

REQUEST FOR ADDITIONAL INFORMATION - PRELIMINARY DOCUMENTATION

Great Northern Highway, Bindoon Bypass, WA (EPBC 2017/8035)

Additional information required for assessment by Preliminary Documentation:

In order for the Department of the Environment and Energy (the Department) to adequately assess the nature, scale and severity of likely impacts of the proposed action on matters of national environmental significance (MNES), and determine the adequacy of avoidance, mitigation and compensatory measures, please provide the following:

General content, format and style:

The preliminary documentation package should include all information provided in your initial referral (updated or corrected as necessary) as well as the additional information requested below. It should be provided as a consolidated package or single indexed document along with any appendices.

The information provided should be objective, clear, succinct, and where appropriate be, supported by maps, plans, diagrams or other descriptive detail. All sources must be appropriately referenced using the Harvard standard. The reference list should include the address of any web pages used as data sources. The preliminary documentation should also include a list of persons or agencies consulted and the names of, and work done by, the persons involved in preparing the documentation.

The documentation should be written to enable interested stakeholders and the Minister to understand the environmental consequences of the proposed development. The information presented should also allow any conclusions reached to be independently assessed. Detailed technical information, studies or investigations supporting the text of the main document should be included as appendices where feasible, or at least directly linked to avoid readers having to search for the documents. Any such documents that are not already available to the public should be made available at appropriate locations at least during the period for public display of the preliminary documentation. If it is necessary to make use of material that is considered to be confidential in nature, the proponent should consult the Department on the preferred presentation of that material, before submitting the documents to the Department.

Any variables or assumptions made in the assessment should be clearly stated and discussed. The extent to which limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed.

The documentation must avoid passive language and use active, clear commitments (e.g. 'must' and 'will') where appropriate. Where relevant information was provided at the referral stage, incorporate or refer to this information as necessary in the consolidated preliminary documentation.

The assessment should clearly address any standards or criteria published by the Department that are relevant to matters being assessed, and appropriate reference must be made to any relevant policy documents. The preliminary documentation should be produced on A4 size paper capable of being photocopied, with maps and diagrams on A4 or A3 size and in colour where possible. Relevant maps, plans, diagrams and technical information. Maps and diagrams must be clearly annotated, in colour and high resolution. The proponent should consider the format and style of the document appropriate for publication on the internet. The

capacity of the website to store data and display the material may have some bearing on how the document is constructed.

Assessment Requirements:

On 29 January 2017, a delegate for the Minister for the Environment and Energy determined that the action to construct a bypass around the town of Bindoon that departs the Great Northern Highway at the Chittering Roadhouse and ties back in to the Great Northern Highway near Calingiri West Road, in the Bindoon region, WA (EPBC 2017/8035) is likely to have a significant impact on listed threatened species and communities (section 18 & section 18A) protected under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In order to adequately assess the likely scale and potential impacts of the proposed action on the matters listed above, additional information is required as follows:

1. Description of the action

Please include a summary of all components of the action, a description of the activities associated with the potential development, and plans or maps to delineate the position of all components of the action. Please clearly state any variables in the design of the action and take this into account in the discussion of impacts under section 3.

Please ensure the information includes the following:

- a. The location, boundaries and size (in hectares) of the disturbance footprint and of any adjoining areas which may be indirectly impacted by the proposal, including nearby habitat; and areas for stockpiles, vehicle access and associated activities.
- b. A description of the operational requirements of the action including any anticipated maintenance works.
- c. Any feasible alternatives to the action to the extent reasonably practicable, including the alternative of taking no action, a comparative description of the impacts of each alternative on MNES and sufficient detail to make clear why any alternative is preferred to another. The short, medium and long-term advantages and disadvantages of the options should be discussed.

For pre-construction, construction and operation phases, include:

- a. The proposed activities associated with each phase.
- b. The anticipated timing and duration including start and completion dates of each phase.

Where relevant information was provided at the referral stage, please incorporate or refer to specific parts of the attached referral as necessary.

2. A description of the existing environment and relevant matters of national environmental significance

The preliminary documentation must provide a general description of the environment affected by and surrounding the proposed action area, in both the short and long term. This section must address the following MNES including but not limited to:

- [Banksia woodlands of the Swan coastal plain ecological community](#) - endangered
- Carnaby's black-cockatoo – ([*Calyptorhynchus latirostris*](#)) – vulnerable
- Forest Red-tailed black-cockatoo – ([*Calyptorhynchus banksii naso*](#))
- Chuditch ([*Dasyurus geoffroii*](#)) - vulnerable
- Bindoon Starbush ([*Asterolasia nivea*](#)) - vulnerable
- Fine-leaved Darwinia ([*Darwinia acerosa*](#)) - endangered
- Muchea bell ([*Darwinia foetida*](#)) – critically endangered
- Glossy-leafed hammer orchid ([*Drakaea elastica*](#)) – endangered
- Gingin wax ([*Chamelaucium sp. Gingin \(N.G.Marchant 6\)*](#)) – endangered
- [*Grevillea corrugata*](#) – endangered
- Spiral bush ([*Spirogardnera rubescens*](#)) – endangered
- Star sun-orchid ([*Thelymitra stellata*](#)) – endangered

