

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

Ministerial Statement:	1114
Proposal Title	Thornlie-Cockburn Link
Approved Proposal:	Construction and operation of 14.5 km of new dual railway track between Thornlie Station and Cockburn Central Station and duplication of 3 km of the existing single railway track between Beckenham Junction and Thornlie Station with two new stations at Ranford and Nicholson Roads and modification of the existing Thornlie and Cockburn Central Stations. The proposal includes relocation of the existing freight railway track within the development envelope
Proponent:	Public Transport Authority of Western Australia
Environment Online Reference Number:	APP-0000126
Date Ministerial Statement first issued	23 September 2019
Dates of any approved changes to Approved Proposal/implementation conditions	<ol style="list-style-type: none"> 1. s46C Change to conditions – 19 November 2019 (Attachment 1 to MS1114) 2. s46C Change to conditions – 30 July 2020 (Attachment 2 to MS1114) 3. s45C Change to proposal – 9 October 2020 (Attachment 3 to MS1114) 4. s46 Inquiry – 22 January 2021 (MS 1160) 5. s45C Change to proposal – 21 October 2021 (Attachment 4 to MS1114) 6. s45C Change to proposal – 4 May 2022 (Attachment 5 to MS 1114) 7. s46 Inquiry – 28 February 2023 (MS 1200)
Date of proponent’s request to amend	22 August 2022
Date additional information received	14 March 2023, 26 April 2023, and 7 June 2023.
Date application made public	Not applicable
Description of requested amendment(s) to approved proposal	The proponent is requesting to modify the development envelope and disturbance footprint to facilitate additional construction and operation of infrastructure associated with the approved proposal. The proposed change will result in an increase to the approved development envelope by 22.1 ha from 121.9 ha to 144.0 ha and increase to the disturbance footprint of 22.1 ha from 119.7 ha to 141.8 ha.

Description of requested amendment(s) to implementation conditions	<p>The proponent is requesting amendments to implementation conditions 13-1 and 13-3 of MS 1114 as previously amended to reflect the changes in residual impacts arising from the proposed amendments to the Approved Proposal.</p> <p>Administrative changes are required to condition 6 and Table 3 to update wetland Unique Feature Identifiers (UFI), and include some additional wetland UFI's associated with the amendment. An update to Figure 2 Areas relevant to condition 8-1 is required to reflect changes to the development envelope and native vegetation clearing.</p>
Decision	<p>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.</p>

Environmental factors relevant to amendment(s):

- Flora and vegetation
- Terrestrial fauna
- Inland waters

Summary of review of whether an amendment should be approved under section 45C(1)	
Environmental Factor review	<p><u>Flora and vegetation</u></p> <p>The additional native vegetation proposed to be cleared ranges in condition from Good to Completely Degraded. The vegetation proposed to be cleared is contained within fragmented patches, in highly disturbed areas. Proposed removal of this vegetation is not expected to decrease the availability or quality of habitat to the extent that significant flora and fauna species are likely to decline.</p> <p><i>Banksia Woodlands of the SCP TEC</i></p> <p>The additional clearing of 0.8 ha of Banksia Woodlands of the SCP within the development envelope would result in a reduction of less than 0.001% of the total Banksia Woodlands of the SCP extent. At the subregional level, the impact is estimated to be 0.00032%. The proposed additional clearing of this community is not expected to adversely affect the community or substantially reduce its quality and integrity, given the relatively small area spread across a linear corridor in a highly fragmented landscape.</p> <p><i>Low lying Banksia attenuata woodlands/shrublands SCP21c PEC</i></p> <p>SCP21c is known from 17 point locations over approximately 230 km from Chittering to Gelorup, with approximately 317.5 ha mapped. The small area of additional clearing required (0.8 ha) ranging in Good to Degraded condition will result in a reduction of 0.25% of the total mapped extent of the PEC. The increase in impact to this PEC can be managed under the existing approvals, conditions, and management plans for the Proposal. A change to condition 13 is required to reflect the changes to the significant residual impacts to this value. The change is not expected to make a material difference to impacts as assessed for the Approved Proposal.</p> <p>Only 2.9 ha of a total 3.6 ha of the residual impacts to this PEC was considered by the EPA in its original assessment to be a significant residual impact requiring offset. The residual impacts to this PEC were later further reduced to 3.3 ha and as a result</p>

significant residual impacts were reduced to 2.6 ha. Associated amendments were approved previously via section 45C and reflected in Attachment 4 of MS 1114.

