

***Environmental Protection Act 1986***

**Section 41A(3)**

**STATEMENT OF REASONS**

**CONSENT TO UNDERTAKE MINOR or PRELIMINARY WORKS**

**Proposal:** Bunbury Outer Ring Road – Southern Section

**Proponent:** Commissioner for Main Roads Western Australia  
(Main Roads WA)

**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**

In September 2019, Main Roads WA referred the Bunbury Outer Ring Road (BORR) Southern Section (the proposal) to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal includes 10.5 km of freeway-standard dual carriageway, 3 km of rural distributor roads and other associated road-infrastructure.

In October 2019 the EPA determined to assess the proposal at the level of 'Referral Information, with additional information required under section 40(2)(a) of the EP Act' and is yet to publish its assessment report.

In advance of a decision or agreement in relation to whether or not the proposal may be implementation under section 45 (s45) 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. Main Roads WA application to undertake minor or preliminary works within the proposal area for Bunbury Outer Ring Road Southern Section (Assessment No: 2225) (dated 26 June 2020) under section 41A(3) of the EP Act.
2. Spatial data provided by the proponent
3. EPA Services internal investigations and inquiries

### **Consideration**

#### 1. Proposed work associated with proposal

The property at Lot 322 Lilydale Road, North Boyanup has been recently acquired by Main Roads WA for its land requirements for the proposed BORR Southern Section. The proposed minor work includes demolition of all buildings at the property, which would be required to prepare the area for construction of the BORR Southern Section.

#### 2. Details of the proposed work

The proposed work involves the demolition and removal of the buildings, shed and other structures such as water tanks at Lot 322 Lilydale Road, North Boyanup. The proponent has advised that the property is now vacant and is at risk of attracting vandalism and anti-social behaviour. The demolition of buildings would avoid this risk and is therefore justified.

#### 3. Potential Environmental Impacts

The proponent has advised that the demolition would not involve any clearance of any native vegetation. Therefore, the minor works would not have any significant or permanent detrimental impact on environmental values.

Given the proximity of the buildings to native fauna habitat, it is possible that the buildings or garden vegetation could be inhabited by threatened fauna including western ringtail possums and/or brush-tailed phascogales. The proponent should investigate the potential of encountering western ringtail possums or brush-tailed phascogales during the preliminary works, consult with the local South West Regional Department of Biodiversity Conservation and Attractions and, if necessary, obtain authorisation to disturb and move threatened fauna under the *Biodiversity Conservation Act 2016* (BC Act) prior to undertaking the work.

The proposed demolition and removal works would result in minor construction noise but are unlikely to impact on nearby residents due to its isolated location with the closest residence about 500 metres away.

The proponent has also advised that asbestos removal is required as part of the demolition, and that its removal and dust suppression would be conducted in accordance with Department of Health guidelines to ensure any potential health impacts are managed.

#### 4. Proposed rectification actions

The minor demolition works are considered acceptable provided management measures are implemented according to any requirements under the BC Act to manage any potential impacts to western ringtail possum and brush-tailed phascogale. The EPA considers that the proposed preliminary works would not cause any significant environmental impacts requiring rectification actions if the proposal is not implemented.

Should the proposal not proceed, the proponent has advised that they will continue to manage the property for fire risk such as mowing and slashing of grasses.

#### 5. Summary

The proposed minor preliminary works are considered to be associated with the BORR Southern Section due to their location within the proposal footprint area. The demolition of buildings and other structures at Lot 322 Lilydale Road, North Boyanup are not considered to represent irreversible or substantial commencement of the BORR Southern Section proposal. The works have been adequately justified and will not result in environmental impacts, provided that the proponent implements management measures to minimise potential impacts to threatened fauna.

