



Environmental Protection Authority

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Attn: Gerry Zoetelief

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

PROPOSAL: Bunbury Outer Ring Road Stage 2 - Southern Section -
South Western Highway to Bussell Highway
LOCALITY: Shire of Capel
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 staff of the Office of the EPA has provided 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 11 March 2013. 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.

Anthony Sutton
Director
Assessment and Compliance Division

25 February 2013

Encl

Public Advice

ADVICE AND RECOMMENDATIONS

1. Environmental Issues

- a. Clearing of native vegetation
- b. Environmental offsets
- c. Noise

2. Advice and Recommendations regarding Environmental Issues

- a. Clearing of native vegetation
- b. Environmental offsets

The Office of Environmental Protection Authority (OEPA) notes that proposal is consistent with the outcomes of the EPA's assessment of the Greater Bunbury Region Scheme (GBRS) and that there are no new issues that would require further assessment. The Bunbury Outer Ring Road was assessed by the EPA in 2003 as part of the assessment of the Greater Bunbury Region Scheme under section 48D of the *Environmental Protection Act 1986* (EP Act). The EPA's recommendations (EPA Bulletin 1108) on the road were subject to appeals and resulted in environmental conditions and a final alignment determined by the Minister for Environment. This proposal is consistent with the final outcomes of the 2003 assessment process. Furthermore, detailed biological surveys recently carried out as part of the referral of this proposal have not identified any new issues that cannot be dealt with under the requirements of the GBRS, the clearing permit system, and State policy on transport noise.

The proposal will require clearing of approximately 33 hectares of native vegetation that includes a Priority 4 flora species (*Caladenia speciosa*), an assumed Priority Ecological Community (Floristic Community type 25), and habitat for Black Cockatoo species and the Western Ringtail Possum. However, while this clearing is unavoidable and will not have a major effect on the conservation status of any of these species/communities, it will have a significant local impact on flora, vegetation, and fauna. These local impacts should offset via the implementation of an offset strategy as originally envisaged in the assessment of the GBRS. The Department of Environment (DEC) and Conservation has advised the OEPA that:

The main opportunity for offsets is in the provision of secure fauna habitat, the improved management of equivalent Priority Ecological Community, and a status assessment of the *Caladenia speciosa*. In this region, however, it is proving increasingly difficult to locate and secure adequate land for use in offsets and thus any offset package involving habitat will likely need to include habitat creation/enhancement/restoration rather than simply land acquisition or protection.

The OEPA recommends that a complete offset strategy be developed in consultation with the DEC that fulfills the expectations of the offset condition in the GBRS and addresses the DEC's advice above.

c. Noise

The OEPA notes that noise impacts can be managed in accordance with *State Planning Policy 5.4 Road and Rail Transport Noise and freight Considerations in Land Use Planning* and that management is likely to include open graded asphalt and that construction of noise walls and bunds. Finalization of noise management measures should be undertaken in consultation with the Noise regulation Branch of the DEC.