

Environmental Protection Authority

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

Public Transport Authority of Western Australia

PROPOSAL TO WHICH THIS NOTICE RELATES

Malaga to Ellenbrook Rail Works

MINISTERIAL STATEMENT and ANY APPROVED CHANGES

Ministerial Statement 1156, issued December 2020

Section 45C to amend proposal, issued on 14 March 2022

DECISION

Pursuant to s. 45C(1)(c) of the *Environmental Protection Act 1986* (EP Act), and as delegate for the Minister for Environment, I give approval to the following amendments of the approved proposal and implementation conditions on Ministerial Statement 1156:

- Amend the extent of development envelope from 463.8 hectares (ha) to 418.85 ha.
- Delete and replace condition 8 to remove references to native vegetation retention areas (NVRAs) and improve clarity for where existing weed monitoring and control applies.
- Clarify and amend condition 8-2(4) to require rehabilitation of native vegetation in all areas of native vegetation disturbed but not reasonably expected to be required for ongoing operations or other approved future development(s) within the development envelope.

The amended proposal content document and Attachment 3 to Ministerial Statement 1156 are attached.

SUMMARY OF REASONS

- The removal of NVRAs from the development envelope will not result in a significant change in the extent or nature of the impacts of the previously approved proposal.

- This is because there are relevant conditions which require the proponent to implement monitoring and if relevant measures to prevent indirect impacts to native vegetation adjacent to the development envelope during and after construction activities.
- Conditions requiring monitoring in Banksia woodlands of the Swan Coastal Plain priority ecological community in the vicinity of Malaga Station following construction phase have been retained. Relevant conditions have been amended to clarify that existing weed control and management are required in areas that contain native vegetation rated as 'degraded' or better.
- The condition requiring rehabilitation of native vegetation except in areas not required for ongoing operation of the proposal has been amended to cover approved future development(s). Future development(s) that coincide with the development envelope will need to be considered and approved under relevant provisions of the *Environmental Protection Act 1986* and/or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. The amendment removes potential regulatory overlap.
- It is noted that future developments are planned in the vicinity of the proposal that have the potential to impact native vegetation in previous NVRAs. Separate advice on this matter has been provided below.
- There are no new environmental factors likely to be significantly affected as a result of the amendments.
- The amended proposal is not considered likely to result in an increased significant impact to flora and vegetation or terrestrial fauna, compared to that impact already assessed and conditioned under the existing referred proposal.
- 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 amended proposal will be substantially the same character as the existing referred proposal.

Other Advice

- The EPA has previously provided [public advice](#) on the Ballajura Station Precinct Improvement Scheme, recommending additional measures to protect and where possible, retain, important environmental values within the area as part of future planning and development processes. The EPA considers that its previous advice remains relevant, including its advice that native vegetation should be retained as far as is practicable as part of future development in the area.
- Any future consideration of development in this area should:
 - seek to ensure alignment with the EPA's public advice

- require the preparation and implementation of an offset strategy to counterbalance the significant residual impacts on the key environmental values including existing native vegetation and black cockatoo habitat.
- The EPA has also provided public advice on other locally planned developments in the area since assessment of the referred proposal, including:
 - [Metropolitan Region Scheme \(MRS\) Amendment 1410](#) relating to the development of part Lot 96 Starflower Road, Henley Brook
 - [MRS Amendment 1421](#) relating to development of the Brabham and Dayton Urban precincts
 - the [Bennett Springs East Improvement Scheme No. 1](#).

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.



Anthony Sutton

EPA Member

For the Minister for Environment under Notice of Delegation under section 18 of the Environmental Protection Act 1986

6 July 2026

Attachment 1 – Amended proposal content document

Attachment 2 – Attachment 3 to Ministerial Statement 1156