

Environmental Protection Act 1986

Section 43A

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

PERSON TO WHOM THIS NOTICE IS GIVEN

Public Transport Authority (ABN: 61 850 109 576)
Public Transport Centre, West Parade
PERTH WA 6000

PROPOSAL TO WHICH THIS NOTICE RELATES:

Thornlie-Cockburn Link
Assessment No. 2168

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

Amending the size of temporary construction areas, operational areas and the Ranford Road Station site resulting in a 0.04 hectare (ha) increase in the development envelope from 119.37 ha to 119.41 ha (refer Schedule 1).

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.

[Signed 19 December 2018]

Dr Tom Hatton
Delegate of the Environmental Protection Authority
CHAIRMAN

Schedule 1

Changes to Proposal

Element	Current Proposal	Changed Proposal (s43A)
Physical elements		
Construction and operation of a dual railway track and associated stations and infrastructure between Beckenham Junction and Cockburn Central Station.	Clearing of up to 31.69 ha of native vegetation within a 119.37 ha development envelope	Clearing of up to 29.9 ha of native vegetation within a 119.41 ha development envelope.

Note: Changes at the site of the proposed Ranford Road Station are to allow for exploration of options to further minimise potential impacts and will not result in an increase in the extent of native vegetation to be cleared at the site.

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Thornlie-Cockburn Link

Proponent: Public Transport Authority

Decision

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

I have also determined that no consultation or public review is necessary in regard to considering the request to consent to the change. This is due to the nature of the changes which would result in a very small overall increase in the extent of the proposal from that as described in the proponent's Referral documentation. In addition, the proponent's supporting and additional information incorporating the changes will be published for a four week public review period and the changes to the proposal will be fully assessed in the EPA's Report and Recommendations to the Minister for Environment which will be subject to a two week appeal period.

Background

On 7 June 2018, the Public Transport Authority referred the Proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal is to construct and operate a new 14.5 kilometre (km) dual railway track to extend the existing Thornlie passenger line to Cockburn Central Station on the Mandurah line, duplicate 3 km of railway line between Beckenham Junction and Thornlie Station and relocate 11 km of freight line within the existing rail reserve. The Proposal as referred included clearing of up to 55 hectares (ha) of native vegetation, including 29.9 ha in Bush Forever areas and 4.4 ha of a Priority Ecological Community (PEC) – Low lying *Banksia attenuata* woodlands or shrublands. As referred, the proposal will result in the loss of up to 27.6 ha of black cockatoo foraging habitat and 96 potential black cockatoo habitat trees, the disturbance of a contaminated site and impacts from noise and vibration.

The EPA determined to assess the Proposal at the level of Referral Information with Additional Information (4 week public review) on 27 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. The s43A change would result in a 0.04 ha increase in the development envelope to 119.41 ha.

The changes relate to amending the extent of temporary construction laydown and operational areas and changes at the location of the proposed Ranford Road Station. The primary reason for the changes relate to reductions in the size of temporary construction areas to avoid areas of native vegetation and wetlands and to allow for consideration of alternative design options for the Ranford Road Station given the environmental values present within the area and operational constraints associated with the existing waste transfer facility and provision of the Jandakot Airport Eastern Link Road.

As referred, the extent of native vegetation to be cleared was 55 ha. This included 23.21 ha of surveyed vegetation type VT07 described in the referral documents as 'weedy closed grassland/herbland with occasional natives'. In the revised proposal, this vegetation type will not be considered representative of native vegetation and will be excluded from the area of native vegetation proposed to be cleared. Subsequently, the extent of native vegetation proposed to be cleared as a result of the proposed change to proposal has slightly increased from 31.69 ha (as revised) to 32.12 ha with the proposed changes.

Similarly, updates to the mapping of black cockatoo foraging habitat indicate that the area in the development envelope was 24.44 ha (as revised) and not 27.64 ha as referred. Therefore, the changes as proposed will result in an increase in the area of black cockatoo foraging habitat to be cleared from 24.44 ha to 24.59 ha.

However, I note that the purpose of the change at the Ranford Road site is to provide flexibility during the detailed design process, and not to request authorisation for further vegetation clearing. Therefore, it is expected that the proposed changes to the development envelope will result in an overall decrease in the extent of native vegetation clearing required for the proposal. The layout options for the Ranford Road Station will be evaluated during the EPA's assessment.

