



Minister for Environment; Disability Services  
Deputy Leader of the Legislative Council

Our ref: 62-03917/1



**CHAIRMAN  
ENVIRONMENTAL PROTECTION AUTHORITY**

***Environmental Protection Act 1986***  
**SECTION 43**

**PROPOSAL: REASSESSMENT OF PROPOSED EXTENSION TO EXISTING  
TRANSPORT DEPOT LOT 14 (1527) GREAT NORTHERN HIGHWAY UPPER SWAN**

Thank you for your advice of 6 November 2017 regarding the reassessment of proposed extension to existing transport depot Lot 14 (1527) Great Northern Highway Upper Swan.

Having considered your advice, I have decided to remit the proposal back to the Environmental Protection Authority (EPA) and direct the EPA reassess the proposal more fully pursuant to section 43 of the *Environmental Protection Act 1986* (EP Act). I have outlined my reasons for this decision in the attached Statement of Reasons.

In reassessing the proposal, the EPA should have particular regard to the *Site and Drainage Management Plan – Lot 14 (1527) Great Northern Highway, Upper Swan, 6069 (7 June 2016)* submitted by the proponent, and any other additional information that has not previously been considered by the EPA in the original assessment (EPA Report 1398) to determine whether or not the proposal may be implemented, and if so under what conditions.

In accordance with section 43(4) of the EP Act, please publish the reasons for the reassessment as soon as practicable on the EPA website.

Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

28 DEC 2017

Att. Statement of Reasons

## Environmental Protection Act 1986

### Section 43

#### STATEMENT OF REASONS

##### DIRECT THE EPA TO REASSESS PROPOSAL

**Proposal:** Extension to Existing Transport Depot Lot 14 (1527) Great Northern Highway Upper Swan

**Proponent:** Mr Adrian Brajkovich

##### Decision

For the reasons outlined below, the Minister for Environment has determined to direct the Environmental Protection Authority (EPA) to reassess the proposal more fully pursuant to section 43 of the *Environmental Protection Act 1986* (EP Act).

In reassessing the proposal the EPA is directed to have particular regard to the *Site and Drainage Management Plan – Lot 14 (1527) Great Northern Highway, Upper Swan, 6069 (7 June 2016)* submitted by the proponent, and any other additional information that has not previously been considered by the EPA in the original assessment (EPA Report 1398) to determine whether the proposal may be implemented, and if so under what conditions.

##### Background

On 11 August 2010, the City of Swan referred a proposal by Mr Adrian Brajkovich to expand a transport depot located at Lot 14 (1527) Great Northern Highway to the EPA under section 38 of the EP Act.

The proposal involves the construction and use of a hardstand area for the parking of cars, trucks, trailers, and heavy machinery and the construction and use of a caretaker's residence.

The proposal is located within the policy area of the *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011*.

On 11 May 2011 the EPA released its report and recommendations to the Minister for Environment (EPA Report 1398) which concluded that the proposal could not be managed to meet the EPA's environmental objectives for water quality in the Ellen Brook Nature Reserve, and therefore recommended that it should not be implemented.

The original proposal decision has not yet been finalised, no statement has been served under section 45(5) and no notice has been given under section 45(8) of the EP Act.

In advance of the Government reaching a decision on the original assessment (EPA Report 1398) and in response to the conclusions reached in the report the proponent submitted a revised drainage management plan on the proposal. At this time, the revised drainage management plan was treated as a new proposal.

The decision as to whether to assess the new proposal was placed on hold awaiting further information from the proponent. In June 2016 the EPA received *Site and Drainage Management Plan – Lot 14 (1527) Great Northern Highway, Upper Swan, 6069 (7 June 2016)* which attempts to address the EPA's request for further information.

This direction to reassess the original proposal, followed by consent from the EPA under section 43A of the EP Act to the change to the original proposal, will lead to a single modified proposal under assessment by the EPA.

## **Consideration**

### **1. The proposals are connected and highly related**

The original proposal and new proposal are connected and highly related in that they are for the same use (a Transport Depot and caretaker's residence) in the same location, and of the same scale and footprint, but with a different hardstand surface (asphalt). Both proposals are proposed by the same proponent. The Minister notes that the City of Swan is also considering the proposals as one application.

### **2. Status of original assessment**

The original proposal decision has not yet been finalised, no statement has been served under section 45(5) and no notice has been given under section 45(8) of the EP Act.

### **3. Proponent opportunity**

By directing the EPA to reassess the proposal more fully gives the proponent the opportunity to seek the consent of the EPA to changing the proposal under section 43A, and allow the environmental impact of the changes to be assessed and considered before the process under section 45 of the EP Act is concluded.

### **4. Western Swamp Tortoise Habitat**

The site and Drainage Management Plan needs to be considered within the context of the *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011*.

### **5. Combining the two proposals into a single modified proposal**

As the original proposal has not yet been finalised, and the proposals are connected and highly related, combining the proposals into a single modified proposal will streamline the process.