

Appendix H – EPA Ministerial Statement

THIS DOCUMENT

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Published on: 15 December 2020

Statement No. 1156

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)

MALAGA TO ELLENBROOK RAIL WORKS

Proposal: The proposal is to construct and operate a new 13 kilometre railway line between Malaga and Ellenbrook in the City of Swan. The proposal includes the construction of new train stations and associated facilities at Malaga, Whiteman Park and Ellenbrook and a potential future station at Bennett Springs.

Proponent: Public Transport Authority of Western Australia
Australian Business Number 61 850 109 576

Proponent Address: Public Transport Centre, West Parade
PERTH WA 6000

Assessment Number: 2238

Report of the Environmental Protection Authority: 1690

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Table 1 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Proposal Implementation

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the *Environmental Protection Act 1986*.

2 Contact Details

2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

3 Time Limit for Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

4 Compliance Reporting

- 4-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.
- 4-2 The Compliance Assessment Plan shall indicate:
 - (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of Compliance Assessment Reports; and
 - (6) public availability of Compliance Assessment Reports.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.

5 Public Availability of Data

5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any data referred to in condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

6 Bennett Brook – Social Surroundings (Aboriginal Heritage), Inland Waters, Terrestrial Fauna

6-1 The proponent shall design and manage the implementation of the proposal to meet the following environmental objective:

- (1) maintain the hydrological regime and water quality in Bennett Brook that supports:
 - (a) important Aboriginal cultural associations and heritage;
 - (b) Carter's freshwater mussel (*Westralunio carteri*); and

- (c) the **ecological integrity** of Bennett Brook, incorporating **Conservation Category Wetland** Unique Feature Identifier 15259.

- 6-2 To ensure that the objective of condition 6-1 is being met, the proponent shall:
- (1) construct bridge footings or pillars, drainage structures and abutments outside of the bed and banks of Bennett Brook;
 - (2) ensure no excavation activities occur within the bed of Bennett Brook;
 - (3) not dispose or discharge dewatered effluent to the Bennett Brook or its tributaries;
 - (4) not allow access for the purposes of construction activities within the bed of Bennett Brook with the exception of tree removal necessary for bridge construction, unless agreed in writing by the CEO; and
 - (5) within twelve (12) months following construction of the proposal, undertake **rehabilitation** of areas temporarily disturbed during construction with locally native species to reinstate fauna habitat.

7 Social Surroundings (Aboriginal Heritage)

- 7-1 The proponent shall consult with appropriate and relevant Whadjuk Noongar representatives regarding how access to **Registered Sites** 551 and 552 can be maintained for the purpose of cultural practice.
- 7-2 The proponent shall undertake consultation with appropriate and relevant Whadjuk Noongar representatives and Registered Knowledge Holder families of Bennett Brook prior to and during construction of the Bennett Brook rail bridge regarding the retention of **paperbark trees** at and adjacent to the Bennett Brook crossing.
- 7-3 Prior to commencement of construction activities at Bennett Brook, the proponent shall provide evidence to the CEO of the consultation required by condition 7-2, including how input received was addressed.

8 Construction Impacts – Flora and Vegetation, Terrestrial Fauna, Inland Waters

- 8-1 During construction of the proposal the proponent shall:
- (1) not clear more than:
 - (a) 10.05 ha of Banksia woodlands of the Swan Coastal Plain priority ecological community;
 - (b) 81.4 ha of Carnaby's cockatoo (*Calyptorhynchus latirostris*) **foraging habitat**;

- (c) 68.1 ha of forest red-tailed black cockatoo (*Calyptrorhynchus banksii naso*) **foraging habitat**; and
 - (d) 423 **black cockatoo** potential breeding trees.
- (2) implement hygiene protocols, consistent with the ***Management of Phytophthora cinnamomi for Biodiversity Conservation in Australia, Part 2 National Best Practice Guidelines*** as amended or replaced from time to time;
 - (3) manage soil and groundwater disturbing activities in accordance with the Acid Sulfate Soil Guideline Series *Identification and investigation of acid sulfate soils and acidic landscapes* (2015) and *Treatment and management of soils and water in acid sulfate soil landscapes* (2015), or any approved update of these guidelines;
 - (4) not dispose of dewatered effluent to **Conservation Category Wetlands** or **Resource Enhancement Wetlands**;
 - (5) not locate **abstraction bores** within fifty (50) metres of:
 - (a) identified Banksia woodlands; or
 - (b) **Conservation Category Wetlands**,
that are located adjacent to the **development envelope** or within native vegetation retention areas (**NVRA**);
 - (6) ensure that no refuelling, chemical storage or stockpiling occurs within fifty (50) metres of a **Conservation Category Wetland**;
 - (7) undertake weed control and management measures to prevent the introduction or spread of weeds;
 - (8) implement measures to ensure there are no direct or **indirect impacts**, when compared to pre-construction **baseline conditions**, to native vegetation or wetlands in **NVRA**, or directly adjacent to the **development envelope** from dewatering activities; and
 - (9) implement measures to minimise indirect threatening processes, including grazing, on native vegetation within the **Patch 1 Malaga NVRA**.

