



## Environmental Protection Authority

Commissioner  
Main Roads Western Australia  
PO Box 6202  
**EAST PERTH WA 6892**

*Your Ref* 12/8306 D14#294005  
*Our Ref* 14-835359  
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Attn: Kugan Kuganathan

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

**PROPOSAL:** Mitchell Freeway Extension Stage 1 - (Burns Beach Road to Hester Avenue) Neerabup Road East and West and associated works  
**PROPONENT:** Main Roads Western Australia  
**DECISION:** Not Assessed – Public Advice Given

Thank you for your letter referring the above matter to the Environmental Protection Authority (EPA).

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 1 September 2014. Information on the appeals process is available through the Office of the Appeals Convenor's website, [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au), or by telephoning 6467 5190.

A handwritten signature in blue ink, appearing to read "A. Sutton".

Anthony Sutton  
Director  
Assessment and Compliance Division

18 August 2014

Encl

**PUBLIC ADVICE UNDER SECTION 39A(7)**  
***Environmental Protection Act 1986***

**Mitchell Freeway Extension Project - Neerabup Road East-West linkage**

**Summary**

Main Roads Western Australia (MRWA) has referred the Neerabup Road east-west linkage to the Environmental Protection Authority (EPA) for consideration. This linkage is within an existing regional road reserve and is a subset of the broader area considered by the EPA in its assessment of the Western Australian Planning Commission (WAPC) Metropolitan Region Scheme (MRS) Amendment 992/33 in 1999. This MRS amendment included reservations for the Mitchell Freeway extension, the connecting east-west roads and adjustments to Wanneroo Road. In Bulletin 971 (March 2000), the EPA concluded that the scheme, as it relates to Neerabup road east could be implemented subject to the implementation of the recommended environmental conditions.

The environmental conditions relevant to the amendment were incorporated into the MRS scheme text on 13 December 2003 and the amendment was gazetted on 23 January 2004.

**1. Environmental issues**

The EPA gave consideration to the significance of the impacts to the preliminary environmental factor of Terrestrial Fauna.

The EPA considers that based on the information provided by the proponent in its referral information, it does not warrant formal assessment under the *Environmental Protection Act 1986* (EP Act) as the potential environmental impacts of the proposal can be adequately regulated and mitigated by other statutory decision-making processes to meet the EPA's objectives and principles as discussed below.

**2. Advice and recommendations regarding environmental issues**

In determining whether the proposal is likely to have a significant effect on the environment the EPA used its professional judgment and had regard for the points in clause 7 of the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2012*.

**a. Terrestrial Fauna**

The construction of the Neerabup road linkage can be considered in two sections, the area to the east and the area to the west of Mitchell Freeway.

*Neerabup Road East*

In Bulletin 971, the EPA identified concerns with the potential impacts to fauna movement that may result from the implementation of Neerabup Road. In particular, the need for thorough investigation into alternatives for facilitating movement of fauna across the alignments, and providing assistance to the National Parks and Nature Conservation Authority (now the Conservation Commission) to reduce the existing pressures, such as predation by and competition with introduced species, disease

and increased road deaths on fauna populations within Neerabup National Park. Condition 2.1 of Ministerial Statement 629 states:

*“Prior to the finalisation of detailed design plans for the construction of the two east-west roads, a Vegetation and Fauna Management Plan shall be prepared in consultation with conservation groups (including the Quinn’s Rock Environmental Group), to ensure the protection and management of biodiversity in Neerabup National Park that may be affected directly or indirectly by development within the amendment area, to the requirements of the Responsible Authority with the concurrence of the Environmental Protection Authority on advice of the Department of Environmental Protection and the Department of Conservation and Land Management.”*

The proponent has considered the potential impacts of the proposed Neerabup road east-west linkage by undertaking a Fauna Movement Study (GHD, 2014) and concluded that while the proposed extension would create a barrier to the movement of fauna the road could be designed to mitigate these impacts through the installation of four fauna underpasses along the length of the road to maintain fauna movement.

MRWA is also required to prepare a Flora and Fauna Management Plan to avoid and minimise indirect impacts on native fauna in Neerabup National Park. This plan is required under the environmental conditions attached to MRS Amendment 992/33 (Clarkson/Butler) and will be reviewed by relevant agencies in accordance with Attachment 2 of Ministerial Statement No. 629 and approved by the Responsible Authority prior to the finalisation of detailed design plans for the construction of the Neerabup road east-west linkage.

#### *Neerabup Road West*

With regards to the proposed Neerabup road west linkage, this area was not considered in the EPA’s original assessment (Bulletin 971), however, this extension requires minimal vegetation clearing and is proposed within a highly modified urban area and is not considered to have a significant impact on Terrestrial Fauna.

The EPA is satisfied that the impacts of the proposal can be managed under the statutory planning process to meet the EPA’s objectives for Terrestrial Fauna.