



Chief Executive Officer
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Your Ref:
Our Ref: CMS14070
Enquiries: Teresa Bryant, 6145 0800
Email: Teresa.Bryant@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: Metropolitan Region Scheme Amendment 1290-57
LOCATION: Anstey Road Armadale Road and Keane Road
Forrestdale Precinct
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Scheme Not Assessed: Advice Given (no appeals)

Thank you for referring the above proposed scheme to the Environmental Protection Authority (EPA).

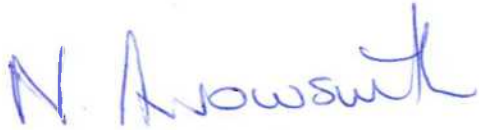
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

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 this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



Naomi Arrowsmith
A/Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

21 September 2015

Encl. Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1290/57

Location: Anstey, Armadale and Keane Roads, Forrestdale Precinct

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 21 September 2015

Summary

The Western Australian Planning Commission (WAPC) is proposing to rezone 49.47 hectares (ha) in Forrestdale from Rural to Urban.

The amendment area consists of Lots 3, 5, 23, 24, 61, 91, 100, 200 and 336 and is bounded by Armadale and Anstey Roads, and the Keane Road reserve, Forrestdale. The area borders Bush Forever site 342 to the north west and north east. The land is generally flat and has been mostly cleared for grazing.

The EPA considers that the likely environmental effects of the scheme amendment are not so significant as to warrant formal assessment. The potential impacts from the scheme amendment can be adequately managed to meet the EPA's objectives through: consideration of hydrogeological investigations to be undertaken to assist in determining the buffer requirements to protect the adjacent significant environmental values; the inclusion and implementation of scheme provisions at the local scheme amendment stage; and through detailed structure planning.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and vegetation; and
- b) Hydrological Processes.

2. Advice and Recommendations regarding Environmental Factors

The amendment area is adjacent to Bush Forever site No. 342 (BF) which contains a known occurrence of the Threatened Ecological Community (TEC) SCP10a *Shrublands on dry clay flats*. Part of a Conservation Category Wetland (CCW) that occurs in the BF site also extends into the amendment area. These are important considerations for the future development of the area.

The EPA considers the most pertinent environmental issue for the proposal to rezone the area to urban, is to define and determine a suitable buffer to protect the adjacent TEC from hydrological changes from the proposed urban development.

The complexities of the underlying layers of soil and hydrological processes that support the TEC are not well known. The EPA requires confidence that the risk to the TEC can be avoided.

The proponent has made a commitment to the EPA to undertake additional hydrogeological work to determine a suitable buffer and has acknowledged that the buffer may be in excess of 50 metres.

The EPA has based its decision on the MRS scheme amendment documentation provided by the WAPC, advice from Department of Parks and Wildlife, Department of Water, and the additional information provided by the proponent and their consultants. The EPA expects that further detailed scheme provisions to address environmental values including an appropriate buffer will be addressed at the local scheme amendment stage and through structure planning.

Flora and vegetation and Hydrological Processes

The BF site meets all six of the EPA's criteria for the identification of regionally significant natural areas. It contains one of the largest remaining areas of damplands of high conservation value on the Swan Coastal Plain and is listed as a Conservation category wetland (CCW).

The TEC, listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999*, is located within the extensive dampland and according to recent surveys, extends into the Keane road reserve. This occurrence of the TEC is in excellent condition and is the largest area of this community type in an intact bushland area.

Whilst most clay pan communities are generally not connected to groundwater, detailed hydrogeological data is required to confirm this. The soil stratigraphy (layers) in the amendment area is known to include sandy/clay layers and it is therefore possible there is sub-surface hydrological connectivity between the amendment area and the TEC.

Development of the amendment area is likely to result in changes to surface water and groundwater interactions through the requirement for fill to achieve an adequate groundwater separation distance, subsurface drainage and the addition of impervious surfaces. As these changes have the potential to impact the hydrology of the TEC the determination of a buffer between development and the TEC, based on hydrogeological information, is critical to ensure impacts to the TEC are avoided and minimised.

The proponent has committed to provide an adequate buffer to the TEC at the subsequent stages of the planning process. Cedar Woods have consulted and liaised with agencies and developed a scope of works for additional hydrogeological investigations which has been prepared to the satisfaction of the Department of Parks and Wildlife and the EPA.

The amendment area is within the Forrestdale Main Drain catchment which is identified as a priority catchment in the **Healthy Rivers Action Plan** (Swan River Trust, 2008). The Bailey's branch drain flows through part of the amendment area and the BF site and discharges into the Southern River. Water management planning for the site will need to ensure water quality does not deteriorate and that the drain has capacity to convey flows from the amendment area.

The EPA supports the additional proposed management actions for the site: hard edges and fencing to the Bush Forever site to restrict weed infestation and uncontrolled access; protection of the CCW and revegetation of areas consistent with a Revegetation Management Plan; the retention of existing trees where possible in road reserves and public open space; and water

management planning consistent with the Better Urban Water Management guidelines to the satisfaction of the Department of Water.

Recommendation

The EPA concludes that the amendment to the MRS can be managed to meet its environmental objectives, through the implementation of the scope of works for hydrogeological investigations to assist in determining a suitable buffer to the Threatened Ecological Community (TEC) SCP10a Shrublands on dry clay flats, and the subsequent preparation of future local planning scheme provisions and structure planning to retain, manage and protect the adjacent Bush Forever site 342, CCW and TEC.

The EPA understands that through a resolution of the WAPC, a concurrent amendment to the region and local planning schemes under section 126 of the *Planning and Development Act 2005* could be undertaken to amend the local scheme maps so that they are consistent with the region scheme. The EPA does not support this approach, as it would not allow for the local scheme text to be amended to insert provisions which would allow for the retention, protection and management of the significant environmental values within and adjacent to the amendment area. The EPA's decision not to assess the MRS amendment is on the expectation that a separate local scheme amendment will be referred to the EPA for its consideration under section 48A of the EP Act.