8-2 Following construction of the proposal, the proponent shall:

- (1) ensure there are no direct or **indirect impacts**, when compared to pre-construction **baseline conditions**, to native vegetation within the **NVRA** within five (5) years post construction that are attributable to the proposal;

- (2) undertake weed control and management for five (5) years post construction within:
 - (a) the **NVRA**;
 - (b) Bush Forever site 304 in the **development envelope**; and
 - (c) Bush Forever site 304 within twenty (20) metres of the **development envelope**.
 - (3) implement measures for three (3) years post construction to manage indirect threatening processes, including grazing, within the **Patch 1 Malaga NVRA**, to ensure vegetation structure and condition is maintained when compared to pre-construction **baseline conditions**;
 - (4) within twelve (12) months, undertake **rehabilitation** of native vegetation with locally native species to achieve pre-construction vegetation densities in all areas disturbed during construction activities that are not required for the ongoing operation of the proposal; and
 - (5) undertake annual monitoring and any remedial measures to ensure **rehabilitation** required by condition 8-2(4) will successfully establish within five (5) years post construction.
- 8-3 The proponent shall prepare and submit a report to demonstrate that the requirements of condition 8-2 have been met. The first report shall be submitted within three (3) months of the completion of construction and then annually with the Compliance Assessment Report, until the CEO has confirmed by notice in writing that the requirements of condition 8-2 have been met.

9 Malaga Dive Structure – Inland Waters and Flora and Vegetation

- 9-1 The proponent shall manage dewatering, excavation activities, and the treatment, re-use and disposal of acid sulfate soils at the **Malaga dive structure** to meet the following environmental objective:
- (1) maintain the quality and hydrological regime of groundwater that supports the biological diversity and **ecological integrity** of:
 - (a) Banksia woodlands of the Swan Coastal Plain priority ecological community;
 - (b) **Conservation Category Wetlands**; and
 - (c) **Resource Enhancement Wetlands**.
- 9-2 Prior to excavation or dewatering activities associated with construction of the **Malaga dive structure**, whichever occurs first, the proponent shall:

- (1) undertake appropriate investigations for acid sulfate soils in accordance with the Department of Water and Environmental Regulation's acid sulfate soil guidelines for the identification and investigation of acid sulfate soils and acidic landscapes;
 - (2) prepare and submit an Acid Sulfate Soils and Dewatering Management Plan based on the findings of the investigations required by condition 9-2(1) and in accordance with the Department of Water and Environmental Regulation's acid sulfate soil guidelines for the treatment and management of soils and water in acid sulfate soil landscapes; and
 - (3) specify the measures to meet the objective in condition 9-1(1) in the Acid Sulfate Soils and Dewatering Management Plan.
- 9-3 The proponent shall implement the Acid Sulfate Soils and Dewatering Management Plan required by condition 9-2(2) which the CEO has advised in writing satisfies the requirements of condition 9-2(2).
- 9-4 Following the completion of construction of the **Malaga dive structure**, the proponent shall:
- (1) within thirty (30) days, prepare, in accordance with the Department of Water and Environmental Regulation's acid sulfate soil guidelines for the treatment and management of soils and water in acid sulfate soil landscapes, and submit, a report to demonstrate compliance with the Acid Sulfate Soils and Dewatering Management Plan required by condition 9-2(2);
 - (2) undertake post-dewatering monitoring for a minimum of six (6) months to determine whether the environmental objective specified in condition 9-1(1) is being met; and
 - (3) within thirty (30) days of the last monitoring event required by condition 9-4(2), prepare and submit a post-dewatering monitoring report to demonstrate compliance with the environmental objective specified in condition 9-1(1).
- 9-5 The proponent:
- (1) may review and revise the Acid Sulfate Soils and Dewatering Management Plan; or
 - (2) shall review and revise the Acid Sulfate Soils and Dewatering Management Plan as and when directed by the CEO by a notice in writing.
- 9-6 The proponent shall implement the latest revision of the Acid Sulfate Soils and Dewatering Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 9-2(2).

