



Mr Sergio Martinez
Project Director Development
Main Roads
Waterloo Crescent
EAST PERTH WA 6004

Dear Mr Martinez

**Additional information required for preliminary documentation.
Tonkin Highway Extension, Thomas Road to South Western Highway, WA**

I am writing to you in relation to your proposal to to extend the Tonkin Highway from Thomas Road, Oakford, to the South Western Highway, Mundijong, Western Australia.

On 19 April 2020, I decided that the the proposed action is a controlled action and that it will be assessed by preliminary documentation. Further information will be required to be able to assess the relevant impacts of the proposed action.

Details outlining the further information required are at [Attachment A](#).

Details on the assessment process and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the department's website at <http://www.environment.gov.au/epbc>.

If you have any questions about the referral process or this decision, please contact the project manager, Matthew Flux by email to Matthew.Flux@awe.gov.au, or telephone (02) 6275 2347 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Angela Gillman
Acting Director
Project Assessments West Section 2
Environment Approvals Division

21 April 2020

REQUEST FOR ADDITIONAL INFORMATION
ASSESSMENT BY PRELIMINARY DOCUMENTATION

**Tonkin Highway Extension Thomas Road to South Western Highway, WA (EPBC
2019/8608)**

This document sets out the specific information required by the Minister under section 95A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the assessment of the relevant impacts of the proposed action (hereafter referred to as the ‘preliminary documentation’’).

The preliminary documentation for the proposed action must include:

- the information contained in the original referral
- the additional information provided on the impacts of the proposed action and the measures you propose to avoid, mitigate and/or offset those impacts
- any other relevant information on the matters protected by the EPBC Act.

The preliminary documentation must contain sufficient information to allow the Minister (or delegate) to make an informed decision on whether to approve, under Part 9 of the EPBC Act, the taking of the action for each controlling provision.

The preliminary documentation must address the matters set out below.

General content, format and style

The preliminary documentation should be provided as one document with attachments and provided in a format that is objective, clear and succinct. It must contain sufficient information to avoid the need to search out previous or supplementary reports and be written so that any conclusions reached can be independently assessed.

The preliminary documentation must include a reference table demonstrating where in the documentation the additional information requirements have been addressed.

Where appropriate, the preliminary documentation must be supported by:

- evidence-based conclusions based on the best available peer-reviewed scientific literature with supporting references cited or expert opinion provided.
- relevant maps, plans, diagrams and technical information (e.g. specifications, schematics) – any images provided must be clearly annotated, in colour and of high resolution.
- scientifically-robust methodologies that are appropriate for purpose, including a description of the methodology used and justification of why the methodology was selected.

The preliminary documentation must reference all relevant standards, policies and other guidance material published by the Department. Any instances where published guidance is not followed must be justified. Where no Commonwealth standards exist, state government and/or industry standards may be appropriate.

The contact details of Departmental officers should be redacted from the preliminary documentation. The preliminary documentation should not contain any commercial in confidence markings. If the preliminary documentation contains sensitive information, please discuss this with the assessment officer.

RELEVANT MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

From the information provided to date, the Department considers that the protected matters that may be significantly impacted by the proposed action include, but are not limited to¹:

Listed threatened species and communities

- Clay Pans of the Swan Coastal Plain Threatened Ecological Community – Critically Endangered
- *Corymbia calophylla* – *Kingia australis* woodlands on heavy soils, Swan Coastal Plain Threatened Ecological Community – Endangered
- Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) – Endangered
- Forest Red-tailed Black Cockatoo (*C. banksii naso*) – Vulnerable
- Baudin's Black Cockatoo (*C. baudinii*) – Endangered
- *Synaphea sp. Serpentine* – Critically Endangered
- *Tetraria australiensis* – Vulnerable
- *Synaphea sp. Pinjarra Plain* – Endangered

The preliminary documentation must include the following specific information:

1. Description of the action

This should include the location of all works to be undertaken (including plans and maps) and elements of the action that may have impacts on MNES. The description of the action must also include details of how the works are to be undertaken (including stages of development and their timing) and design parameters for any structural or elements of the action that may have impacts on MNES.

