

Environmental Protection Act 1986

Section 43A

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

PERSON TO WHOM THIS NOTICE IS GIVEN

- (a) Owen Thomas
Executive Director, Infrastructure Planning & Land Services
Public Transport Authority of Western Australia (ABN: 61 850 109 576)
Public Transport Centre, West Parade
PERTH WA 6000

PROPOSAL TO WHICH THIS NOTICE RELATES:

Byford Rail Extension
Assessment No. 2261

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:

- 1) Reducing the extent of native vegetation to be cleared (refer to Figure 1) by 13.8 ha.
- 2) Applying a Disturbance Footprint of 80.7 ha within which all construction and operational aspects of the proposal will be conducted (refer to Figure 1).
- 3) Increasing the overall Development Envelope from 160.1 ha to 164.6 ha. The new areas mainly coincide with cleared areas.
- 4) Amendments to the key characteristics of the proposal (refer to Schedule 1).

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.



Professor Matthew Tonts
Delegate of the Environmental Protection Authority
Chair

6 April 2021

Schedule 1

Change to Proposal

Element	Location	Proposed extent
<i>Physical elements</i>		
Railway tracks and associated infrastructure	The new 8 km dual railway track extends the existing electrified rail network at Armadale in a southerly direction using the existing Australind rail corridor (the Corridor) to the new Byford Station, north of Abernethy Road, Byford (Figure 1). Rail modifications will also be required as far as Sherwood Station 1.5 km north of Armadale Station.	Disturbance of up to 80.7 ha in the area shown as Disturbance Footprint contained entirely within a 164.6 ha Development Envelope. This includes the clearing of up to 15.99 ha of native vegetation.
Armadale Station (modifications)	Located approximately 500 m south of Armadale Road, Armadale (Figure 1).	Modifications to the existing railway station and associated facilities including intermodal rail, bus, 'park and ride', 'kiss and ride' and active mode (walking/cycling) facilities.
Byford Station	Located approximately 8 km south of the existing Armadale Station, 400 m north of Abernethy Road, Byford (Figure 1).	New railway station and associated facilities including intermodal rail, bus, 'park and ride', 'kiss and ride' and active mode (walking/cycling) facilities.
Level crossings	Located along the Corridor (Figure 1).	Existing level crossings will be retained, closed or replaced with grade separated crossings, depending on the most appropriate design option. Each crossing is entirely within the Disturbance Footprint.
Wungong Brook Rail Bridge	Rail crossing over Wungong Brook.	Duplication of a rail bridge over Wungong Brook.
Construction and access areas	Where practicable the PTA will locate temporary	Construction and access areas in and adjacent to

	construction areas in areas of existing disturbance.	the Corridor is entirely within the Disturbance Footprint.
Principal Shared Path	The Principal shared path will follow the rail alignment south, connecting into the existing shared path network.	The principal shared path is entirely within the Disturbance Footprint.
<i>Operational elements</i>		
Rail and Bus Services	The passenger railway will operate as an extension to the existing Perth to Armadale line, extending 8 km to Byford (Figure 1). New rail and bus services are proposed for Byford Station.	The passenger rail will operate within the Disturbance Footprint (Figure 1).

