

***Environmental Protection Act 1986***

**Section 41A(3)**

**NOTICE OF DECISION TO CONSENT TO MINOR OR PRELIMINARY WORKS**

**PERSON TO WHOM THIS NOTICE IS GIVEN:**

(a) Mr Digby Short  
Manager Environment  
Water Corporation (ABN: 28 003 434 917)  
PO Box 100  
LEEDERVILLE WA 6007

(b) Relevant Decision-Making Authorities, see Attachment 1

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

Alkimos Seawater Desalination Plant  
Assessment No. 2210

Pursuant to section 41A(3) of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority consents to the proponent undertaking the minor or preliminary works detailed in Schedule 1.

**EFFECT OF THIS NOTICE:**

1. The prohibition provided by sections 41(2), 41(3) and 41A(1) of the EP Act do not apply to implementing the minor or preliminary works consented to in this Notice.
2. It is an offence under s41A(1) of the EP Act, with a maximum penalty of \$125,000 for a body corporate and \$62,500 for an individual, to do anything to implement the proposal other than the minor or preliminary works consented to in this Notice.
3. Relevant decision-making authorities may make decisions that would cause or allow the doing of the minor or preliminary works listed in Schedule 1 of this Notice.

**RIGHTS OF APPEAL:**

There are no rights of appeal under the EP Act in respect of this consent.

A handwritten signature in blue ink, appearing to read 'M. Tonts', with a long horizontal flourish extending to the right.

**Professor Matthew Tonts**  
**Delegate of the Environmental Protection Authority**  
CHAIR

20 September 2021

## Schedule 1

### Authorised Minor or Preliminary Implementation Work (s)

Authorised Work(s)	Location	Authorised extent
<p>The following works are authorised in their entirety:</p> <ol style="list-style-type: none"> <li>1. Installation of water pipeline up to 292 metres long within Ministerial Statement 1100 development envelope.</li> <li>2. Installation of water pipeline up to 2.4 kilometres long within the Romeo Road upgrade development envelope.</li> <li>3. No clearing of native vegetation.</li> </ol> <p>up until such time as the later of one of the following occurs:</p> <ol style="list-style-type: none"> <li>a. notice issued under s 45(8) of the EP Act; or</li> <li>b. statement issued under s45(5) of the EP Act is final (that is, after period in which to lodge an appeal under s 100(3) has expired, or appeal decision under s109(3), in respect of an appeal lodged under s 100(3), is published).</li> </ol>	<p>Figure 1</p>	<p>Within the Intersecting Pipeline Installation boundaries shown on Figure 1.</p> <p>Coordinates for Figure 1 are held by Department of Water and Environmental Regulation.</p>



S:\Projects\EIA\6382019\_1555379674669\_AkmosSeawaterDesalinationPlant\3\_Assessment\AkmosSeawaterDesalinationPlant\_643A\_Existing\_Clearing\_V2.mxd

**Figure 1 Location of the Minor or Preliminary Works**

## **Attachment 1**

### **Relevant Decision Making Authorities**

Minister for Environment

Minister for Transport and Planning

Minister for Lands

Chief Executive Officer, Department of Water and Environmental Regulation

Chief Executive Officer, City of Wanneroo

Chief Dangerous Goods Officer, Department of Mines, Industry, Regulation and Safety

***Environmental Protection Act 1986***

**Section 41A(3)**

**STATEMENT OF REASONS**

**CONSENT TO UNDERTAKE MINOR or PRELIMINARY WORKS**

**Proposal:** Alkimos Seawater Desalination Plant

**Proponent:** Water Corporation

**Decision**

For the reasons outlined below, I, as a delegate of the EPA, have determined to consent to the minor or preliminary works outlined in Schedule 1 attached to this Statement of Reasons.

**Background**

On 12 April 2019, the proponent referred the Alkimos Seawater Desalination Plant to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal included construction and operation of a 100 gegalitre per annum (GL/a) seawater desalination plant (SDP), a 6 GL/a groundwater treatment plant within the Alkimos water precinct site, marine intake and outlet pipes, and a water supply pipeline to the Wanneroo Reservoir.

On 12 June 2019, the EPA determined to assess the proposal at the level of Public Environmental Review with a proponent prepared Environmental Scoping Document (ESD) with no public review period and an Environmental Review Document (ERD) with a four-week public review period. The ESD was approved on 8 May 2020.

On 6 April 2021, the EPA approved a request from the proponent to change the proposal during assessment. The key characteristics of the proposal were amended to reflect these changes.

The ERD was submitted on 11 August 2021 and the proposal is currently under assessment with the EPA.

In advance of a decision or agreement in relation to whether or not the proposal may be implemented under section 45 of the EP Act, the proponent has sought the EPA's consent to undertake minor or preliminary works related to the proposal.

**Relevant Statutory and Administrative Provisions**

After the EPA decides to assess a proposal, and before a decision or agreement is made under s45 of the EP Act, all persons are prohibited from implementing a proposal. Relevant decision making authorities are prohibited from making a decision

which would allow the proposal to be implemented, except in relation to minor or preliminary works which the EPA has consented may be implemented – see sections 41(4) and 41A(3) of the EP Act.

