

Environmental Protection Act 1986

Section 40(2)(a)

NOTICE REQUIRING INFORMATION FOR ASSESSMENT

PERSON TO WHOM THIS NOTICE IS GIVEN

Steven Lewis
Chief Executive Officer
Southern Ports Authority
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PROPOSAL TO WHICH THIS NOTICE RELATES: Turkey Point Access Road and Bridge

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.

All information below should be relevant to any proposal changes which are consented to by the EPA, noting Issue 7 below which provides for an application under section 43A of the EP Act in order to change the proposal from the referral dated 31 July 2020 to incorporate the matters in your letter of 22 December 2020 (and any other changes to the proposal elements to further reduce impacts).

Issue 1 – Finalised Environmental Investigations and Assessment

- For the Preliminary Key Environmental Factor of Inland Waters, complete hydrological investigations to determine the site specific tidal flows to be maintained, which is important to the survival of the *Subtropical and Temperate Coastal Saltmarsh* Priority Ecological Community (P3).
- The EPA requires these investigations to be undertaken in accordance with the EPA's Framework for Environmental Considerations in EIA, the EPA's Framework for Advice and Reference Material and other appropriate technical guidance documents where relevant to this proposal. The framework is available here <https://www.epa.wa.gov.au/pages/framework-environmental-considerations-eia>.
- The above information and assessment is required to better define the extent and severity of the proposal's indirect impacts and include specific outcome based management and mitigation measures to ensure hydrological connection is maintained between the two wetlands that will be fragmented by the proposal.

- The EPA notes that Southern Ports Authority has provided some information on the application of the mitigation hierarchy. However, the EPA requests that the further work is required to show the application of the mitigation hierarchy for each Preliminary Key Environmental Factor in the proposal design, construction and operation phases. Detail actions to be undertaken to avoid, minimise and mitigate proposal impacts including details on the proposed revegetation. Determine and quantify any significant residual impacts by applying the residual impact significance model (page 11) and WA Offset Template (Appendix 1) in the WA Environmental Offsets Guidelines (2014).
- If offsets are appropriate, provide an Offsets Strategy in accordance with the Western Australian State Government Environmental Offsets Policy (2011) and Guidelines. This should include providing an assessment of whether the proposed offset is likely to counter-balance any significant residual impact, and whether the EPA's environmental factor objective will be met, over all relevant timeframes.
- For each Preliminary Key Environmental Factor, identify, describe and quantify the cumulative impacts of the proposal in relation to other current and foreseeable future developments.
- For Terrestrial Fauna assess the indirect impacts to fauna movement from fragmentation of the wetland and native vegetation from the embanked road and if appropriate, provide management and mitigation measures to reduce impacts from the proposal.
- A holistic environmental assessment.

Issue 2 – Stakeholder consultation

- Undertake consultation with the South West Aboriginal Land and Sea Council in relation to the proposal and the potential impacts to Aboriginal Heritage sites.
- Undertake targeted consultation with local interest groups, stakeholder groups for the proponent, and the State-wide groups who made submissions in the public comment period. A list of groups consulted should be provided to the EPA Services.
- Provide evidence and information on the outcome of the consultation and how any comments were considered and incorporated into the proposal, where relevant and appropriate.

Issue 3 – Consistency with Ministerial Statement 697

- Demonstrate how the proposal has had regard to and is not inconsistent with the requirements and intent of the relevant conditions outlined in Ministerial Statement 697 (e.g. item 5-3 of Attachment 1).

Issue 4 – Greenhouse gases

- In accordance with the EPA’s Environmental Factor Guideline Greenhouse Gas Emissions please provide estimates of scope 1 Greenhouse Gas emissions (annual and total) over the life of a proposal including a breakdown of Greenhouse Gas emissions by source. If the proposal is likely to exceed 1000,000 tonnes of scope 1 emissions each year measured in CO₂-e, show the application of the mitigation hierarchy to avoid, reduce, and offset emissions.

Issue 5 – IBSA Data Package

Please provide an Index of Biodiversity Surveys for Assessments (IBSA) data package for each biodiversity survey report undertaken in accordance with the Instructions and Form: IBSA Data Packages. These instructions and forms are available on the EPA’s website <https://www.epa.wa.gov.au/forms-templates/instructions-preparing-data-packages-index-biodiversity-surveys-assessments-ibsa>.

Issue 6 – Spatial Data

- The EPA notes the Referral Documentation included spatial data for the Development Envelope but spatial data for the disturbance footprint has not been provided at the time due to detailed design not being completed. The EPA requires footprint/s spatial data to identify and verify where any disturbance and the location of physical proposal elements occur.
- Please provide disturbance footprint figures and spatial data in accordance with the EPA’s spatial data requirements, this requirement is geo-referenced data and conforms to the following parameters:
 - Data type: closed polygons that represent the proposal boundary (development envelope) and the activity areas for all physical elements of the proposal (footprint).
 - Attribution: Name the development envelope and each activity area in the attribute table of the spatial data.
 - Format: ESRI geodatabase or shapefile.
 - Coordinate System: GDA94 (datum) and projected into the appropriate Map Grid of Australia (MGA) zone.

Issue 7 – s43A

- Please submit an application under section 43A of the EP Act in order to seek EPA consent to change the proposal from the referral dated 31 July 2020 and to incorporate the matters in your letter of 22 December 2020, and any other changes to the proposal elements to further reduce impacts.

Issue 8 – Preparation of a consolidated report

- The Referral Information documentation must be updated to take into account any section 43A EP Act consent to proposal changes. The updated Referral Information and the Additional Information requested in this notice should where appropriate be consolidated into a single report package, as both the amended referral information and additional information will be required to be published for targeted review.

Please advise the EPA by **5 February 2021** when the updated information will be provided for the EPA to continue its assessment. The assessment officer for this proposal is Peta Hayward, who can be contacted on peta.hayward@dwer.wa.gov.au.

Your response should be sent by email to registrar@dwer.wa.gov.au marked for the attention of the person cited in the covering letter, or by post to the Environmental Protection Authority, Locked Bag 10, Joondalup DC, Perth WA 6919. Please quote the case number CMS17872 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



Lee McIntosh
DEPUTY CHAIR

15 January 2021