

The Secretary
Western Australian Planning Commission
Bunbury Tower, 61 Victoria Street
BUNBURY WA 6230

Your Ref:
Our Ref: CMS17248
Enquiries: Teresa Bryant, 6364 7600
Email: Teresa.Bryant@dwer.wa.gov.au

Dear Sir/Madam

**DECISION UNDER SECTION 48A(1)(a)
*Environmental Protection Act 1986***

SCHEME: Greater Bunbury Region Scheme Amendment
0051/57
LOCATION: Various lots Jubilee and Jeffrey Roads, Glen Iris
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (Not Appealable)

Thank you for referring the above proposed scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'P' followed by a long, horizontal stroke that tapers to the right.

Patrick Seares
Delegate of the Environmental Protection Authority
Executive Director EPA Strategic and Guidance

11 December 2017

Encl. Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Greater Bunbury Region Scheme Amendment 0051/57

Location: Various lots Jubilee and Jeffrey Roads, Glen Iris

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 11 December 2017

Summary

The Western Australian Planning Commissions proposes to amend the rezone/reserve various lots in Jubilee Road and Jeffrey Road, Glen Iris which will result in an Urban Zone and Regional Open Space reserve 'swap'. The amendment area is approximately 46.6 hectares (ha). The swap involves rezoning approximately 8.25ha of Urban zoned land to Regional Open Space (ROS), and approximately 2.65ha of ROS reserve to Urban, to facilitate future urban development and protection of environmental values.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment as set out is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. Having considered this matter, the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Hydrological Processes;
- d) Inland Waters Environmental Quality; and,
- e) Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the scheme amendment documentation provided by the Western Australian Planning Commission (WAPC), proposal referral information submitted to the Commonwealth Department of the Environment and Energy under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and information provided by the proponent during conceptualisation of the proposed development.

The amendment area is identified in the Greater Bunbury Region Scheme (GBRS) being subject to Environmental Conditions, which is the result of EPA report 1108 and Ministerial Statement (MS) 697. The conditions require the protection of a wetland on portions of Lot 40-44 Jeffrey Road, Picton and Environmental Management Plans, prepared to the satisfaction

of the Western Australian Planning Commission or local government and having regard for advice from the relevant government agencies.

a. Flora and Vegetation and Terrestrial Fauna

The amendment area contains vegetation ranging in condition from Good - Very Good to Degraded. The EPA supports the retention of areas of Good - Very Good and Good condition vegetation within a consolidated area of existing and proposed ROS reserve. The EPA recommends native vegetation be retained where possible throughout the proposed urban development area.

The EPA notes the proposed amendment will not result in the clearing of more than 15ha of vegetation which is habitat for Western Ringtail Possum and all three species of Black Cockatoo. A proposal to clear the habitat for residential development has been approved by the Commonwealth Department of the Environment and Energy, with conditions (Reference 2013/6955). The conditions include revegetation of degraded areas within the proposed ROS reserve and protection of a 7ha offset site known as Catalpa Park.

The approval conditions of 2013/6955 require that an Environmental Management Plan (EMP) for listed threatened species be prepared. The EPA notes other fauna species including the Quenda may inhabit the site.

Consistent with the GBRS Environmental Conditions and MS 697, the EPA recommends that provisions be included in the structure plan to require an EMP for management of other fauna species, prepared on advice of the Department Biodiversity Conservation and Attractions.

b. Hydrological Processes and Inland Waters Environmental Quality

The EPA notes a multiple use wetland part of which was previously protected under the *Environmental Protection (Swan Coastal Plain Lakes) Policy* 1992 (now rescinded) has been more accurately mapped and the greater part of the multiple use wetland will be retained in the ROS reserve. This is consistent with Condition 1-1 of Ministerial Statement 697 and the Environmental Conditions place on the Greater Bunbury Region Scheme for the amendment area.

Water management planning for the site needs to consider water balance, drainage, flooding and wetland hydrology. The EPA advises that previous investigations for the site revealed the shallow groundwater was highly eutrophic. A review of previous reports and/or further investigations should be undertaken to inform revegetation strategies and water management planning for the amendment area to help improve water quality.

To fulfil the requirements of GBRS Environmental Conditions and MS697, the EPA expects that a Wetland Environmental Management Plan will be required at the local structure planning stage, and that structure planning for the site will be supported by a Local Water Management Strategy, prepared to the satisfaction of the Department of Water and Environmental Regulation.

c. Social Surroundings

The amendment area is in close proximity to the Dardanup Butchering Company (DBC) abattoir. The EPA notes a 500m buffer has been provided consisting of land within the existing and proposed ROS reserve and a 20m strip of proposed Urban zoned land for the purpose of road reserve.

The EPA's Guidance No. 3 *Separation Distances between Industrial and Sensitive Land Uses* advises the potential impacts from abattoirs to sensitive premises are noise, dust and odour and recommends a distance of between 500 and 1000 metres, depending on the size of the facility. The proposed buffer of 500m is the minimum distance recommended.

Generally, the EPA expects the potential for land use conflicts to be resolved through the land use planning process, following consideration of adequate technical information and advice from the relevant agencies. The EPA expects that future structure planning will ensure sensitive premises are not located within 500m of abattoir. To ensure sensitive premises within 500 to 1000m are not impacted by odour, an empirical (field) data study could be undertaken, to the satisfaction of the Department of Water and Environmental Regulation, prior to structure planning. Alternatively, the EPA recommends that notifications be placed on Certificates of Title advising that residences are located in close proximity to an abattoir and may be impacted by odour.

The EPA understands an Aboriginal Heritage Survey and consultation with the Gnaala Karla Booja Native Title Claim has been undertaken. The dunal ridge was identified as an important area and its retention in the ROS reserve is supported.

Other

The EPA understands that through a resolution of the WAPC, a concurrent amendment to the region and local planning scheme under section 126 of the *Planning and Development Act 2005* to amend the local scheme maps so that they are consistent with the region scheme is proposed. The EPA considers the above is acceptable on the basis that the requirements of the GBR Environmental Conditions and MS 697 are implemented as part of structure planning. Also, that the EPA's advice and recommendations contained herein are considered during structure planning. The Departments of Water and Environmental Regulation, and Biodiversity, Conservation and Attractions should be consulted as part of structure planning.

Recommendations

The EPA recommends that structure planning for the amendment area contain specific provisions to adequately protect and manage the environmental and social values. Specifically, in addition to requirements of GBR Environmental Conditions, MS 697 and the approval conditions issued under the EPBC Act (2013/6955), the EPA considers the following is necessary:

- Remnant native vegetation be retained where possible throughout the proposed urban development area.
- An Environmental Management Plan for fauna, not included in the EPBC Act approval conditions, be required prior to the commencement of construction, and prepared in consultation with the Department of Biodiversity, Conservation and Attractions.
- That structure planning requires preparation and implementation of a Wetland Environmental Management Plan, prepared in consultation with the Department of Biodiversity, Conservation and Attractions.
- That structure planning be informed by a Local Water Management Strategy, prepared to the satisfaction of the Department of Water and Environmental Regulation.
- Investigations for odour to the satisfaction of the Department of Water and Environmental Regulation and/or notification on Certificates of Title advising that residences may be impacted by odour from the nearby abattoir.

