

Section 43A

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

PERSON TO WHOM THIS NOTICE IS GIVEN

Commissioner for Main Roads Western Australia
PO Box 6202
EAST PERTH WA 6892

PROPOSAL TO WHICH THIS NOTICE RELATES:

Tonkin Highway Grade Separated Interchanges (Hale Road and Welshpool Road)
Assessment No. 2293

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

Amendments to the design and construction details of the proposal (refer Schedule 1) resulting in a reduction of:

- 13.4 ha in the development envelope (from 64.9 ha to 51.5 ha)
- 1.39 ha in the extent of native vegetation clearing (from 21.81 ha to 20.42 ha)
- 6.58 ha in the extent of fauna habitat clearing (from 22.8 ha to 22.22 ha), of which 1.80 ha is non-native vegetation/revegetation suitable for fauna habitat.

See attached updated key characteristics table and figure.

EFFECT OF THIS NOTICE:

1. The EPA considers that the change is unlikely to significantly increase any impact that the proposal may have on the environment. 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.



Lee McIntosh
Delegate of the Environmental Protection Authority
DEPUTY CHAIR

7 October 2021

Schedule 1

Change to Proposal

Table 1: Summary of the Proposal

Proposal title	Tonkin Highway Grade Separation Interchanges (Hale Road and Welshpool Road).
Proponent name	Commissioner for Main Roads Western Australia
Short description	The proposal is to upgrade Tonkin Highway from south of Roe Highway to approximately 1 km north of Kelvin Road to a six-lane dual carriageway. The Proposal will include construction of a half diamond with north facing ramps at Hale Road intersection in Forrestfield and a grade separated interchange at the intersection of Tonkin Highway and Welshpool Road in Wattle Grove.

Table 2: Location and proposed extent of physical and operational elements

Proposal element	Location	Maximum extent or range
<i>Physical elements</i>		
Clearing and disturbance for road construction and associated infrastructure	Proposal Development Envelope in Figure 1	The Proposal comprises a total area of approximately 51.5 ha, including clearing or disturbance of up to 20.42 ha of native vegetation and 1.80 ha of non-native vegetation/revegetation suitable for fauna habitat.



Figure 1 – Proposal Development Envelope

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Tonkin Highway Grade Separated Interchanges (Hale Road and Welshpool Road)

Proponent: Commissioner for Main Roads WA

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.

Background

On 29 October 2019, the proponent referred the Proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal is to widen Tonkin Highway from south of Roe Highway to approximately one kilometre north of Kelvin Road to a six-lane dual carriageway. The proposal includes construction of a half diamond interchange with north facing ramps at the Hale Road intersection in Forrestfield, and a grade-separated interchange at the intersection of Tonkin Highway and Welshpool Road in Wattle Grove. In November 2019, the proponent requested the EPA put the referral on hold while additional design work was undertaken.

On 11 March 2021, the proponent submitted an updated referral form with an updated proposal footprint and additional biological survey information regarding the proposal's potential impacts on the environment. Based on the updated referral information, the EPA determined to assess the proposal at Referral Information – with additional information required on 24 May 2021. The updated referral information changed the development envelope and clearing extent of the proposal from what was originally referred. This s43A is to confirm these changes.

The change to the proposal is related to amendments to the design and construction details of the proposal resulting in a reduction of:

- 13.4 ha in the development envelope (from 64.9 ha to 51.5 ha)
- 1.39 ha in the extent of native vegetation clearing (from 21.81 ha to 20.42 ha)
- 6.58 ha in the extent of fauna habitat clearing (from 22.8 ha to 22.22 ha), of which 1.80 ha is non-native vegetation/revegetation suitable for fauna habitat

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 proponent wanting to change its proposal during assessment.

The proponent is required to provide:

- 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 proponent's documented request to change proposal during assessment under section 43A
2. Additional information provided by email from the proponent
3. Spatial data provided by the proponent
4. Supporting documentation for the proposal provided by the proponent at the time of referral
5. EPA Guidance and procedures.