The total residual impacts arising from the proposal as amended by Attachment 4 of MS 1114 (3.3 ha) in combination with the 0.8 ha of additional impact associated with this section 45C amendment amounts to a new combined impact of 4.1 ha. The increase of 0.8 ha is considered a significant residual impact and when combined with the original significant residual impact (2.6 ha) amounts to 3.4 ha requiring offset. This is reflected in the changes to the maximum authorised extent of impact of 4.1 ha in Schedule 1 and reflected in the changes to condition 13 requiring offsets for 3.4 ha of impacts to this PEC (2.6 ha plus 0.8 ha).

***Caladenia huegelii* habitat**

Caladenia huegelii was not recorded in previous surveys completed for the current approved development envelope but is known to occur in areas adjacent (e.g. Ken Hurst Park, Jandakot Airport and Caladenia Grove Wetland Reserve). Impact from the additional clearing of 0.03 ha of *Caladenia huegelii* habitat is not expected to make a material difference to impacts as assessed for the Approved Proposal. However, a change to condition 13 is required to reflect the changes to the significant residual impacts to this value.

***Bush Forever* sites**

Bush Forever (BF) site 456 is 71 ha in total extent. The impact to BF 456 from the previously Approved Proposal were not considered by the EPA as significant. Clearing of an additional 0.09 ha will result in a 0.12% impact to the Bush Forever site and is considered relatively minor and not significant as it comprises small linear narrow areas in a degraded condition or cleared.

Small additional impacts to BF sites 245 and 246 are relatively minor in extent (<0.01% of the sites' total extents) and in a degraded condition.

The amended proposal would also result in an additional impact to 0.31 ha of native vegetation within BF 388, which is 0.14% of the 224.4 site.

Given the relatively large and intact extent of Bush Forever sites outside of the proposed change area, it is expected that the ability of the remnant vegetation to retain biodiversity values will persist. It is considered that the impact to BF sites 456, 245 and 246 are not significant at a local and regional scale and can be managed under the existing approvals, conditions, management plans and offsets for the Proposal. Impacts to BF 388 is considered regionally significant vegetation and is therefore included within the change to condition 13 to reflect the changes in significant residual impacts arising from the amendments.

Guildford Complex

The proposed amendment would impact 1.15 ha of mapped Guildford Complex of which 0.18 ha has been assessed as having some form of native vegetation ranging in condition from Good to Completely Degraded. The proponent has advised that the 0.03 ha of native vegetation within the development envelope (east of Albany Highway) will be avoided. The remaining 0.15 ha of native vegetation associated with Guildford Complex will be cleared as a result of the amendment.

The extent of Guildford Complex remaining is 5.09% of its pre-European extent, therefore any additional impacts to this vegetation complex is likely to be significant.

A new authorised extent to clear no more than 0.15 ha of native vegetation associated with Guildford Complex will be included within Schedule 1 and condition 13 to reflect the changes in significant residual impacts arising from the amendment.

Considering the above, the EPA's objective for flora and vegetation is likely to be met.

Terrestrial fauna

The proposed amendment will result in additional clearing of 3 ha of native vegetation. The additional clearing will include up to 2.9 ha of black cockatoo foraging habitat.

Black cockatoo foraging habitat on the Swan Coastal Plain within 5 km of the proposed change amounts to 3,549.2 ha, with approximately 2,085.3 ha (59%) located within reserved lands (in Bush Forever or DBCA managed lands) (GoWA 2022). The clearing of up to 2.9 ha Black Cockatoo habitat for the proposed change equates to 0.08% impact to overall Black Cockatoo foraging habitat on the Swan Coastal Plain within a 5 km radius.

The additional black cockatoo habitat proposed to be cleared is distributed along a linear and narrow disturbance corridor located in a highly fragmented landscape. The extent and scale of this loss would not disrupt habitat connectivity for the species because there are relatively large patches of foraging and breeding habitats nearby to the proposal.

