

***Environmental Protection Act 1986***

**Section 43A**

**STATEMENT OF REASONS**

**CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT**

**Proposal:** State Barrier Fence Esperance Extension

**Proponent:** The Department of Agriculture and Food Western Australia

**Decision**

For the reasons outlined below, the Environmental Protection Authority (EPA) has determined to consent to the Proponent changing the Proposal outlined in Schedule 1 attached to this Statement of Reasons.

**Background**

On 10 June 2016, the Department of Agriculture and Food Western Australia (now the Department of Primary Industries and Regional Development) referred the proposal to the EPA under section 38 of the *Environmental Protection Act 1986* (EP Act). The referral included a brief description of the proposal.

The EPA determined to assess the proposal at the level of Public Environmental Review (PER) on 1 September 2016.

In advance of the publication of the proponent's PER document and the EPA preparing a report on the outcome of its assessment of the proposal, the proponent has sought the EPA's consent to the proponent changing the proposal.

**Relevant Statutory and Administrative Provisions**

Section 3.8 of the Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016 guides what information the EPA requires from a person wanting to change its proposal during assessment.

In considering the request for consent, the EPA considered the:

- details of the proposed change;
- statement of the significance of the change; and
- rationale for the change.

## **Materials considered in making this decision**

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. Referred proposal (June 2016);
2. Draft Public Environmental Review Document (January 2017);
3. The proponent's request to change the proposal (12 April 2017);
4. Relevant EPA policy and procedures.

## **Consideration**

### 1. Nature of the proposed change

The change involves an increase in the size of the development envelope of 2826 hectares (ha) from 5313 ha to 8139 ha. The requested change is due to the development envelope corridor being widened more than 100 metres in some areas along the alignment's 660 kilometre length to allow improved flexibility in the final position of the alignment. Only existing disturbed areas are proposed to be utilised in the event any unexpected on-ground constraints are identified (eg. through consultation with landowners).

Minor changes in the location of the development envelope (in some sections) also results in a 27 ha net decrease in the maximum clearing footprint from 843 ha to 816 ha due to a previous clearing area of 28 ha no longer being required and an additional 1 ha (total) of clearing required at four new locations.

### 2. Stage of the assessment process

The proponent is finalising the draft PER following comments received on the draft PER.

### 3. Currency, relevance and reliability of the information, including submissions

The change to the proposal was submitted to the EPA together with supporting documentation which describes the revised impacts to flora and vegetation, terrestrial fauna and heritage. The EPA has reviewed the revised impacts, which is based on surveys and information provided in the draft PER document which remain current.

### 4. Community engagement

The EPA determined that due to community interest at the referral stage the proposed changes should be advertised for seven days to allow public comment before a decision on the requested s43A change is made. Four public comments were received with three supporting a PER level of assessment. No issues were received that were specific to the proposed change.

There is also opportunity for the public to comment on the proposal (including the changes) during the four week public submissions period on the PER. In addition the changes to the proposal will be fully assessed in the EPA's report and recommendations to the Minister for Environment which will be subject to a two week appeal period.

5. Level of public concern

The EPA does not consider that the proposed changes to the proposal would result in an increased level of interest in the proposal and furthermore there is opportunity for the public to comment on the changed proposal during the four week public submissions period on the PER.

**Consideration of Whether the Change is Unlikely to Significantly Increase Any Impact that the Proposal May Have on the Environment**

The following were considered:

a) Values, sensitivity and the quality of the environment which is likely to be impacted

Flora and Vegetation; Terrestrial Fauna and Heritage were considered to be preliminary key environmental factors in the PER document.

For some sections, the proposed change to the proposal would result in a decrease to the direct impacts to flora and vegetation. As such, the values, sensitivity and quality of the environment being impacted remain unchanged when compared to the referred proposal and described in the draft PER document.

Based on the information from the proponent, the change gives no cause for additional environmental factors to be considered 'key environmental factors' for the purposes of preparing the EPA's Report and Recommendations to the Minister.

b) Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The change involves an increase in the size of the development envelope of 2826 ha from 5313 ha to 8139 ha to allow improved flexibility in the final position of the alignment. Only existing disturbed areas are proposed to be utilised in the event any unexpected on-ground constraints are identified.

The change results in a 27 ha net decrease in the maximum clearing footprint from 843 ha to 816 ha due to a previous clearing area of 28 ha no longer being required and an additional 1 ha (total) of clearing required at four new locations.

Overall the proposed changes would result in a decrease in the extent of impacts to flora and vegetation. The impacts to terrestrial fauna and heritage would likely be reduced or remain unchanged from that of the proposal described in the referral and draft PER document.

c) Consequence of the change

The consequences of likely impacts of implementing the change would result in a reduction or remain unchanged to those of the proposal described in the PER document.

- d) Resilience of the environment to cope with the change  
The function of the impacted environment and values it supports are no more impacted by the changed proposal being implemented than it would if the current proposal were implemented. The EPA considers the resilience of the environment to cope with the changed proposal would increase (due to reduced extent in impacts) or remain unchanged from that of the proposal described in the referral or draft PER document should it be implemented.
- e) Cumulative impacts with other projects  
Cumulative impacts will be considered in the assessment of the changed proposal in assessing the proposal described in the PER document. The proposed change are likely to result in a reduction to cumulative impacts at a local or regional scale or remain unchanged from that of the proposal described in the referral and draft PER document.
- f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment  
The holistic view of impacts to the whole environment will be considered in the EPA's assessment of the changed proposal.
- g) Level of confidence in the prediction of impacts and the success of proposed mitigation  
There is no change to the confidence in the prediction of impacts and the success of proposed mitigation.
- h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment  
The EPA is of the opinion that public interest in the proposal will likely remain the same from that of the proposal described in the referral or draft PER document.

## Schedule 1

### Change to Proposal

Element	Current Proposal	Changed Proposal (s43A)
Proposal alignment	660 km	660 km
Maximum clearing footprint	Clearing of no more than 843 ha vegetation	Clearing of no more than 816 ha vegetation
Development envelope	5313 ha	8139 ha