Consideration

1. Nature of the proposed change

- a) Changes to development envelope and reduction in the overall extent of native vegetation to be cleared.

The changes are the result of the removal of a 14.62 ha portion of the northern extent of the development envelope as this area is covered by a native vegetation clearing permit (CPS 524/25). Three additional areas totalling 1.18 ha have been added to the development envelope to accommodate a redesigned intersection at Hale Road and Tonkin Highway. This redesign has also required the relocation of Western Power services from above ground to below ground (Figure 1).

In total, these changes have resulted in an overall decline in the clearing extent of both native vegetation (reduction of 1.39 ha) and fauna habitat (reduction of 6.58 ha).

The additional biological surveys conducted between October 2019 and March 2021 provided updated information regarding the extent of flora, vegetation and fauna habitats impacted both within the proposed footprint and in the new areas being considered as part of this s43A change to proposal. These surveys changed the current state of knowledge regarding biological values, including identifying areas that did not have native vegetation and fauna habitat as indicated in the initial referral. These surveys also provided updated information regarding the predicted impacts for the proposal as a whole.

2. Stage of the assessment process

On 24 May 2021, the EPA advertised that the proposal would be assessed at Referral Information (with Additional Information required by the EPA via section 40(2)(a) of the EP Act) with six-weeks public review. The EPA is awaiting the updated Referral Information and Additional information.

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

All information submitted with the referral that has not been superseded by additional information, remains current, reliable and relevant. Additional environmental surveys undertaken since the referral of the proposal have been included in the calculations of the impacts from the changed proposal.

4. Community engagement

The EPA advertised the revised referral information for 7 days public review and 13 comments were received. Further consultation on the Additional Information, which includes these proposed changes, will be undertaken once the information has been submitted and reviewed by the EPA.

5. Level of public concern

The proposal is considered of moderate interest to the public based on the 13 submissions received during the 7 day public comment. All of the submissions requested the proposal be assessed as a Public Environmental Review. The EPA does not consider that the proposed changes would result in any changes to the 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:

1. Values, sensitivity and the quality of the environment which is likely to be impacted

The key environmental factors for the proposal are:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings

The proposed changes would not cause any additional factors to be considered. The proposal will result in changes to the key environmental factors or Flora and Vegetation and Terrestrial Fauna, but will not impact any new flora, vegetation or fauna vales.

The potential impacts of the change are unlikely to significantly increase any impact that the proposal may have on the key environmental factors of Inland Waters or Social Surroundings.

The majority of the changes will result in decreases in the potential impacts to the environmental values of native vegetation, conservation significant species and fauna habitat. Small incremental increases in the clearing extent in some values will result due to the addition of 1.18 ha to 3 new areas in the development envelope.

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

The proposed change to the development envelope is an overall reduction in 13.4 ha, a reduction in the clearing of native vegetation of 1.39 ha and a reduction of 6.58 ha in the clearing of fauna habitat. A summary of the reductions and increase in clearing are set out below.

Areas where there will be reductions in clearing

The northern extent of the original Development Envelope was reduced by 14.62 ha from Roe Highway south to approximately 240 m north of Hale Road. This is as a result of overlapping and active Commonwealth (EPBC 2010/5384) approval, and State native vegetation clearing permit (CPS 5242/5) associated with Perth Airport and Freight Access Project (Gateway WA).

The change in clearing extent results in a reduction in the extent of clearing of:

- approximately 0.7 ha in TEC SCP20a
- approximately 7 ha in 'negligible' to 'moderate' value black cockatoo foraging habitat
- 5 potential black cockatoo breeding trees.

