Environmental Protection Authority

GOVERNMENT OF
WESTERN AUSTRALIA

Chief Executive Officer
Shire of Murray
PO Box 21
PINJARRA WA 6208

Our Ref   14-830221
Enquiries   Kathryn Schell
Phone   6145 0817

Attn: Alan Smith

Dear Sir/Madam

NOTICE UNDER SECTION 39A(3)
Environmental Protection Act 1986

PROPOSAL: Clearing of 1.31 hectares of native vegetation for the purpose of road construction
LOCATION: within Fiegert Road Reserve, Barragup
LOCALITY: **Shire of Murray**
PROPONENT: **Shire of Murray**
DECISION: **Not Assessed – Public Advice Given**

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the Authority for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the EPA has decided not to subject this proposal to the environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). Nevertheless, the EPA provides the attached advice to you as the proponent, and other relevant authorities on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 10 November 2014. Information on the appeals process is available through the Office of the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190.

Yours faithfully

Anthony Sutton
Director
Assessment and Compliance Division

27 October 2014

Encl

PUBLIC ADVICE UNDER SECTION 39A(7)
ENVIRONMENTAL PROTECTION ACT 1986

CLEARING OF 1.31HA OF NATIVE VEGETATION FOR ROAD CONSTRUCTION, FIEGERT ROAD RESERVE, BARRAGUP.

Summary

The Shire of Murray proposes to construct an approximate 650 metre section of Fiegert Road, Barragup in the vincinity of the Nambeelup Brook. In considering this proposal the EPA notes that an informal (4 wheel drive accessible) track is already in place within the existing road reserve, and infrastructure in the form of a bridge is in place over the Nambeelup Brook.

The Environmental Protection Authority (EPA) notes that no public comments were received on this proposal.

The EPA has considered the proposal in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act), the *Environmental Impact Assessment Administrative Procedures 2012* and the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* (Swan Coastal Plain Lakes EPP). In making its decision on whether to assess the proposal, the EPA considered the 10 aspects of the significance test as set out in clause 7 of the *Environmental Impact Assessment Administrative Procedures 2012*.

The EPA considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment. The potential impacts from the proposal can be adequately managed to meet the EPA's objectives under Part V Division 2 (Clearing) of the EP Act and through the implementation of the proponent commitments and EPA advice. This decision also constitutes authorization under the Swan Coastal Plain Lakes EPP.

1.   Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this proposal:

- a) Native Vegetation and Flora
- b) Inland Waters Environmental Quality and Hydrological Processes

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act. The EPA considers that the mitigation of the potential effects on the environment can be regulated by other statutory decision-making processes and through the implementation of proponent commitments and best practice measures in accordance with this advice.

2. Advice and Recommendations regarding Environmental Issues

Native Vegetation and Flora

The EPA has determined that the potential impacts to native flora and vegetation can be dealt with under Part V Division 2 of the EP Act (clearing of native vegetation).

Clearing of native vegetation requires a clearing permit unless exempt. The decision of the EPA to not assess this proposal does not affect either the requirement for a clearing permit or the outcome of an application for a clearing permit.

Inland Waters Environmental Quality and Hydrological Processes

Portions of the Fiegert Road Reserve subject to the proposal are located within a Conservation Category Wetland and the Swan Coastal Plain Lakes EPP area.

Construction and operation of the road has the potential to impact upon, and provide pathways for pollutants, such as hydrocarbons, to enter receiveing waterbodies during the construction and ongoing operation of the road.

The EPA notes that the proponent has committed to
- untertake construction during summer to minimise (dewatering) and the potential for acid sulphate soil disturbance.
- use water carts to prevent sand or contaminant drift during construction.
- place kerbing adjacent to Nambeelup brook to ensure no direct discharge and drainage to be directed to the south.
- use of roadside drainage swales to treat stormwater designed for a 1 in 5 year ARI event.

The EPA expects that stormwater management will be designed consistent with the *Stormwater Management Manual for Western Australia* (Department of Water 2004-2007), on the advice of the Department of Water, with the objective of protecting the water quality of the surrounding wetlands, the Nambeelup Brook and downstream waterbodies.

The decision to not assess this proposal under Part IV also constitutes authorisation under the EP Act in accordance with Section 9 of the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* for works undertaken post this decision. This approval does not constitute retrospective approval for the bridge over the Namebeelup Brook which was constructed prior to the gazettel of the EPP.