

Environmental Protection Act 1986

Section 40(2)(a)

NOTICE REQUIRING INFORMATION FOR ASSESSMENT

PERSON TO WHOM THIS NOTICE IS GIVEN

The Commissioner for Main Roads Western Australia ABN 50 860 676 021
PO BOX 6202
EAST PERTH 6202

PROPOSAL TO WHICH THIS NOTICE RELATES:

Bunbury Outer Ring Road (central & northern sections)

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. Issue 1 – clarify impacts to Flora & Vegetation and Terrestrial Fauna

Provide supplementary information to address the following:

Flora & Vegetation

- Clarify occurrence and impacts to threatened ecological communities (TECs) / Priority Ecological Communities (PECs) as follows:
 - Undertake additional surveys to confirm occurrence and impacts to '*Herb rich shrublands in clay pans*' TEC ('Critically Endangered' – *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and 'Vulnerable' – *Biodiversity Conservation Act* (BC Act))
 - Undertake additional surveys to confirm occurrence and impacts to '*Banksia dominated woodlands of the Swan Coastal Plain*' PEC ('Priority 3' – BC Act) and '*Banksia Woodlands of the Swan Coastal Plain*' TEC – ('Endangered' – EPBC Act)
 - Update mapping to illustrate occurrences of TECs/PECs impacted by the proposal.
 - Given an accredited assessment with the Commonwealth will not be pursued, please ensure that the '*Banksia dominated woodlands of the Swan Coastal Plain*' PEC ('Priority 3' – BC Act) is clearly distinguished from the '*Banksia Woodlands of the Swan Coastal Plain*' TEC – ('Endangered' – EPBC Act) in all documentation, mapping and GIS.

- Provide an assessment of the composition and condition of directly impacted TECs/PECs as well as any indirectly impacted TECs/PECs and the viability of remaining occurrences following the implementation of the proposal.
- In light of any updated impacts to TECs/PECs, revise the mitigation measures accordingly.
- Identify requirements for an environmental management plan (EMP) (see also Issue 2 below) for any remaining viable TECs/PECs that will be impacted as a result of the proposal to ensure the EPA's objective for flora and vegetation will be met.

Terrestrial Fauna

- Undertake additional surveys to:
 - confirm occurrence of black-stripe minnow and/or suitable habitat for black-stripe minnow within the Proposal Area and adjacent areas that may be affected by the proposal
 - confirm and quantify any direct impacts to black-stripe minnow such as clearing of habitat
 - confirm and quantify any indirect impacts such as changes to hydrological regimes, changes in water quality, habitat degradation, habitat fragmentation etc.
- Update mapping to include additional survey work and any impacts to suitable habitat for black-striped minnow.
- Update the referral information to confirm and quantify impacts to Carter's freshwater mussel.
- Provide updated mapping to better illustrate impacts to Carter's freshwater mussel.
- Provide an assessment of any updated impacts to threatened fauna, revise the mitigation measures accordingly and provide a threatened fauna EMP (see also Issue 2 below) to ensure the EPA's objective for terrestrial fauna will be met.

2. Issue 2 – environmental management plans

Flora & Vegetation

- If any remaining viable TECs/PECs are fragmented or otherwise indirectly impacted by the implementation of the proposal, provide an EMP to manage, monitor and mitigate the impacts to TECs/PECs.
Note: this EMP should be specific to the management-based or outcome-based provisions for impacted TECs and include measures that go beyond or are additional to the generic actions (e.g. weeds, dieback) that the EPA would expect Main Road's to manage in its standard Construction Environmental Management Plan.
- Management actions may include (but not limited to):
 - managing and/or rehabilitating TEC buffer zones and or supporting vegetation to protect against threatening processes
 - management to ensure vegetation is not adversely impacted by changes to hydrology and/or drainage as a result of the proposal

- access control to protect TECs from vehicles, rubbish dumping, arson and other illegal activities
- control of invasive weeds and dieback management that are additional to those proposed as part of a standard Construction Environmental Management Plan.

Terrestrial Fauna

- Provide supplemental information and append a fauna management plan to manage, monitor and mitigate direct and indirect impacts to the following conservation significant species:
 - western ringtail possum - (*critically endangered, **schedule 1)
 - Carter's freshwater mussel - (*vulnerable, **schedule 3)
 - black striped minnow - (*endangered, **schedule 2)
 - brush-tailed phascogale - (**schedule 6)

**EPBC conservation status; **WA conservation status*

- Include detailed mapping within the EMP to illustrate impacts and proposed mitigation and management measures.

General guidance

- Ensure that EMPs include the environmental objective(s) and outcome-based or management-based provisions and follow the framework as outlined in the EPA's guidance for developing EMPs ie: ([Instructions on how to prepare Environmental Protection Act 1986 Part IV Environmental Management Plans](#)).
- Demonstrate that any management actions in the EMPs are consistent with all other relevant guidelines such as recovery plans, interim recovery plans, conservation advices, threat abatement plans etc.

3. Issue 3 – offsets strategy

- Identify, describe and quantify the potential residual impacts (direct, indirect and cumulative) on the identified key environmental factors *Flora & Vegetation* and *Terrestrial Fauna*, that will occur following implementation of the proposal after considering and applying avoidance and minimisation measures.
- Determine the significance of any residual impacts on the identified key environmental factors using the WA Environmental Offsets Guidelines (2014) and application of the Residual Impact Significance Model on p.11.
- 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 where residual impacts relate to threatened species or communities the *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy.

4. Issue 4 – provide clarification for noise impact and mitigation

- Section 4.8.5 of the referral supporting document provides an assessment of the day time noise and exceedances. Please provide clarification and a further detailed assessment outlining both day-time noise and night-time noise and any expected exceedances.
- Given that most of the 44 properties that are expected to receive noise levels above the State Planning Policy 5.4 limits are located in the northern alignment adjacent to the existing Forrest Highway in Australind, please provide additional justification for the absence of noise walls (as per Appendix A Figure 23) to mitigate noise impacts to this community.

5. Issue 5 – revise IBSA data

IBSA Data

- Provide a revised IBSA data package to reflect any updated survey work as listed above for Flora & Vegetation and Terrestrial Fauna.
- The IBSA data package submitted as part of the referral does not meet the requirements of the *IBSA Data Package Completeness Checklist for Assessment Officers* for the reasons listed below and is therefore considered incomplete. Please address these gaps.
 - **1A** – Number of reports does not equal number of data packages. Specifically, there are two Surveys (Vegetation and Flora Study, and Targeted Fauna Assessment) included in a single package, and only one Metadata statement to cover both surveys. These surveys need to be provided in individual packages, each with their own metadata statement and associated spatial.
 - **2A** – Two versions of survey report not present/survey report(s) not correct. The surveys have been provided as pdf's only, we require plain text version as well. Also, could we please get each survey as a single pdf/plain txt file, as they are currently broken down into eight parts each. The reports need to be included in the zip file with the spatial and metadata statement for each survey.

It is recommended that a Supplementary Report be provided that address the requested additional information above, including appending the requested Environmental Management Plans and Offsets Strategy. Consistent with the Chairman's Determination, points 1 to 3 above will be provided for public review.

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 WA 6919. Please quote the case number **CMS 17014** on any further correspondence.

Please advise the EPA by 2 August 2019 when you expect the Supplementary Information for be available for the EPA to continue its assessment. The assessment officer for this proposal is Pip Marshall, who can be contacted on pip.marshall@dwer.wa.gov.au or 6357 7329.

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 black ink, appearing to be 'TH', written in a cursive style.

Tom Hatton
CHAIRMAN

17 July 2019