

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING
ASSESSMENT**

PERSON TO WHOM THIS NOTICE IS GIVEN

Peet Stratton Pty Ltd (ABN: 31169385139)
Level 7, 200 St Georges Terrace
PERTH WA 6000

PROPOSAL TO WHICH THIS NOTICE RELATES:

Subdivision of Lot 102 Farrall Road Midvale
Assessment No. 2163

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) consents to the proponent making the following changes to the proposal during assessment without a revised proposal being referred -

- increase of the southern Public Open Space area from 3.151 hectares (ha) to 3.219 ha; and,
- decrease in Development Area and northern Public Open Space from 5.174 ha to 5.079 ha.

The revised areas are shown in Figure 1 attached.

EFFECT OF THIS NOTICE:

1. The proponent may change the proposal as provided for in this notice.

RIGHTS OF APPEAL:

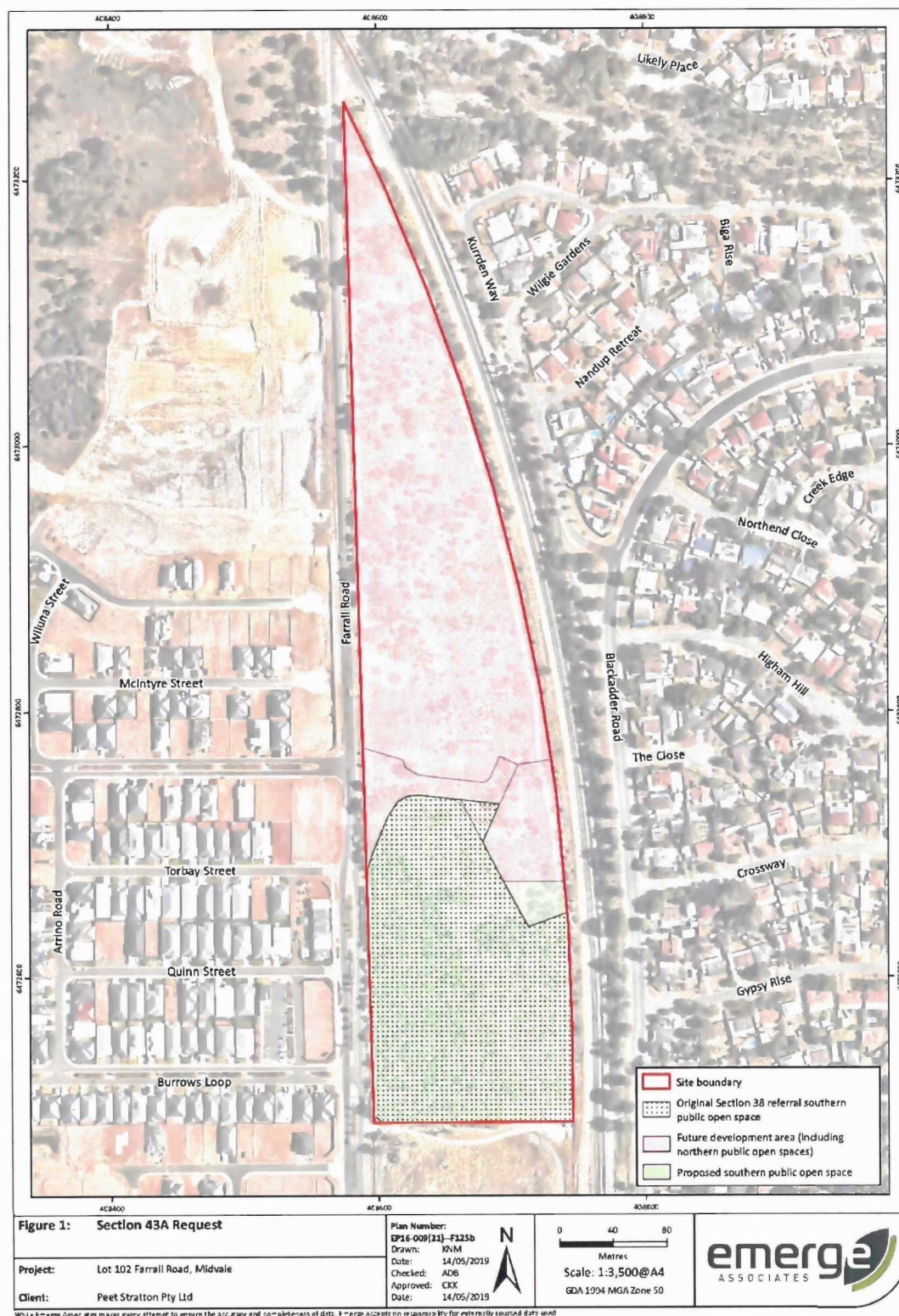
There are no rights of appeal under the EP Act in respect of this decision.