Please provide further descriptions of the existing environment and relevant matters of national environmental significance, including:

- a. Survey information assessing the population sizes or suitable habitats (for the species listed above) both within and surrounding the project area.
- b. A description of the quality and extent of the Banksia woodlands of the Swan coastal plain ecological community both within and surrounding the project area.
- c. Details of the resources used to identify and assess the environmental values of the site, including survey data and historical records. An assessment of the adequacy of any surveys undertaken, in particular the extent to which these surveys were appropriate and undertaken in accordance with the Department's relevant scientific and policy guidance.
- d. Whether consultation/advice was sought from local community groups or experts.

Where relevant information was provided at the referral stage, please incorporate or refer to specific parts of the referral as necessary.

3. An assessment of the relevant impacts of the action

The preliminary documentation must include an assessment of potential impacts (including direct, indirect, consequential and cumulative impacts) that may occur as a result of the proposed action on the MNES addressed at Section 2.

Consideration of impacts must not be confined to the immediate area of the proposed action but must also consider the potential of the proposed action to impact on adjacent areas that are likely to contain habitat for MNES.

For listed threatened species and communities this must include, but not be limited to:

- a. An assessment of potential impacts (including direct, indirect, consequential and cumulative impacts) that may occur as a result of all elements and project phases of the proposed action, incorporating relevant conservation advices, recovery plans and threat abatement plans, if applicable.
- b. An assessment of the direct and indirect loss and/or disturbance of habitat for each species and analysis of the impacts to species population resulting from the proposed action including impacts to connectivity of habitat. This must include the quality and type of habitat impacted and a quantification (in hectares) of the total impact area and areas indirectly impacted from the proposed action.
- c. An assessment of the direct and indirect loss and/or disturbance of the natural temperate grassland of the Banksia woodlands of the Swan coastal plain ecological community, including quality impacts, as a result of the proposed action. This response must detail the quantum and quality in hectares and the potential area to be impacted through direct removal and disturbance, along with the likely areas to be impacted surrounding the direct impact area.
- d. A local, regional and national scale analysis of the likely impacts to the MNES listed in section 2. This should include a discussion of potential cumulative impacts on relevant MNES within the broader region where potential impacts from this proposed action are in addition to existing impacts of other activities (including known potential future expansions or developments by the proponent and other developers in the region and vicinity).
- e. Any technical data and other information used or needed to make a detailed assessment of the relevant impacts.
- f. Details on whether any impacts are likely to be unknown, unpredictable or irreversible.
- g. All discussions and conclusions should include a full justification based on the best available information including relevant conservation advices, recovery plans, threat abatement plans and guidance documents, if applicable. Departmental documents regarding listed threatened species and communities can be found at:
<http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>.

Please ensure you have considered and discussed all potential impacts. Impacts will include (but may not be limited to): dust, noise, vibration, run off and water management, hazardous materials management, fire management, equipment and vehicle use (during and post construction).

4. Proposed Avoidance and mitigation measures

The preliminary documentation must provide information on proposed avoidance and mitigation measures to prevent or minimise impacts to the MNES addressed at Section 2 that are likely to be impacted by the proposed action. A consolidated list of proposed avoidance

and mitigation measures must be provided, based on best available practices and must include, but not be limited to, the following elements:

- a. A detailed description of the measures proposed. This must include relevant protocols, the name of the agency responsible for each measure, locations and the timing for each measure.
- b. A statement addressing the environmental objectives/outcomes the measures are expected to achieve. This must include details of any baseline data, performance criteria, monitoring, reporting and corrective action proposed to demonstrate progress towards achieving these objectives. For further information on outcomes-based conditions please see relevant Departmental policy documents at:
<http://www.environment.gov.au/epbc/publications/outcomes-based-conditions-policy-guidance>.
- c. A description (including maps) of the location, boundaries and size (in metres) of any buffer areas for proposed exclusion zones or conservation purposes and details on how these areas will be excluded or protected.
- d. An assessment of the expected or predicted effectiveness of the measures proposed.
- e. Any statutory or policy basis for the measures proposed.
- f. Measures for all project phases of the proposed action.
- g. Details of ongoing management, including research and monitoring programs to support an adaptive management approach and determine the effectiveness of the measures proposed.
- h. The achievability of the measures proposed, including affordability.
- i. A description of any proposed rehabilitation to disturbed habitat areas, including its management, methodology and timing.

