



GOVERNMENT OF
WESTERN AUSTRALIA

Environmental Protection Authority

Mr Ray Tame
Chief Executive Officer
City of Armadale
Locked Bag 2
ARMADALE WA 6992

Our Ref: CMS17433
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Dear Mr Tame

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

SCHEME: City of Armadale - Town Planning Scheme 4 -
Amendment 96
LOCATION: Land bounded by Armadale Road, Keane Road
and the Anstey-Keane Wetland
RESPONSIBLE AUTHORITY: City of Armadale
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



Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

20 August 2018

Encl. Scheme Advice and Recommendations

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

City of Armadale Town Planning Scheme 4 Amendment 96
Anstey Keane Precinct, Forrestdale

Location: Forrestdale

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

Determination Published: 20 August 2018

Summary

The City of Armadale proposes to zone approximately 112 hectares of land bounded by Armadale Road, Keane Road and the Anstey-Keane Wetland (Bush Forever Site 342) to the Urban Development zone. Provisions specific to development of the subject site are proposed to be inserted into Schedule 8 of the local planning scheme.

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 the scheme amendment 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 City of Armadale. Having considered this matter the following advice is provided.

1. Environmental Factors

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

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings

2. Advice and Recommendations regarding Environmental Factors

Land west of Anstey Road (zoned Urban by Metropolitan Region Scheme (MRS) Amendment 1290/57)

The amendment area west of Anstey Road is bordered by Bush Forever Site 342 (BFS 342) which contains a known occurrence of the Threatened Ecological Community (TEC) SCP10a *Shrublands on dry clay flats*. A Conservation Category Wetland (CCW) within BFS 342 also extends into the amendment area.

Following gazettal of MRS Amendment 1290/57 the proponent's environmental consultants liaised with the former Office of the Environmental Protection Authority and former Department

of Parks and Wildlife to develop appropriate local planning scheme provisions specifically designed to protect BFS 342, SCP10a and the CCW.

The EPA supports that the proposed Amendment 96 text provisions to be inserted in Schedule 8 of the scheme contains the above-mentioned text provisions. The EPA expects that these provisions will remain in the final Amendment 96 text approved by the Minister for Planning.

Land east of Anstey Road (zoned Urban by MRS Amendment 1321/57)

The amendment area east of Anstey Road is largely cleared, containing pockets of remnant vegetation mapped as the Southern River Vegetation Complex, which has only 18.4% of its pre-clearing extent remaining. This vegetation is also habitat for Carnaby's Black Cockatoos, which is protected under both the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1999*. The single largest area of the Southern River Vegetation Complex is within Lots 43 and 44 Keane Road. The EPA notes the City of Armadale has excluded these two lots from the Amendment 96 area and requested the Western Australian Planning Commission reserve the lots as Parks and Recreation in the MRS.

The EPA supports the protection of the environmental values within Lots 43 and 44 Keane Road. The EPA expects that these lots will be excluded from the final Amendment 96 area approved by the Minister for Planning. Any proposed rezoning of these lots within the local scheme will require referral to the EPA in accordance with the *Planning and Development Act 2005* for consideration of the environmental impacts under s48A of the EP Act.

The Forrestdale West Business Park, which is zoned for industrial use, is located to the north east of the subject area. It is unclear what specific industrial uses are proposed for this area. Future development will need to consider EPA Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* regarding potential land use conflicts between the proposed urban and industrial development areas.

Conclusion

The EPA concludes that Amendment 96 can be managed to meet the EPA's environmental objectives for the above environmental factors, through the adoption of the local planning scheme provisions as resolved by Council on 22 May 2018 and structure plans to manage and protect the identified environmental factors.

The EPA's decision not to assess the amendment is within the context that the environmental values on Lots 43 and 44 Keane Road should be protected in a separate local scheme amendment and/or MRS amendment to be referred to the EPA for its consideration under section 48A of the EP Act.