10 Terrestrial Fauna

10-1 The proponent shall undertake the following actions to minimise impacts to terrestrial fauna:

- (1) within seven (7) days prior to clearing, using a qualified and licensed terrestrial **fauna spotter(s)** with experience in surveying for **black cockatoos**, inspect all **potential nesting trees** with hollows within the **development envelope** to determine if any hollows are being used for nesting by **black cockatoos**; and
- (2) if any hollows are in use by **black cockatoos** for nesting, the proponent shall not **disturb** or clear the nesting tree, or vegetation within a ten (10) metre radius of the nesting tree, until after the cockatoos have naturally completed nesting (young have fledged and dispersed) and an appropriately qualified and licensed terrestrial **fauna spotter** has verified that the hollow(s) are no longer being used by the **black cockatoos**.

10-2 During activities associated with the construction of the proposal, the proponent shall undertake as required the following actions to minimise impacts to terrestrial fauna:

- (1) ensure the use of appropriately qualified and licensed terrestrial **fauna spotter(s)** during clearing activities;
- (2) ensure that during **trenching activities** inspection for, and clearing of, fauna from open trenches by appropriately qualified and licensed terrestrial fauna rescue personnel occurs at least twice daily and not more than one (1) hour prior to backfilling of trenches, with the first daily inspection and clearing to be undertaken no later than three (3) hours after sunrise prior to any construction, and the second inspection and clearing to be undertaken daily between the hours of 3:00 pm and 6:00 pm;
- (3) ensure that open trench lengths do not exceed a length capable of being inspected and cleared by appropriately qualified and licensed fauna rescue personnel within the required times set out in condition 10-2(2); and
- (4) provide egress points, ramps and/or fauna refuges that provide suitable shelter from the sun and predators for trapped fauna in open trenches at intervals not exceeding fifty (50) metres.

11 Social Surroundings (Noise)

11-1 The proponent shall implement the proposal to meet the following environmental objective:

- (1) minimise operational noise and vibration impacts on existing noise sensitive receptors **as far as practicable**.
- 11-2 At least three (3) months prior to the operation of the proposal, in order to meet the requirements of condition 11-1(1), the proponent shall submit a further revision of the Morley-Ellenbrook Rail Line Part 2 Malaga to Ellenbrook Noise and Vibration Management Plan (Reference: 675.11323-R05, June 2020) to include:
 - (1) the details of relevant noise mitigation measures to confirm that noise and vibration criteria will be met;
 - (2) an update to Section 5 Management Measures, to show the locations and minimum heights of noise walls; and
 - (3) demonstration that the design and construction of noise mitigation measures will meet the noise and vibration objectives set out in Section 2 Transport noise and vibration objectives.
- 11-3 The proponent shall implement the revised Morley-Ellenbrook Rail Line Part 2 Malaga to Ellenbrook Noise and Vibration Management Plan, or the most recent version, which the CEO has confirmed by notice in writing satisfies the requirements of condition 11-2.
- 11-4 The proponent shall continue to implement the revised Morley-Ellenbrook Rail Line Part 2 Malaga to Ellenbrook Noise and Vibration Management Plan, or any subsequently approved revisions until the CEO has confirmed by notice in writing that the proponent has demonstrated that the objective in condition 11-1(1) is being and will continue to be met.
- 11-5 In the event of failure to implement management actions detailed in the approved Morley-Ellenbrook Rail Line Part 2 Malaga to Ellenbrook Noise and Vibration Management Plan, the proponent shall meet the requirements of condition 4-5 (Compliance Reporting) and shall implement the measures outlined in the approved Morley-Ellenbrook Rail Line Part 2 Malaga to Ellenbrook Noise and Vibration Management Plan, including, but not limited to, actions and investigations to be undertaken.

12 Offsets

- 12-1 The proponent shall undertake offsets to achieve the objective of counterbalancing the significant residual impact on the following environmental values as a result of the implementation of the proposal:
 - (1) 10.05 ha of Banksia woodlands of the Swan Coastal Plain priority ecological community;
 - (2) 81.4 ha of Carnaby's cockatoo (*Calyptorhynchus latirostris*) **foraging habitat**;

- (3) 68.1 ha of forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) **foraging habitat**;
- (4) 423 **black cockatoo** potential breeding trees;
- (5) 1.9 ha of **Conservation Category Wetlands**;
- (6) 0.5 ha of **Resource Enhancement Wetlands**; and
- (7) 17.2 ha of Bush Forever site 304,

On-ground Management Offset Plan

12-2 Within twelve (12) months of the publication of this Statement or as otherwise agreed by the CEO, the proponent shall prepare and submit an On-ground Management Offset Plan to the requirements of the CEO, with the environmental objective of counterbalancing the significant residual impact to:

- (1) 1.9 ha of **Conservation Category Wetlands**;
- (2) 0.5 ha of **Resource Enhancement Wetlands**; and
- (3) 17.2 ha of Bush Forever site 304.

