

Referral of a proposal under s. 38 of the EP Act

PART A: PROPONENT AND REFERRER INFORMATION AND PROPOSAL DESCRIPTION	
Referrer information	
Who is referring this proposal?	<input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party
Name of the referrer <i>Name of the person or organisation referring</i>	Main Roads Western Australia
Contact details (for the EPA's assessment of this proposal) <i>Name, organisation, position, email, phone and address</i>	Martine Scheltema Main Roads Western Australia Manager Environment martine.scheltema@mainroads.wa.gov.au 08 9323 4614/ 0429 004 980 Don Aitken Centre, Waterloo Crescent, East Perth, Western Australia 6004
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Declaration I, Martine Scheltema declare that I am authorised to refer this proposal on behalf of Main Roads Western Australia and further declare that the information contained in this form is true and not misleading. 	
Proponent information	
Name of the proponent/s <i>Include Trading Name if relevant</i>	Main Roads Western Australia
Australian Company Number(s) <input type="checkbox"/> Australian Business Number(s) <input checked="" type="checkbox"/>	50 860 676 021
Pre-referral discussions	
Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)? <i>If so, provide name, date, and overview of discussions.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No March 2019 <ul style="list-style-type: none"> • Provided project briefing and potential impacts to EPA factors • Sought EPA guidance as to whether to refer Hale and Welshpool independent of Kelvin Road (until Kelvin Road biological survey results were available)

	<p>and impact to TEC and threatened flora could be quantified)</p> <ul style="list-style-type: none"> Discussed referral timeframes.
Proposal information	
Proposal name	Tonkin Highway Grade Separated Interchanges Kelvin Road
What is the proposal? (Include general description in the Instructions and template: How to identify the content of a proposal)	Main Roads proposes to upgrade and widen a 2 km section of Tonkin Highway from four lanes to six lanes from approximately 1 km north of Kelvin Road extending south to Maddington Road. The Proposal will include construction of a grade separated interchange at Tonkin Highway and Kelvin Road and associated works such as PSP upgrade, installation of noise and retaining walls, drainage improvements and landscaping.
Have you provided electronic spatial data, maps, and figures in the appropriate format?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What type of proposal is being referred? <i>For significant amendment or derived proposal, provide the associated existing Ministerial statement number/s</i> <i>For a proposal under an assessed planning scheme, provide the scheme number and name</i>	<input checked="" type="checkbox"/> significant proposal. <i>Choose which type of significant proposal</i> <input checked="" type="checkbox"/> new proposal <input type="checkbox"/> significant amendment (proposal only) <input type="checkbox"/> significant amendment (conditions only) <input type="checkbox"/> significant amendment (proposal and conditions) <input type="checkbox"/> strategic proposal <input type="checkbox"/> derived proposal <input type="checkbox"/> proposals of a prescribed class <input type="checkbox"/> proposal under an assessed planning scheme
Proposal content: Refer to Proposal Content Document	
Alternatives	Refer to Supporting Document Section 1.2

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

Environmental factors

What are the likely significant environmental factors for this proposal?

- Benthic Communities and Habitat
- Coastal Processes
- Marine Environmental Quality
- Marine Fauna
- Flora and Vegetation
- Landforms
- Subterranean Fauna

	<input type="checkbox"/> Terrestrial Environmental Quality <input checked="" type="checkbox"/> Terrestrial Fauna <input checked="" type="checkbox"/> Inland Waters <input type="checkbox"/> Air Quality <input type="checkbox"/> Greenhouse Gas Emissions <input type="checkbox"/> Social Surroundings <input type="checkbox"/> Human Health
Potential environmental impacts – for each environmental factor	
1	EPA policy and guidance Refer to Supporting Document sections 5.1.2, 5.2.2 and 5.3.2
2	Receiving environment Refer to Supporting Document sections 5.1.3, 5.2.3 and 5.3.3
3	Likely environmental impacts Refer to Supporting Document sections 5.1.4, 5.2.4 and 5.3.4
4	Application of the mitigation hierarchy Refer to Supporting Document sections 5.1.6, 5.2.6 and 5.3.6
5	Assessment and significance of residual impacts Refer to Supporting Document sections 5.1.7, 5.2.7 and 5.3.7
6	Likely environmental outcomes Refer to Supporting Document sections 5.1.8, 5.2.8 and 5.3.8
Holistic impact assessment	
Refer to Supporting Document Section 9	
Cumulative environmental impact assessment	
Refer to Supporting Document Section 10	
Consultation	
Refer to Supporting Document Section 3	
Supporting documents	
Provide a list of the supporting documents	
<ul style="list-style-type: none"> EPA Referral Supporting Document 	
Has the referrer provided survey information according to the Instructions and Form: IBSA Data Packages and/or the Instructions and form: IMSA Data Packages	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Conclusion	
The Proposal will result in the following residual impacts: <ul style="list-style-type: none"> 1.72 ha of vegetation representative of SCP 20a TEC 5.22 ha of native vegetation mapped within the Guildford Complex 1.87 ha of native vegetation associated within CCWs 2.16 ha of native vegetation within Bush Forever site no. 53 Up to 210 individuals of <i>Conospermum undulatum</i> (Threatened) Up to 57 individuals of <i>Morelotia australiensis</i> (Threatened) 125 potential breeding trees for Black Cockatoos, with no trees containing potentially suitable hollows for Black Cockatoo nesting 10.13 ha of low to high quality foraging habitat for Black Cockatoos. 	