A description of the proposed action must include:

¹ Please note, any protected matter listed under the EPBC Act at the time of the controlled action decision may be considered relevant to the assessment of the proposed action and should be addressed, as appropriate, in the preliminary documentation.

- a summary of all components/phases of the proposed action, including construction, operational and (if relevant) decommissioning
- the activities associated with each phase of the proposed action
- the location, boundaries and size (in hectares) of the proposed action area, any discrete disturbance areas, and any adjoining areas which may be directly or indirectly impacted by the proposed action, including nearby habitat and areas for stockpiles, vehicle access and associated activities.
- a layout plan for the proposed action area, including the location and type of land use, key infrastructure, etc.
- the anticipated timing and duration (including start and completion dates) of each component of the proposed action, and associated impacts
- a description of operational requirements of the action including any anticipated maintenance works
- a description and likely timing of rehabilitation activities associated with the proposed action.

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. Short, medium and long-term advantages and disadvantages of the options should be discussed.

2. Description of the environment and matters of national environmental significance

The preliminary documentation must provide a general description of the environment impacted by and surrounding the proposed action area, in both the short and long term. Specific matters this section must address include, but are not limited to:

- a description of any protected matters (including, but not limited to those listed above) that are, or have the potential to be, in the proposed action area and surrounds
- a description of the current land use, topography, surface and groundwater bodies, waterways and vegetation communities within the proposed action area and surrounds
- for listed threatened species and communities that are known, or have the potential to be present within the proposed action area and surrounds and are likely to, or may be significantly impacted by the proposed action, a minimum of:
 - information on the abundance, distribution, ecology and habitat preferences for each listed species or community.
 - quantification of the extent of habitat and the number of individuals likely to be impacted, or historical patterns of use by those species, within the

proposed action area and surrounds (including mapping identifying known and/or potential habitat).

- assessment of the quality and importance of known or potential habitat for the relevant listed species or community within the proposed action area and surrounds.
- information detailing known populations or records of individuals within at least 2 km of the proposed action area and the size of these populations, if available.
 - a. For mobile species such as black cockatoos, population information and records of individuals must be considered at a relevant radius from the proposed action area.
- an assessment of the adequacy of any surveys undertaken (including survey effort and timing). In particular, the extent to which these surveys were appropriate for the listed species or community and undertaken in accordance with relevant Departmental survey guidelines.

Species specific information

Based on the information available in the referral, the proposed action is likely to have a significant impact on the below listed threatened species and communities. The preliminary documentation should address the following matters in addition to the general considerations listed above.

Clay Pans of the Swan Coastal Plain Threatened Ecological Community – Critically Endangered

- The FCT, quality and extent (in hectares) of the community that will be directly and indirectly impacted by the proposed action.
- The total size of any larger contiguous patches which may be fragmented or reduced by the proposed action and details on the percentage by which they will be reduced.
- The potential and scope of impacts to the TEC from temporary changes to surface water or groundwater levels during construction.

Corymbia calophylla – *Kingia australis* woodlands on heavy soils, Swan Coastal Plain Threatened Ecological Community – Endangered

- Details regarding the floristic community type (FCT) and quality of each area of *Corymbia calophylla* – *Kingia australis* woodlands TEC that will be directly and indirectly impacted by the proposed action.
- The total area (in hectares) of *Corymbia calophylla* – *Kingia australis* woodlands that will be directly impacted by the proposed action.
- The total area (in hectares) of *Corymbia calophylla* – *Kingia australis* woodlands that may be indirectly impacted (e.g. through spread of weeds or dieback, and hydrological change) by the proposed action.

- The total size and quality of any larger contiguous patches that may be fragmented or reduced by the proposed action, including the percentage by which patch size will be reduced and whether the reduction in extent will mean that remaining vegetation no longer meets listing criteria.