12-3 The On-ground Management Offset Plan required by condition 12-2 shall:

- (1) spatially define and map the vegetation condition of an area or areas within Whiteman Park, or other suitable location as agreed by the CEO, where **on-ground management** actions are proposed to counterbalance the significant residual impacts to the environmental values specified in condition 12-2;
- (2) detail the proposed **on-ground management** actions to be implemented, objectives and targets to be achieved, a timeframe for the actions to be undertaken, completion criteria, funding arrangements for these actions and any **contingency actions** to be undertaken within Whiteman Park, or other suitable location as agreed by the CEO;
- (3) define the role of the proponent and/or any relevant management authority or other third party involved in delivering the offset;
- (4) include evidence of consultation with stakeholders including:
 - (a) Department of Biodiversity, Conservation and Attractions;
 - (b) Department of Planning, Lands and Heritage; and
 - (c) Friends of Bennett Brook;
- (5) demonstrate how the **on-ground management** actions to be undertaken within Whiteman Park, or other suitable location as agreed

by the CEO, will result in a tangible improvement to the environmental values being offset;

- (6) demonstrate how the **on-ground management** actions counterbalance the significant residual impact to the environmental values identified in condition 12-2 through application of the principles of the WA Environmental Offsets Policy 2011 and completion of the WA Offsets Template, as described in the WA Environmental Offsets Guidelines 2014 or any subsequent revisions of these documents; and
- (7) detail the monitoring, reporting and evaluation mechanisms for actions identified under conditions 12-3(2).

12-4 The proponent:

- (1) may review and revise the On-ground Management Offset Plan; or
- (2) shall review and revise the On-ground Management Offset Plan as and when directed by the CEO by notice in writing.

12-5 The proponent shall implement the latest revision of the On-ground Management Offset Plan approved by the CEO by notice in writing.

12-6 The proponent shall continue to implement the On-ground Management Offset Plan until the CEO has confirmed by notice in writing that the proponent has demonstrated that the objective in condition 12-2 has been met.

12-7 The proponent shall notify the CEO within twenty-one (21) days if any of the actions or outcomes set out in the On-ground Management Offset Plan are unable to be achieved, and provide the detail and timing of **contingency actions** to be undertaken.

Offset Strategy

12-8 Within six (6) months of the publication of this Statement, or as otherwise agreed by the CEO, the proponent shall prepare and submit an Offset Strategy to the requirements of the CEO, with the environmental objective of counterbalancing the significant residual impact to:

- (1) 10.05 ha of Banksia woodlands of the Swan Coastal Plain priority ecological community;
- (2) 81.4 ha of Carnaby's cockatoo (*Calyptorhynchus latirostris*) **foraging habitat**;
- (3) 68.1 ha of forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) **foraging habitat**; and
- (4) 423 **black cockatoo** potential breeding trees.

12-9 The Offset Strategy required by condition 12-8 shall:

- (1) demonstrate that the objective in condition 12-8 will be met;
- (2) identify an area, or areas, (the **Proposed Offset Conservation Area**) to be **acquired** with **on-ground management**, managed for conservation purposes, and contains the environmental values identified in condition 12-8;
- (3) demonstrate how the environmental values within the **Proposed Offset Conservation Area** counterbalances the significant residual impact to the environmental values identified in condition 12-8(1), condition 12-8(2) and condition 12-8(3) through application of the principles of the WA Environmental Offsets Policy and completion of the WA Offsets Template, as described in the WA Environmental Offsets Guidelines 2014, and the *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy Assessment Guide (October 2012), or any subsequent revisions of these documents;
- (4) demonstrate that the **Proposed Offset Conservation Area** contains at least 1,269 **black cockatoo** breeding trees or potential breeding trees;
- (5) demonstrate how the **Proposed Offset Conservation Area** aligns with:
 - (a) Approved conservation advice (incorporating listing advice) for the Banksia woodlands of the Swan Coastal Plain Ecological Community 2016;
 - (b) Carnaby's Cockatoo (*Calyptorhynchus latirostris*) Recovery Plan 2013; and
 - (c) Forest Black Cockatoo (Baudin's Cockatoo *Calyptorhynchus baudinii* and Forest Red-tailed Black Cockatoo *Calyptorhynchus banksia naso*) Recovery Plan 2008,or any subsequent revisions of these documents;
- (6) identify how the **Proposed Offset Conservation Area** will be **acquired** and specify:
 - (a) a timeframe and quantum of works associated with establishing the **Proposed Offset Conservation Area**, including a contribution for maintaining the offset for at least seven (7) years after completion of purchase and details pertaining to monitoring, evaluating and reporting; and
 - (b) the **relevant management body** for the on-going management of the **Proposed Offset Conservation Area**, including its role,

and the role of the proponent, and confirmation in writing that the **relevant management body** accepts responsibility for its role.

