

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Your Ref:
Our Ref: CMS15321
Enquiries: Billie-J Hughes, 6364 7600
Email: Billie-J.Hughes@dwer.wa.gov.au

Dear Sir/Madam

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

SCHEME: Metropolitan Region Scheme - Amendment
1323/41 South Bullsbrook Urban Precinct

LOCATION: Various properties and road reserves bounded by
Stock Road to the south, Great Northern Highway
to the west and existing Rural zoned properties to
the north and east

RESPONSIBLE AUTHORITY: Western Australian Planning Commission

DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (Not Appealable)

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



Robert Harvey
DEPUTY CHAIRMAN

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 40 published 7 March 2017

17 July 2017

Encl. Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1323/41 South Bullsbrook Urban Precinct

Location: Various properties and road reserves bounded by Stock Road to the south, Great Northern Highway to the west and existing Rural zoned properties to the north and east

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

Determination Published: 17 July 2017

Summary

The Western Australian Planning Commission (WAPC) has resolved to proceed with **Metropolitan Region Scheme Amendment 1323/41 South Bullsbrook Urban Precinct**. The purpose of the amendment is to transfer approximately 210.7 hectares of Rural zoned land to Urban Deferred.

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, as set out, is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. Having considered this matter the following advice is provided.

1. Environmental Factors

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

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Hydrological Processes;
- d) Inland Water Environmental Quality;
- e) Social Surroundings; and
- f) Human Health

Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the documentation provided by the WAPC.

a. Flora and Vegetation, Terrestrial Fauna, Hydrological Processes and Inland Waters Environmental Quality

The remnant native vegetation within the amendment area is mapped as Guildford Complex, which only has 5.3% of its original extent remaining. The vegetation ranges in condition from Degraded to Completely Degraded. Within the amendment area, this vegetation occurs along Nambad Brook and a small pocket of vegetation in the south east.

The vegetation associated with the Nambad Brook is identified as Carnaby's Black Cockatoo foraging habitat. The EPA notes an environmental assessment did not identify the presence of Black Cockatoos or evidence to suggest it is habitat. All species of Black Cockatoos are protected under both the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Any proposed development may require referral to the Commonwealth Department of the Environment and Energy under the EPBC Act due to impacts to Black Cockatoo habitat.

The EPA supports the retention of Nambad Brook and associated vegetation in public open space as depicted in concept planning for the future urban development. The retention of other areas of vegetation that provides habitat for Black Cockatoo would also be supported.

b. Social Surroundings and Human Health

An operational Class I inert landfill is located to north east of the subject land and a clay schist quarry to the east.

The separation distance between the landfill and proposed amendment area is approximately 500 metres (m). The EPA notes the generic separation distance exceeds the 150m recommended for inert landfills in the EPA's Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* (EPA GS 3) (EPA 2005).

A buffer of 500m has been provided between the quarry and the proposed amendment area. EPA GS 3 also advises 500 to 1000m depending on the size of the operation. The EPA supports the requirement for the land to not be transferred to the Urban zone until clay extraction has ceased.

Recommendation

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through the requirements identified to lift Urban Deferment in the amendment report, preparation of future local planning scheme provisions and/or structure planning to manage and protect the identified environmental factors above.

future local planning scheme provisions and/or structure planning to further and identify, manage and protect the above environmental values.

The EPA does not consider it appropriate for a concurrent amendment to the region and local planning schemes under section 126 of the *Planning and Development Act 2005* to be undertaken.