



Environmental Protection Authority

Environmental Protection Act 1986

Section 40(2)(a)

NOTICE REQUIRING INFORMATION FOR ASSESSMENT

PERSON TO WHOM THIS NOTICE IS GIVEN

Main Roads Western Australia
Don Aitken Centre
Waterloo Crescent
EAST PERTH WA 6004

PROPOSAL TO WHICH THIS NOTICE RELATES:

Anketell Road Upgrade (Leath Road to Kwinana Freeway)

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. Revise the referral supporting document to include additional information

- Please revise the referral supporting document (RSD) to include the information requested under items 2-8 below. In updating the RSD please also follow the framework and contents required as outlined in the EPA's guidance for developing Environmental Review Documents: [Instructions on how to prepare an Environmental Review Document](#), where relevant and appropriate.

2. Propose Environmental Outcomes

- Please revise the proposed environmental outcomes in the RSD to conform with the guidance in the EPA's: [Interim Guidance - Outcomes and Outcomes-based conditions.pdf \(epa.wa.gov.au\)](#). In doing so, please note the difference between predicting a residual impact and proposing an environmental outcome. Environmental outcomes that have been appropriately formulated, enables the EPA to assess whether the proposal can be implemented to be consistent with the *Environmental Protection Act 1986* principles and with the EPA objectives for relevant environmental factors.
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3. Environmental management plans (EMP) where appropriate

- The RSD proposes that EMPs will be developed to address various environmental matters during the construction and operation of the proposal.
- In deciding whether to prepare EMPs, proponents should note the EPA's preference is for outcomes-based conditions rather than EMPs. EMPs are appropriate as mitigation measures for key environmental factors only where impacts may be significant without particular management measures, and where outcome-based conditions are not practical. Where proponents have proposed environmental outcomes (consistent with heading 2. above), then they should include details about whether and how proposed environmental outcomes can be assured by conditions or other statutory decision-making processes.
- If EMPs are still intended to be considered during the assessment, they should be submitted with the revised RSD. The layout and content of the EMPs should follow the framework outlined in the EPA's guidance for developing EMPs: [Instructions on how to prepare Environmental Protection Act 1986 Part IV Environmental Management Plans | EPA Western Australia](#).

4. Demonstrate application of mitigation hierarchy

- A preliminary review of the RSD indicates that the proposal will directly impact Tuart woodlands and forests of the SCP (TEC), Banksia Woodlands of the SCP (PEC), Honey Myrtle shrubland on limestone ridges of the SCP (SCP26a) (TEC) and Bush Forever sites.
- In the event that your analysis of residual impacts shows the proposed environmental outcomes of the proposal may be inconsistent with the EP Act principles and EPA objectives for the relevant factors, then the EPA encourages you to consider proposal alternatives and further application of the mitigation hierarchy.
- In addition, the revised RSD should also describe how the proposal has been designed to date to reduce its potential environmental impact, particularly relating to its footprint and describe any innovative designs/construction techniques that have been incorporated to reduce its development footprint.

5. Cumulative Impact Assessment

- Update the cumulative impact assessment to consider any recently approved and reasonably foreseeable projects in the vicinity of the proposal.
- Provide a cumulative impact assessment of the proposal for terrestrial fauna, with focus on impact to black cockatoo habitat.

6. Offset Strategy

- Where significant residual impacts remain, propose an offset strategy to counter-balance the residual impacts of the proposal that is consistent with the WA Environmental Offsets Policy and Guidelines, and having regard to the EPA's *Public Advice Considering Environmental Offsets at a Regional Scale* (2024).

- It is recommended that DBCA be consulted regarding offsets that relate to significant residual impacts to matters relevant to the *Conservation and Land Management Act 1984* and *Biodiversity Conservation Act 2016*.

7. Preliminary Key Environmental Factor review

- EPA Services has reviewed the referral information and consulted with relevant agencies to obtain advice relating to the preliminary key environmental factors. Please find the summarised advice (Attachment 1) for incorporation into the revised RSD.

8. Proposed Surveys and Studies

- In the MRWA email correspondence dated 16 April 2024, MRWA provided a list of all proposed and scheduled studies relating to the proposal. Once finalised, please provide copies of the remaining surveys to EPA as part of the revised RSD.

Please provide an indicative timeline of the assessment, including when you expect to provide the requested information, by 16 July 2024.

Your response should be submitted via Environment Online by uploading a revised environmental review document in RFI-0000353. Please quote the case number APP-0025116 on any correspondence outside Environment Online.