Forest Red-tailed Black Cockatoo (*C. banksii naso*) – Vulnerable; Baudin's Black Cockatoo (*C. baudinii*) – Vulnerable; Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) – Endangered

- The total amount (in hectares) of breeding, roosting and foraging habitat, their quality and condition that will be cleared as part of the proposed action.
- Include the results of the additional survey work to quantify the overall habitat quality – including foraging habitat nearby
- Discussion of construction and operational impacts on black cockatoos that utilise the area, including, but not limited to, vehicle strike.
- Discuss the impact, if any, of dieback caused by *Phytophthora cinnamomi* on black cockatoo habitat and its impact upon the long-term viability of black cockatoos utilising the project area.
- Discuss the impact, if any, of recent fire on foraging, roosting and breeding habitat, and how this may be extrapolated to black cockatoo populations at a regional scale, including within a 12 km radius of the proposed action. Quantify and provide maps of fire-impacted habitat at this scale.
- Undertake a Black Cockatoo nesting hollow assessment that is:
 - Conducted within the Black Cockatoo breeding season, as defined in the *Referral Guidelines for three species of Western Australian Black Cockatoos* (2012).
 - Includes a survey using a telescopic pole-mounted camera or drone technology or similar to characterise suitable and potential breeding tree hollows.
 - Includes close visual inspection and total count of all potential nesting hollows from above-ground level and provide photographic evidence of all potential nesting hollows inspected.
 - Detail any evidence of use by Carnaby's Black Cockatoo, Baudin's Black cockatoo and Forest Red-tailed Black Cockatoos i.e. chew marks, feathers, debris, etc.

Synaphea sp. Serpentine – Critically Endangered, *Synaphea sp. Pinjarra Plain* – Endangered

- Undertake follow up surveys or confirm and justify that previous survey effort has adequately covered all areas within and immediately surrounding the proposed action area.

- The total area (in hectares) of *Synaphea sp. Serpentine* and *Synaphea sp. Pinjarra Plain* that will be directly and indirectly impacted by the proposed action.

Tetraria australiensis – Vulnerable

- Undertake follow up surveys or confirm and justify that previous survey effort has adequately covered all areas within and immediately surrounding the proposed action area.
- Undertake surveys to determine the current total population of *Tetraria australiensis*.
- The total area (in hectares) of *Tetraria australiensis* that will be directly and indirectly impacted by the proposed action.
- Develop a suitable fire management plan for *Tetraria australiensis*.
- Any translocation proposals (refer to section 4).

Habitat Quality Guidance Note

Please note that a methodology suitable for each individual listed species or community (i.e. approved by the Department or supported by literature) must be used to assess habitat or vegetation quality, noting that the same scoring system must be used at both impact and offset sites, where relevant (see Section 4 of this document). The quality score for an area of habitat must relate directly to the habitat requirements of the species or community. There are three components that must be considered when calculating habitat quality: site condition; site context and; species stocking rates.

Relevant guidance material (such as survey guidelines, conservation advices, recovery plans, threat abatement plans and policy statements) is available on the Department's public website. It is your responsibility to ensure that you have identified the relevant documents.

3. Assessment of impacts

The preliminary documentation must include an assessment of potential impacts (including direct, indirect, consequential and cumulative impacts) on MNES that are likely to be present within the proposed action area and surrounds. The impacts of the proposed action should be considered at the broadest scope: all components of the proposed action should be considered, including any associated supporting infrastructure.

The Department considers the proposed action may result in, but not be limited to, the following impacts:

- vegetation clearing (incl. easements)
- Damage caused by road construction equipment (e.g. soil compaction);
- fragmentation of habitat or construction of barriers which impede fauna and flora dispersal (incl. dispersal of seeds or pollen via faunal vectors)

- habitat degrading processes such as weed invasion and *Phytophthora cinnamomi* dieback
- hydrological changes including changes in ground and surface water flow, increased turbidity, changes in water quality, and increased siltation or sedimentation;
- Illegal rubbish dumping and litter;
- altered fire regime;
- consequential impacts – opening area for future urban development; and
- increased risk of vehicle strike.