Areas where there will be increases in clearing

Three areas totalling 1.18 ha have been added to the development envelope. Within these areas:

- Seven additional significant flora individuals will be cleared; two additional *Conospermum undulatum*, a 3.3% increase (threatened); one additional *Jacksonia gracillima*, a 0.5% increase (Priority 3); and five additional *Verticordia lindleyi* subsp. *Lindleyi*, a 3.1% increase (Priority 4). These additional losses will have between 0.01 and 0.03% additional impact to the total known populations. No new significant flora species will be cleared.
- The extent of Bush Forever sites that will be cleared will increase by 0.55 ha (from 12.96 to 13.51 ha), of which 0.33 ha is vegetated. This increase represents 0.18% of the total area of the two Bush Forever sites.
- The number of potential black cockatoo breeding trees with suitable hollows will increase by 3 (from 138 to 141). No trees with actual hollows will be lost.
- The extent of Conservation Category Wetland vegetation that will be cleared will increase by 0.17 ha (from 9.37 ha to 9.54 ha). The increase represents 0.3% of the total area of the wetland.

While there will be a net reduction in the extent of clearing of the following values, within the additional areas is also approximately

- 0.2 ha of TEC SCP20a
- 0.4 ha black cockatoo foraging habitat.

The remaining area within the additional areas is considered completely degraded (it incorporates Hale Road and Hardy E Road).

The EPA considers that the resilience of the environment to cope with the proposal changes remains unchanged from that of the original proposal, should it be implemented.

3. Consequence of the likely impacts (or change)

The consequences of the likely impacts of the proposed changes on native vegetation, conservation significant species and habitat have predominately decreased from those proposed in the original proposal. The change in impacts to flora values, wetlands and Bush Forever are unlikely to increase any impacts because:

- the extent of the increases from the proposal are small, with the additional clearing having 0.3% or less impact to the local or regional extents of any value.
- approximately 75% of the additional areas considered in a degraded or worse condition, and are narrow linear expansions to the proposed development envelope
- the additional areas do not fragment areas of consolidated vegetation, rather incorporate roadside or fringing vegetation of larger consolidated blocks.

4. Resilience of the environment to cope with the impacts or change

If the proposal is implemented, the EPA considers that the resilience of the environment to cope with the changed proposal remains unchanged from that of the original proposal.

5. Cumulative impacts with other projects

Cumulative impacts will be considered in the EPA's assessment of the changed proposal. The decrease in the clearing extent of native vegetation, conservation significant species and habitat will not significantly change the cumulative impact of the proposal.

6. Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

A holistic assessment of the changed proposal will be undertaken as part of the EPA's assessment of the proposal. Should the changed proposal be implemented, it is not expected to result in a significant change to the connections and interactions between the parts of the environment compared to the original proposal.

7. Level of confidence in the prediction of impacts and the success of proposed mitigation

The change to the proposal is unlikely to alter the level of confidence in the predicted impacts and/or the success of proposed mitigation compared to the original proposal. The likely success and effectiveness of the proposed mitigation will be considered by the EPA in its Assessment Report.

8. 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 considers that the level of public interest in the proposal will remain moderate. The changes may attract additional interest from the local community which will be considered by the EPA in its Assessment Report.