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



Lee McIntosh
DEPUTY CHAIR
ENVIRONMENTAL PROTECTION AUTHORITY

24 June 2024

Attachment 1

Attachment 1. Preliminary Key Environmental Factors – Required Actions

EPA Services Comment	Required Action
Flora and Vegetation	
<p>FCT 26a - Previous surveys conducted by DBCA have confirmed this TEC to occur within the development envelope and DBCA therefore considers this as an extant occurrence of SCP26a, recorded on the DBCA TEC database. DBCA have determined further survey and FCT analysis is not considered necessary.</p> <p>DBCA have recommended avoiding this TEC occurrence as the community is highly restricted and fragmented, with a current extent of approximately 198 hectares across the Swan Coastal Plain. The '<i>Melaleuca huegelii</i> – <i>Melaleuca systema</i> shrublands of limestone ridges 2004-2009 - Interim Recovery Plan No. 193 (CALM, 2005) lists the major threatening processes to the TEC as clearing for development (mining, urban development and roads), inappropriate fire regimes, recreational uses and weed invasion. Cumulative impacts to the TEC from historical and approved developments across the Swan Coastal Plain place SCP26a at high risk of extinction.</p>	<p>Provide a copy of the Honeymyrtle shrubland on limestone ridges of the Swan Coastal Plain Bioregion TEC Investigation Report once finalised. Based on the Report MRWA are to:</p> <ul style="list-style-type: none"> • Update figure 5-5 of the RSD to include the extent of the Honeymyrtle shrubland on limestone ridges of the Swan Coastal Plain TEC (SCP26a) • Update the RSD to include impacts to Honeymyrtle shrubland on limestone ridges of the Swan Coastal Plain TEC as a result of the proposal. • Propose an environmental outcome for Honeymyrtle, Tuart woodlands and Banksia woodland communities and demonstrate whether they are consistent with the EPA factor objective for Flora and Vegetation Environmental Factor Guideline - Flora and Vegetation EPA Western Australia. <p>Update the RSD outlining how the mitigation hierarchy has been applied to ecological communities, particularly on the Honeymyrtle shrubland on limestone ridges of the SCP (SCP26a) (TEC).</p> <p>As mentioned above, in the event that the proposed environmental outcome of the proposal with respect to FCT26a is likely to be inconsistent with the EP Act principles and EPA objectives for environmental factors, then the EPA encourages proponents to consider proposal alternatives and further apply the mitigation hierarchy.</p>

EPA Services Comment	Required Action
<p>DBCA advice outlined that the local impact on Priority Flora species <i>Hibbertia leptotheca</i>, <i>Pimelea calcicole</i>, and <i>Eucalyptus foecunda</i> needs to be quantified to assess the risk to each species. Specifically:</p> <ul style="list-style-type: none"> • <i>Eucalyptus foecunda</i> (P3) – the risk at a local level cannot be quantified due to the lack of knowledge of the overall extent of the subpopulation in the area. The level of impact to the species in the local area should be quantified and included in the RSD as the proposed ‘taking’ of more than 149 individuals has the potential to be significant at a local level. • <i>Hibbertia leptotheca</i> (P3) – Records presented in the Biological report are a new location for the species. If further plants do not occur within the local area, then the proposal may result in the ‘take’ of an entire subpopulation which could potentially be significant at a local level. • <i>Pimelea calcicole</i> (P3) - The local impact of this species also requires quantification and should include considerations of the cumulative impacts of future developments in the local area. <p>DBCA also recommends that MRWA should also commit to ongoing management of indirect impacts on all identified priority flora and ecological communities within the area that might be affected by the project.</p>	<p>Update the RSD to include a quantitative assessment of potential impact for flora species indicated by DBCA. The assessment should include:</p> <ol style="list-style-type: none"> the number of individuals and populations in a local and regional context; numbers and proportions of individuals and populations directly or potentially indirectly impacted; and numbers/proportions/populations currently protected within the conservation estate (where known). <p>Provide the types of ongoing management measures available to ensure the indirect impacts to species and communities are not greater than predicted.</p>
<p>The expansion of the road reserve and construction of the road upgrade will require an excision from a Class A Conservation Park (R 53313). Excisions from a Class A Conservation Reserve for the purpose of a road (administered under s.43 & s.45 of the Land Administration Act 1997), regardless of the size of the area, will need to go through a land administration process facilitated by DBCA. This includes the submission to and endorsement of the excision by the Conservation and Parks Commission, relevant Ministerial endorsement (Environment and Lands).</p>	<p>Describe the process for addressing the land tenure and excision of Class A Conservation Park (R 53313).</p>

