

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

Construction and use of the Tonkin Highway Extension from Mills Road West, Gosnells to South Western Highway, Mundijong

MINISTERIAL STATEMENT

Ministerial Statement 595, issued 12 June 2002

DECISION

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

- Spatially define and amend the extent of the development envelope, as depicted in Figure 1 of Attachment 1.
- Contemporise existing conditions and proponent commitments to align with the current EPA approach to condition drafting.
- Remove conditions and commitments that have been completed.

A proposal content document, figures and an amended Ministerial Statement 595 are attached.

SUMMARY OF REASONS

- The proposed amendments will result in a small increase to the limits of disturbance as set out in Statement 595 (which corresponded to the Primary Regional Road reservation boundary in the Metropolitan Region Scheme).
- The proposed amendments will designate a development envelope to apply to the proposal and as such will provide greater clarity on the limitations and extent of disturbance than previously described in Statement 595.
- The proposed amendments will result in an overall reduction in potential impact to threatened ecological communities (TEC), Bush Forever, threatened and priority flora species and Conservation Category Wetlands (CCW). For example, in relation to the potential impacts on the *Corymbia calophylla* - *Kingia australis*

woodlands on heavy soils of the Swan Coastal Plain TEC (FCT 3a), the amendment will result in a reduction of 0.42 ha from the original proposal.

- The proposed amendment will also result in a decrease in potential impact to *Morelotia australiensis* (threatened flora).
- The proposed amendment will result in a small increase in impact to black cockatoo foraging and potential breeding habitat. Areas of increased impact will affect moderate or lower value foraging habitat. No remnant occurrence of foraging habitat will be entirely cleared, the distance between remaining habitat patches will not be increased and habitat corridors will continue to exist for the species. The additional incremental impact to black cockatoo habitat is not significant.
- The amendment of existing offset conditions for TECs and CCWs will apply a contemporised approach for mitigating significant residual impacts of the proposal. Since the publication of Statement 595 in 2002, environmental pressures and policy frameworks have evolved. Aligning Statement 595 offset conditions with current offsets policy and conditions provides greater confidence in achieving environmental outcomes.
- It is noted that there are currently no offsets conditions in Statement 595 for mitigating impacts on *Morelotia australiensis* and black cockatoo.
- Approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC 2019/8608) for the yet to be constructed portion of the proposal (from Thomas Road to South Western Highway Mundijong) includes offset conditions for black cockatoo species and *Morelotia australiensis*. The EPBC conditions require that:
 - 346 potential breeding trees for black cockatoo species;
 - 34.09 ha of foraging habitat for black cockatoo species; and
 - 165 individuals *Morelotia australiensis*,

be offset in accordance with the requirements of the EPBC Act Environmental Offsets Policy.

- The EPA considers that the potential impacts of the proposal (as amended) to *Morelotia australiensis*, black cockatoo foraging habitat, and black cockatoo potential breeding trees and suitable hollows can be mitigated to meet the EPA's objectives by the EPBC Act, and specifically the implementation of the EPBC Act 2019/8608 offset conditions. The offset conditions are likely to ensure the EPA's environmental factor objectives for flora and vegetation and terrestrial fauna are achieved. In light of the EPBC offset conditions, the EPA considers that new and additional conditions requiring offsets for *Morelotia australiensis* and black cockatoos are not necessary.
- There are no relevant environmental factors or 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 in the extent or nature of the impacts of the currently 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 benefit of a contemporised Ministerial Statement is to provide clear contemporary limits and extents when assessing compliance with implementation of the proposal.
- The intent of the conditions and commitments set out in Ministerial Statement 595 as issued in June 2002 have been retained within the amended Ministerial Statement 595.
- The amended proposal will be substantially the same character as the existing referred proposal.

EFFECT OF THIS NOTICE:

1. The proposal and conditions 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.



Mr Darren Walsh
Delegate of the Environmental Protection Authority
CHAIR

27 March 2025

Att. 1 – Ministerial Statement 595 (as amended)

Att. 2 – Contemporising Ministerial Statement 595

Att. 3 – Ministerial Statement 595 – June 2002 – Deleted and Replace