

Chief Executive Officer
City of Stirling
25 Cedric Street
STIRLING WA 6021

Our Ref 14-763212
Enquiries Stephen Pavey
Phone 6145 0837

Attn: Ian Humphrey

Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: City of Stirling Local Planning Scheme 3
Amendment 42 - Rezoning from Regional
Reserve - Parks and Recreation to
Development Zone
LOCATION: Portion of Part Lot 501 Alexander Drive,
Mirrabooka
RESPONSIBLE AUTHORITY: City of Stirling
DECISION: Scheme Amendment Not Assessed -
Advice Given (no appeals)

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

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

ADVICE AND RECOMMENDATIONS

1. Environmental Issues

- Human Health (Site Contamination)

2. Advice and recommendations regarding Environmental Issues

The EPA considers its previous advice regarding the proposed Metropolitan Region Scheme amendment dated 8 March 2013 still stands. Please find this letter attached (Reference: A603956).

3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, 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 on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

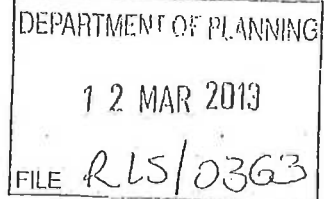
Yours faithfully

A handwritten signature in black ink, appearing to be 'DF', written in a cursive style.

Darren Foster
Director
Strategic Policy and Planning Division

5 May 2014

Att: Office of the EPA letter dated 8 March 2013



Mr Neil Thomson
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Your Ref: 833-2-20-47 (RLS/0363/1)
Our Ref: A603956:OEPA2012/000033-1
Enquiries: Gary Williams, 6467 5425
Email: gary.williams@epa.wa.gov.au

Attention: Anthony Muscara

Dear Mr Thomson

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – LOT 1
ALEXANDER DRIVE, MIRRABOOKA**

I refer to your letter dated 21 February 2013 concerning the proposed Metropolitan Region Scheme (MRS) amendment for the above mentioned land.

The Office of the Environmental Protection Authority (OEPA) considers that the only environmental issue of significance raised by the proposed MRS amendment is site contamination.

The Department of Environment and Conservation (DEC) has advised that Lot 1 is classified as a site 'possibly requiring contamination investigation' under section 58(1)(a)(i)(IV) of the *Contaminated Sites Act 2003* (CS Act). Section 58(6) of the CS Act requires that for land referred to in section 58(1)(a)(i):

- (a) *the Western Australian Planning Commission is not to approve under section 135 of the Planning and Development Act 2005 the subdivision of that land, or the amalgamation of that land with any other land; and*
- (b) *a responsible authority is not to grant approval under a scheme for any proposed development of that land,*
without seeking, and taking into account, the advice of the CEO (of the Department of Environment and Conservation) as to the suitability of the land for the subdivision, amalgamation or development.

The OEPA is of the view that the site contamination can be managed in accordance with the CS Act, in consultation with the DEC, and on this basis the OEPA has no objection to the Western Australian Planning Commission initiating the proposed MRS amendment for the above mentioned land.

All amendments to the MRS still require referral to the EPA in accordance with section 38 of the *Planning and Development Act 2005* for a decision on whether or not the amendment requires formal environmental assessment.

I trust this information is of assistance. Should you have any enquiries please contact the person cited above.

Yours sincerely



Peter Tapsell
A/Manager
Assessment and Compliance Division

8 March 2013