

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

Draft Ballajura Station Precinct Improvement Scheme No. 1

Location: Lot 810 and Lot 11 Beechboro Road North, Whiteman

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

Determination Published: 11 November 2024

Summary

The Ballajura Station Precinct Improvement Scheme No. 1 (IS No. 1) has been initiated over Lot 810 and Lot 11 Beechboro Road North, Whiteman. The proposed 72.92 hectare (ha) scheme area is bound by Tonkin Highway to the west and Bennett Brook to the east.

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 does not warrant formal assessment under Part IV of the EP Act, subject to the following advice being implemented. The EPA has based its decision on the original referral documentation, including a draft structure plan and additional information provided by the Western Australian Planning Commission (WAPC) advising of proposed additional text to be added to the scheme and scheme report, as detailed below. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (2021) *Statement of Environmental Principles, Factors, Objectives and Aims of Environmental Impact Assessment*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna

Advice and Recommendations regarding the Environmental Factors

The EPA notes that the scheme area contains key environmental values including remnant banksia woodland, threatened species of black cockatoo habitat, and remnant vegetation identified for retention in Ministerial Statement (MS 1156) for the Malaga to Ellenbrook Rail Works proposal, assessed by the EPA in Report 1690.

The EPA considers that the scale of impacts from implementation of the scheme, in the context of the metropolitan area location and environmental value present on the site, represents a significant residual impact. The EPA notes the draft Precinct Structure Plan (PSP) proposes retention of approximately 12% of remnant vegetation (including habitat area), and that the scheme report states that vegetation loss will be offset.

The EPA supports the following modifications to the scheme and scheme report as proposed by WAPC in correspondence dated 6 November 2024; noting that these modifications will include more clarity regarding offset requirements for impacts to key environmental values. The EPA also recommends the proposed text is amended by inclusion of the bolded text:

Scheme additional site and development requirements:

1. Structure planning, subdivision and development should seek to ensure the protection of key environmental values, including and not limited to:
 - a. Threatened flora and associated habitat
 - b. Threatened fauna habitat
 - c. Threatened ecological communities
2. **Prior to structure planning, subdivision and development being approved, an offset strategy is to be prepared in consultation with Department of Water and Environmental Regulation, and implemented to counterbalance the significant residual impacts of the proposed development on the key environmental values.**
3. Structure planning, subdivision and development should be undertaken in accordance with relevant environmental approvals issued under the *Environmental Protection Act 1986* and/or *Environment Protection and Biodiversity Conservation Act 1999*.
4. Where structure planning, subdivision or development proposes to vary an environmental approval referred to in clause 32(2) consultation with the relevant environmental authority shall be required and the relevant approvals obtained. The proposal may be subject to the outcomes of the Environmental Protection Authority's (EPA) consideration of a significant proposal, under Part IV of the *Environmental Protection Act 1986*.

Scheme report:

In addition to the above, the Improvement Scheme will be supported by **the preparation and implementation** of an Environmental Offset Strategy with the objective of counterbalancing the **significant** residual impact of development on the Precinct's **key environmental values including** existing native vegetation and black cockatoo habitat. The Offset Strategy will be prepared **and implemented** in accordance with State and Australian government guidelines, **on advice from the Department of Water and Environmental Regulation and approved by the relevant environmental authorities.**

Structure planning, subdivision and development is to be undertaken in accordance with the approved Offset Strategy, or if variation is proposed, consultation with and/or approval by the relevant environmental authorities shall occur.

The EPA further advises that the vegetation identified for retention in the existing PSP should be regarded as a minimum requirement; the WAPC should consider augmenting the retention of key values in the PSP, in particular north of the rail line area where it appears there may be greater retention opportunities. The EPA supports the preparation and implementation of a Vegetation Retention Area Management Plan and expects management actions will aim to enhance vegetation condition.

In considering offsets, the EPA advises the WAPC of the importance and increasing need for offsets that include acquisition, habitat restoration and/or rehabilitation of degraded areas close to the area of impact, i.e. local offsets. The EPA recommends that the future development should also prioritise landscaping and revegetation in cleared areas, and identify the use of locally endemic, non-invasive species that provide forage for species of black cockatoo. Development designs should be informed by contemporary research and guidelines.

The EPA notes the MS 1156 conditions require the Public Transport Authority (PTA) (the proponent) to ensure there are no direct or indirect impacts to vegetation within the NVRAs, compared to the pre-construction baseline condition, during construction and for 5 years post construction. As implementation of scheme will likely result in the disturbance and/or removal of vegetation within an NVRA, the ability of the PTA to fulfil the requirements of MS 1156 may be affected. In view of this, an amendment to MS 1156 may be required to align MS 1156 with future development

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through proposed retention of remnant vegetation in 'Environmental Conservation' and 'Public Open Space' reserves, implementation of environmental management plans, and requirement for the preparation and implementation of an offset strategy. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors.