

Ms Sam Fagan
Secretary
Western Australian Planning Commission
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PERTH WA 6001

Your Ref: 833-6-9-4 Pt 1
Our Ref: DWERT7238
Enquiries: Liz Stewart, 6364 6468
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Dear Ms Fagan

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

SCHEME	Greater Bunbury Region Scheme Amendment 0069/57- Treendale East Urban Expansion Area
LOCATION	Part Lot 151, Lot 152 and Lot 50 Raymond Road, Roelands
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

Thank you for referring the above 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. I have also attached a copy of the Chair's determination of the scheme.

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 the Chairs' determination, 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, appearing to read 'Matt Tonts', with a long, sweeping horizontal stroke extending to the right.

Prof. Matthew Tonts
Chair of the Environmental Protection Authority

2 November 2022

Encl. Chair's Determination
EPA Advice

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

Greater Bunbury Regional Scheme 0069/57

Location: Lot 151 (part), Lot 152 and Lot 50 Raymond Road, Roelands

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 7 November 2022

Summary

The Western Australian Planning Commission (WAPC) has initiated Greater Bunbury Regional Scheme (GBRS) Amendment 0069/57 which proposes to rezone part Lot 151, Lot 152 and Lot 50 Raymond Road, Roelands from Rural zone to Urban Deferred zone in order to facilitate future urban development within the Treendale East Urban Expansion Area. The total amendment area is 188.5 hectares (ha).

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the referral documentation provided by the WAPC for this amendment. 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:

- Flora and vegetation
- Terrestrial fauna
- Inland waters
- Social surroundings

2. Advice and Recommendations regarding Environmental Factors

The EPA notes that there are a number of significant environmental values within the amendment area which are discussed further below. It is understood that the provisions of the *Planning and Development Act 2005* provide for the WAPC to concurrently amend the Shire of Harvey Local Planning Scheme (LPS) while 'lifting' the urban deferred GBRS zoning. This would mean that a local scheme amendment would not be referred to the EPA under Part IV of the EP Act. Given:

- the significant environmental values and the potential for these values to be impacted from future urban development
- the large size of the amendment area
- the higher level statutory planning role of the GBRS and reduced ability for specific scheme provisions and environmental management mechanisms
- the EPA's Part IV EP Act role in considering the statutory referral of schemes and amendments, rather than non-statutory structure planning documents

the EPA does not support a concurrent amendment to the LPS. The future local scheme should be referred to the EPA for environmental impact assessment, and contain appropriate

scheme map and/or text provisions to manage/retain the significant environmental values within the amendment area and address potential impacts. This is discussed further below against the relevant environmental factor.

Flora and vegetation and Terrestrial fauna

The amendment area contains remnant native vegetation, including up to 12 hectares (ha) of Banksia woodlands of the Swan Coastal Plain Threatened Ecological Community, Priority 4 species *Acacia semitrullata*, and stands of remnant marri, jarrah, peppermint and swamp paperbark throughout the site.

While valuable as remnant native vegetation alone, this vegetation is also habitat for threatened and conservation significant fauna including black cockatoo species, southern brown bandicoot (quenda) and south-western brush-tailed phascogale. In particular, the EPA notes the remnant vegetation is habitat for the western ringtail possum listed as 'critically endangered' under the *Biodiversity Conservation Act 2016* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. Therefore, retention and management of the habitat is critical.

The EPA notes and supports the draft Structure Plan which proposes a public open space (POS) network retaining the large area of native vegetation and fauna habitat in the north-west of the site. It is noted that the provided Environmental Assessment and Management Strategy (EAMS) details mitigation measures proposed for future stages of the planning process. The EPA supports the proposed inclusion of scheme text provisions in the future Shire of Harvey LPS requiring the preparation and implementation of construction environmental management plan(s)/management plan(s) to ensure retained conservation values, including fauna, and/or trees are protected. Similarly, it is noted that the EAMS proposes that the remnant trees will be identified for retention and the proposed rehabilitation of the waterway corridors and other POS to improve environmental values throughout the site. The EPA supports the measures outlined in the EAMS and recommends these are included as scheme text provisions in the future Shire of Harvey LPS amendment, in particular targeting retention of significant environmental values and management of impacts to listed communities and species.

Inland waters

The amendment area contains two watercourses within the south-eastern portion of the site, the Treendale main drain and the Treendale branch drain, which flow into a Conservation Category Wetland on an adjoining site to the south, and eventually into the Collie River. The two waterways have limited riparian vegetation.

The EPA notes and supports the proposed Structure Plan which proposes to retain the waterways and the foreshore areas. A Water Management Strategy (WMS) has been prepared and details the hydrological conditions on the site and outlines management requirements and criteria.

It is noted that the EAMS details mitigation measures proposed for future stages of the planning process. The EPA supports the proposed inclusion of scheme text provisions in the future Shire of Harvey LPS requiring the preparation and implementation of a Water Management Plan/s to detail how groundwater and surface water will be managed as part of urban development, in accordance with the criteria established in the WMS. The EPA also supports the preparation of a Foreshore Management Plan and other measures outlined in the EAMS and recommends these are included as scheme text provisions in the future Shire of Harvey LPS amendment.

Water management should maintain or improve groundwater and surface water quality and maintain pre-development hydrology. The Department of Water and Environmental Regulation should be consulted regarding any water management planning documents.

Social surroundings

The roads surrounding the site include strategic freight and major traffic roads, namely Forrest Highway to the west, the Bunbury Outer Ring Road to the north and east, and Raymond Road to the south.

A registered Aboriginal heritage site Collie River Waugal (Site No. 16713) is located within the south-eastern portion of the site, associated with one of the waterways.

The EPA notes that the proposed Structure Plan layout allows for a separation distance to reduce the impacts of noise and the EAMS outlines mitigation measures that may be implemented as part of future stages of the land use planning process.

The EPA also notes that the proposed Structure Plan retains the registered Aboriginal Heritage site within POS. The EAMS outlines a range of mitigation measures for protection of the Aboriginal Heritage site. The EPA supports the proposed inclusion of scheme text provisions in the future Shire of Harvey LPS for the protection of the Aboriginal Heritage site, and management in accordance with any approvals. The EPA notes these measures outlined in the EAMS and recommends these are included as scheme text provisions in the future Shire of Harvey LPS amendment.

The EPA also recommends appropriate consultation, investigation and relevant management plans be undertaken prior to subsequent stages of planning to address potential impacts to Aboriginal heritage values. Such stages of planning should also be considered in accordance with the requirements of the *Aboriginal Cultural Heritage Act 2021* and the *Aboriginal Heritage Act 1972* (transitional period).

Conclusion

The EPA considers that the amendment is not so significant to warrant formal assessment and can be managed to meet the EPA's environmental objectives in accordance with the GBRS. In addition, future planning processes and management measures can manage potential impacts. The EPA recommends its advice and recommendations are implemented to mitigate potential impacts to the above environmental factors, in particular a future referral of the Shire of Harvey LPS amendment to the EPA for consideration under Part IV of the EP Act.