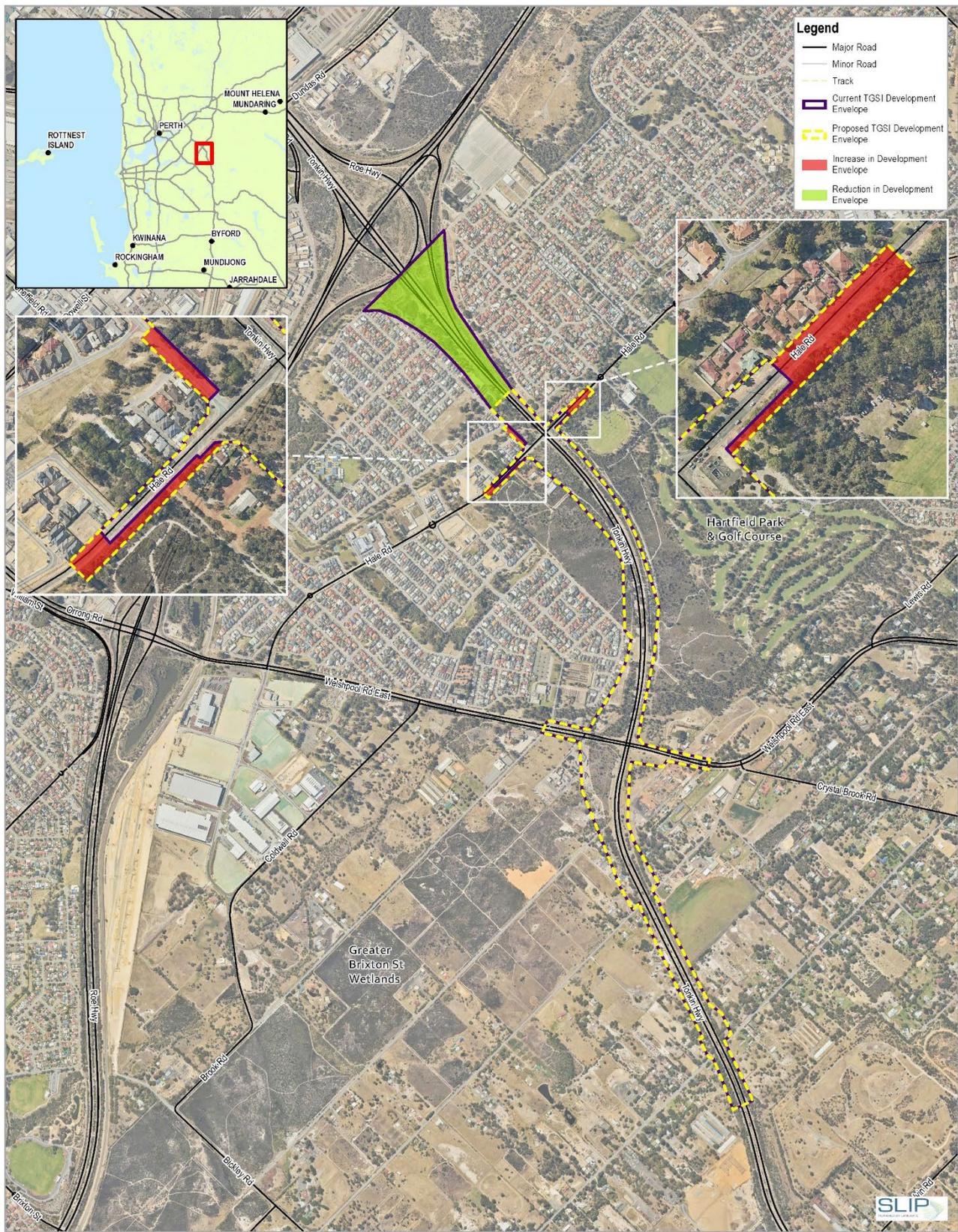
Conclusion

In conclusion, the EPA considers that the change is unlikely to significantly increase any impact the proposal may have on Terrestrial Fauna, Flora and Vegetation, Inland Waters and Social Surroundings factors.

Schedule 1

Change to Proposal

Proposal element	Location	Referred extent	Proposed extent
<i>Physical element</i>			
Clearing and disturbance for road construction and associated infrastructure	Figure 1	The Development Envelope comprises a total area of 65 ha. The proposal will result in the clearing of 24.1 ha of native vegetation	The Proposal comprises a total area of approximately 51.5 ha, including clearing or disturbance of up to 20.42 ha of native vegetation and 1.80 ha of non-native vegetation/revegetation suitable for fauna habitat



Paper Size ISO A3
 0 100 200 300 400 500
 Metres



Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1984
 Grid: GDA 1984 MGA Zone 50

Main Roads
 Tonkin Hwy Grade Separated Interchanges

Development Envelope change

Project No. 12553076
 Revision No. 0
 Date 18/07/2021

FIGURE 1

Figure 1 – Changes to Development Envelope