If the EPA consent to the minor or preliminary works being done, the person proposing to undertake those works may still need to obtain other authorisations from other decision making authorities.

Section 3.5 of the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* guides what information the EPA requires from a person wanting to undertake minor or preliminary works.

In considering the request for consent, I considered whether the:

- work is associated with the implementation of the proposal
- potential environmental impacts of the work are significant
- work would constitute the irreversible and substantial implementation of the proposal, and
- work is justified.

### **Materials considered in making this decision**

In determining whether to consent to the minor or preliminary works I have considered the following:

1. The Water Corporation application to undertake minor or preliminary works within the proposal area for Alkimos Seawater Desalination Plant (Assessment No: 2210) dated 08 July 2021 under section 41A(3) of the EP Act.
2. Spatial data provided by the proponent.
3. Supporting documentation for the application to undertake minor or preliminary works provided by the proponent.

### **Consideration**

#### **1. Proposed work associated with proposal**

The proponents proposed 33.5 kilometre (km) pipeline from the Alkimos SDP to Wanneroo Reservoir includes two sections of pipeline that intersect with approved rail and road infrastructure projects (Figure 1). These projects are the Public Transport Authority's Yanchep rail extension – Part 1, Butler to Eglinton (Yanchep rail extension) and Main Roads WA's expansion and extension of Romeo Road (Romeo Road upgrade). The proposed work is to install the sections of pipeline that intersect with these projects during each project's construction phase.

#### **2. Details of the proposed work**

The proposed work involves the installation of two sections of pipeline during the construction phases of the Yanchep rail extension and Romeo Road upgrade. The pipeline section intersecting the Yanchep rail extension is up to 292 metres long, to be installed into a bridge structure over the rail line. The pipeline section

intersecting with the Romeo Road upgrade is up to 2.4 km long to be installed in a trench in the road reserve. The total length of pipeline to be installed during the preliminary works is up to 2.7 km. Installation of these sections of pipeline during the construction phases of the Yanchep rail extension and Romeo Road upgrade avoids installation when the new section of rail line and upgraded road are operational.

### 3. Potential Environmental Impacts

The installation of the intersecting pipeline sections will be undertaken in areas approved for native vegetation clearing, or areas not containing native vegetation. The native vegetation clearing was authorised by Ministerial Statement 1100 for the Yanchep rail extension and approved by the Department of Water and Environmental Regulation in accordance with clearing permit CPS8753/2 for a portion of the Romeo Road upgrade. A subdivision approval by the Western Australian Planning Committee, in accordance with the *Planning and Development Act 2005* provides a clearing exemption for the remaining portion of the Romeo Road upgrade.

The potential environmental impacts that could occur if the intersecting pipeline sections were constructed when the Yanchep rail extension and Romeo Road upgrade are operational include increased risk of invasive weeds and pests impacts, an increase in construction waste and a reduction in social amenity for the surrounding area caused by demolishing and constructing the road reserve. These impacts will be avoided if the intersecting pipeline sections are installed during the construction phases of the Yanchep rail extension and Romeo Road upgrade. Installation of the pipeline will be managed by Public Transport Authority and Main Roads WA during the construction phases of the Yanchep rail extension and Romeo Road upgrade.

As the installation of the intersecting pipeline sections is taking place during the construction phases of other projects in areas that are already approved for clearing, the preliminary works are not expected to have any significant or permanent impact on environmental values.

### 4. Proposed rectification actions

The preliminary works will be undertaken in areas already approved for clearing that will become an operational rail line and upgraded road. If the Alkimos SDP and remainder of the pipeline is not constructed, the proponent proposes to leave the intersecting sections of pipeline installed as part of this preliminary work in-situ. This approach reduces the environmental impacts of removing the intersecting pipeline sections.

The EPA considers that the proposed preliminary works would not cause any significant environmental impacts requiring rectification actions if the proposal is not implemented and the pipelines remain in-situ.



## Schedule 1

### Minor or Preliminary Works

Authorised Work(s)	Location	Authorised extent
<p>The following works are authorised in their entirety:</p> <ol style="list-style-type: none"><li>1. Installation of water pipeline up to 292 metres long within Ministerial Statement 1100 development envelope.</li><li>2. Installation of water pipeline up to 2.4 kilometres long within the Romeo Road upgrade development envelope.</li><li>3. No clearing of native vegetation.</li></ol> <p>up until such time as the later of one of the following occurs:</p> <ol style="list-style-type: none"><li>a. notice issued under s 45(8) of the EP Act; or</li><li>b. statement issued under s45(5) of the EP Act is final (that is, after period in which to lodge an appeal under s 100(3) has expired, or appeal decision under s109(3), in respect of an appeal lodged under s 100(3), is published).</li></ol>	Figure 1	<p>Within the Intersecting Pipeline Installation boundaries shown on Figure 1.</p> <p>Coordinates for Figure 1 are held by Department of Water and Environmental Regulation.</p>