

Mr Ian Cowie
Chief Executive Officer
City of Gosnells
PO Box 662
GOSNELLS WA 6110

Our Ref: CMS17215
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Dear Mr Cowie

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

SCHEME: City of Gosnells Local Planning Scheme No. 24
LOCATION: Whole scheme area
RESPONSIBLE AUTHORITY: City of Gosnells
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 black ink, appearing to read 'Hans Jacob', written in a cursive style.

Hans Jacob
Delegate of the Environmental Protection Authority
A/Executive Director
EPA Services

11 October 2019

Encl. Scheme Advice and Recommendations

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

City of Gosnells Local Planning Scheme No. 24

Location: Whole of local government area

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

Determination Published: 14 October 2019

Summary

The City of Gosnells proposes to introduce a new local planning scheme to replace its existing scheme. A number of proposed rezonings raise environmental issues.

The Environmental Protection Authority (EPA) has considered the scheme 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 scheme amendment documentation and additional information provided by the City of Gosnells (City) and the Department of Planning, Lands and Heritage (DPLH). The EPA's assessment is based on Scheme 24 being modified by removing the proposed changes to the rezoning of Lot 243 Bickley Road, and Lots 21 and 22 Royal Street, Kenwick.

The EPA's assessment focused on the proposed modification to Scheme 24 to rezone a number of infill development areas to Urban Development. Some of these infill areas have Conservation Category Wetlands (CCWs) mapped on site or are directly adjacent to CCWs, including the Brixton Street Wetlands. Proposed future developments that are likely to have a significant effect on the environment should be referred to the EPA pursuant to section 38 of the EP Act. Having considered this matter the following advice is provided.

Environmental Factors

Having regard to the EPA's Statement of Environmental principles, Factors and Objectives the EPA has identified Inland Waters, Flora and Vegetation and Terrestrial Fauna as preliminary environmental factors relevant to this scheme.

Advice and Recommendations regarding Environmental Factors

The EPA supports the scheme provisions which for limitation of the 'Additional Use' areas within the scheme. The EPA also supports the City's request to the Western Australian Planning Commission (WAPC) to modify the initiated scheme by retaining the existing zoning over Lot 243 Bickley Road and Lots 21 and 22 Royal Street in Kenwick.

The EPA notes the DPLH proposes to recommend that the WAPC modify the initiated scheme by rezoning a number of infill development areas to Urban Development. The Urban Development zone will facilitate increased density through structure planning. Some of the infill areas either contain or are directly adjacent to CCWs, including the Brixton Street Wetlands are in areas where reticulated sewerage is not available and may result in a loss of tree canopy. The EPA recommends the City consider the retention of mature trees within the City.

At this stage, the EPA is unable to determine the environmental impacts of future development in areas to be zoned Urban Development within the Yule Brook Catchment. This is further discussed below.

Environmental Issues not assessed

Without limiting the EPA's discretion under section 38(5)(e) of the EP Act to require the referral of proposals arising from the scheme and your discretion, as the responsible authority, under section 48I of the EP Act to refer proposals arising from the scheme, the EPA advises that the following environmental issues are not assessed for areas within the Yule Brook Catchment.

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters.

Advice and recommendations regarding Environmental Issues not assessed

Sufficient information is not available at this stage regarding the nature of the impacts on the environment arising from the implementation of the scheme. Accordingly the EPA advises that the environmental issues listed above are not assessed and recommend further consideration of the need to assess proposals arising from the scheme when more information is available, for example, preparation of a subdivision application or development plan/application.

Recommendation

The EPA concludes that the scheme can be managed to meet the EPA's environmental objectives for the above factors through the local planning scheme provisions and/or future proposals which identify, manage and protect the above environmental values and factors. Significant proposals within the Yule Brook Catchment which are likely to have a significant effect on the environment should be referred to the EPA pursuant to Part IV section 38 of the EP Act.