Specific measures can be presented in the form of a management plan, such as a Conservation Management Plan and/or a Construction Environmental Management Plan, which is specific to the proposed action. At a minimum, the plan must include a detailed outline that sets out the framework for management, mitigation and monitoring of relevant impacts of the action, including provision for independent auditing. The plans must include details of the key commitments and measures to ensure that impacts to relevant MNES are avoided and minimised. The plans should refer to relevant conservation advices, recovery plans, threat abatement plans, and other guidance documents published by the Department.

To assist you, the Department's *Environmental Management Plan Guidelines 2014* are available at: www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines.

5. Offsets

The preliminary documentation must provide details of the likely residual impacts on MNES discussed at Section 3 that are likely to occur after proposed avoidance and/or mitigation

measures are taken into account. If applicable, include the reasons why avoidance or mitigation of impacts cannot be reasonably achieved.

If relevant, to compensate for residual impacts on MNES, the preliminary documentation should include details of any offset package proposed to be implemented along with an analysis of how the offset package meets the requirements of the *EPBC Act Offsets Policy* (Offsets Policy) including but not limited to:

- a. A description of the offset site(s) including location, size, condition and environmental values present.
- b. Information on and justification of how the offset package will deliver a conservation outcome that will maintain or improve the viability of the species consistent with the Offsets Policy.
- c. Consideration of section 7.2.2 of the Offsets Policy including a discussion of how the offset proposal compensates for impacts to existing EPBC offset sites.
- d. An assessment (and justification for each input used) of the offset site(s) using the Department's *Offset Assessment Guide* available at: www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy.
- e. Details on how the offset will be secured, managed and monitored, including:
 - management actions, responsibility, timing and performance criteria; and
 - specific environmental outcomes to be achieved from management measures.
- f. Information on whether the offset package is being developed in accordance with the requirements of a State endorsed offsets policy or fund e.g. DWER offsets fund.

The preliminary documentation must also include a statement on the cost effectiveness of the measures proposed and how these will be funded.

Offsets should directly contribute to the ongoing viability of the MNES impacted by the project and deliver an overall conservation outcome that improves or maintains the viability of the MNES as compared to what is likely to have occurred under the status quo that is if neither the action nor the offset had taken place.

An offset package may include a combination of direct offsets and other compensatory measures, so long as it meets the requirements of the Offset Policy. An offset package should align with conservation priorities for the impacted protected matter and be tailored specifically to the attribute of the protected matter that is impacted in order to deliver a conservation gain. An offset package should compensate for an impact for the full duration of the impact.

Note that offsets do not make an unacceptable impact acceptable and do not reduce the likely impacts of a proposed action. Instead, offsets compensate for any residual significant impact.

6. Economic and social matters

The preliminary documentation must provide information on the relevant economic and social impacts of the action and should include:

- a. Costs (e.g. disruption to existing community infrastructure or environmental features) as well as benefits (e.g. increase housing or employment).

- b. Consideration of different scales where relevant (e.g. local versus national).
- c. Specific dollar or other numeric values where relevant.
- d. Discussion of how the principles of ecologically sustainable development are addressed in the action.
- e. Discussion of the environmental history of the company.

7. Other approvals and conditions

The preliminary documentation must include information on any other requirements for approval or conditions that apply, or that you reasonably believe are likely to apply, to the proposed action. This must include:

- a. A description of any approval obtained or required to be obtained from a state or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply to the proposed action.
- b. A statement identifying any additional approval that is required.
- c. A description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.
- d. A statement identifying any interaction with other approved projects under the EPBC Act, including compliance with conditions on other approved projects.

9. Environmental record of the person proposing to take the action

The information provided must include details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- a. The person proposing to take the action.
- b. For an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework should be described.

10. Conclusion

The preliminary documentation must provide an overall conclusion as to the environmental acceptability of the proposal, including discussion on compliance with the principles of Ecologically Sustainable Development (ESD) and the objects and requirements of the EPBC Act. To assist you, the *National Strategy for Ecologically Sustainable Development* (1992) is available on the following web site: <https://www.environment.gov.au/about-us/esd/publications/national-esd-strategy>.

You may wish to include a statement as to whether or not the controlled action should be approved and may recommend conditions pertaining to an approval. This should include justification for undertaking the proposed action in the manner proposed. The measures proposed or required by way of offset for any unavoidable impacts on MNES and the relative degree of compensation, should be restated here.

11. Information sources

The preliminary documentation must state for the information provided, the following:

- a. The source and currency (date) of the information.
- b. How the reliability of the information was tested.
- c. The uncertainties (if any) in the information.
- d. The guidelines, plans and/or policies considered.