(7) where **on-ground management** is proposed:

- (a) state the objective(s) and target(s) to be achieved, including completion criteria, which result in a tangible improvement to the environmental value(s) being offset;
- (b) demonstrate the consistency of the objective(s) and target(s) with the objectives of any relevant conservation advice and recovery plans;
- (c) detail the **on-ground management** actions with associated timeframes for implementation, including **contingency actions**, to achieve the objective(s) and target(s) identified above; and
- (d) detail the monitoring, reporting and evaluation mechanisms for the objective(s), target(s) and actions identified above.

12-10 The proponent:

- (1) may review and revise the Offset Strategy; or
- (2) shall review and revise the Offset Strategy as and when directed by the CEO by a notice in writing.

12-11 Where research project(s) are proposed to offset the significant residual impacts to Carnaby's cockatoo and forest red-tailed black cockatoo, the proponent shall prepare and submit with the Offset Strategy required by condition 12-8, a Black Cockatoo Research Plan to the requirements of the CEO that will increase the scientific knowledge of black cockatoos relevant to improving conservation and management of the species and its habitat in the Perth and Peel regions. The Black Cockatoo Research Plan shall:

- (1) demonstrate how the research project(s) will provide a positive and long-term conservation outcome for Carnaby's cockatoo and forest red-tailed black cockatoo and addresses agreed research priorities, considering key knowledge gaps identified in the EPA Technical Report: Carnaby's Cockatoo in Environmental Impact Assessment in the Perth and Peel Regions (2019), the relevant black cockatoo recovery plans and/or other research priorities agreed with the Department of Biodiversity, Conservation and Attractions;
- (2) identify the objectives and intended outcomes, and details of success criteria;

- (3) provide an implementation schedule including an outline of key activities, deliverables, stages of implementation, and milestones towards completion;
- (4) identify the agreed governance arrangements including stakeholder responsibilities for implementing the research, and agreements with any third parties involved and legal obligations;
- (5) identify any potential risks involved and appropriate **contingency actions**;
- (6) identify monitoring activities to assess progress with research implementation and for compliance purposes;
- (7) provide details on the:
 - (a) financial and financial auditing arrangements including project budget and recipients of funds if project(s) are to be undertaken by any third parties;
 - (b) funding arrangements including the methodology to determine the amount of funding to be spent on research project(s); and
 - (c) timing of funding for the research project(s);
- (8) identify procedures for reporting to the CEO and Department of Biodiversity, Conservation and Attractions, including the content, format, timing and frequency for reporting and provisions of data and information against the objectives and outcomes identified in condition 12-11(2); and
- (9) identify how the results of the research offset will be communicated and/or published in an **open access** format for the benefit of future assessments and public understanding of the species.

12-12 The proponent:

- (1) may review and revise the Black Cockatoo Research Plan; or
- (2) shall review and revise the Black Cockatoo Research Plan as and when directed by the CEO by notice in writing.

12-13 Within six (6) months of receiving notice in writing from the CEO, on advice of the Department of Biodiversity, Conservation and Attractions, that the Offset Strategy satisfies the requirements of conditions 12-8, 12-9 and/or 12-11 the proponent shall implement the actions in accordance with the approved Offset Strategy.

12-14 The proponent shall implement the latest version of the Offset Strategy, which the CEO has confirmed by notice in writing, satisfies the requirements of conditions 12-8, 12- 9 and/or 12-11.

12-15 The proponent shall notify the CEO within twenty-one (21) days if any of the actions or outcomes set out in the Offset Strategy are unable to be achieved, and provide the detail and timing of **contingency actions** to be undertaken.

[signed on 15 December 2020]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Table 1: Summary of the proposal

Proposal title	Malaga to Ellenbrook Rail Works
Short description	The proposal is to construct and operate a new 13 kilometre dual railway line from Malaga to Ellenbrook in the City of Swan. The proposal includes the construction and operation of new intermodal transit stations at Malaga, Whiteman Park and Ellenbrook, with provision for a future station at Bennett Springs East. The proposal includes construction of a principal shared path, bridge infrastructure (including over Gngangara Road), a dive structure, and construction laydown and access areas.

