



Enquiries: Paul West 9323 4742 / Stuart Hawkins 0400 455 554
Our Ref: TRIM 14/952
Your Ref: DWERT4622

3 December 2019

Mr Anthony Sutton
Executive Director, EPA Services
Department of Water and Environmental Regulation
8 Davidson Terrace
JOONDALUP WA 6027

Dear Mr Sutton,

SOUTH COAST HIGHWAY KOJANEERUP PROJECT - THIRD PARTY REFERRAL

Thank you for your letter dated 25 November 2019 advising Main Roads of a third-party referral (the Referral) received by the Environmental Protection Authority (EPA) under s38 of the *Environmental Protection Act 1986* (WA) for the South Coast Highway Kojaneerup Project (Kojaneerup Project). I also thank you for providing a copy of the Referral on 27 November 2019.

The following information is provided to assist in the EPA's consideration of the Referral.

The Kojaneerup Project was submitted for assessment and approval of a Clearing Permit (CPS 8681) to the Department of Water and Environmental Regulation (DWER) in September 2019, with DWER decision on approval of the Clearing Permit expected in mid-December 2019. For the EPA's consideration I have appended to this letter a copy of the Supporting Information document that was submitted with our application.

As the EPA may be aware, Main Roads has a comprehensive 'Environmental Assessment, Approvals and Compliance' process (EAAC), which forms part of Main Roads' ISO-14401-certified Environmental Management System. The EAAC outlines Main Roads' process to:

- Assess the potential environmental effects of proposed activities.
- Identify the regulatory approvals likely to be required.
- Obtain the required approvals through relevant Government agencies.
- Ensure compliance with both corporate and legislative requirements during the construction, operation, maintenance and closure of the road assets.

Consistent with the EAAC process, the potential environmental effects of the Kojaneerup Project were identified and assessed, where it was determined that the environmental effects would be most appropriately assessed and managed in accordance with the

Clearing Permit processes. The EAAC process determined that the Kojaneerup Project did not require referral to EPA for assessment by EPA under s38 of the *Environmental Protection Act 1986* (WA).

It should be noted that although clearing impacts for this project could have been assessed and approved by DWER through its state-wide Clearing Permit CPS818, Main Roads decided to apply for a project specific clearing permit as it was considered that there may be higher than normal interest from certain stakeholders. Because of this interest, and the scale and nature of the clearing, despite the lengthy delays associated with obtaining a project specific clearing permit, Main Roads elected to seek a project specific clearing permit. Main Roads often applies for project specific clearing permits, rather than use its state-wide Clearing Permit CPS818, where it believes there is heightened interest as it provides increased transparency through the public advertising of the application, allows public submissions on the application and provides the ability for the public to appeal the DWER decision on the clearing permit.

It is understood the group which submitted the Referral to EPA has also made a public submission to DWER on the Clearing Permit application (submission appeared to be generally consistent with the third-party referral), and that the content of that public submission will now be appropriately considered by DWER as part of its assessment processes. Main Roads understands that only one public submission on the Clearing Permit application was received by DWER.

Main Roads has extensively consulted with a number of Government agencies on the environmental effects of the Kojaneerup Project, including DWER, the Department of Biodiversity, Conservation and Attractions and the Commonwealth's Department of the Environment and Energy, as outlined within the Supporting Information document. This consultation has included meetings and site inspections, between the years 2016 to 2019.

The EPA may also wish to note that prior to it being lodged, Main Roads consulted with representatives from the group that submitted the Referral. During this consultation, the group raised its in principle opposition to the project without providing any compelling environmental basis on which to change Main Roads' approvals approach, change the outcomes of the environmental assessment, nor change the proposed on-site environmental management. Notwithstanding this outcome, Main Roads will continue to consult with this group for the Kojaneerup Project (and other projects) as appropriate though the remainder of the Clearing Permit assessment process (including appeals), and during construction of the works.

Your letter dated 25 November 2019 advised that EPA Services did not have sufficient information to ascertain the significance of potential impacts nor whether the proposal should be assessed. Rather than provide you with a completed Referral Form, which would not have provided any additional information, I have attached the Supporting Information document that was submitted to DWER with our clearing application. As the

Referral only identified *Flora and Vegetation* as the only Environmental Factor, this document should provide you with sufficient information to assess the potential impacts of this important road project.

I trust this letter and the attachment is sufficient to assist in the EPA's consideration of the third-party referral. Should EPA Services require further information, or wish to meet and discuss this matter, please contact me on 9323 4614.

Yours sincerely



Martine Scheltema
MANAGER ENVIRONMENT

Attachments:

Kojaneerup Project Clearing Permit Supporting Information