

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

Metropolitan Region Scheme Amendment 1419

Location: Woodvale Drive and Ancestor Retreat, Woodvale

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

Determination Published: 4 March 2024

Summary

The amendment proposes to rezone lands at Woodvale Drive and Ancestor Retreat, Woodvale from the 'Rural' zone and 'Other Regional Roads' reservation, to the 'Urban' zone and 'Primary Regional Roads' reservation. The amendment is to facilitate future development for urban land uses.

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 at the region scheme stage, 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) 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
- Social surroundings

Advice and Recommendations regarding the Environmental Factors

The amendment area contains remnant vegetation that provides habitat for threatened species of black cockatoo. The mapped extent of Wallubuenup Swamp conservation category wetland (CCW) is located approximately 30 metres west of the amendment area, and forms part of the broader wetland chain and ecological linkage associated with the Yellagonga Regional Park.

The EPA notes that implementation of the proposed amendment may result in impacts to black cockatoo habitat, local hydrology, water quality, and natural/social amenity values. However, having had regard for the small spatial scale of the potential clearing, the location of the existing constructed road between the amendment area and the CCW, and noting that future planning processes may provide opportunities for mitigation of some impacts, the EPA does not consider that the potential impacts of the proposed amendment are so significant as to warrant formal assessment under Part IV of the EP Act.

Notwithstanding the above, whilst the EPA notes that in a regional context the potential extent of clearing within the amendment area may be small (less than 2 hectares (ha)), the EPA

considers that the potential clearing represents a further incremental and net loss to the remaining extent of black cockatoo habitat on the Swan Coastal Plain. The EPA therefore strongly recommends that future development of the amendment area considers opportunities for the retention and protection of black cockatoo habitat; the proposed commercial land use is unlikely to result in retention of environmental values and is not supported.

The EPA advises that a refinement of alternative land uses which are less development intensive should be undertaken through the future stages of planning, to ensure development is implemented which is appropriate in proximity to the regional park, and will retain remnant vegetation and threatened Black cockatoo habitat. Such land uses may include community uses, child care, aged care, or consolidated higher density residential development, which could retain vegetated areas within the development envelope and be used for passive recreation. Retained vegetated areas should ideally not be impacted by any future fire management requirements.

The EPA notes and supports that the provided WAPC scheme amendment report states that black cockatoo habitat values 'will need to be appropriately resolved prior to the amendment area being transferred to the Urban zone' and suggests the retention of portions of black cockatoo habitat may occur through 'Public Open Space' designation as part of subsequent planning processes (such as at local scheme amendment stage). The EPA has also had regard for the referred environmental information that recorded *Banksia attenuata*, *Banksia menziesii* and *Banksia prionotes* trees within the amendment area; the staggered flowering periods for these banksia species may provide a year-round foraging resource for black cockatoos at the site. As such, banksia species should be prioritised for retention. Revegetation in the local area so there is no net loss of foraging habitat should also be required as part of subsequent planning processes.

The EPA also recommends that its section 16(k) *Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas* is considered as part of future planning for the amendment area.

Proponents of future development should also consider their obligation to refer significant actions that impact matters of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999*. With reference to the Commonwealth's (2022) *Referral guideline for 3 WA threatened black cockatoo species* and in considering the information provided, the EPA notes that the amendment area contains over 1 ha of black cockatoo foraging habitat and is located in proximity to known black cockatoo breeding and roosting sites.

Social surroundings

As stated above, the EPA understands that the long-term intention for the amendment area is to facilitate development for commercial land uses. The EPA considers that this form of development may impact the social amenity and heritage values proximal to the amendment area, which include the Yellagonga Regional Park to the west and Cockman House to the north.

The EPA notes that more sensitive land uses are available under the MRS 'Urban' zoning, and that these may provide for greater opportunities to retain local natural and social amenity values within the amendment area in comparison to commercial development. A preference for more socially and environmentally compatible land uses could be implemented through future planning stages, such as at structure planning, local development planning or subdivision.

Conclusion

The EPA concludes that the scheme amendment can be managed to meet the EPA environmental objectives for the above factors through planning controls available under the requirements of the MRS, specifically, further refinement of future land uses available to be implemented under the MRS 'Urban' zone rather than commercial development. The EPA notes that further impacts may be mitigated through future planning requirements and design. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.