

Chief Executive Officer
City of Swan
PO Box 196
MIDLAND WA 6936

Your Ref LPS17-81
Our Ref 13-331737
Enquiries Gary Williams
Phone 6145 0821

Attn: Parvesh Siroha

Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: City of Swan Local Planning Scheme 17
Amendment 81 - Reclassifying Portions of
Lot 911 Midland Road

LOCATION: Hazelmere

RESPONSIBLE AUTHORITY: City of Swan

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

Issue	Description
Vegetation	Forrestfield complex (5% of the original extent remaining)
	Two Threatened Ecological Communities (Floristic Community Type (FCT) 20c and 20a)
Fauna	Red Tailed Black Cockatoo
	Carnaby's Black Cockatoo

Watercourse	Kadina Brook
Surface water quality and quantity	
Ground water quality and quantity	
Acid Sulfate soils	
Contamination	former effluent disposal area
	former rifle range
Mosquitoes	
Odour	poultry farm

2. Advice and recommendations regarding Environmental Issues

The Office of the Environmental Protection Authority (OEPA) provided advice on Metropolitan Region Scheme (MRS) Amendment 1242/41 on 22 May 2012 (letter attached). The OEPA advised that the preparation of an Environmental Management Plan (EMP) will be fundamental to the EPA's ability to determine whether the amendment warrants assessment or not under the EP Act.

The EPA notes and supports the scheme provisions included in Amendment 81 requiring the preparation of the following management plans:

- Environmental Management Plan;
- Foreshore Management Plan;
- Bushland and Reserve Management Plan;
- Local Water Management Strategy;
- Urban Water Management Plan;
- Construction Management Plan;
- Fire Management Plan; and
- Acid Sulfate Soils Management.

The EPA also advised in its letter dated 14 January 2013 that the Western Australian Planning Commission (WAPC) will need to confirm that the final Parks & Recreation reserve boundary is consistent with the Conservation Covenant boundary required by the Department of Parks and Wildlife (DPaW). The Department of Planning (DoP) has confirmed that Amendment 1242/41 has been modified (and agreed to) in accordance with DPaW's advice. If the amendment is approved by Parliament, DPaW will modify the Conservation Covenant in accordance with the new Urban boundaries.

The Special Use zone boundary in Amendment 81 does not accord with the boundary modifications to Amendment 1242/41. The landowner's consultant has advised that this is because at the time of initiation of Amendment 81 the proposed revisions to the boundaries of Amendment 1242/41 were yet to be finalised and it was considered appropriate that the boundaries of the 'Special Use' zone and the 'Parks and Recreation' reserve should depict the MRS Amendment as originally advertised.

The EPA understands that that prior to Amendment 81 being finalised the zoning boundaries will be required to be consistent with the boundary alignments depicted in MRS Amendment 1242/4 and on this basis it is considered that Amendment 1242/41 is able to meet the EPA's environmental objectives.

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



Anthony Sutton
Director
Assessment and Compliance Division

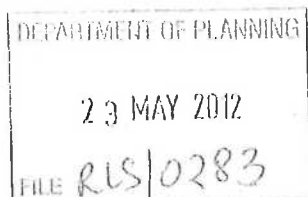
11 November 2013



Office of the Environmental Protection Authority

The Atrium,
Level 8, 168 St Georges Terrace,
Perth, Western Australia 6000.
Telephone: (08) 6467 5600.
Facsimile: (08) 6467 5556.

Postal Address: Locked Bag 33,
Cloisters Square, Perth, Western Australia 6850.
Website: www.epa.wa.gov.au



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

Your Ref: 809-2-21-26 (RLS/0283/1)
Our Ref: A486941
Enquiries: Matt Spence (6467 5536)
Email: matt.spence@epa.wa.gov.au

Dear Mr Thomson

**PROPOSED MRS AMENDMENT – LOT 911 MIDLAND ROAD, HAZELMERE
REQUEST FOR PRELIMINARY COMMENT**

Thank you for your letter, dated 21 March 2012, seeking preliminary comment from the Office of the Environmental Protection Authority's (OEPA) in regard to the proposed Metropolitan Region Scheme (MRS) amendment on Lot 911 Midland Road, Hazelmere.

The advice provided in this letter is intended to assist with the preparation of:

- a structure plan that will ensure that the areas of highest conservation value are protected; and
- an Environmental Management Plan (EMP) that will describe how the conservation areas will be rehabilitated and managed so that impacts from adjoining urban land uses will be minimised.

The amendment proposes to realign and consolidate Bush Forever, Conservation Covenant and Parks and Recreation boundaries. The OEPA considers that the preparation of an EMP will be fundamental to the Environmental Protection Authority's (EPA) ability to determine whether the amendment warrants assessment or not under section 48A(1) of the *Environmental Protection Act 1986*. A structure plan and an EMP, that have been prepared in consultation with the Department of Environment and Conservation (DEC) and other relevant agencies, should accompany the amendment when it is referred to the EPA.

Most importantly, the EMP should resolve issues with lifting the conservation covenant and the future management of the bushland. The DEC (Covenant Program) has advised that it does not support lifting the conservation covenant until an alternative proposal is available that demonstrates an equal or greater level of protection of the conservation values of the area.

The DEC recommends that a detailed and fully costed EMP and Construction Management Plan (CMP) be prepared which addresses the following matters:

- identify areas that are to be revegetated and where weed control will be undertaken;
- identify species that will be used in revegetation;
- describe the methodology to be followed in undertaking the revegetation;
- specify the costs involved and who will pay for these;
- describe how the work will be undertaken and monitored in future years if the developer is no longer the landowner;
- specify performance targets against which the quality and success of the work can be judged; and
- specify the buffers/setbacks surrounding the proposed development areas to ensure that any additional clearing or modification of the vegetation for fire protection is limited.

The OEPA understands that DEC (Covenant Program) will be providing comments on the proposed MRS amendment and lifting of the conservation covenant directly to Department of Planning (DoP).

Comments on Structure Plan

Indicative arrows within the structure plan show that possible neighbourhood roads cut through the Parks and Recreation zoned areas. The alignment of the two roads across Kadina Brook is contrary to the stated management mechanism in Table 14 of "no development will occur within the 50m Kadina Brook". Therefore, the OEPA is of the view that these roads should be excluded from this area and the structure plan should be modified prior to the MRS amendment being initiated by the Western Australian Planning Commission.

Comments on the Environmental Assessment Report (EAR)

Fauna

The OEPA is of the view that the EAR (Appendix 4 - Fauna Assessment) focuses on threatened fauna species that are not likely to have significant populations on the subject site. The fauna values are not properly described or the management of these values. Species that were recognised in Bush Forever as conservation significant on the Coastal Plain, need to be included in the species listed, as well as being discussed as significant within the site.


The OEPA recommends that a desktop study be undertaken of all fauna species likely to be found on site, to expand the current list of fauna species in Appendix 4. Consideration should be given to appropriate management of all these fauna species in the EMP.

All amendments to the MRS 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. The EPA is an independent statutory authority and any decisions or advice it gives in relation to the proposed

MRS amendment may not be the same as that given here. Nevertheless, the OEPA endeavours to provide you with comments based on its understanding of EPA's current policies.

Should you wish to discuss the above matter further, please contact Matt Spence on 6467 5536.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sally Bowman', with a stylized, cursive script.

Sally Bowman
Manager, Planning and Infrastructure Branch
Assessment and Compliance Division

22 May 2012