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. the document *Thornlie-Cockburn Link Application to change proposal under s43A*, November 2018, Public Transport Authority (Rev 3)
2. spatial data provided by the Public Transport Authority showing the revised development envelope

3. spatial data provided by the Public Transport Authority at the time of referral showing the originally proposed development envelope
4. supporting documentation for the proposal supplied by the Public Transport Authority at the time of referral: *Thornlie-Cockburn Link Supplementary Environmental Report*, 13 June 2018, Aurora environmental (version 2, report number: AP2018-009)

Consideration

1. Nature of the proposed change

The changes will result in an overall increase in the extent of the development envelope from 119.37 ha to 119.41 ha. There are two areas of proposed increases to the development envelope. A small 0.41 ha addition at the connection with Cockburn Central Station and an additional 5.23 ha at the location of the Ranford Road Station. The changes are also associated with a reduction in the extent of two laydown areas, 3.63 ha in the vicinity of the Canning River and 0.09 ha at Tom Bateman Reserve. A further two reductions are associated with operational areas east of Ranford Road (0.34 ha) and east of the Karel Avenue bridge (1.54 ha).

Overall, the proposed changes will result in a 0.44 ha increase in the extent of native vegetation required to be cleared and a 0.16 ha increase in the extent of black cockatoo foraging habitat. There will also be an additional 0.19 ha and 0.43 ha impact to Conservation Category and Resource Enhancement Wetlands respectively. The changes will result in an overall reduction in the area of impact to the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community (TEC) (0.53 ha) and the Low lying *Banksia attenuata* woodlands of shrublands (SCP21c) Priority Ecological Community (PEC) (0.54 ha). There will also be an overall decrease in the extent of impact to Bush Forever areas from 29.90 ha to 29.45 ha.

The proposed changes are associated with reductions in the areas required for temporary construction laydown and two minor changes to operational areas that are no longer required. The changes required at the location of the Ranford Road Station are necessary to accommodate a number of station layout options in order to achieve the least environmental impact while meeting operational requirements and stakeholder expectations.

However, it is noted that the purpose of the change at the Ranford Road Station site is to provide flexibility during the detailed design process and not to request authorisation of further vegetation clearing. Therefore, while the EPA has considered the increase in impact as a result of the proposed changes as if the entire extent were to be cleared, the EPA is not authorising an increase in the extent of native vegetation to be cleared at the Ranford Road Station Site given the environmental values of the area.

Each of the Ranford Road Station layout options will need to consider the existing environmental values and the potential environmental impacts, as well as traffic modelling, visual amenity and bus operations, while also considering the previously approved alignment of the Jandakot Airport Eastern Link Road and the operational

requirements of the City of Canning's waste transfer facility. The EPA will expect that options for the layout of the Ranford Road Station will be presented in the revised environmental review document and will evaluate the proposed options during assessment of the proposal.

Until such time as a final design is chosen for the Ranford Road Station it is assumed that the entirety of the development envelope will be cleared. However, as already stated, the purpose of the change is to provide flexibility during the PTA's detailed design process. The proponent has committed to outlining the potential layout options being considered as part of their additional information, with the intention to only clear the minimum area of native vegetation necessary and to protect any areas of native vegetation to be retained, including areas mapped as Conservation Category and Resource Enhancement Wetlands.

The increase in the development envelope as proposed at the location of the Ranford Road Station will result in increases in the overall potential impacts to native vegetation (3.25 ha), Banksia woodlands of the Swan Coastal Plain TEC (0.62 ha), black cockatoo foraging habitat (1.49 ha), Resource Enhancement Wetlands (1.86 ha), Conservation Category Wetlands (0.32 ha) and Bush Forever Site 388 (2.93 ha).

2. Stage of the assessment process

On 27 June 2018, the EPA set the level of assessment for the proposal as Referral Information with Additional Information (4 week public review). The EPA was awaiting the proponent's additional information when the request was made to change the proposal.

3. Currency, relevance and reliability of the information, including submissions

The proposal was referred to the EPA in June 2018 and all information submitted in support of the referral remains current, reliable and relevant.

