

Summary of reasons for decision – Amendment of an approved proposal and implementation conditions under section 45C of the *Environmental Protection Act 1986*

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| Ministerial Statement: | 1129 as amended by 1159 |
| Proposal Title | YANCHEP RAIL EXTENSION PART 2 – EGLINTON TO YANCHEP |
| Approved Proposal: | The proposal is to construct and operate a 7.2 kilometre extension to the existing Joondalup railway line from Eglinton Station to the suburb of Yanchep in the City of Wanneroo. |
| Proponent: | Public Transport Authority of Western Australia |
| Environment Online Reference Number: | APP-0000198 |
| Date Ministerial Statement first issued | 14 April 2020 |
| Dates of any approved changes to Approved Proposal | 1. s.45C change to proposal, 4 November 2020 2. s.46 change to conditions, 22 January 2021 |
| Date of proponent's request to amend | 15 February 2023 |
| Date additional information received | 30 November 2023 |
| Description of requested amendment(s) to approved proposal | The proponent is requesting to modify the development envelope and disturbance footprint to facilitate changes to the design/location of some elements associated with the approved proposal and to align interfaces with adjoining developments. The amendments will result in an increase to the approved development envelope by 5.69 ha (74.2 ha to 79.89 ha), an increase to clearing and disturbance by 1.21 ha (65.6 ha to 66.81 ha) which is an increase to the extent of native vegetation being cleared from 61 ha to 62.21 ha (see Table 4 of proponent's supporting document). |
| Description of requested amendment(s) to implementation conditions | The proponent is requesting amendments to implementation conditions 11-1 and 11-8 (as amended by MS 1159) to reflect the changes to significant residual impacts requiring offsets arising from the proposed amendments to the Approved Proposal. There is an increase in impacts to Banksia Woodlands PEC and Carnaby's cockatoo foraging habitat that is reflected in the proposed changes to condition 11. |
| Decision | The requested amendments to the Approved Proposal and implementation conditions are not considered to be significant amendments. The amendments to the Approved Proposal and implementation conditions are approved. |

Environmental factors relevant to amendment(s):

- Flora and Vegetation
- Terrestrial Fauna

| Summary of review of whether an amendment should be approved under section 45c(1) | |
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| Environmental Factor review | <p><u>Flora and vegetation:</u></p> <p>The proposed amendment will result in a net increase in clearing of native vegetation of 1.21 ha comprising areas of increase and decrease.</p> <p>The additional clearing of 0.09 ha of <i>Banksia</i> dominated woodlands of the Swan Coastal Plain IBRA Region priority ecological community (PEC) comprises one small and isolated patch that is in a degraded condition and results in a combined impact of 9.79 ha from the approved proposal. The proposed amendment is not expected to adversely affect the community or substantially reduce its quality and integrity, given the relatively small and degraded isolated area to be cleared.</p> <p>The proposed additional clearing is considered to be a small incremental increase and the impact of the proposed change can be managed under the existing approvals, and conditions for the proposal. For consistency, the additional impact to <i>Banksia</i> PEC/TEC is included within the change to condition 11 to reflect the changes in residual impacts requiring offsets as a result of the amendment.</p> <p>There is no change to impacts to <i>Melaleuca huegelii</i> – <i>Melaleuca systema</i> shrublands on limestone ridges (Gibson et al. 1994 type 26a) or Bush Forever site 289. As noted in the EPA’s section 46 Report 1693, the extent of impacts to Bush Forever site 289 amounted to 28.8 ha however the significant residual impact requiring offset was only 27.7 ha as 1.1 ha was in a completely degraded condition. This difference should be noted as the discrepancy between the Bush Forever impacts in Table 2 of Schedule 1 and condition 11 may otherwise appear like an error.</p> <p>Considering the above, the EPA’s objective for flora and vegetation is likely to be met.</p> <hr/> <p><u>Terrestrial fauna:</u></p> <p>The proposed amendment will result in a net increase in clearing as a result of the proposal of 0.95 ha of Carnaby’s black cockatoo foraging habitat.</p> <p>In addition, an area of 1.37 ha of black cockatoo habitat within the amendment area has previously been cleared by other proponents. The proponent has proposed to include this area within its proposed changes to the proposals limits and extent of impacts, and changes to condition 11 to align with its Commonwealth approval for the same proposal.</p> <p>As a result, the sum of the changes results in an increased authorised impact of 2.31 ha of Carnaby’s black cockatoo foraging habitat from 58.8 ha to 61.11 ha.</p> <p>The proposed amendment would also result in an increase in impact to one additional black cockatoo potential breeding tree, increasing impact from 45 to 46.</p> |

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| | <p>The additional clearing for the proposal of 0.95 ha is considered to be a small incremental increase and the impact of the proposed change can be managed under the existing approvals, and conditions for the proposal. For consistency, the additional impact is included within the change to condition 11 to reflect the changes in residual impacts requiring offsets as a result of the amendment.</p> <p>Considering the above, the EPA’s objective for terrestrial fauna is likely to be met.</p> |
| <p>Controls on implementation, including relevant DMA processes (where relevant), for amendment</p> | <p>Existing statement 1129 includes conditions to minimise and manage impacts to flora and vegetation and terrestrial fauna (conditions 6, 7, 8, 9) and ensure consistency with the EPA’s objectives by requiring:</p> <ul style="list-style-type: none"> • a management plan is implemented to maintain the ecological linkage across Bush Forever site 289 (condition 6) • a management plan is implemented to ensure indirect impacts to flora and vegetation and terrestrial fauna are minimised (condition 7) • a revegetation management plan is implemented in areas of native vegetation cleared within Bush Forever site 289 that are not required for ongoing operations (condition 8) • management actions are implemented during construction to minimise impacts to terrestrial fauna (condition 9). |
| <p>Significance of requested amendment</p> | <p>In view of the small extent and nature of clearing adjacent to heavily disturbed areas, the proposed increase in the development envelope and disturbance footprint is not likely to have a significant effect, on its own or in the context of the existing Approved Proposal, on the environment. When the proposed increase is considered cumulatively with the Approved Proposal, it does not represent a material increase in effects on the environment. There is not likely to be any change to environmental outcomes, and the EPA’s objective is still likely to be met for all relevant factors.</p> <p>The changes to the implementation conditions are not considered to be significant amendments, and offset requirements are intended to align the areas with the Approved Proposal for consistency.</p> |

Summary of consideration of amendment

The decision-maker has considered whether the proposed amendment would be a significant amendment, in addition to the potential impacts of the amendments.

The EPA has considered:

- the cumulative environmental impacts
- the holistic impacts
- whether the environmental effects of the implementation of the proposal as amended will be consistent with the EPA’s environmental factor objectives
- whether the proposal as amended would still be substantially the same character as the approved proposal.

Summary of decision

The decision-maker has considered the request to amend the approved proposal and/or implementation conditions under section 45C(1) of the EP Act. The decision-maker considers the requested amendments to the Approved Proposal are not considered to be significant amendments.

Attachments:

- Amended Proposal content document

Appeals: Decision not appealable.

A handwritten signature in blue ink, appearing to read 'MAT TONTS', with a long horizontal flourish extending to the right.

Professor Matthew Tonts

CHAIR

Delegate of the Environmental Protection Authority

Date: 15 December 2023