## Schedule 1

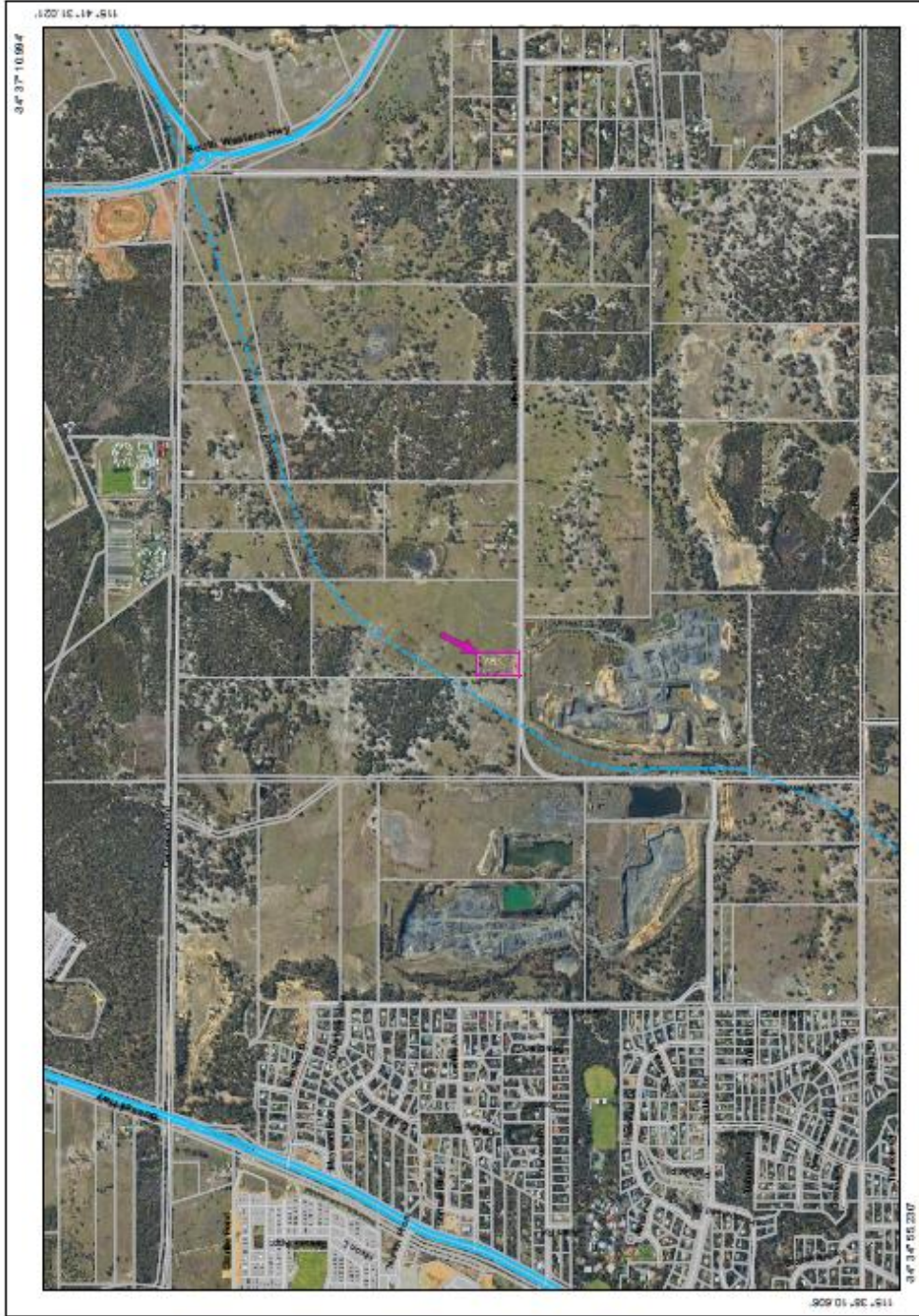
### Minor or Preliminary Works

Authorised Work(s)	Location	Authorised extent
<p>The following works are authorised in their entirety:</p> <ol style="list-style-type: none"><li>1. Demolition and removal of buildings and other structures Lot 322 Lilydale Road, North Boyanup.</li></ol> <p>No native vegetation is to be cleared 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 boundary of Lot 322 Lilydale Road, North Boyanup shown on Figure 1.</p> <p>Coordinates for Figure 1 are held by Department of Water and Environmental Regulation.</p>

# Bunbury Outer Ring Road (BORR) - Southern Section

DESCRIPTION  
Location Lot 1, Ulysses Road, NH Boyanup

- LEGEND**
- Main Roads Controlled Path
  - Streetmap Map Grid
  - Proposed State Road
  - Miscellaneous Road
  - Local Road
  - State Road
  - Crossover
  - Cadastre



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DATE: 24-06-2019  
CREATED BY INTEGRATED MAPPING SYSTEM  
GEOCENTRIC DATUM OF AUSTRALIA

Figure 1 Location of the Minor or Preliminary Works