



Environmental Protection Authority

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

Our Ref: CMS17541
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Dear Ms Fagan

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

SCHEME: Metropolitan Region Scheme Amendment
1369/57 - West Piara Urban Precinct
LOCATION: West Piara
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. I have also attached a copy of the Chairman's determination of the scheme.

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 the Chairman's determination, 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

27 March 2020

Encl. Scheme Advice and Recommendations
Chairman's Determination

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

Metropolitan Region Scheme Amendment 1369/57 - West Piara Urban Precinct

Location: West Piara

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

Determination Published: 30 March 2020

Summary

The Western Australian Planning Commission (WAPC) proposes to rezone approximately 112 hectares (ha) of land in Piara Waters from the 'Rural-Water Protection' zone to the 'Urban' and 'Urban Deferred' zones, and 'Primary Regional Roads' reservation. The rezoning will facilitate future urban development.

The Environmental Protection Authority (EPA) has considered Metropolitan Region Scheme Amendment 1369/57 (MRS 1369/57) in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA has based its decision on the documentation provided by the WAPC and having considered this matter, the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to MRS 1369/57:

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

2. Advice and Recommendations regarding Environmental Factors

The EPA considers MRS 1369/57 is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. However there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA. The following advice is provided in this regard:

Inland Waters

The amendment area is within a Priority 2 Drinking Water Source Protection Area, the Jandakot Underground Water Pollution Control Area and partially within two drinking water wellhead protection zones. There are also Resource Enhancement wetlands and Multiple Use wetlands in the southern and northern sections of the amendment area.

The District Water Management Strategy (DWMS) submitted to the Department of Water and Environmental Regulation (DWER) for approval requires changes to sufficiently address the impacts, risks and management of urban development for surface water and groundwater resources.

The EPA recommends approval of the DWMS by the DWER prior to finalisation of MRS1369/57.

Flora and Vegetation and Terrestrial Fauna

The amendment area contains poorly represented remnant vegetation (Southern River complex - 14% remaining), threatened species of black cockatoo habitat and wetland vegetation and fauna habitat. The amendment area may also contain threatened flora known to occur within the local area.

Updated flora and vegetation and fauna surveys are required to inform future local planning scheme amendments. Since the provided October 2011 Bennett Environmental Consulting survey, several threatened and priority taxa are now known to occur in the local area (within 10km). The survey was also likely to have been too late to identify any *Caladenia huegelii* and possibly other threatened orchids. The EPA recommends that future surveys are undertaken consistent with EPA technical guidance.

The EPA does not support a concurrent amendment to the City of Armadale local planning scheme for West Piara when MRS 1369/57 is finalised. The EPA recommends future local planning scheme amendments be referred to the EPA which contain scheme map and/or text provisions which demonstrate avoidance and management of impacts to the environmental values, informed by the surveys required above.

Social Surroundings

The EPA notes a sand mining operation is located to the west of the amendment area. The EPA's Guidance Statement 3 – *Separation Distances between Industrial and Sensitive Land Uses* (GS 3) recommends a 300 to 500 metre separation distance, depending on size, between the mining proposal and sensitive land uses.

The EPA supports the proposed Urban Deferred zone for land within proximity to the sand mine. The Urban Deferred zone should remain until either sand mining has been completed or confirmation the proposal will not occur is provided.

The EPA also notes there are several existing dog kennels to the north-west of the amendment area with potential for impacts on future residents. The EPA's GS 3 recommends a separation distance of 500 metres due to potential noise and odour impacts, unless site specific studies inform a reduced separation distance.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through existing planning controls. The EPA further recommends future City of Armadale local planning scheme amendment should contain specific scheme provisions, informed by surveys, to demonstrate how impacts to these values will be avoided and/or managed.