

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

Metropolitan Region Scheme Amendment 1367/57

Location: Part Lot 5131 and Part Lot 705 Jandakot Rd Treeby

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

Determination Published: 8 June 2020

Summary

The Western Australian Planning Commission (WAPC) has initiated Metropolitan Region Scheme (MRS) Amendment 1367/57 to rezone 31.93 hectares (ha) within Part Lot 5131 Jandakot Rd and Part Lot 705 from the Rural-Water Protection zone to the Urban zone. The rationalisation of Bush Forever site 390 (addition: 2.39 ha and removal: 9.58 ha) is also proposed.

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 scheme amendment documentation provided by the WAPC, and having considered this matter, the following advice is provided.

Environmental Factors

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

- Flora and Vegetation,
- Terrestrial Fauna; and
- Inland Waters.

Advice and Recommendations regarding Environmental Factors

Flora and Vegetation and Terrestrial Fauna

The amendment area contains a portion of Bush Forever Site 390 (BFS 390) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listed Threatened Ecological Community (TEC) *Banksia Woodlands of the Swan Coastal Plain* and habitat for threatened species of black cockatoo.

The EPA supports that the 2.39 ha to be added to BFS 390 is in 'Excellent' condition, given majority of the 9.58 ha to be removed is in 'Degraded' and 'Completely Degraded' condition. The EPA also supports the proposal to retain the island of remnant vegetation in 'Excellent' condition within public open space through the future stages of planning. The EPA notes that the remainder of Lot 5131 is in 'Good' to 'Excellent' condition the majority of which is in Bush Forever site 390 and is to be left unmodified.

The EPA further notes that the amendment is accompanied by a draft Negotiated Planning Outcome (NPO) to be coordinated by the Department of Planning, Lands and Heritage, which proposes the protection of 'Excellent' and 'Very Good' vegetation and the ceding free of cost approximately 46.24ha of realigned Bush Forever area 390 in Lot 5131 Jandakot Road and

Lot 750 Armadale Road, Treeby (outside of the amendment area). The EPA supports this inclusion, and the potential for this area of BFS 390 to be ceded to a local or state authority as part of a NPO. The revised boundary of BFS 390 may increase the ability of the site interface between BFS 390 and urban development to be managed to mitigate potential impacts.

The EPA recommends management and mitigation of impacts to the adjacent BFS 390 consistent with EPA Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development*. This should include use of hard edges (such as through consideration of road layout) to separate BFS 390 from development and areas of local open space. Road layout, and fire, noise, and drainage management should all be managed to protect impact to significant environmental values within BFS 390.

Occurrences of the threatened flora *Caladenia huegelii* listed as Critically Endangered under the BC Act and Endangered under the EPBC Act have been identified within the amendment area and BFS 390. *Caladenia huegelii* habitat should be retained and protected, and indirect impacts to habitat managed so as to protect the flora. Further to this, the EPA recommends that the amendment be modified prior to finalisation to remove proposed Urban zone over the *Caladenia huegelii* occurrences near the proposed southern road extension, and include this area in BFS 390.

The EPA expects that consultation regarding the protection of occurrences of threatened flora within and adjacent to the amendment area will be undertaken with the Department of Biodiversity, Conservation and Attractions (DBCA).

The site contains potential habitat for threatened species of black cockatoo, listed under both the *Biodiversity Conservation Act 2016* (BC Act) and EPBC Act. Consideration should be given to retention of black cockatoo habitat through the future stages of planning.

The WAPC should ensure that any future Structure Plans for the site will be referred to the DBCA and other relevant authorities for consultation and comment as part of the planning process.

Inland Waters

The amendment area is located in a Priority 2 Public Drinking Water Source Area (PDWSA). The EPA notes that the Department of Water and Environmental Regulation (DWER) has approved a District Water Management Strategy which demonstrates that proposed water management measures are appropriate for a Priority 3 PDWSA. Further consultation with DWER, and 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 through existing planning controls. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna and Inland Waters.