appropriate application of the mitigation hierarchy is to be included in a consolidated report.

## **2. Offset strategy**

Identify and quantify the significant residual impacts and proposed offsets, including completing the offset template and the residual impact significance model table as per the EPA's *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual*, the *WA Environmental Offsets Policy 2011*, and the *WA Environmental Offsets Guidelines 2014*.

If it is determined that there are likely to be significant residual impacts as a result of the proposal on the environmental values identified above, particular attention should be given in a consolidated report to how it is proposed to offset impacts on:

- SCP20a *Banksia attenuata* woodlands over species rich dense shrublands Threatened Ecological Community (Endangered)

- Guildford Complex, an underrepresented vegetation complex
- Bush Forever Site 53 – Clifford Street Bushland
- an important population of *Conospermum undulatum* (Threatened flora)
- an important population of *Morelotia australiensis* (Threatened flora)
- vegetation in Excellent condition associated with a Conservation Category Wetland
- 125 black cockatoo potential breeding trees.

For any proposed offsets, update the Offsets section of the referral supporting document to provide sufficient evidence about, and assess whether (and how) an offset is likely to counterbalance any significant residual impact. The EPA will require confidence that any significant residual impacts to the values identified above are able to be counter-balanced.

### **3. Cumulative impacts**

The EPA's *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* defines cumulative environmental impacts as the successive, incremental, and interactive impacts on the environment of a proposal with one or more past, present, and reasonably foreseeable future activities. Reasonably foreseeable future activities are those which are already approved, are in a government approvals process, or are otherwise reasonably likely to proceed.

The EPA is currently assessing or is aware of projects that may be being assessed by another government approvals process that will result in direct impacts to occurrences of the SCP20a Threatened Ecological Community that have not been considered in the referral supporting document, including the Bindoon Bypass. A thorough consideration of cumulative environmental impacts is to be included in a consolidated report.

The cumulative impact to SCP20a *Banksia attenuata* woodlands over species rich dense shrublands Threatened Ecological Community, *Conospermum undulatum*, and *Morelotia australiensis* needs to be considered across the extent of occurrences on the Swan Coastal Plain.

The assessment should include a consideration of the extent and proportion of relevant environmental values that are represented in secure reserves.

### **4. Inland Waters**

A consideration of the potential impacts to hydrological processes and water quality of surface and groundwater in relation to Conservation Category Wetlands, and Bickley Brook is to be included in the consolidated report. Where available, hydrological survey reports are to be provided to support the assessment.

An assessment of the potential impacts to Inland Waters is required. The assessment should include consideration of the potential indirect impacts to the portion of the Conservation Category Wetland that will remain within the Clifford Street Bushland

Bush Forever site 53 and the ability for the remaining portion to retain its associated values.

In light of some of the public comments received at referral stage, a discussion in relation to any potential connectivity between the proposal with the Greater Brixton Street Wetlands is to be included in a consolidated report.

## **5. Terrestrial Fauna surveys**

There is the potential for habitat that supports short-range endemic (SRE) and other invertebrate species, such as Carter's freshwater mussel, to occur in the vicinity of the proposal. The consolidated report should demonstrate that there will be no proposal attributable impacts to habitats that support SRE and/or other invertebrate species.

If it is determined that habitats that might support SRE and other invertebrates (eg. Carter's freshwater mussel in Bickley Brook) are likely to be indirectly impacted by the proposal, then an assessment of the potential impacts of the proposal on these environmental values is required in accordance with the EPA's *Environmental Factor Guideline: Terrestrial Fauna*. This will need to be included in a consolidated report.

If required, surveys should be undertaken in accordance with the EPA's technical guidance for the relevant environmental values.

## **6. Alternatives**

The EPA requires a comparative description of the environmental impacts of alternatives considered, along with sufficient detail to make it clear why any alternative is preferred to another. Currently, the referral supporting document does not adequately describe the environmental impacts of each alternative considered. Nor does it make it clear in sufficient detail why any alternative is preferred to another.

In accordance with the EPA's *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual*, when describing alternatives, a comparative description of the likely environmental impacts of any feasible alternate proposals, including compared to the referred proposal, are to be included in a consolidated report.

## **7. IBSA data package**

For each biodiversity survey undertaken, provide a data package in accordance with the instructions for preparing data packages for the Index of Biodiversity Surveys for Assessments (IBSA). The instructions are available from the EPA's website.

## **8. Preparation of a consolidated report**

Please update the referral supporting document (submitted with the referral of the proposal) with the additional information required by this Notice. The consolidated information for assessment should be prepared in accordance with the EPA's *How to prepare an Environmental Review Document: Instructions*.

Your response should be sent by email to [registrar@dwer.wa.gov.au](mailto:registrar@dwer.wa.gov.au) marked for the attention of the person cited in the covering email, or by post to the Environmental

Protection Authority, Locked Bag 10, Joondalup DC, Perth WA 6919. Please quote the assessment number 2330 on any further correspondence.

The EPA will not proceed with its assessment of the proposal until you have provided the requested information and it is considered to be adequate, or if you advise the EPA that the further information is not available and/or cannot be obtained.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Matthew Tonts', with a long horizontal flourish extending to the right.

**Matthew Tonts**  
CHAIR

13 April 2022