



Environmental Protection Act 1986

**Hon Stephen Dawson MLC**  
**Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEAL AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY HIGH STREET UPGRADE, FREMANTLE (EPA REPORT 1630)**

#### **Purpose of this document**

This document sets out the Minister's decision on appeals lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to the Environmental Protection Authority's Report and Recommendations in respect to the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au).

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<b>Appellant:</b>	Mr Shane Chambers
<b>Proponent:</b>	Main Roads Western Australia
<b>Proposal description:</b>	Upgrade of High Street between Stirling Highway and Carrington Street in Fremantle to improve road safety and traffic flow
<b>Minister's Decision:</b>	The Minister dismissed the appeal
<b>Date of Decision:</b>	24 April 2019

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#### **REASONS FOR MINISTER'S DECISION**

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Main Roads Western Australia (the proponent) is proposing to upgrade High Street between Stirling Highway and Carrington Street in Fremantle to improve road safety and traffic flow. Following assessment of the proposal under Part IV of the *Environmental Protection Act 1986* (the Act), in March 2019 the EPA concluded that the proposal is environmentally acceptable, and recommended that it may be implemented subject to its recommended implementation conditions.

The appeal against the EPA's report and recommendations requested that the EPA's recommended conditions be changed to include a requirement that State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* be applied to the proposal, particularly as it relates to noise mitigation measures necessary to achieve the specified noise criteria at nearby residences.

The appeal was investigated by the Appeals Convenor on the Minister's behalf, which included a meeting and further correspondence with the appellant, as well as feedback from the EPA and the proponent, and a site visit.

With regard to the noise criteria specified in State Planning Policy 5.4, the EPA advised that it considered the proposal to be for the redevelopment of an existing major road, for which the application of noise criteria may not be relevant.

Notwithstanding the above, the Minister understood that the proponent undertook a detailed noise impact assessment which considered noise management and mitigation measures for current and future noise levels and prepared a noise management plan for the proposal. The Minister noted the Appeals Convenor's advice that this approach is considered to be consistent with the relevant sections of State Planning Policy 5.4 that relate to the redevelopment of an existing major road.

The Minister also noted that the proponent's noise impact assessment concluded that more than 75 per cent of sensitive receptors within the proposal footprint are currently exposed to traffic noise levels exceeding the noise criteria specified in State Planning Policy 5.4, and that this is predicted to reduce to 20 per cent if the proposal is implemented with the construction of noise walls.

Based on the information before him, the Minister was satisfied that the EPA had appropriate regard for State Planning Policy 5.4 in its report and recommendation to construct noise walls to mitigate traffic noise impacts. It follows from the above that the Minister dismissed the appeal.

Having determined the appeal, the Minister will now consult with relevant decision-making authorities under section 45(1) of the Act as to whether or not the proposal should be implemented, and if so, the conditions to which the proposal's implementation should be subject.

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Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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