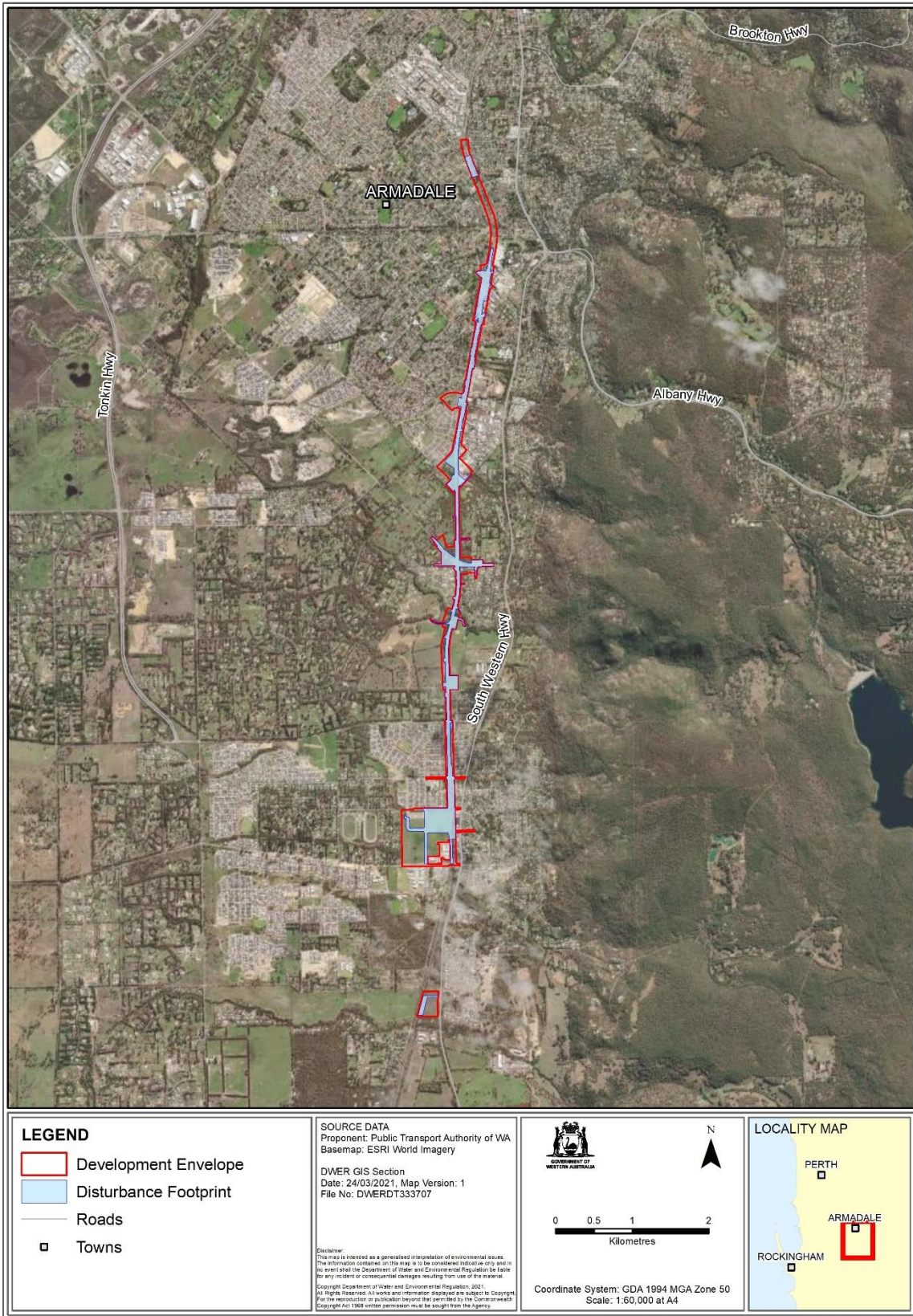


Figure 1: Development envelope and disturbance footprint

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Byford Rail Extension

Proponent: Public Transport Authority of Western Australia

Decision

For the reasons outlined below, the Environmental Protection Authority (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. The proponent's environmental review document incorporating the changes will be published for a two-week public review 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 September 2020, the Public Transport Authority of Western Australia referred the proposal to the EPA under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal was to construct and operate 8 kilometres of new railway between Armadale and Byford. The proposal includes modification to the existing Armadale Station and construction and operation of a new station at Byford.

The EPA determined to assess the proposal at the level of Public Environmental Review on 7 October 2020, with a two-week public review.

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.

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.