The additional clearing required is considered to be a small incremental increase and the impact of the proposed change to black cockatoo habitat can be managed under the existing approvals, conditions, and offsets for the proposal. The additional impact is included within the change to condition 13 to reflect the changes in significant residual impacts arising from the amendment.

Inland waters

The proposed amendment will result in additional clearing of 5.07 ha of mapped geomorphic wetlands, that includes:

- up to 0.02 ha of Conservation Category Wetlands (CCW) including UFI 7499 (previously REW), UFI 16099 (previously registered as UFI 7446), UFI 16111, UFI 16113 and UFI 16126 (previously REW) in mostly Degraded condition, except for UFI 16099 which is Degraded to Good condition.
- up to 2.73 ha of Resource Enhancement Wetland (REW) (UFI 15297, UFI 16110) in Degraded condition.

The additional clearing required is considered to be a small incremental increase and the impact of the proposed change to the impacted wetlands can be managed under the existing approvals, conditions, and offsets for the proposal.

There are a number of CCWs and REWs in close proximity to the proposed amendments (UFI 7747, UFI 7748, UFI 13129, UFI 13365, UFI 13620, UFI 15255, UFI 16100 and UFI 16101). The definition of wetlands relating to condition 7 in Table 3 is therefore amended to ensure potential indirect impacts are managed under the existing condition 7.

	<p>Greater Brixton Street Wetlands</p> <p>The amendment area east of Albany Highway to Brixton Street is in close proximity to the Greater Brixton Street wetlands, particularly UFI 13365 (Brixton Street Swamps/Kenwick Wetlands) which is a recognised Bush forever site (no. 387) and Nationally Important Wetland. Alongside this area, minor dewatering to install signal cables within the rail reserve will be required.</p> <p>The proponent undertook a dewatering assessment and provided the following information in the supporting document:</p> <ul style="list-style-type: none"> • Only 23 m of the 725 m of the cabling would require trenching/dewatering as the majority is being installed within existing conduits. • Given the short-duration dewatering of up to three days for cable installation and ten days for pits at one litre per second and timing to occur in the wet season, groundwater drawdown is not expected to exceed the seasonal low water table level. Therefore risks to the wetlands and associated values are considered minor and temporary. <p>The existing condition 6 of MS 1114 requires that any dewatering work is undertaken in accordance with an approved management plan to ensure that potential impacts to the hydrological regimes of specific environmental values outside the development envelope are minimised, including Brixton Street Swamps (UFI 13365), FCT21c PEC, and CCWs and REWs. Condition 6 is amended to include additional CCWs and REWs associated with the proposed amendment including additional wetlands associated with the Greater Brixton Street wetland area.</p> <p>Condition 7 requires no impacts to the water quality of inland waters and prohibits discharge of dewater to wetlands. Condition 7 will be amended to include additional CCWs and REWs associated with the proposed amendment.</p> <p>Considering the above, the EPA's objective for inland waters is likely to be met.</p>
<p>Controls on implementation, including relevant DMA processes (where relevant), for amendment</p>	<p>Existing statement 1114 conditions to control impacts to flora and vegetation (condition 8), terrestrial fauna (condition 11) and inland waters (conditions 6, 7 and 8) ensure consistency with the EPA's objectives by:</p> <ul style="list-style-type: none"> • requiring monitoring and management of indirect impacts to flora and vegetation • requiring survey of all potential nesting trees prior to clearing • requiring trapping and relocation of fauna prior to clearing, the presence of fauna spotters during clearing activities, and inspection and management of trenching activities • requiring preparation and submission of an Environmental Management Plan with the objective of minimising impacts to the hydrological regimes that support FCT 21c and CCWs and REWs outside the development envelope, when groundwater abstraction and/or dewatering activities are required • setting restrictions on activities to ensure water quality of inland waters is not impacted.
<p>Significance of requested amendment</p>	<p>The proposed increase in 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. 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>

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

Attachments

- Attachment 1: Amended proposal content document (including figure)
- Attachment 2: Proposed changes to proposal content document (including figure)

Appeals: Decision not appealable.



Professor Matthew Tonts

CHAIR

Delegate of the Environmental Protection Authority

Date: 22 June 2023