



Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
PERTH WA 6001

Your Ref 833-2-25-62  
Our Ref 14-737683  
Enquiries Angela Coletti  
Phone 6145 0806

ATTENTION: Anthony Muscara

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

**SCHEME AMENDMENT TITLE:** Metropolitan Region Scheme Amendment  
1267/57 - Rationalisation of Pt Lots 40 and 41  
River Avenue  
**LOCATION:** Maddington  
**RESPONSIBLE AUTHORITY:** Western Australian Planning Commission  
**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**

- Inland Waters Environmental Quality

**2. Advice and recommendations regarding Environmental Issues**

On the 17 February 2012 and the 7 December 2012, the Office of the Environmental Protection Authority (OEPA) provided advice to the Western Australian Planning Commission (WAPC) on the key environmental factors relating to the proposed Metropolitan Region Scheme amendment for Lots 40 and 41 River Road, Maddington (letters attached).

The EPA considers that its advice dated 17 February 2012 and the 7 December 2012 is still valid.

It is expected that environmental factors will be adequately managed, where appropriate, through detailed planning processes and in consultation with the Department of Parks and Wildlife (Swan River Trust), Department of Water and other relevant agencies.

### **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.



Darren Foster  
Director  
Strategic Policy and Planning Division

7 April 2014



GOVERNMENT OF  
WESTERN AUSTRALIA

Office of the Environmental Protection Authority

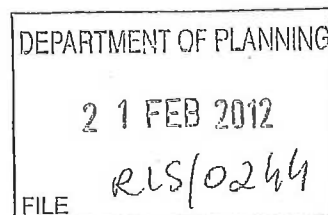
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Mr Steve Radley  
Regional Schemes Team Leader  
Department of Planning  
Locked Bag 2506  
PERTH WA 6000

Your Ref 833-2-25-62 (RLS/0244/1)  
Our Ref A468114 OEPA2011/000931  
Enquiries Patrick Cavalli (6467 5411)  
Email patrick.cavalli@epa.wa.gov.au

ATTENTION: Anthony Muscara



Dear Sir

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT -- LOTS 40  
AND 41 RIVER ROAD MADDINGTON**

Thank you for your letter dated 18 January 2012 seeking the Office of the Environmental Protection Authority's (OEPA) comment on the proposed MRS amendment. The OEPA has not treated your letter as a referral to the Environmental Protection Authority (EPA) under Section 48A of the *Environmental Protection Act 1986* (EP Act).

The proposed amendment seeks to reduce the width of the Parks and Recreation reserve adjacent to the Canning River to allow urban development.


This section of the Canning River foreshore is mapped in the Department of Environment and Conservation's *Geomorphic Wetlands Swan Coastal Plain* dataset as a Conservation management category wetland (Palusplain).

The EPA's Guidance Statement No. 33 states that Conservation management category wetlands require a buffer with a minimum width of 50 metres. Guidance 33 does describe a process for reducing the minimum buffer. However if the EPA were to consider schemes and proposals to reduce the width of a foreshore reserve it should be supported by studies demonstrating that the environmental values of the foreshore can be accommodated within the proposed foreshore reserve and the function of the watercourse can be adequately protected from adjacent land uses.

This information has not been provided with the proposed MRS amendment, therefore, the EPA is not able to determine whether the proposed amendment would be environmentally acceptable or not. If the WAPC initiates the amendment, the supporting studies referred to above should be provided to the EPA when it is referred pursuant to Section 38 of the *Planning and Development Act 2005* for a decision on whether or not the amendment requires formal environmental assessment.

Notwithstanding the above comments, the OEPA understands the Swan River Trust (the Trust) provided advice to the Department of Planning on 19 December 2011, regarding the proposed amendment. The EPA acknowledges the Trust's advice in this instance and suggests that it be addressed in addition to the above comments prior to initiation of the amendment.

Yours faithfully



*for* Anthony Sutton  
Director  
Assessment and Compliance Division

17 February 2012



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

Your Ref: 833-2-25-62 (RLS/0244/1)  
Our Ref: A468114:OEPA2011/000931  
Enquiries: Angela Coletti, 6467 5490  
Email: [angela.coletti@epa.wa.gov.au](mailto:angela.coletti@epa.wa.gov.au)

ATTENTION: Lisa Powel

Dear Mr Thompson

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – LOTS  
40 AND 41 RIVER ROAD, MADDINGTON**

Landvision has submitted a report (dated 9 August 2012) addressing the Environmental Protection Authority's (OEPA) letter, dated 17 February 2012, seeking additional information demonstrating that the environmental values of the Canning River foreshore can be accommodated within the reduced foreshore reserve proposed by the proposed Metropolitan Region Scheme (MRS) amendment.

The Swan River Trust (SRT) provided its comments on Landvision's report to the Department of Planning (DoP) and the OEPA, in a letter addressed to the DoP, dated 17 October 2012.

The OEPA considers that the proposed amendment is not likely to have a significant impact on the environment. However, the OEPA wishes to emphasize that this advice is only in relation to the potential environmental impacts of the proposed amendment, it does not relate to the social or recreational value of the foreshore.

The OEPA's advice should not prejudice the Western Australian Planning Commission's consideration of these values and the comments made by the SRT in relation to these values.

Please be aware that the proposed amendment will require referral to the EPA in accordance with s38 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 authority and the OEPA's advice

provided above does not prejudice any decision that EPA may wish to make in relation to the amendment.

Yours sincerely

A handwritten signature in black ink, appearing to read "P. Tapsell".

Peter Tapsell  
A/Manager  
Environmental Planning Branch

7 December 2012