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 document *Byford Rail Extension Proposal: Application to change proposal under s43A*, March 2021
2. spatial data provided by the Public Transport Authority showing the revised development envelope and the define development footprint
3. spatial data provided by the Public Transport Authority at the time of referral showing the originally proposed development envelope
4. supporting documentation provided by the Public Transport Authority at the time of referral *Byford Rail Extension: Referral supplementary document*, September 2020
5. the draft environmental review document and supporting appendices submitted by the proponent at the same time as the request to consent to change the proposal *Byford Rail Extension: Environmental review document*, March 2021.

Consideration

1. Nature of the proposed change

- a) Increasing the development envelope overall from 160.1 ha to 164.6 ha mainly in cleared areas, and a 13.8 ha decrease in the extent of native vegetation to be cleared.

The increase in the development envelope is as a result of 12.3 ha being removed and 16.8 ha added to the development envelope. The development envelope has been amended in multiple locations. Specifically, the changes are:

- increase of 1.88 ha north of Sherwood Station
- increase of 0.39 ha north-west of Armadale Station
- decrease of 12.28 ha south of Armadale Station to Fletcher Park and Lambert Lane
- increase of 0.93 ha near Lambert Lane, Mitchell Street, Eleventh Road/Keenan Street and north of Wungong Brook
- increase of 5.64 ha south of Wungong Brook to Thomas Road
- increase of 0.24 ha east of Byford Station
- increase of 7.67 ha North of Cardup Siding Road.

- b) Applying a disturbance footprint of 80.7 ha within which all construction and operational aspects of the proposal will be conducted.

The original proposal did not define a disturbance footprint within the development envelope. At the time of referral there was an assumption that the entire area within the Development Envelope would be disturbed. With ongoing project design, the proponent has been able to define an indicative disturbance footprint, beyond which no disturbance will occur.

c) Amendments to the key characteristics of the proposal.

The proponent has provided a revised version of the key characteristics table which describes the location and proposed extent of the physical and operational elements of the revised proposal. The changes were:

- revision of the overall extent of the proposal
- inclusion of a defined indicative disturbance footprint within the revised development envelope
- revision of the extent of native vegetation that will be cleared
- revisions to the extent of impacts to environmental values following completion of additional biological surveys
- inclusion of a Principal Shared Path as a physical element of the proposal.

The above changes to the proposal are highlighted with bold text in the attached copy of the key characteristics table with the changed development envelope depicted in Figure 1.

2. Stage of the assessment process

On 7 October 2020, the EPA set the level of assessment at Public Environmental Review (2 week public review). The EPA was awaiting the proponent's Environmental Review Document 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 September 2020 and all information submitted in support of the referral remains current, reliable and relevant. In addition, the proponent has undertaken additional work to inform the assessment and this information has been submitted with the draft Environmental Review Document.

4. Community engagement

The proponent has engaged widely with the community in relation to the original proposal, including online information sessions, a community drop-in session, door knocking, formation of an environmental stakeholder reference group for the proposal and provides updates via their website. The EPA intends to publish information on the proposed changes for public information.

5. Level of public concern

The EPA advertised the referral information for public comment from 14 September 2020 to 20 September 2020 (inclusive). Three submissions were received, which represents a low level of public interest at referral stage. Two submissions requested the proposal be assessed at the level of public environmental review and one requested environmental review, with no public review. The EPA does not consider that the proposed changes would result in a considerable increase in 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:

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

The proposal is predominately located between Armadale Train Station and the Byford town centre within the City of Armadale and Shire of Serpentine-Jarrahdale.

The proposal is situated primarily within an existing rail corridor, and requires additional areas for the construction of the Byford Station, duplication of the bridge over Wungong Brook, grade separated road and rail crossings, associated infrastructure and construction laydown areas.

The proposed development envelope will intersect up to 2.6 ha of three Aboriginal Heritage sites. The development envelope also intersects three Bush Forever sites, one of which would not have been impacted by the original proposal.

