



## Environmental Protection Authority

Ms Sam Fagan  
The Secretary  
Western Australian Planning Commission  
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**PERTH WA 6990**

Our Ref: CMS17449  
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Dear Ms Fagan

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

**SCHEME:** Metropolitan Region Scheme Amendment  
1346/57  
**LOCATION:** Lots 705-708 Armadale Road Treeby  
**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



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

17 September 2018

Encl. Scheme Advice and Recommendations

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

**Metropolitan Region Scheme Amendment 1346/57**

**Location:** City of Cockburn; Lots 705-708 Armadale Road Treeby

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

**Determination Published:** 17 September 2018

**Summary**

The Western Australian Planning Commission (WAPC) has initiated Metropolitan Region Scheme (MRS) Amendment 1346-57 to rezone approximately 47.68 hectares (ha) from the 'Rural – Water Protection' zone to the 'Urban' zone in Treeby. The amendment also proposes to reserve 0.52 ha as Primary Regional Roads associated with Armadale Road.

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 documentation provided by the WAPC. Having considered this matter the following advice is provided.

**1. Environmental Factors**

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

- a) Flora and Vegetation,
- b) Terrestrial Fauna; and
- c) Inland Waters.

**2. Advice and Recommendations regarding Environmental Factors**

The EPA notes that the amendment proposes a minor rationalisation of Bush Forever Site (BFS) 390; an addition of 1.79 ha and removal of 0.30 ha (for road access). The EPA advises that the 1.79ha to be added to BFS 390 should be for conservation purposes, and not utilised as active public open space.

BFS 390 contains the Threatened Ecological Community (TEC) *Banksia Woodlands of the Swan Coastal Plain*, suitable habitat for the Endangered Carnaby's Black Cockatoo, and occurrences of Threatened Flora *Caladenia huegelii*. The EPA understands the majority of the TEC and occurrences of *Caladenia huegelii* are located within BFS 390 with a TEC area and some individual plants identified in isolated patches within the amendment area. The EPA notes the proposal to relocate individuals of *Caladenia huegelii* and supports the recommendation that agreement will be required from the Department of Biodiversity, Conservation and Attractions (DBCA). The EPA notes that the provided Concept Plan depicts development within the TEC area. The EPA advises that the avoidance, management and

mitigation of potential impacts to the TEC within the amendment area should be addressed through the future local scheme amendment, discussed further below.

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 that they are consistent with the region scheme. The EPA does not support this approach in this instance, as it would not allow for the local scheme amendment to be referred to the EPA for environmental impact assessment consistent with s48A of the EP Act, and allow text provisions to be inserted for the retention, protection and management of the significant vegetation, flora and fauna values.

The EPA expects that the future local scheme amendment will include text provisions to address the requirements for the retention and management of impacts to vegetation, fauna habitat and threatened flora, within and surrounding the amendment area. This text should specifically address vegetation management consistent with EPA Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development*, including hard edges to separate BFS 390 from development and areas of local open space, road layout, fire management, noise and drainage management.

The EPA recommends that the City of Cockburn liaise with the Department of Planning, Lands and Heritage and DBCA to develop appropriate scheme text provisions which will adequately secure, protect and manage the significant vegetation, flora and fauna values within and surrounding the amendment area.

The EPA further notes that the Department of Water and Environmental Regulation has approved a District Water Management Strategy which demonstrates that water management measures are appropriate for a Priority 3 Public Drinking Water Source Area. Further water quality risk mitigation measures will be required at the later stages of the planning process.

## **Conclusion**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives within the context that the environmental values associated with the amendment should be protected and managed through a separate local scheme amendment to be referred to the EPA for its consideration under section 48A of the EP Act.