Table 2: Location and authorised extent of physical and operational elements

Column 1	Column 2	Column 3
Element	Location	Authorised extent
Clearing and disturbance for construction of the railway, stations, principal shared path, dive structure, drainage structures, fencing, bridges, noise walls, and construction laydown and access areas.	Located within the development envelope as shown in Figure 1.	Clearing and disturbance of no more than 249 ha of which 152.1 ha is native vegetation within a 463.8 ha development envelope.

Table 3: Abbreviations and Definitions

Acronym, Term or Abbreviation	Definition
Abstraction bores	Bores used for construction water supply.
Acquired	The protection of environmental values on an area of initially unprotected land for the purpose of conservation through improved security of tenure or restricting the use of land (e.g. ceding land to the Crown or perpetual conservation covenants). This includes upfront costs of establishing the offset site and the on-going management of costs of maintaining the offset for the long term.
As far as practicable	As far as reasonably achievable or feasible as determined by the CEO having regard to, among other things, local conditions and circumstances (including costs) and to the current state of technical knowledge.
Baseline conditions	The environmental conditions prior to being subject to pressures from a development or operation of concern. This may include natural environmental conditions that are largely un-impacted by human influences or state of the environment just prior to influences and effects of development.

Acronym, Term or Abbreviation	Definition
Black cockatoos	Includes Carnaby's cockatoo (<i>Calyptorhynchus latirostris</i>), forest red-tailed black cockatoo (<i>Calyptorhynchus banksii naso</i>) and Baudin's cockatoo (<i>Calyptorhynchus baudinii</i>).
Foraging habitat	Foraging habitat described in <i>EPBC Act referral guidelines for three threatened black cockatoo species</i> (Commonwealth of Australia 2012), or any subsequent revisions of this document.
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
Conservation Category Wetland	As identified in the Geomorphic Wetlands of the Swan Coastal Plain (DBCA-019) dataset as updated from time-to-time.
Contingency actions	Actions to be implemented when monitoring determines that a management target may not be met, and where the actions will bring the impact within the management target.
Development envelope	The area within the yellow line marked in Figure 1 of this Statement and defined by coordinates in Schedule 2.
Disturb	Is to be defined as per the definition of 'disturb' in section 5 [subsection disturb — (a)(i)(ii)(iii) and (iv)] of the <i>Biodiversity Conservation Act 2016</i> .
Ecological integrity	Ecological integrity is the composition, structure, function and processes of ecosystems, and the natural variation of these elements.
Fauna spotter	A person who is qualified and licenced under section 40 of the <i>Biodiversity Conservation Act 2016</i> .
ha	Hectare
Indirect impacts	Any potential impacts outside the development envelope or to NVRA as a result of the clearing and disturbance authorised in Table 2 of Schedule 1. This includes but is not limited to: hydrological change, weed invasion, altered fire regimes, introduction or spread of disease, changes in erosion/deposition/accretion and edge effects.
Malaga dive structure	Where the railway extends below ground surface west of the Malaga station and connects to the Bayswater to Malaga rail line.

Acronym, Term or Abbreviation	Definition
<i>Management of <u>Phytophthora cinnamomi</u> for Biodiversity Conservation in Australia, Part 2, National Best Practice Guidelines</i>	E O’Gara, K Howard, B Wilson and GEstJ Hardy (2005) <i>Management of <u>Phytophthora cinnamomi</u> for Biodiversity Conservation in Australia: Part 2 – National Best Practice Guidelines</i> . A report funded by the Commonwealth Government Department of the Environment and Heritage by the Centre for Phytophthora Science and Management, Murdoch University, Western Australia, or any subsequent revisions of this document.
NVRA	Native vegetation retention areas, as shown in Figure 2 and defined by coordinates in Schedule 2
On-ground management	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a tangible improvement to the environmental values in the offset area.
Open access	The provision of free access to peer-reviewed, scholarly and research information to all, that removes restrictions on use and reuse.
Paperbark trees	<i>Melaleuca</i> tree species within the riparian zone or channel of Bennett Brook.
Patch 1 Malaga NVRA	Patch of Banksia woodlands of the Swan Coastal Plain priority ecological community located within the development envelope near the location of the proposed Malaga station, that will be retained within a NVRA, as shown in Figure 3 and defined by coordinates in Schedule 2.
Potential nesting trees	Any existing tree of a species known to support black cockatoo breeding which has a hollow and therefore may be being used for nesting.
Proposed Offset Conservation Area	The area of land identified in condition 12-9(2).
Registered Sites	Means a place to which the <i>Aboriginal Heritage Act 1972</i> applies by the operation of section 5 of that Act.
Rehabilitation	Repair of ecosystem processes and management of weeds, disease or feral animals.
Relevant management body	A party that is directly responsible for the on-going management of the Proposed Offset Conservation Area.
Resource Enhancement Wetlands	As identified in the Geomorphic Wetlands of the Swan Coastal Plain (DBCA-019) dataset as updated from time-to-time.