The proposal extends through an area of the Threatened Ecological Community (TEC) *Corymbia calophylla* – *Kingia australis* woodlands on heavy soils (SCP 3a) and will directly impact up to 2.83 ha of the TEC and potentially indirectly impact a further 0.6 ha within the development envelope and outside the disturbance footprint. Additional areas of the TEC occur adjacent to the development envelope in Lambert Lane Reserve and Fletcher Park. Up to 16.9 ha of the TEC occurs within the survey area for the proposal, ranging in condition from Excellent to Degraded.

Foraging and potential breeding trees, including trees with hollows, for three species of cockatoo (Carnaby's, Baudin's and forest red-tailed black) occur within the development envelope and disturbance footprint.

Nine Conservation Category Wetlands and five Resource Enhancement Wetlands occur within the development envelope, some of which will be directly impacted by the proposal and some indirectly.

The key environmental factors for the proposal are:

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

The proposed changes being considered will not require additional factors to be considered as key environmental factors for the purposes of the EPA's assessment of the proposal. This is because the proposed changes result in a net reduction in disturbance and clearing of native vegetation.

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

The total area of the development envelope will increase by approximately 3 per cent and the extent of clearing of native vegetation will decrease by approximately 46 per cent of the revised original extent.

The increases in the geographic footprint of the development envelope have primarily been in areas with fewer environmental values compared to some of the areas in the original development envelope. The magnitude of impact to environmental values has decreased as a result of the revised extent.

The intensity and duration of the likely impacts is not expected to change significantly from that of the original proposal.

- Consequence of the likely impacts (or change)

The consequences of implementing the changes to the proposal are not expected to significantly increase any impact that the proposal may have on the environment when compared to the original proposal.

While the total area of the development envelope will increase as a result of the proposed changes, the changes to the development envelope and the definition of a development footprint will result in an overall decrease in the extent of native vegetation to be cleared.

Additional investigations identified that the original proposal intersected three Aboriginal heritage sites, rather than the one site defined in the referral documentation. The development envelope intersects a total of 2.6 ha across these three sites. The designation of a development footprint will now reduce the impact of the changed proposal to a total of 0.5 ha across the three sites. The consequence of the proposed changes will be a decrease in the direct impact to Aboriginal Heritage sites compared to the original proposal. Results and outcomes from the proponent's consultation with relevant Traditional Owners and knowledge holders will be documented in the ERD.

While the apparent extent of clearing of the TEC SCP 3a has increased from 1.8 ha (as referred) to 2.83 ha (as changed), it is noted that the extent of the TEC was not fully understood at the time of the original referral. Subsequent targeted surveys have identified that up to 5.24 ha of the TEC occurs within the originally defined development envelope. The proposed changes to the proposal have therefore decreased the extent of the likely direct impact to the TEC from 5.24 ha to 2.83 ha. Therefore, the consequence of implementing the changes to the proposal are unlikely to significantly increase the impact of the proposal on the TEC.

Similarly, apparent increases to black cockatoo habitat are reflective of the identification of additional areas of habitat within the original development envelope. The consequence of the proposed changes to the development

envelope and the defining of a development footprint will ultimately result in a decrease in the extent of impact to black cockatoo habitat.

- Resilience of the environment to cope with the impacts or change

The EPA considers that the resilience of the environment to cope with the potential impacts of the changed proposal remain unchanged from those of the original proposal, should it be implemented.

- Cumulative impacts with other projects

Cumulative impacts will be considered during the EPA's assessment of the changed proposal. When compared to the original proposal, the changes are unlikely to increase the cumulative impact of the proposal as the proposed changes will result in less native vegetation clearing, resulting in fewer impacts to associated environmental values.

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

The impact to the environmental functions and values of the area due to the changed proposal being implemented compared to the original proposal being implemented are likely to be minor given the extent and magnitude of the changes after taking into account the revised impacts of the original proposal following additional investigations. A holistic assessment of the changed proposal will be undertaken during the EPA's assessment of the proposal.

- 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 prediction of impacts and the success of the proposed mitigation since the referral. The likely success and effectiveness of the proposed mitigation will be considered and assessed by the EPA in its Assessment Report.

- Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

Three submissions were received during the 7-day public comment period on the level of assessment. The main matters of concern about the proposal were associated with the loss of black cockatoo habitat, Bush Forever and Conservation Category Wetlands and the impact to a TEC. The EPA considers that the public interest in the proposal will likely remain unchanged to that of the original proposal regardless of the proposed changes.

Conclusion

In conclusion, the EPA considers that the change is unlikely to significantly increase any impact the proposal may have on the environment primarily because:

- The changes to the development envelope are to remove areas with high environmental values in preference for areas with few or no environmental values. This has resulted in a reduction in the proposed clearing of native vegetation.
- Defining a disturbance footprint will constrain the extent of impact to environmental values within the development envelope.
- Revision of the key characteristics of the proposal to include the disturbance footprint, limiting the location and proposed extent of the physical and operational elements of the proposal.

Schedule 1

Change to Proposal

Element	Location	Referral Extent	Proposed Extent
<i>Physical elements</i>			
Railway tracks and associated infrastructure	The new 8 km dual railway track extends the existing electrified rail network at Armadale in a southerly direction using the existing Australind rail corridor (the Corridor) to the new Byford Station, north of Abernethy Road, Byford (Figure 1). Rail modifications will also be required as far as Sherwood Station 1.5 km north of Armadale Station.	Disturbance of up to 160 ha of the Development Envelope, including clearing of up to 50 ha of vegetation. The project footprint will be developed during the project design phase and will minimise environmental impact, including native vegetation clearing, where practicable.	Disturbance of up to 80.7 ha in the Disturbance Footprint contained entirely within a 164.6 ha Development Envelope including the clearing of up to 15.99 ha of native vegetation.
Armadale Station (modifications)	Located approximately 500 m south of Armadale Road, Armadale (Figure 1).	Modifications to the existing railway station and associated facilities including intermodal rail, bus, 'park and ride', 'kiss and ride' and active mode (walking/cycling) facilities.	Modifications to the existing railway station and associated facilities including intermodal rail, bus, 'park and ride', 'kiss and ride' and active mode (walking/cycling) facilities.
Byford Station	Located approximately 8 km south of the existing Armadale Station, 400 m north of Abernethy Road, Byford (Figure 1).	New railway station and associated facilities including intermodal rail, bus, 'park and ride', 'kiss and ride' and active mode	New railway station and associated facilities including intermodal rail, bus, 'park and ride', 'kiss and ride' and active mode

		(walking/cycling) facilities.	(walking/cycling) facilities.
Level crossings	Located along the Corridor (Figure 1).	Existing level crossings will be retained, closed or replaced with grade separated crossings, depending on the most appropriate design option. Each crossing will fit entirely within the Development Envelope.	Existing level crossings will be retained, closed or replaced with grade separated crossings, depending on the most appropriate design option. Each crossing will fit entirely within the Footprint .
Wungong Brook Rail Bridge	Rail crossing over Wungong Brook.	Duplication of a rail bridge over Wungong Brook.	Duplication of a rail bridge over Wungong Brook.
Construction and access areas	Where practicable the PTA will locate temporary construction areas in areas of existing disturbance.	Construction and access areas in and adjacent to the Corridor, entirely within the 160 ha Development Envelope.	Construction and access areas in and adjacent to the Corridor, entirely within the Footprint .
Principal Shared Path	The Principal shared path will follow the rail alignment south, connecting into the existing shared path network.	[Not defined at referral] The principal shared path is entirely within the 160 ha Development Envelope.	The principal shared path is entirely within the Footprint.
<i>Operational elements</i>			
Rail and Bus Services	The passenger railway will operate as an extension to the existing Perth to Armadale line, extending 8 km to Byford (Figure 1). New rail and bus services are proposed for Byford Station.	The passenger railway will operate within the 160 ha Development Envelope (Figure 1).	The passenger rail will operate within the Footprint (Figure 1).