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR SIGNIFICANT AMENDMENTS ONLY

Type of significant amendment	<input type="checkbox"/> significant amendment to the approved proposal <input type="checkbox"/> significant amendment to the implementation conditions <input type="checkbox"/> significant amendment to both the proposal and the implementation conditions
Information of the approved proposal	
Combined effects of the approved proposal and significant amendment	
Analysis of existing implementation conditions	
Previous changes to the Proposal and or implementation conditions	
Compliance	
Environmental Performance	
Control of implementation of significant amendment	

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR A PROPOSAL UNDER AN ASSESSED SCHEME ONLY

What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme?	
How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme?	

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR DERIVED PROPOSALS ONLY

Demonstrate how the proposal will meet the environmental outcomes defined through the assessment of the strategic proposal	
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Provide an analysis of the existing implementation conditions of the related strategic proposal in relation to the derived proposal

PART C: OTHER APPROVALS AND REGULATION

Decision-making authorities and their approvals

Provide a table list of the decision-making authorities, associated legislation or agreement regulating the activity and the specific approval required.

Decision-making authority	Legislation or Agreement regulating the activity	Approval required	Whether and how statutory decision-making process can mitigate impacts on the environment
Department of Water and Environmental Regulation (DWER)	<i>Rights in Water and Irrigation Act 1914</i> (RIWI Act)	Application for a permit to authorise the interference or obstruction of the bed and banks of a watercourse or wetland	Yes: Interference with the bed and banks of a watercourse or wetland (clearing of vegetation and construction works) will be mitigated through the provision of the permit. Authorisation to interfere with the bed and banks of watercourses and wetlands will assist in maintaining hydrological regimes to better protect inland water values.
DWER	RIWI Act	Licence to take	Yes: Approved volume of water for abstraction and discharge during construction will be monitored to ensure no exceedances
DWER	EP Act	Clearing Permit	Yes: If proposal is not assessed by the EPA a clearing permit will need to be obtained in order to regulate and condition the clearing of native vegetation.
Western Australian Planning Commission (WAPC)	<i>Planning and Development Act 2005</i> (PD Act)	Development Application (DA)	Yes: Environmental impact assessment undertaken by WAPC prior to DA conditional approval to ensure proposed development is consistent with land tenure
Department of Biodiversity Conservation and Attractions (DBCA)	<i>Biodiversity Conservation Act 2016</i> (BC Act)	Threatened Flora Authorisation, Authorisation to Take or Disturb Threatened Fauna, Authorisation to Modify a TEC	Yes: Conditions of the Authorisations will be adhered to
Department of Planning, Lands and Heritage (DPLH)	<i>Aboriginal Heritage Act 1972</i> (AH Act)	NA	Heritage survey with Traditional Owners has determined the Proposal will not impact any heritage sites of significance.

Provide a summary of the statutory decision-making processes you consider can mitigate the potential impacts of the proposal on the environment. (Note: this should be a summary of the information provided in Part B section 2.4).	See above table
Tenure and Local Government approvals	
Location of proposal: a) street address, lot number, suburb, and nearest road intersection; or b) if remote, the nearest town and distance and direction from that town to the proposal site.	Intersection of Tonkin Highway and Kelvin Road
Name of the Local Government Authority in which the proposal is located.	City of Gosnells
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>The alignment of the Proposal will not be fully located within land currently reserved under the Metropolitan Region Scheme (MRS) for Primary Roads or Other Regional Roads (ORR). Areas outside the MRS will be subject to a development approval through the WAPC and may involve compulsory land acquisition. No development approval is required for road construction works on land reserved by the MRS for the purpose of Primary Regional Roads or Other Regional Roads.</p> <p>Following completion of the Proposal, all areas outside the existing Primary Regional Roads reservation will be incorporated into Primary Regional Roads, or zoned appropriately, through an omnibus amendment to the MRS pursuant to Section 28 (1) of the <i>Land Administration Act 1997</i> (LA Act).</p>
What is the current land use on the property, and the extent (area in hectares) of the property?	30.74 ha area Land use: <ul style="list-style-type: none"> • Primary regional roads • Industrial • Other regional roads • Rural • Bush forever
Does the proponent have the legal access required for the implementation of all aspects of the proposal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>The alignment of the Proposal will not be fully located within land currently reserved</p>

<p>If yes, provide details of legal access authorisations / agreements / tenure.</p> <p>If no, what authorisations / agreements / tenure is required and from whom?</p>	<p>under the Metropolitan Region Scheme (MRS) for Primary Roads or Other Regional Roads (ORR). Areas outside the MRS will be subject to a development approval through the WAPC and may involve compulsory land acquisition. No development approval is required for road construction works on land reserved by the MRS for the purpose of Primary Regional Roads or Other Regional Roads.</p> <p>Following completion of the Proposal, all areas outside the existing Primary Regional Roads reservation will be incorporated into Primary Regional Roads, or zoned appropriately, through an omnibus amendment to the MRS pursuant to Section 28 (1) of the LA Act.</p>
<p>Commonwealth Government approvals</p>	
<p>Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Date: _____</p> <p>EPBC No.: _____</p>
<p>If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Decision – controlled action</p> <p><input type="checkbox"/> Decision – not a controlled action</p>
<p>If the proposal is determined to be a controlled action, do you request that this proposal be assessed under a Bilateral Agreement or as an accredited assessment?</p>	<p><input type="checkbox"/> Yes - Bilateral <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes - Accredited</p>
<p>Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Approval:</p>
<p>Decision-making authority referrals <u>ONLY</u></p>	
<p>What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i></p>	<p>N/A</p>