

**Senate Standing Committee on Environment and Communications
Legislation Committee**
Answers to questions on notice
Environment and Energy portfolio

Question No: 111
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1
Program: Environment Standards Division (ESD)
Topic: Carnaby's Nesting Season – Assessment Process
Hansard Page: 129
Question Date: 24 October 2016
Question Type: Spoken

Senator Waters asked:

Senator WATERS: What specific information were you presented with during the assessment process to make the decision that offsets would be appropriate?

Mr Cahill: We might take that on notice too.

Answer:

The Statement of Reasons, published on the Department's website on 4 December 2015, details the information considered in making the decision to approve the Roe Highway proposal, including the application of offsets, as follows:

- a. Proposed decision brief prepared by the Department, dated 28 August 2015 and signed by the delegate on 2 September 2015, which included the following attachments and appendices:
 - A. The proposed approval decision and proposed conditions (Proposed decision notice);
 - B. Letters to the proponent, relevant Commonwealth Ministers and State Ministers regarding the delegate's proposed decision and conditions:
 - B1. Proponent;
 - B2. Infrastructure Minister;
 - B3. Delegate for the WA Minister for Environment, the Hon Albert Jacob JP MLA from the DPaW; and
 - B4. The OEPA.
 - C. Legal considerations relating to the proposed approval decision prepared by the Department (Legal Considerations Report) (including Appendices 1-22):
 1. Proposed action Extent 1-2
 2. Proposed action Extent 2-2
 3. Wetland Boundaries
 4. Zone of indirect impact
 5. Carnaby's Cockatoo (*Calyptorhynchus latirostris*) Recovery Plan (February 2014)

6. Forest Black Cockatoo (Baudin's Cockatoo *Calyptorhynchus baudinii* and Forest Red-tailed Black Cockatoo *Calyptorhynchus banksii naso*) Recovery Plan (2008)
7. Referral guidelines for three species of Western Australian black cockatoos: Carnaby's Black cockatoo (*Calyptorhynchus latirostris*), Baudin's Black Cockatoo (*Calyptorhynchus baudinii*), Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*) (2012)
8. EPBC Act 1999 Environmental Offsets Policy (2012);
9. Proposed action offset calculations and justifications
10. Glossy-leafed Hammer Orchid (*Drakaea elastica*) Recovery Plan. Western Australian Department of Environment and Conservation, 2009
11. Detailed Departmental mapping records Glossy-leafed Hammer Orchid (*Drakaea elastica*)
12. Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia – Guidance Statement No. 51 (EPA, 2004)
13. Grand Spider Orchid (*Caladenia huegelii*) Recovery Plan. Western Australian Department of Environment and Conservation, 2009
14. Detailed Departmental mapping records Grand Spider Orchid (*Caladenia huegelii*)
15. Conservation Advice Beaked Lepidosperma (*Lepidosperma rostratum*)
16. Detailed Departmental mapping records Beaked Lepidosperma (*Lepidosperma rostratum*)
17. Threat abatement plan for disease in natural ecosystems caused by *Phytophthora cinnamomi*
18. Approved Conservation Advice for *Calyptorhynchus banksii naso* (Forest Red-tailed Black Cockatoo)
19. Additional submissions received by the Department post WA Approval:
 - A. Submission from Senator Ludlam
 - 1) Legal bias –dated 17 July 2015
 - 2) Carnaby's Black Cockatoo traffic impact – dated 24 July 2015
 - 3) Forest Red-tailed Black Cockatoo survey concerns and offsets – dated 27 July 2015
 - 4) Carnaby's Black Cockatoo survey- dated 27 July 2015
 - 5) Grand Spider Orchid – dated 17 August 2015
 - 6) Offsets – dated 17 August 2015
 - 7) Listed migratory and marine species – dated 18 August 2015
 - 8) Assessment timeframe clarification- dated 18 August 2015

- 9) Repeated request for stop clock clarification and documentation – dated 28 August 2015
 - B. Other public submission (non campaign ‘like’)
 - C. Other public submissions (campaign ‘like’)
- 20. Departmental consideration of additional submissions received by the Department post WA Approval
- 21. Conservation Advice Australian painted snipe (*Rostratula australis*)
- 22. Expert advice on potential (tumulus) mound spring Threatened Ecological Community – dated 18 August 2015
- D. Assessment ‘stop clock’ correspondence with proponent:
 - D1: 26 September 2013
 - D2: 28 November 2013
 - D3: 8 January 2015
 - D4: 9 July 2015
 - D5: 30 July 2015
 - D6: 7 August 2015
- E. WA Appeal Determination – (Ministerial Statement No. 1008);
- F. Assessment Report;
- G. PER documentation (including Appendices A-Y and responses to public submissions); and
- H. Referral Decision Package.
- b. Additional public submissions received by the Department post the proposed decision of 2 September 2015
 - A: Submissions form Senator Scott Ludlam dated:
 - 1) 9 September 2015
 - 2) 14 September 2015
 - B: Other public submissions (non campaign ‘like’)
 - C: Other public submissions (campaign ‘like’)
- c. Departmental consideration of additional submissions received post proposed decision;
- d. Responses to invitation for comment on proposed decision and proposed conditions;
 - I. Proponent;
 - II. Infrastructure Minister
 - III. Delegate for the WA Minister for Environment, the Hon Albert Jacob JP MLA from the DPaW; and

IV. the OEPA.

- e. Summary of changes made to proposed conditions following consultation, prepared by the Department;
- f. WA Appeals Convenor Report;
- g. WA Supreme Court Application;
- h. Legal advice dated 20 October 2015 [This legal advice is subject to legal professional privilege];
- i. The draft approval decision and approval conditions (final decision notice); and
- j. Letters notifying the proponent and other relevant parties of my final approval decision:
 - I. Proponent;
 - II. Infrastructure Minister;
 - III. Delegate for the WA Minister for Environment, the Hon Albert Jacob JP MLA from the WA DPaW; and
 - IV. the OEPA.