EPA Services Comment	Required Action
Terrestrial Fauna	
Vertebrate Fauna	
<p>DBCA have provided the following comments regarding the assessment of suitable Cockatoo Habitat using the Habitat Quality Scoring (HQS) system:</p> <p><i>“DBCA understands that the HQS has been designed to assist in identifying offset requirements rather than to inform environmental impact assessment. While the HQS system has been adapted for this report (as communicated by the environmental consultant) some concerns remain around its use more broadly in habitat assessments. For example, the foraging values do not take into consideration the age of the primary food resources or time since last fire, both factors which would impact the projected foliage cover (particularly for Proteaceous species). Therefore, the foraging value of young plants or plants that have been recently burnt, would be ranked as a lower foraging value despite the site’s actual importance.</i></p> <p><i>In addition, banksias and eucalypts appear to have been combined in terms of projected foliage cover, which is likely to rank some banksia woodlands as a lower foraging score, despite being significantly important for Carnaby’s cockatoos.</i></p> <p><i>Habitat size has also not been considered, which is particularly important in relation to vegetation fragmentation. Due to its limitations, DBCA considers the HQS system should not be used in isolation for impact assessment purposes but rather utilised as part of a combination of assessment methods or if it is utilised, results should acknowledge the assessment outcome’s assumptions, limitations and uncertainties.”</i></p>	<p>In light of the DBCA comments, please describe the assumptions, limitations and utility of the HQS system when assessing impacts to Cockatoo habitat, and whether other methods are more appropriate.</p> <p>Outline in the revised RSD whether the proposal is likely to impact the biological diversity and ecological integrity of potentially impact species and provide an outcome that is consistent with the EPA Factor Objective for Terrestrial Fauna Environmental Factor Guideline - Terrestrial Fauna EPA Western Australia.</p>

EPA Services Comment	Required Action
Invertebrate Fauna	
<p>The survey for short-range endemic (SRE) invertebrate does not meet the EPA guidance for <i>sampling of short range endemic invertebrate fauna</i> (EPA 2016b) - https://www.epa.wa.gov.au/policies-guidance/technical-guidance-sampling-short-range-endemic-invertebrate-fauna. Some issues identified include:</p> <ul style="list-style-type: none"> ○ The methods did not include searches of the WA Museum invertebrate collections. ○ Overall, the survey effort appears to be low with six survey sites to the east of the Proposal area in four identified habitat types (Table 3.14 and Figure 3.2). ○ Survey techniques were limited to hand foraging (Table 3.14) however, EPA guidance states that “a variety of techniques should be employed” including pit traps (EPA 2016b). ○ Fauna habitats have been described and mapped (Table 7.1 and Figure 7.1), but a description of the habitats and their values, and the presence of microhabitats for SRE invertebrate fauna, has not been provided. ○ The presentation of the results is not adequate as no information on the taxa collected during the survey has been provided. The report only includes the following statement “despite considerable survey effort, no individuals with the potential to represent SREs were found within the survey area” (p. 135). ○ The survey report identified two DBCA Priority listed species, the graceful sun moth (P4) and the Swan Coastal shield-backed trapdoor spider (P3) as ‘likely’ to occur in the survey area (Table 7.9). However, no discussion on potential impacts to these species has been provided. 	<p>Provide the following information to support the environmental impact assessment in the updated referral information document:</p> <ul style="list-style-type: none"> ○ Extent of impacts, accuracy of residual impacts and adequacy of proposed management. ○ Incorporate the WA Museum's invertebrate collection records into the desktop study. Discuss the value of the Proposal area for invertebrate fauna, including an analysis of the predicted invertebrate species in the area. ○ Identification and description of potential SRE microhabitats. ○ Results illustrating the findings of the survey, identifying and discussing the taxa collected. ○ An assessment of the impacts to significant and SRE invertebrates and their habitats identified as ‘likely’ to occur in the proposal area. <p>Based on the SRE survey findings, update the RSD and provide an environmental outcome for SRE and demonstrate whether it is consistent with the EPA Factor Objective for Terrestrial Fauna Environmental Factor Guideline - Terrestrial Fauna EPA Western Australia.</p>