Acronym, Term or Abbreviation	Definition
Trenching activities	Trenches used for utilities such as communications. Trenches do not include excavation for the sinking of the railway line.

Figures (attached)

Figure 1 Malaga to Ellenbrook Rail Works development envelope and disturbance footprint (This figure is a representation of the co-ordinates shown in Schedule 2)

Figure 2 Native vegetation retention areas relevant to condition 8 (This figure is a representation of the co-ordinates shown in Schedule 2)

Figure 3 Native vegetation retention area at Patch 1 Malaga relevant to condition 8-1(9) and condition 8-2(3) (This figure is a representation of the co-ordinates shown in Schedule 2)

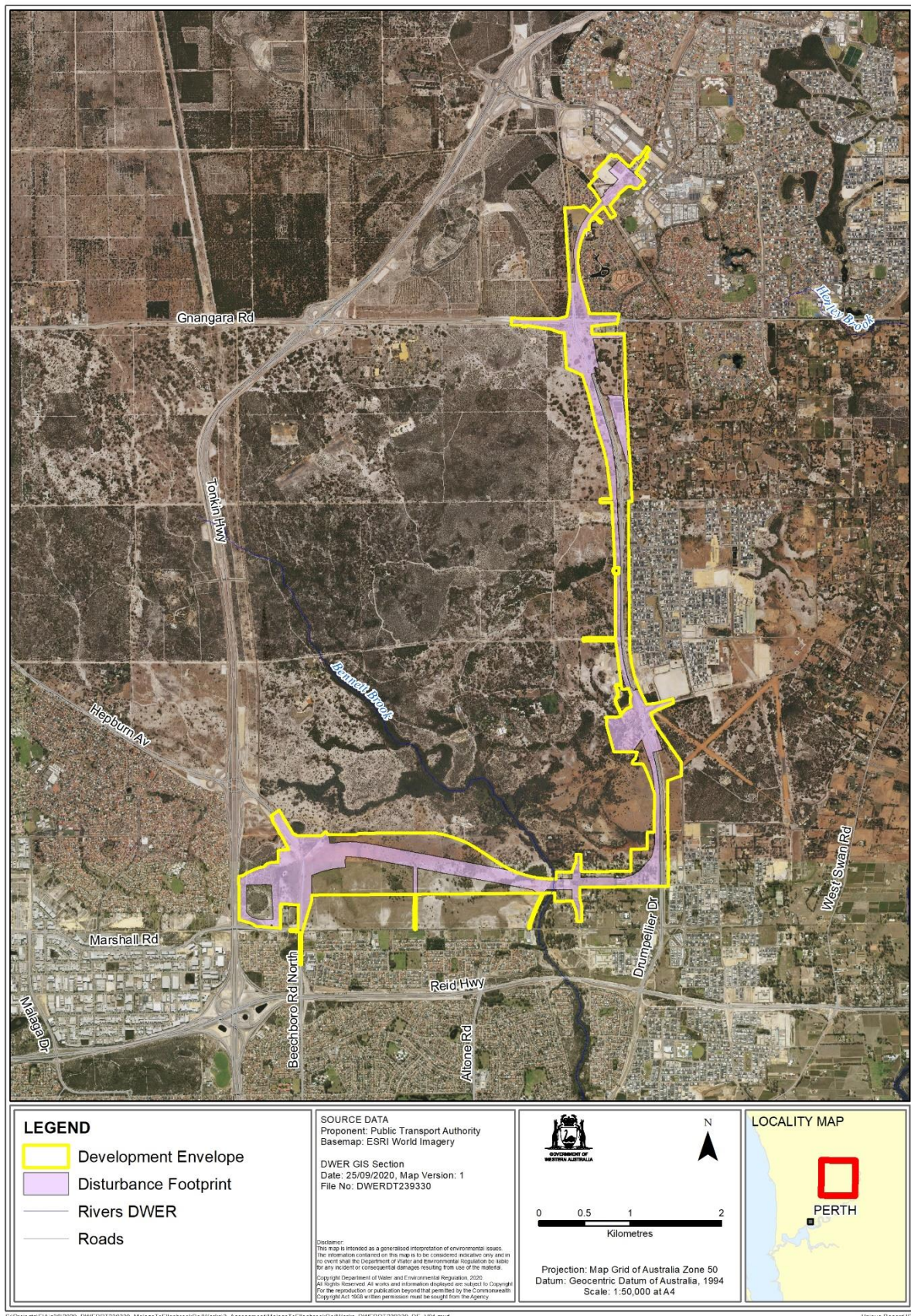


Figure 1: Malaga to Ellenbrook Rail Works development envelope and disturbance footprint