The impact assessment should identify and take into account the scale, duration and intensity of the proposed action, and:

- for each listed species and/or community, identify the quantum and quality of habitat or vegetation likely to be impacted
- identify the number of affected individuals and/or habitat features (e.g. potential breeding trees, suitable and/or known nesting hollows, roosting trees, etc.) relevant to each listed species
- characterise the nature of impacts, including timing and whether the impact is temporary or permanent
- include an assessment of the likely direct, indirect and consequential impacts on each protected matter at a local and regional scale, with reference to the proposed action's potential impacts in the context of current and future development in the locality and region
- include a risk assessment of the potential impacts of the proposed action, including whether the nature and/or scale of the potential impacts are unknown, unpredictable or irreversible, and what confidence is placed on the predictions of relevant impacts
- include details of any relevant policy guidelines, studies, surveys or consultations with subject-matter experts which were not included in the original referral.

4. Avoidance and mitigation measures

While the original referral proposes a number of measures to avoid and mitigate potential impacts to protected matters, the Department considers further details are required. The preliminary documentation must include the following information:

- A consolidated list of impact avoidance and mitigation measures based on best available practices that will be implemented to reduce impacts on protected matters (including any additional to those proposed in the original referral). This must include a description of each measure proposed, relevant protocols, the name of the agency responsible for each measure, as well as the location and timing for each measure.

- A justification of why the amount of impact determined under Section 3 cannot be avoided or reduced. This is particularly relevant for *Tetraria australiensis* due to the substantial impact the proposed action is likely to have on the species. If these impacts cannot be avoided, substantial mitigation efforts will be required to avoid the impacts being unacceptable.
- Details of any pre-clearance and clearance procedures to ensure that protected matters are adequately detected and managed to minimise impacts (e.g. the introduction or spread of disease or pathogens to habitats and vegetation)
- a description (including maps and imagery) of the location, boundaries and size of any proposed buffer areas and/or exclusion zones, and details on how these areas will be protected and maintained; and
- details of any rehabilitation or revegetation measures to be implemented, including objectives, target species, timing of relevant stages, methodology, maintenance and monitoring.
- for each proposed mitigation measure, please also include:
 - performance and completion criteria
 - monitoring and reporting arrangements
 - potential risks/threats, including residual risks, and any measures that would be implemented to mitigate against these risks, and any proposed monitoring to confirm the effectiveness of these measures
- evidence of the effectiveness of avoidance and mitigation measures discussed above, noting that the effectiveness of a particular measure is a reflection of the confidence in the ability of the measure to reduce the risk or threat, including examples of measures demonstrating success to achieve the desired avoidance or mitigation outcome.

Proposed avoidance and mitigation measures must be discussed in terms of their expected effectiveness and cost.

Translocation measures

Please note that any proposed measures to manage impacts on MNES involving translocation must include:

- A description of the translocation method proposed for any MNES. This must be supported by evidence demonstrating a high probability of long-term success.
- The size, quality and environmental values of the translocation site and receiving site.
- A discussion of the potential adverse impacts of translocation on:
 - Any protected matter(s) present within the receiving site, post-translocation.

- Translocated individuals, such as but not limited to, increased competition and mortality risk.
- A discussion of whether the translocation may have a significant adverse impact on a protected matter within the receiving site.
- A detailed description of the protocols and procedures relevant to each phase (pre-translocation, translocation and post-translocation) of the translocation.
- Information on plans and contingencies to be implemented in the event that the translocation is not successful.
- Performance and completion criteria
- A description of the monitoring and reporting arrangements
- Detail demonstrating how the translocation proposal is consistent with relevant recovery plans, conservation advices and threat abatement advices.

Management commitments by the person proposing to take the action must be clearly distinguished from recommendations or statements of best practice made by the document author or other technical expert. It is preferable to provide a consolidated table of management commitments, including details on funding, roles and responsibilities and measurable performance criteria. Commitments should be made using unambiguous language, i.e. use 'will' and 'must' when committing to actions instead of 'where possible', 'where practicable', 'as required', 'to the greatest extent possible', and 'should' or 'may'.

