



Environmental Protection Authority

Chief Executive Officer
City of Mandurah
PO Box 210
MANDURAH WA 6210

Your Ref:
Our Ref: CMS14101
Enquiries: Angela Coletti, 6145 0800
Email: Angela.Coletti@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: City of Mandurah - Local Planning Scheme 12
LOCATION: City of Mandurah
RESPONSIBLE AUTHORITY: City of Mandurah
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

A handwritten signature in black ink, appearing to be 'DF', written in a cursive style.

Darren Foster
Director
Strategic Policy and Planning Division

For the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 dated 6 December 2013

15 June 2015

Encl. Scheme Advice and Recommendations

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

City of Mandurah Local Planning Scheme No.12

Location: City of Mandurah

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

Determination Published: 15 June 2015

Summary

The City of Mandurah proposes to replace the current Town Planning Scheme No.3 (TPS 3) with the proposed Local Planning Scheme No.12. Local Planning Scheme No.12 is a consolidation of TPS 3. It updates the scheme text (naming of zones), scheme provisions and includes recommendations of the Mandurah Planning Strategy.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). In making its decision on whether to assess the scheme, the EPA has applied its 'Significance Framework' which relates to the extent to which the scheme meets the EPA's environmental objectives for the environmental factors.

The EPA considers that the scheme is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The potential impacts from the scheme can be adequately managed to meet the EPA's objectives through the implementation of the City of Mandurah's scheme provisions, management plans and regulated through other statutory processes.

1. Environmental Factors

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

- a) Flora and Vegetation
- b) Hydrological Processes and Inland Water Environmental Quality

2. Advice and Recommendations regarding Environmental Factors

The EPA has reviewed Local Planning Scheme No. 12 (LPS 12) noting that it consolidates TPS 3 and updates the scheme text (naming of zones) and scheme provisions. The EPA understands that whilst the zoning name of some areas has changed the intent has not.

The EPA's assessment has focused on the zoning changes. Proposals outside of these areas and/or proposals raising new environmental issues which are likely to have a significant effect on the environment should still be referred to the EPA pursuant to Section 38 of the *Environmental Protection Act 1986*.

The EPA notes the scheme will allow for a range of potential uses within several zones which may lead to significant environmental impacts. This is particularly the case for the zones/uses Mixed Business, Large Lot Residential and Rural Residential.

As sufficient information in relation to the range of environmental impacts associated with proposals which may be allowable in these zones is not available to the EPA in considering LPS 12, the EPA has not been able to undertake an assessment of the relevant environmental issues. Subsequently, the EPA would expect that proposals within the above zones likely to lead to significant environmental impacts be referred to the EPA pursuant to Section 48I of the EP Act. This approach would also apply to proposals within the existing zones included within the LPS, which have been transferred from the previous scheme.

Officers of the EPA can provide assistance to the City in advising on whether specific proposals should be referred to the EPA. However, proposals would generally be of interest to the EPA if they were likely to lead to the following environmental impacts:

- Clearing of significant areas of native vegetation;
- Clearing of areas likely to contain threatened flora or fauna;
- Impacts on nature reserves, National Parks or conservation reserves;
- Impacts on wetlands or waterways;
- Impacts on public water source areas;
- The generation of gases, noise, dust, odour or effluent, which may have offsite impacts or may require licensing under the *Environmental Protection Act 1986*;
- Land degradation; and/or
- Significant soil or groundwater contamination.

Flora and Vegetation

In the EPA's assessment of the Peel Region Scheme (Bulletin 994) the EPA deferred the factor Vegetation for approximately 100ha of land in the vicinity of Point Morfitt (now known as the Panorama site) proposed to be zoned Urban. The EPA acknowledged that the site was already zoned for residential purposes in the City's TPS 3 and recommended assessment of the potential impacts on remnant vegetation be considered at the subdivision stage.

The EPA notes that new provisions in LPS 12 (clause 3.2.7) include allowing some land zoned 'Urban Development' to be exempt from requiring a structure plan and the Office of the EPA was concerned that as the Panorama site is zoned 'Urban Development', that exemption may apply.

The EPA is satisfied with the City of Mandurah's advice that the exemption does not apply for the Panorama site because the lots are either greater than 20ha or for the lots less than 20ha, because there is no existing District Structure Plan and they are located adjacent to the Harvey Estuary, a climate change assessment will be required.

The EPA considers the requirement for structure planning of the site important to ensure a planning outcome that adequately addresses the environmental values of the site in its entirety.

Hydrological Process and Inland Waters Environmental Quality

According to LPS 12, it is proposed to change the zoning of Lot 10 Old Pinjarra Road Greenfields from Tourist to Rural Residential.

The majority of Lot 10 Old Pinjarra Road Greenfields is mapped as a Conservation Category Wetland. The EPA considers Conservation Category Wetlands to be of high conservation significance that require a high level of protection.

The existing zone of Tourist has not been previously considered by the EPA and if the zoning change proceeds as part of LPS 12, the EPA would have limited capacity to consider subsequent planning proposals for the site.

The EPA accepts the City of Mandurah's subsequent advice that it will remove the proposed rezoning and retain the existing zoning (Tourist) in LPS 12. The EPA advises that requests to reclassify or modify the mapped wetland in the *Geomorphic Wetlands Swan Coastal Plain* dataset should be submitted to the Department of Parks and Wildlife prior to any application to develop, subdivide or rezone the site. Development of a Conservation Category Wetland is likely to be considered a significant proposal that would require referral under Section 38 of the *Environmental Protection Act 1986*.