

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

Your Ref:
Our Ref: CMS17023
Enquiries: Stephen Pavey, 6364 7600
Email: Steve.Pavey@dwer.wa.gov.au

Dear Sir/Madam

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

SCHEME: Metropolitan Region Scheme Amendment 1331/57
– Rosehill Waters
LOCATION: Lots 200 and 9000 West Parade, South Guildford
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

A handwritten signature in blue ink, consisting of a large, stylized 'P' followed by a long horizontal line.

Patrick Seares
Delegate of the Environmental Protection Authority
Executive Director EPA Strategic and Guidance

23 October 2017

Encl. Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1331/57

Location: Lots 200 and 9000 West Parade, South Guildford

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

Determination Published: 23 October 2017

Summary

The Western Australian Planning Commission (WAPC) has initiated Metropolitan Region Scheme Amendment 1331/57 to rezone and reserve land between the Helena River and the former Rosehill Golf Course in South Guildford. The rezoning and reservation will facilitate a land swap and future urban 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, 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. The EPA has based its decision on the documentation provided by the WAPC. Having considered this matter the following advice is provided.

1. Environmental Factors

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

- a) Inland Waters Environmental Quality; and
- b) Social Surroundings (Aircraft Noise).

2. Advice and Recommendations regarding Environmental Factors

a. Inland Waters Environmental Quality

The area proposed to be transferred from the Parks and Recreation reservation to the Urban zone as part of the proposed land swap is within the Swan Canning Development Control Area and contains a waterway and floodplain of the Helena River.

The 2013 Rosehill Waters District Water Management Strategy (DWMS) and the subsequent 2016 Local Water Management Strategy (LWMS) do not include the proposed land swap area. Water issues regarding the waterway and floodplain can be managed by amending the DWMS and LWMS to include water resource investigations and management of the land swap area. The revised reports, or addendums to the reports, should be endorsed by the Department of Water and Environmental Regulation prior to approval of the rezoning.

b. Social Surroundings

The amendment area is subject to aircraft noise. Future development can be managed through the application of the City of Swan Local Planning Scheme No. 17 clause 6.2 Aircraft Noise Exposure Areas.

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 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 to protect the waterway and associated areas of native vegetation. 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.

The EPA concludes that development within the amendment area can be managed to meet the EPA's environmental objectives, through the preparation of future local planning scheme provisions and structure plans to manage and protect the identified environmental factors of Inland Waters Environmental Quality.

Recommendations

The EPA recommends that:

1. The Rosehill Waters DWMS and the subsequent LWMS are amended to include water resource investigations and management for the proposed land swap area. The revised reports, or addendums to the reports, should be endorsed by the Department of Water and Environmental Regulation prior to approval of the rezoning.
2. Following finalisation of the region scheme amendment, a local planning scheme amendment is prepared and referred to the EPA for its consideration under section 48A of the EP Act.