Where an action management plan is to be prepared to manage impacts to protected matters, the action management plan must be submitted as part of the preliminary documentation unless the *Election to have an Action Management Plan Approved after Approval of the Taking of an Action* form at [Attachment B](#) is completed and returned to the Department.

Any action management plan submitted as part of the preliminary documentation must be prepared in accordance with the Action Management Plan Criteria at [Attachment C](#).

The Department notes that some action management plans required as a condition of approval may be eligible for acceptance through a third-party Quality Assurance Review process in place of Ministerial-approval. Please notify the Departmental project officer if you would like to discuss this option.

5. Offsets

The preliminary documentation must also provide details of the likely residual impacts on MNES discussed at Section 3 that are likely to occur after all avoidance and/or mitigation measures are taken into account. If applicable, include the reasons why avoidance or mitigation of impacts cannot be reasonably achieved.

The preliminary documentation must draw a conclusion on whether there is a significant residual impact and thus the need for an offset and, where an offset is required, include the following information:

- An offset package consisting of an offset proposal (strategy) and key commitments and management actions for delivering and implementing a proposed offset (e.g. an Offset Management Plan). The proposed offset must meet the requirements of the Department's *EPBC Act Environmental Offsets Policy* (October 2012) available at: www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy. The package must include, but not be limited to, the following:
 - A description of the offset site(s) including location, size, condition and environmental values present.
 - Justification of how the offset meets the *EPBC Act Environmental Offsets Policy*.
 - 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.
 - Details on how the offset will be secured, managed and monitored, including management actions, responsibility, timing and performance criteria. This should include the specific environmental outcomes to be achieved from management measures.

6. Economic and social matters

The preliminary documentation must provide information about the expected economic and social impacts (both positive and negative) of the proposed action. This may include:

- an indication of the financial investment the project represents
- details of any public and/or Indigenous stakeholder consultation activities, and their outcomes
- Projected costs and benefits of the proposed action, including the basis for their estimation through cost/benefit analysis or similar studies, e.g. employment opportunities expected to be generated by the project (including construction and operational phases).

Economic and social impacts must be considered at the local, regional and national level.

7. Ecologically sustainable development

The preliminary documentation should include a discussion of how the proposed action meets the principles of ecologically sustainable development, as defined in s. 3A of the EPBC Act.

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

If the person proposing to take the action is a corporation, this extends to the executive officers of the corporation as well and details of the corporation's environmental policy and planning framework must also be included.

The preliminary documentation 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.

9. 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 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 (or are reasonably expected to apply) to the action; and
- a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

Outcomes-based conditions

Outcomes-based conditions can provide approval holders with greater flexibility and autonomy while still holding them accountable for achieving sound environmental outcomes. The Department promotes the use of outcomes-based conditions where possible, in accordance with its [Outcomes-based Conditions Policy \(2016\)](#).

Please advise the Department if you would like to pursue this approach. If so, the preliminary documentation would need to:

- thoroughly document the baseline condition of the relevant protected matter(s)
- identify conservation objectives (outcomes) for the relevant protected matters, preferably with reference to any applicable conservation advices, recovery plans and threat abatement plans, and the likely impact the proposed outcome will address
- detail the proposed management to achieve the outcome, including, but not limited to: performance indicators; periodic milestones; proposed monitoring and adaptive management and; record keeping, publication and reporting processes.

10. Relevant policies and publications

Various policy statements and other publications that may be relevant to your assessment can be found on the Department's website.

For each protected matter, the preliminary documentation must include a statement of whether or not the proposed action is inconsistent with any relevant recovery plan and threat abatement plan.

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.

5. Person taking the action and designated proponent

Please clarify the contact details of the person(s) proposing to take the action and designated proponent, and clearly state the person you wish us to direct correspondence relating to the proposed action to, including:

- a. name
- b. job title
- c. email
- d. postal address
- e. phone number
- f. ACN/ABN

Please declare whether the designated proponent qualifies for an exemption from cost recovery fees under section 520(4C)(e)(v) because it is a small business entity, as cost recovery applies to future phases of the assessment process.