

**Section 41A(3)**

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

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

- (a) Proponent:  
Commissioner  
Main Roads WA  
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
- (b) Relevant Decision-Making Authorities, see Attachment 1

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

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

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.



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

5 September 2022

## 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. Relocation of overhead distribution assets to underground</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(13) of the EP Act; or</li><li>b. statement issued under s45(8) 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	As shown in Figure 1: Disturbance Footprint is 0.042 ha.



**Figure 1: Minor and Preliminary works disturbance footprint**

## **Attachment 1**

### **Relevant Decision Making Authorities**

Minister for Environment

Minister for Water

Minister for Aboriginal Affairs

Minister for Lands

Chief Executive Officer, Department of Water and Environmental Regulation

Chief Executive Officer, Department of Biodiversity, Conservation and Attractions

Chairperson, Western Australian Planning Commission

**Summary of reasons for decision – request to undertake minor or preliminary works under s. 41A(3) of the *Environmental Protection Act 1986***

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

**Ref No:** DWERVT8021

**Date request to amend referred proposal under s.41A (3) received:**

**Proponent:** Main Roads WA

**Level of Assessment:** Referral information with additional information

**Referral received:** 18/03/2021

**Referred proposal:**

Main Roads WA (the proponent) is proposing to upgrade Tonkin Highway from south of Roe Highway to approximately 1 km north of Kelvin Road. This proposal encompasses the Tonkin Highway Grade Separated Interchanges (TGSI) at the Hale Road intersection in Forrestfield and the Welshpool Road intersection in Wattle Grove.

**Description of the minor or preliminary works sought:**

Western Power plan to relocate its distribution assets along Hale Road in preparation for future transmission line relocation associated with the TGSI (Hale Road and Welshpool Road) proposal. The proposed minor or preliminary works involve relocating the existing overhead distribution line underground and the installation of a temporary light pole.

The works will be conducted within a mostly cleared area next to an existing Principal Shared Path. The disturbance footprint for the minor and preliminary works is very small, approximately 0.042 ha, and includes removal of one non-native tree (*Erythrina x sykesii*) and directional drilling to minimise disturbance.

**Decision**

Application to undertake minor or preliminary works in Attachment 1 is approved.

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.

**Environmental factors relevant to amendment(s):**

The key environmental factors associated with the Minor or Preliminary works arise from clearing native vegetation and disposal of inert materials:

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

## Flora and vegetation

The proponent has advised that the relocation works will not involve the clearing of any native vegetation as the site is comprised of cleared land and planted vegetation. This is consistent with the mapped vegetation types within the Environmental Review Document (ERD) (Main Roads WA, 2022a). One non-native tree, *Erythrina x sykesii* (coral tree), will be removed for the works. This species is largely planted for ornamental purposes and does not provide any significant ecological value.

## Terrestrial Fauna

The coral tree that will be removed is not considered to provide foraging or breeding value for native fauna. Therefore, the proposed works would not have any significant impact on terrestrial fauna values.

## Inland Waters

The proposed minor or preliminary works are not located within any mapped waterbodies. The closest inland waters are a resource enhancement wetland, multiple use wetland, and Woodlupine Brook located approximately 45 m to 53 m north of the site. The proposed works will involve directional drilling, however, the proponent states that dewatering will not be required for the works. The small scale of the proposed works is not expected to impact hydrology in the local area and is therefore unlikely to impact inland waters.

## Social Surroundings

The minor and preliminary works may generate localised and temporary noise and vibrations from the directional drilling. In the ERD for the TGS (Hale Road and Welshpool Road) proposal, the proponent states that general construction activities within the development envelope will be undertaken in line with regulation 13 of the *Environmental Protection (Noise) Regulations 1997* (Main Roads WA, 2022a). Given the small scale of the proposed works, it is unlikely to impact social surroundings.

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

- *Request for Minor or Preliminary Works Tonkin Highway Grade Separated Interchanges Hale Road and Welshpool Road. 3 August 2022 (Main Roads WA 2022)*
- *Environmental Review Document Tonkin Highway Grade Separated Interchanges (Hale Road and Welshpool Road). Assessment Number 2293. (Main Roads WA 2022a)*
- *Biological Survey and Targeted Black Cockatoo Habitat Assessment Tonkin Highway Grade Separated Interchanges (Woodman Environmental 2021)*

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

1. Is the work associated with the implementation of the proposal?

Yes, the proposed works are associated with the TGS (Hale Road and Welshpool Road) proposal and would be carried out as part of an approved proposal.



2. Is the work minor or preliminary? Does it constitute substantial implementation of the proposal?

Yes, the work is considered minor or preliminary and would include clear one non-native tree within a 0.042 ha footprint inside the 51.5 ha development envelope. The very small scale of the work is not considered substantial commencement of the proposal.

3. Are potential environmental impacts likely to be caused by the work unlikely to be significant?

The proposed works are unlikely to have significant impacts on environmental values for the reasons set out in the environmental factors section above.

4. Can the impact be reversed? what decommissioning or rehabilitation work will be carried out should the proposal not be approved for implementation?

No, the work is not reversible. Should the TGS1 (Hale Road and Welshpool Road) proposal be approved, further disturbance of the site would occur. Post construction activities associated with the proposal would include native vegetation planting for landscaping purposes.

5. Is there an environmental justification for the work?

No, the minor or preliminary works request was made to account for extensive lead times for acquiring electrical network assets in the current market, availability of Western Power to undertake the works, and planning requirements for the relocation of the transmission line for the TGS1 (Hale Road and Welshpool Road) proposal.

6. Are the works and their effects of a scale or significance that would compromise the EPA's assessment or the Minister's future decisions?

No, considering the small scale of the proposed minor or preliminary works (0.042 ha) compared to development envelope (51.5 ha) and the absence of environmental values within the disturbance footprint, the works will not compromise the EPA's assessment or the Minister's future decisions.



**Prof. Matthew Tonts**  
**Delegate of the Environmental Protection Authority**  
CHAIR

5 September 2022

## Schedule 1

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**Figure 1: Minor and Preliminary works disturbance footprint**