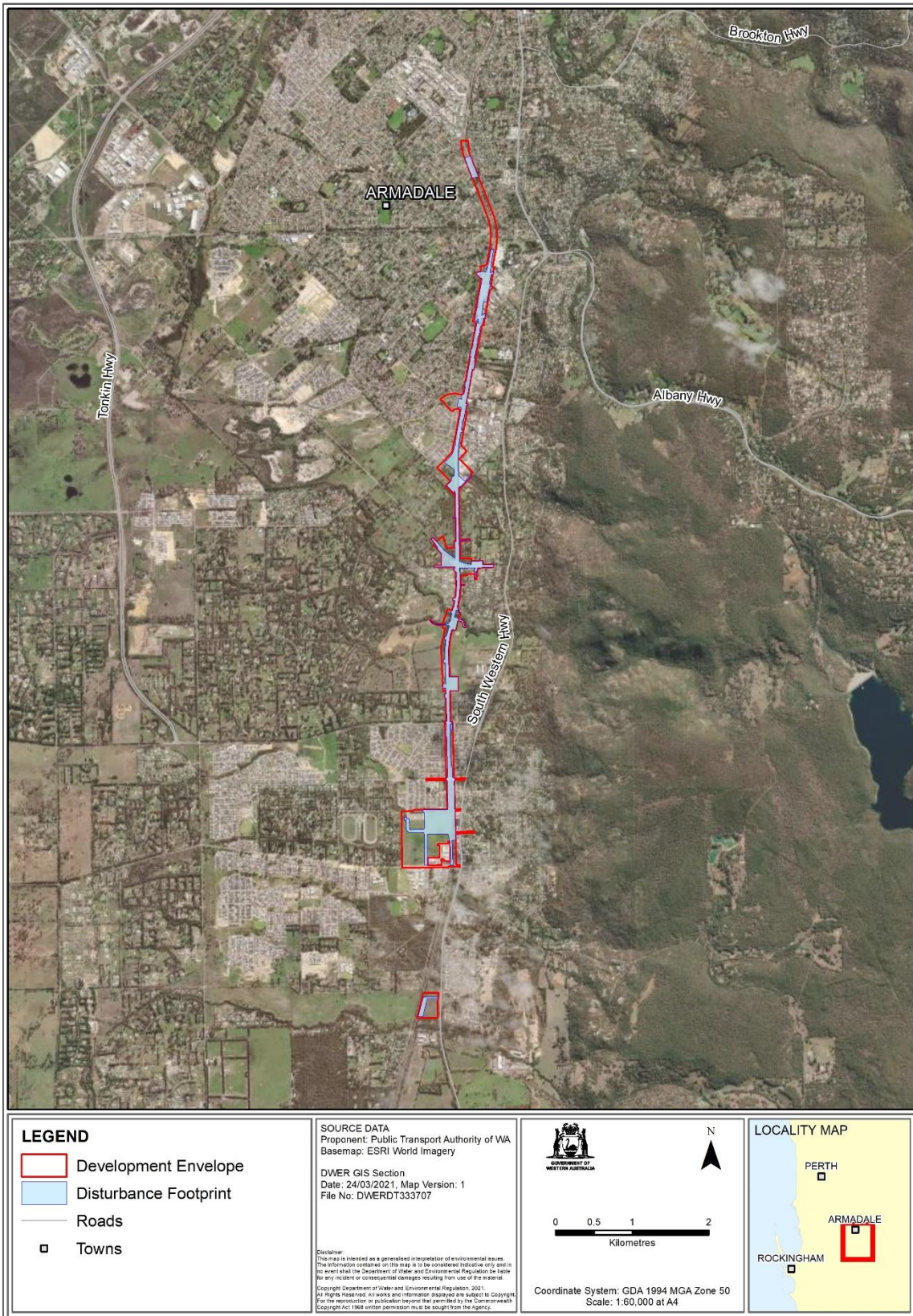


Figure 1: Development envelope and disturbance footprint