Dr Tom Hatton
Delegate of the Environmental Protection Authority
CHAIRMAN

29 May 2019

Figure 1 – Section 43A change to southern Public Open Space area and Development Area.



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Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Subdivision of Lot 102 Farrall Road Midvale

Proponent: Peet Stratton Pty Ltd

Decision

For the reasons outlined below, the Environmental Protection Authority (EPA) has determined to consent to the Proponent changing the Proposal outlined in Schedule 1 attached to this Statement of Reasons.

Background

On 26 September 2017, Peet Stratton Pty Ltd referred the Proposal to the EPA under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal includes the development of approximately 8.3 hectares for urban uses.

The EPA determined to assess the Proposal at the level of Referral Information with Additional Information (2 week public review of additional information) on 5 June 2018.

In advance of the EPA preparing a report on the outcome of its assessment of the Proposal, the Proponent has sought the EPA's consent to the proponent changing the Proposal.

Relevant Statutory and Administrative Provisions

Section 3.8 of the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016* guides what information the EPA requires from a person wanting to change its proposal during assessment.

In considering the request for consent, the EPA considered the:

- details of the proposed change
- statement of the significance of the change and
- rationale for the change.

Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. Proponent correspondence dated 8 March 2019.
2. Emerge Associates s43A map dated 14 May 2019.

Consideration

1. Nature of the proposed change

The proposed change consists of the addition of 680m² to the southern Public Open Space area, decreasing the northern Development Area and Public Open Space. This proposed change is to provide for an increased buffer to the Threatened Ecological Community (TEC) *Shrublands and woodlands of the eastern Swan Coastal Plain* Floristic Community Type 20c (FCT 20c).

2. Stage of the assessment process

The additional information 2 week public review period has not commenced. The proponent is in the process of formulating and providing the EPA with the additional information required in the EPA's notice of 12 October 2018.

3. Currency, relevance and reliability of the information

The proposal was referred to the EPA in September 2017 and all information submitted in support of the referral remains current.

This proposed change is informed by the independent study of the FCT 20c TEC undertaken by Dr Eddie van Etten dated 13 February 2019.

4. Community engagement

The EPA has engaged with the community through the referral process and intends to release this decision document on its website for public information. The EPA will engage with the community throughout the additional information 2 week public review period.

5. Level of public concern

The EPA received 20 comments during the seven day comment period on the referral. Two comments requested the proposal not be assessed, and 18 requested a Public Environmental Review level of assessment. The proposal level of assessment is Referral Information with Additional Information (2 week public review of additional information).

Consideration of Whether the Change is Unlikely to Significantly Increase Any Impact that the Proposal May Have on the Environment

The following were considered:

a) Values, sensitivity and the quality of the environment which is likely to be impacted

The EPA Chairman's determination identified the preliminary environmental factors for the original proposal as:

- Flora and Vegetation;

- Terrestrial Fauna;
- Hydrological Processes; and
- Inland Waters Environmental Quality.

The change gives no cause for additional environmental factors to be considered key environmental factors for the purposes of the assessment. It should be noted that the former environmental factors of Hydrological Processes and Inland Waters Environmental Quality are now considered under one factor of Inland Waters.

b) Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The s43A change represents a 2.1% increase in the southern Public Open Space area. The EPA notes that the change would not increase impacts to the TEC and would not result in an increased significance of impact in the context of the entire proposal.

The EPA considers that the changed proposal is unlikely to have a significant environmental impact that is different from the original proposal. The significance of the potential environmental impact of the proposal will be considered by the EPA during the assessment process.

c) Consequence of the likely impacts (or change)

The EPA considers the consequence of likely impacts remains unchanged from the original proposal.

d) Resilience of the environment to cope with the impacts or change

The EPA considers the resilience of the environment to cope with the changed proposal remains unchanged from that of the original proposal, should it be implemented.

e) Cumulative impacts with other projects

The EPA considers any potential cumulative impacts of the changed proposal will be assessed during the additional information public review process.

f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

The change to the proposal does not alter any connections or interactions with the receiving environment different to the original proposal. A holistic assessment of the changed proposal will be undertaken during the EPA's assessment of the proposal.

- g) Level of confidence in the prediction of impacts and the success of proposed mitigation

There is no significant change to the level of confidence in the predicted impacts and the success of proposed mitigation.

- h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

Twenty comments were received during the seven-day public comment period following the referral of the proposal to the EPA. The level of public interest is not expected to change given the nature of the proposed changes (non-significant) to the proposal.

The EPA also notes that members of the public will be provided an opportunity to review the additional information within the 2 week public review period. The public review period will commence on final submission of the proponent's additional information to the EPA.

Schedule 1

Change to Proposal

Element	Current Proposal (as referred) in hectares (ha)	Changed Proposal (section 43A) in hectares (ha)
Proposal Area	8.298 ha	8.298 ha
Development Area and Northern Public Open Space Area	5.174 ha	5.079 ha
Southern Public Open Space Area	3.151 ha	3.219 ha