EPA Services Comment	Required Action
Inland Waters	
<p>EPA services is awaiting a copy of the Wetland Assessment Report to determine potential impacts to Inland Waters.</p> <p>It is expected that further information to support the environmental impact assessment will be provided during the assessment. See required action for details.</p>	<p>Provide a copy of the <i>Wetlands Assessment Report</i> once prepared. Prior to submission of this report, MRWA are to ensure that the assessment was conducted in accordance with the <i>methodology for the evaluation of wetlands on the Swan Coastal Plain</i> (DBCA 2017) and <i>Wetland Identification and delineation</i> (DBCA 2017).</p> <p>Please also include:</p> <ul style="list-style-type: none"> • Surface and groundwater assessment that is relevant to the development area and disturbance footprint (eg locations of dewatering or water abstraction) and update the assessment of potential impacts to wetlands and ephemeral waterbodies. • Groundwater drawdown risks from dewatering and groundwater abstraction for construction purposes. Predict the extent of potential impacts to sensitive receptors such as GDEs and other groundwater users. • Identify management of surface water such as: <ul style="list-style-type: none"> ○ Peel main drain, hydrological characterisation pre and post construction. Considerations of future management and restoration ○ Location and design of infiltration basins and primary traps, and the water quality outcomes that will be delivered by the proposal. ○ mitigating the risk of localised flooding that could be attributed to the proposal. ○ Possible impacts to the Conway Road Swamp REW (UFI6379) which is within the 50 m buffer of the Development envelope. • A drainage management strategy for the proposal. <p>Based on findings from the above, MRWA are to outline in the revised RSD whether the proposal is likely to impact hydrological regimes, surface water or ground water of The Spectacles Wetland or any ephemeral wetlands during the construction and operation phases of the proposal.</p>

EPA Services Comment	Required Action
	<p>In addition, provide an outcome for the Spectacles Wetland that is consistent with the EPA Factor Objective for Inland Waters Environmental Factor Guideline - Inland Waters EPA Western Australia</p>
Terrestrial Environmental Quality	
<p>MRWA specify in the RSD that a Construction Environmental Management Plan (CEMP) would be developed and outline the management objectives, performance criteria, actions and monitoring to minimise risks to the surrounding environment.</p> <p>It is noted that the proposal area intersects lots which are classified under the <i>Contaminated Sites Act 2003</i>. The advice specified that a variety of risks had been identified at lots that intersect the proposal area including:</p> <ul style="list-style-type: none"> • potential risk of unexpected finds • disturbance of contaminated soil • interception of contaminated groundwater 	<p>Provide a description and the locations of construction activities that could disturb contaminated sites such as excavation or water abstraction/dewatering sites.</p> <p>Update the RSD to include a summary report of the preliminary key findings of the detailed site investigations completed to date.</p> <p>Demonstrate an understanding of the nature, extent and risks associated with disturbing ground at or in proximity to known and suspected contamination, how to manage ground disturbance to mitigate risks, and suitable consultation with the proponents of the contaminated sites.</p>
Social Surroundings	
Aboriginal Cultural Heritage	
<p>EPA services is awaiting a copy of the Aboriginal heritage survey to determine the extent of impacts to social surroundings.</p> <p>It is expected that further information to support the environmental impact assessment will be provided during the assessment. See required action for details.</p>	<p>Provide additional information about: the environmental values that are related to Aboriginal heritage; and the extent, severity and duration of potential impacts to those values.</p> <p>Provide additional information about the reasonable steps taken to consult with relevant people about physical or biological impacts likely to cause significant harm to Aboriginal cultural heritage.</p> <p>Update the RSD by providing information consistent with Section 3. of the Technical Guidance EIA of Social Surroundings - Aboriginal Cultural Heritage where relevant, and provide an environmental outcome for Social Surroundings (Aboriginal Cultural Heritage) that is consistent with the EPA Factor Objective for Social Surroundings Environmental Factor Guideline - Social Surroundings EPA Western Australia.</p>

EPA Services Comment	Required Action
Noise	
<p>EPA services is awaiting a copy of the Transportation Noise Assessment to determine impacts to Social Surroundings.</p>	<p>Provide a copy of the Transportation Noise Assessment once completed.</p>
<p>It is expected that further information to support the environmental impact assessment will be provided during the assessment. See required action for details.</p>	<p>Based on the Transportation Noise Assessment findings, update the RSD and provide an environmental outcome for Social Surroundings (Noise) that is consistent with the EPA Factor Objective for Social Surroundings Environmental Factor Guideline - Social Surroundings EPA Western Australia and the <i>State Planning Policy 5.4 Road and Rail Noise</i> State Planning Policy 5.4 - Road and rail noise (www.wa.gov.au).</p>