

Environmental Protection Act 1986

Section 45C

**NOTICE OF DECISION TO CONSENT TO AMEND AN APPROVED PROPOSAL
AND IMPLEMENTATION CONDITIONS WITHOUT INQUIRY**

PERSON TO WHOM THIS NOTICE IS GIVEN

Commissioner of Main Roads Western Australia

PROPOSAL TO WHICH THIS NOTICE RELATES

Perth-Darwin National Highway (Swan Valley Section)

MINISTERIAL STATEMENT and ANY APPROVED CHANGES

Ministerial Statement 1036, issued September 2016

Ministerial Statement 1116, issued November 2019

DECISION

Pursuant to s. 45C (1) (c) of the *Environmental Protection Act 1986* (EP Act), the Chair acting as delegate for the Minister for the Environment, gives approval to the following amendments of the approved proposal:

- Amend the extent of the development envelope, as depicted in Figure 1 of Attachment 1.
- Amend the total proposal authorised clearing and disturbance extent. This includes reducing the authorised extent of impact to Bush Forever Areas, *Grevillea curviloba* subsp. *incurva* critical habitat, Yanga vegetation complex, and Conservation Category Wetlands (CCWs).
- Contemporise existing conditions to align with the current EPA approach to condition drafting.
- Incorporate conditions from Ministerial Statement (MS) 1116 into the contemporised conditions for MS 1036, and delete the conditions in MS 1116.

The proposal content document, figures, and an amended Ministerial Statement 1036 are attached.

SUMMARY OF REASONS

- The proposed amendments will result in a small increase to the authorised spatial extent and limits of disturbance as set out in MS 1036, which correspond to the construction of the Tonkin Highway North Ellenbrook Interchange.

- The proposed amendments will result in an overall reduction in potential impact to Bush Forever areas, *Grevillea curviloba* subsp. *incurva* critical habitat, occurrences of the Yanga vegetation complex, and CCWs.
- The proposed interchange will result in an impact to a small area of black cockatoo foraging habitat and potential nesting trees. The small clearing required for the new interchange will not result in disruption of black cockatoo habitat connectivity in addition to that already assessed for the original proposal. Existing requirements from MS 1036 (as amended by MS 1116) for the management and mitigation of impacts to black cockatoos within the proposal area have been retained and contemporised.
- The EPA notes that the proponent has not applied to amend the authorised extent for the clearing of black cockatoo habitat because the implementation of the proposal to date has resulted in less clearing of habitat than currently authorised. Therefore, no changes to the existing conditioned extents of impact to black cockatoo habitat, nor the associated offset conditions, are required to accommodate the Tonkin Highway North Ellenbrook Interchange as part of the amended proposal.
- There are no new environmental factors likely to be significantly affected as a result of the amendments.
- The proposed amendments to the development envelope will not result in a significant change to the extent or nature of impacts of the approved proposal.
- The amended conditions will not result in a significant detrimental effect on the environment in addition to, or different from, the effect of the proposal's implementation under the existing implementation conditions.
- The effects of the amendments on their own, the effect of the amendments in the context of the existing referred proposal, cumulative impacts, and holistic impacts have been considered.
- The intent of the conditions set out in MS 1036 as issued in October 2016 and amended by MS 1116 issued in November 2019, have been retained and contemporised within the amended MS 1036.
- The amended proposal will be substantially the same character as the existing referred proposal.

Other Advice

- The EPA notes that the Tonkin Highway North Ellenbrook Interchange overlaps a portion of the North Ellenbrook (East) district structure planning area. The EPA has previously provided [public advice](#) on Metropolitan Region Scheme (MRS) Amendment 1411 recommending the retention and protection of important environmental values within this area as part of future planning and development processes. The EPA considers that its advice to MRS 1411 is still relevant, and that any refinement to proposed reserve or open space areas within the planning area as a result of the amended proposal, should not prevent the retention and protection of important environmental values.

EFFECT OF THIS NOTICE:

1. The proposal as amended in accordance with this notice is taken to be able to be implemented under s. 45 of the EP Act.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.

A handwritten signature in black ink, appearing to be 'D Walsh', written in a cursive style.

Mr Darren Walsh
Delegate of the Environmental Protection Authority
CHAIR

28 August 2025

Attachment 1 – Ministerial Statement 1036 (as amended)

Attachment 2 – Table of amended conditions

Attachment 3 – Proposal Content Document

Attachment 4 – Ministerial Statement 1036 – September 2016 – Delete and Replace

Attachment 5 – Ministerial Statement 1116 – November 2019 - Delete