

Ms Sam Fagan
The Secretary
Western Australian Planning Commission
Locked Bag 2506
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Our Ref: CMS 17950
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Dear Ms Fagan

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

SCHEME	Metropolitan Region Scheme Amendment 1380/57 South East and South West Districts Omnibus 4
LOCATION	Various zones and reservations in the South East and South West Districts of the metropolitan region
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

Thank you for referring the above 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 Chair'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 Chair'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

31 May 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1380/57

Location: South East and South West Districts

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

Determination Published: 31 May 2021

Summary

The Western Australian Planning Commission (WAPC) proposes to rezone various zones and reservations in the Cities of Armadale, Cockburn, Gosnells, Kwinana and Rockingham and Shire of Serpentine-Jarrahdale.

The Environmental Protection Authority (EPA) has considered the amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the 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 expects future proposals likely to lead to significant environmental impacts are referred to the EPA pursuant to Part IV of the 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.

Environmental Factors

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

- Flora and Vegetation
- Terrestrial Fauna
- Social Surroundings

Advice and Recommendations regarding Environmental Factors

The EPA considers there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA.

Proposal 15 City of Armadale

To rezone Lot 5072 Atlantic Road from the Rural zone to the Urban zone.

Social Surroundings

The EPA advises the amendment area is located approximately 460 meters north of the City of Armadale's landfill and recycling facility. The land fill site may also be potentially contaminated.

The EPA recommends an appropriate separation distance between the landfill facility and future residential development within the amendment area consistent with State Planning Policy 4.1 *State Industrial Buffer Policy* and the EPA's Guidance Statement No.3 *Separation Distances between Industrial and Sensitive Land Uses*.

Proposal 16 Shire of Serpentine-Jarrahdale

To rezone:

- a portion of Lot 60 Robertson Road and portions of Lot 21 Norman Road from the Rural zone to the Industrial zone and remove this land from BFS 361; and
- portions of Lot 21 Norman Road from the Industrial zone to the Rural zone and to add this land to BFS 361.

Flora and Vegetation and Terrestrial Fauna

The proposal is to rationalise the Industrial and Rural zones and the boundaries of BFS 361 to provide an interface between the Industrial zoned land and BFS 361. The EPA acknowledges the amendment is consistent with a deed of agreement between with the owners of Lots 21 and 60 relating to a negotiated planning outcome and the deed of agreement will be executed prior to finalisation of the amendment.

The EPA notes the proposed boundary rationalisation will remove areas containing native vegetation from BFS 361 and that overall, there has been a net loss of area/vegetation to BFS 361. The rationalisation of BFS boundaries should seek to retain native vegetation in BFS. Rationalisation that may incorporate degraded areas into BFS may be revegetated and/or managed for passive open space. The EPA also advises the local planning scheme should contain text to ensure management of potential impacts to BFS 361, flora and vegetation and fauna from development of the amendment area. Therefore, the EPA does not support a concurrent amendment under Section 126(3) of the P & D Act.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna and Social Surroundings. Local planning scheme amendments should contain specific scheme reserves and/or text to ensure impacts to these values will be avoided and/or managed.