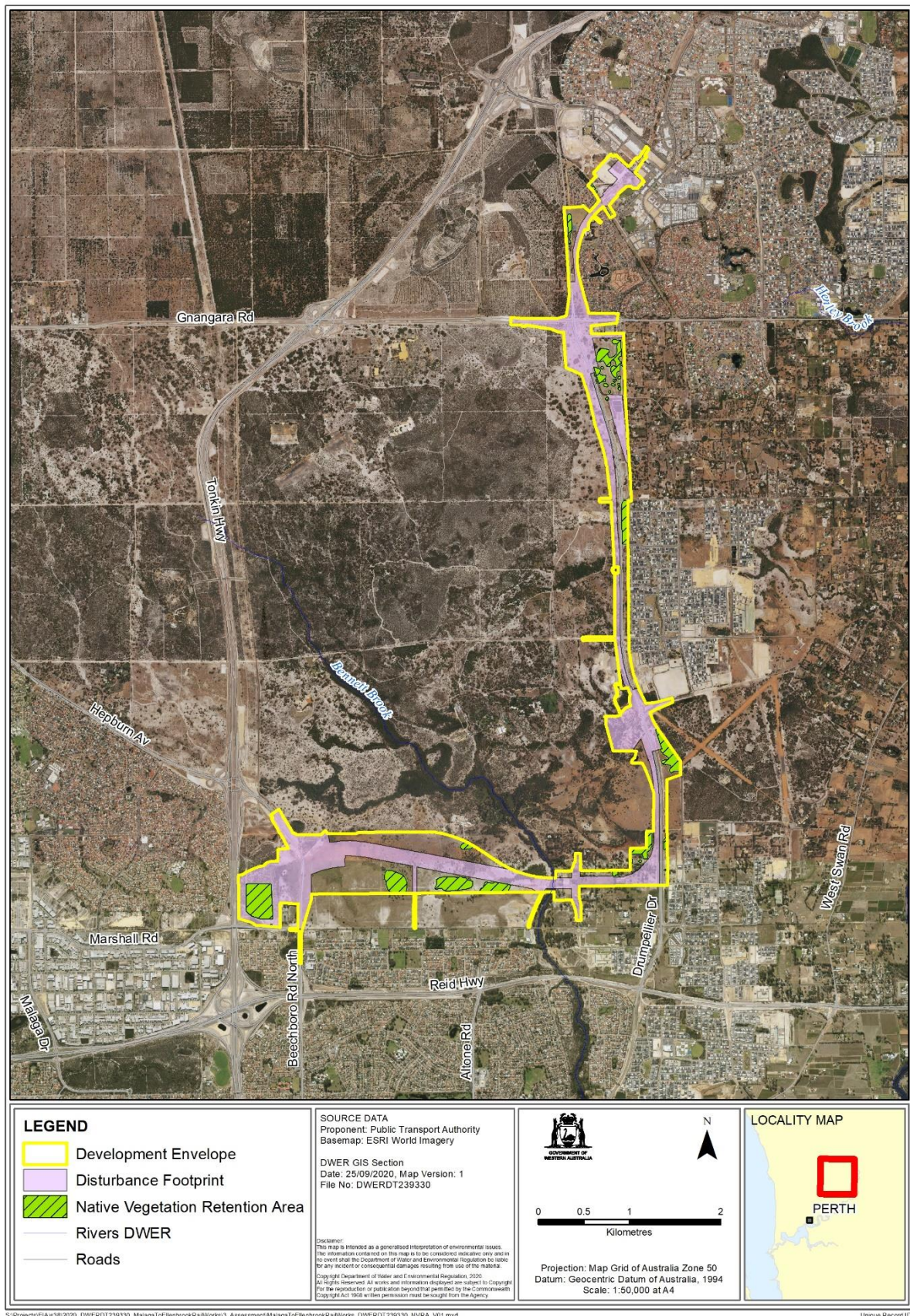


Figure 2: Native vegetation retention areas relevant to condition 8



Figure 3: Native vegetation retention area at Patch 1 Malaga relevant to condition 8-1(9) and condition 8-2(3)

Schedule 2

Coordinates defining the Malaga to Ellenbrook Rail Works development envelope and disturbance footprint in Figure 1 and coordinates defining the Native Vegetation Retention Areas in Figures 2 and 3 are held by the Department of Water and Environmental Regulation, Document Reference Number DWERDT349019.