

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

Metropolitan Region Scheme Amendment 1409/41

Location: Portion of North Ellenbrook (West)

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

Determination Published: 24 June 2024

Summary

Metropolitan Region Scheme Amendment 1409/41 proposes to transfer approximately 393 hectares (ha) in North Ellenbrook (West) from 'Rural' to 'Urban Deferred' zone and 'Parks and Recreation' reserve, to facilitate future residential, light industrial and commercial development.

The Environmental Protection Authority (EPA) has considered the scheme amendment 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 original referral documentation and additional information provided by the Western Australian Planning Commission (WAPC) and the proponent to this amendment. 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
- Inland waters

Advice and Recommendations regarding the Environmental Factors

The referral documentation states that a concurrent amendment to the City of Swan local planning scheme (LPS) may be requested from the WAPC as part of a future request to lift the MRS 'Urban Deferred' zoning. The concurrent amendment would facilitate the transfer of the subject lands from the 'General Rural' zone to the 'Development' zone under LPS. The EPA considers opportunities to further mitigate and manage impacts to abovementioned environmental values may become available through a future LPS amendment process and should be adopted. Including, for example, through insertion of scheme text and/or refinement of proposed Public Open Space (POS) areas.

Further advice regarding specific environmental factors is provided below.

Flora and vegetation; Terrestrial fauna

The amendment area contains some remnant vegetation representative of the Banksia Woodlands of the Swan Coastal Plain (SCP) ecological community (State Priority Ecological Community (PEC) and Commonwealth Threatened Ecological Community (TEC)). The amendment area also contains habitat for threatened species of black cockatoo and occurrences of a state-listed priority 3 flora species.

The EPA supports the proposed reservation of 51.3 ha of the amendment area to 'Parks and Recreation' reserve, which includes:

- All vegetation identified as being representative of the *Banksia* Woodlands of the SCP ecological community
- Both identified populations of *Cyathochaeta teretifolia* (state-listed priority 3 flora)
- 40.88 ha of Carnaby's Black Cockatoo foraging habitat
- 5.16 ha Forest Red-tailed Black Cockatoo foraging habitat
- 32 potential habitat trees for black cockatoos

The EPA also supports the addition of a further 4.95 ha of land along Chitty Road to 'Parks and Recreation' reservation as proposed in the post-referral information provided by the proponent. The area contains Black cockatoo habitat and its addition to the adjacent proposed 'Parks and Recreation' reservation area will support a consistent management approach across the site.

The amendment area is subject of the *North Ellenbrook (West) District Structure Plan (DSP)*, which has been approved by the WAPC. The DSP identifies lands within the amendment area as 'Public Open Space' (POS) areas to be realised through future planning processes. The EPA notes the identification of POS areas and considers that the POS areas may provide for increased protection and management of environmental values, particularly black cockatoo habitat. The EPA recommends that future planning stages prioritise revegetation in POS areas, surplus cleared areas, wetland buffers, and landscaped and drainage areas/corridors with locally endemic species (that provide foraging for species of black cockatoo) and include the installation of water drinking stations for black cockatoos. Designs should be informed by current research and guidelines.

The EPA also notes the information provided in the *Tree Retention Strategy* (Rowe Group Design, 2024) which indicates that refined concept planning and landscape design at future planning stages can provide for the retention of 206 of the 300 potential black cockatoo habitat trees identified in the proposed 'Urban Deferred' portions of the amendment area. The EPA supports retention of these habitat trees consistent with the strategy.

The EPA also notes that a portion of the amendment area is currently subject to assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and that the outcomes of this process may also assist in mitigating and managing potential impacts to black cockatoo values. Decision-making authorities have, and proponents also may have, an obligation to refer future significant proposals within the amendment area to the EPA for environmental impact assessment under Part IV of the EP Act. The EPA may then take into account the potential for other decision making processes, including EPBC Act and planning processes, to mitigate potential impacts on the environment, in deciding whether or how to assess the proposal.

Inland waters

The amendment area contains inland water values including minor watercourses, two conservation category wetlands (CCWs) and two resource enhancement wetlands (REWs).

The EPA supports the retention of the CCWs and REWs in 'Parks and Recreation' reserves and recommends that appropriate buffers to the wetlands are established through future planning processes, as informed by wetland assessments. The EPA also recommends the preparation of a local water management strategy as part of local structure planning, to be finalised in consultation with the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions.

Conclusion

The EPA concludes that the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through the scheme mechanisms, particularly the proposed retention of values within 'Parks and Recreation' reserves. The EPA notes that further impacts may be mitigated through existing and proposed planning controls and implementation of future planning processes and legislative requirements, specifically implementation of the amendment in accordance with the approved DSP and proposed *Tree Retention Strategy*. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.