4. Community engagement

The proponent has engaged widely with the community in relation to the original proposal, including three community information sessions in July and August 2018 and provides regular updates on the proposal via their website. The proponent has continued to consult with stakeholders since referral of the proposal. The EPA is unaware whether the community has been engaged with regard to the proposed changes. The EPA intends to publish information on the proposed changes for public information.

The proposed changes are in response to feedback received from the EPA during a site visit undertaken in June 2018.

5. Level of public concern

The EPA advertised the referral information for public comment from 13 June 2018 to 19 June 2018 (inclusive). Fifty seven comments were received during the public comment period, a high level of public interest at referral stage. The majority of public submissions requested the proposal be assessed at the level of public environmental review. The EPA does not consider that the proposed changes would result in an increased level of interest in the proposal.

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

Flora and Vegetation, Terrestrial Environmental Quality, Terrestrial Fauna, Inland Waters (previously Hydrological Processes and Inland Waters Environmental Quality) and Social Surroundings were considered to be preliminary key environmental factors at the time the Level of Assessment was determined. The proposed changes give no cause for additional environmental factors to be considered as the changes have the potential to impact on Flora and Vegetation, Terrestrial Fauna and Wetlands.

The majority of the changes will result in decreases in the extent of impact to the associated environmental values of native vegetation, Banksia woodlands, black cockatoo habitat, wetlands and Bush Forever. However, the additional area proposed at the site of the Ranford Road Station will increase the potential extent of impact to native vegetation, Banksia woodlands, black cockatoo habitat, wetlands and Bush Forever greater than the decrease in impacts in other areas. The additional area at the proposed Ranford Road Station largely avoids an area of vegetation considered to be Very Good condition.

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

The proposed change to the development envelope overall is a relatively small increase of 0.04 ha, from 119.37 ha to 119.41 ha. Table 1 sets out the changes in the extent of clearing of native vegetation for each of the physical elements of the proposal. As referred there were errors in the proposed extent of clearing for each element, but not in the overall extent of clearing. These errors have been corrected and Table 1 reflects the extent of native vegetation proposed to be cleared after the requested change to proposal for each element.

The proposed changes include reductions and additions to the development envelope. The largest reduction in the development envelope is a 3.63 ha decrease in the area required for temporary construction laydown east of the Canning River crossing. The reduced area will result in the avoidance of impacts to a Resource Enhancement Wetland (1.43 ha) and 1.21 ha of native vegetation that includes 0.26 ha of black cockatoo foraging habitat.

The 1.54 ha reduction of the temporary construction laydown area located east of the Karel Avenue bridge will avoid the clearing of 1.33 ha of native vegetation, of which 0.57 ha is considered representative of the Banksia woodlands of the Swan Coastal Plain TEC and black cockatoo foraging habitat.

Two small areas, 0.34 ha east of Ranford Road adjacent to the Caladenia Grove Wetland Reserve and 0.09 ha at Tom Bateman Reserve, will be excluded from the development envelope and will reduce impacts to native vegetation by 0.34 ha in total including a reduction in impact of 0.29 ha of black cockatoo foraging habitat and 0.04 ha of inferred Banksia woodlands of the Swan Coastal Plain TEC. The reduction in the temporary construction laydown area at Tom Bateman Reserve will also avoid impacting 0.07 ha of Conservation Category Wetland.

The 0.41 ha increase in the development envelope at Cockburn Central Station is required to incorporate all of the future and existing platforms of the station into the development envelope. The additional area has been previously cleared and no additional clearing of native vegetation or black cockatoo habitat is required.

The largest change is the 5.23 ha increase in the area required for the Ranford Road Station. This includes the following increase in potential impacts to environmental values:

- 3.25 ha of native vegetation
- 1.49 ha of black cockatoo foraging habitat
- 0.62 ha of Banksia woodlands of the Swan Coastal Plain TEC
- 0.83 ha of Low lying Banksia attenuata woodlands or shrublands (SCP21c) PEC
- 0.32 ha of Conservation Category Wetlands
- 1.86 ha of Resource Enhancement Wetlands
- 2.93 ha of Bush Forever.

The additional area at the proposed location of the Ranford Road Station is required to allow flexibility in the design of infrastructure associated with the station such as car park and bus entry and exit ways, entry and exit to the waste transfer facility, construction of the Jandakot Airport Eastern Link Road and a bus interchange. Design flexibility is required to ensure that the operational requirements can be met while minimising impact to the environmental values of the area.

For this reason, the EPA supports the addition to the development envelope in this area in order that the PTA can present a design option that will minimise impact to the Banksia woodlands, black cockatoos, wetland communities and Bush Forever. However, the EPA has not authorised an increase in the extent of native vegetation that can be cleared for the construction of the Ranford Road Station and will evaluate any proposed design options during its assessment of the proposal.

Table 1: Defined physical elements of the Thornlie-Cockburn Link proposal as referred and changes requested under section 43A of the *Environmental Protection Act 1986*

Element	Proposal as referred	Requested changes to proposal
14.5 kilometres (km) dual railway track between Thornlie Station and Cockburn Central Station, new bridges, modified bridges and operational areas	Clearing of up to 0.55 ha of native vegetation within a 119.37 ha development envelope	Clearing of up to 13.37 ha of native vegetation within a 119.41 ha development envelope
Duplication of 3 km of railway track between Beckenham Junction and Thornlie Station, modification of Thornlie Station, new bridges and modified bridges	Clearing of up to 18.74 ha of native vegetation within a 119.37 ha development envelope.	Clearing of up to 3.67 ha of native vegetation within a 119.41 ha development envelope
Temporary construction laydown areas	Clearing of up to 22.66 ha of native vegetation within a 119.37 ha development envelope	Clearing of up to 7.76 ha of native vegetation within a 119.41 ha development envelope
New Ranford Road Station	Clearing of up to 11.62 ha of native vegetation within a 119.37 ha development envelope.	Clearing of no more than 3.51 ha of the total 6.76 ha extent of native vegetation. Note: Options to further minimise potential impacts to be evaluated during assessment.
New Nicholson Road Station		Clearing of up to 0.56 ha of native vegetation.
New road (portion of Jandakot Airport Eastern Link Road)	Clearing of up to 1.31 ha of native vegetation within a 119.37 ha development envelope.	Element removed from proposal description.

Note: Differences in the area of native vegetation clearing are primarily due to corrections made to figures supplied in the referral documentation and not due to the request to change the proposal.

- c) Consequence of the likely impacts (or change)
The consequences of the likely impacts of the proposed changes are broadly consistent with those of the original proposal.
- d) Resilience of the environment to cope with the impacts or change
The majority of the changes to the development envelope will result in the avoidance of impacts to environmental values and will retain areas of native vegetation, Banksia woodlands, black cockatoo habitat, wetlands and Bush Forever, maintaining the resilience of these areas.

Given that the increase in the development envelope at Ranford Road is primarily to ensure that the design of infrastructure can maximise the area of environmental values retained and that no additional clearing of native vegetation than that referred will be authorised, the EPA considers that 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
Cumulative impacts will be considered in the assessment of the changed proposal as they were to be considered during the assessment of the original proposal. The overall 0.44 ha increase in the extent of native vegetation to be cleared and the 0.16 ha increase in the extent of black cockatoo foraging habitat is unlikely to significantly increase the cumulative impact at a local or regional scale. Neither will the overall increase in impact to Conservation Category (0.19 ha) and Resource Enhancement (0.43 ha) Wetlands significantly increase the cumulative impact to wetlands at a regional scale.
- f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment
The changed proposal is not expected to result in a significant increase in impact to the ecological function and values of the area compared to what it would be if the original proposal were to be implemented. A holistic assessment of the changed proposal will be undertaken during the assessment stage of the proposal.
- g) Level of confidence in the prediction of impacts and the success of proposed mitigation
There is no change in the level of confidence in the predicted impacts or the success of proposed mitigation as a result of the changes.
- h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment
The EPA is of the opinion that public interest in the proposal will likely remain the same; that is, a high level of public interest and notes that the revised supporting document with additional information will be published for a four week public review period.

Schedule 1

Changes to Proposal

Element	Current Proposal	Changed Proposal (s43A)
Physical elements		
Construction and operation of a dual railway track and associated stations and infrastructure between Beckenham Junction and Cockburn Central Station.	Clearing of up to 31.69 ha of native vegetation within a 119.37 ha development envelope	Clearing of up to 29.9 ha of native vegetation within a 119.41 ha development envelope.

Note: Changes at the site of the proposed Ranford Road Station are to allow for exploration of options to further minimise potential impacts and will not result in an increase in the extent of native vegetation to be cleared at the site.