

9 OTHER APPROVALS AND CONDITIONS

Other than an approval under the EPBC Act, requirements for approval or conditions that apply, or that are likely to apply, to the Proposal include various approvals from Western Australia state agencies and have been outlined below.

9.1 Environmental Protection Act 1986, Part IV Environmental Impact Assessment

The Proposal will be assessed the Environmental Protection Authority, under Part IV of the *Environmental Protection Act 1986* (EP Act) which is the primary legislation governing environmental protection and impact assessment in Western Australia. Division 1 of Part IV of the EP Act provides for the referral and assessment of significant and strategic proposals.

The Proposal Area partially overlaps with the Greater Bunbury Region Scheme (GBRS) which was formally assessed under Part IV of the EP Act (referred in 1996 and Ministerial Statement 697 issued in 2005). This Proposal is not being referred to the EPA as a proposal under the GBRS. Conditions set out in Ministerial Statement 697 (Western Australian Minister for the Environment, 2005) therefore, do not formally apply to the Proposal, but have been taken into account where relevant.

9.2 Other approvals and regulation

Following primary environmental approval of the Proposal under Part IV of the EP Act, additional regulatory approvals will be required to develop and operate the Proposal. These have been summarised in (Table 9-1).

Table 9-1 Summary of other regulatory approvals required

PROPOSED ACTIVITIES	TYPE OF APPROVAL	REGULATORY AGENCY	LEGALISATION REGULATING THE ACTIVITY
Interference with bed and banks of a watercourse or wetland (clearing of vegetation and construction works)	Application for a permit to authorise interference or obstruction of the bed and banks of a watercourse or wetland	Department of Water and Environmental Regulation (DWER)	<i>Rights in Water and Irrigation Act 1914</i> (RIWI Act)
Sourcing of construction water	Licence to take	DWER	RIWI Act
Disturbance of a registered Aboriginal heritage site	Section 18 consent	Department of Planning, Lands and Heritage (DPLH)	<i>Aboriginal Heritage Act 1972</i> (AH Act)
Land acquisition process	Administration of State Land Transfer of private land	DPLH	<i>Land Administration Act 1997</i>
Authorisation to take (flora and fauna) and modify (TEC) for the	Licence to take and modify	Department of Biodiversity, Conservation	BC Act

PROPOSED ACTIVITIES	TYPE OF APPROVAL	REGULATORY AGENCY	LEGALISATION REGULATING THE ACTIVITY
Proposal and associated service locations		and Attractions (DBCA)	

9.3 Planning approvals

The alignment of the Proposal will not be fully located within land currently reserved under the GBRS for Primary Regional Roads or Other Regional Roads (Refer Section 2). This will require an amendment to the GBRS to reserve the alignment for the purposes of Primary Regional Roads.

No development approval is required for road construction works on land reserved by the GBRS for the purpose of Primary Regional Roads or Other Regional Roads. Approval from the WAPC – DPLH may be required, through a development approval, for any works that occur before the land is appropriately reserved by the GBRS. This includes land reserved by the GBRS for any other purpose, and on land zoned by the GBRS. Clause 27 of the GBRS identifies that the WAPC, by way of resolution, can require development on zoned land to have the approval of the WAPC. The relevant instrument of delegation includes a number of circumstances expected to apply to the Proposal; where construction occurs before gazettal of an amendment to the GBRS, elements of the Proposal will require development approval.

Land within the proposed alignment will be acquired by Main Roads and dedicated as a road pursuant to section 28 (1) of the *Land Administration Act 1997*.