

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

Our Ref: CMS 17951
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Dear Ms Fagan

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

SCHEME	Metropolitan Region Scheme (MRS) Amendment 1379/57 North East and North West Districts Omnibus 3
LOCATION	Various zones and reservations in the North East and North West MRS Districts.
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 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

A handwritten signature in black ink, appearing to read 'A. Sutton', with a horizontal line extending to the right.

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

23 August 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment (MRS) 1379/57

Location: North East and North West MRS Districts

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

Determination Published: 23 August 2021

Summary

The Western Australian Planning Commission (WAPC) proposes to rezone/change various zones and reservations in the Cities of Wanneroo and Swan and the Shire of Mundaring.

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
- Inland Waters
- 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 1 Lot 1014 Skysail Avenue Alkimos City of Wanneroo

To transfer Lot 1014 Skysail Avenue Alkimos from the Urban zone to the Public Purposes - High School reservation. The site is identified as a high school site in the Central Alkimos Local Structure Plan (LSP).

Flora and Vegetation; Terrestrial Fauna

The amendment area is approximately 11.6 hectares (ha) in size and is fully vegetated. The vegetation is mapped as Floristic Community types 24 (*Northern Spearwood shrublands and woodlands*) and 28 (*Spearwood Banksia Northern attenuata or Banksia attenuata – Eucalyptus woodlands*), and is mapped as Excellent to Very Good condition.

The vegetation is foraging habitat for species of black cockatoo listed under both the *Biodiversity Conservation Act 2016* (BC Act) and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EPA notes approval for clearing within the Central Alkimos LSP area, including the amendment area, has been obtained under the EPBC Act (reference EPBC 2015/7561). The approval is subject to conditions requiring the preparation and approval of a construction environmental management plan and a parks and recreation reserve management plan to ensure the appropriate protection of Carnaby's black cockatoo habitat in the locality, and purchase of offsets. Any future development of the site must be consistent with the EPBC approval conditions.

Proposal 5 Lot 503 Flynn Drive City of Wanneroo

To:

- Rezone 3.6 ha of land in the south-western corner of Lot 503 from the Parks and Recreation reservation to the Industrial zone and remove this land from Bush Forever Site (BFS) 384; and
- Remove part of the adjacent road reserve for Flynn Drive from BFS 384 to rationalise its extent.

Flora and Vegetation and Terrestrial Fauna

The amendment area is approximately 3.6 ha, is part of BFS 384, and is mapped as containing vegetation in Good to Poor condition that is identified as potentially being part of the Tuart Woodlands Flora Community, a Threatened Ecological Community under the EPBC Act and a Priority 3 Priority Ecological Community under the BC Act. The vegetation is mapped as potential black cockatoo foraging and breeding habitat.

Future development associated with the amendment has the potential to impact threatened vegetation and fauna habitat through clearing.

The EPA notes the proposed amendment is an outcome of negotiations between DevelopmentWA and the WAPC as part of a strategic land exchange involving land within BFS 384 and BFS 293.

The EPA also notes approval subject to conditions has been obtained under the EPBC Act for clearing within Lot 801 Neerabup Industrial Estate (including the amendment area) (Ref: EPBC Act 2012/6424). The Department of Water and Environmental Regulation (DWER) granted a clearing permit for the amendment area in April 2019 (Ref: 7405/1), subject to conditions including purchasing of an offset site to be ceded to the Department of Biodiversity, Conservation and Attractions. Any future development of the site must be consistent with the approval conditions.

Proposal 8 Lot 811 Drumpellier Drive City of Swan

The proposal seeks to rezone approximately 2.01 ha of Lot 811 Drumpellier Drive from the Parks and Recreation reservation to the Urban zone, to enable the WAPC to acquire land required for proposed road works along Beechboro Road North and Marshall Road.

Inland Waters

A portion of the amendment area is classified as a resource enhancement wetland (REW). It is noted that the REW area is a completely cleared and highly modified environment.

Future development should maintain predevelopment groundwater and surface water hydrology and water quality associated with the REW, and an appropriate buffer to the wetland should be established.

Reclassification of the wetland in consultation with the Department of Biodiversity, Conservation and Attractions may be considered prior to development of the site.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3692 for Bennett Brook. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to the South West Aboriginal Land and Sea Council (SWALSC) during the formal advertising period.

Proposal 9 Lots 205 and 252 Helena Valley Road Shire of Mundaring

The amendment proposes to transfer portions of Lot 205 and 252 Helena Valley Road (approximately 0.78 ha) from the Rural zone to the Urban zone.

Flora and Vegetation and Terrestrial Fauna

The amendment area contains 0.65 ha of native remnant vegetation mapped as in Good to Degraded condition of which approximately 0.14 ha is mapped as Banksia Dominated Woodland of the Swan Coastal Plain TEC. The amendment area also contains potential black cockatoo foraging habitat.

Five potentially significant black cockatoo habitat trees were recorded by survey within the amendment area. None of these trees had suitable breeding hollows recorded, and no evidence of roosting was observed. However, as the trees could be used for roosting or breeding in the future, the EPA recommends significant trees within the future development area be retained where possible.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3758 for Helena River. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to SWALSC during the formal advertising period.

Proposal 10 Lots 2 and 6 Midland Road Shire of Mundaring

The proposal seeks to rezone the amendment area from the Rural zone to the Urban zone to make the zoning of the site consistent with the extent of the WAPC endorsed *Lots 2,3 & 6 Midland Road, Helena Valley Local Structure Plan* (LSP). Land within the amendment area is proposed in the LSP to have the designated land uses of Rural Residential and Public Open Space/Drainage.

Flora and Vegetation; Terrestrial Fauna; Inland Waters

The amendment area contains approximately 1 ha of vegetation mapped as Banksia Woodland of the Swan Coastal Plain TEC, in Good to Completely Degraded condition. The amendment area also contains foraging habitat and potential breeding habitat (Flooded Gum and Marri) for species of black cockatoo.

Kadina Brook runs through the amendment area. Approximately 0.7 ha of the amendment area is mapped as resource enhancement wetland (REW), and approximately 0.16 ha is mapped as within the floodway of the Helena River.

Development of the site for has the potential to impact groundwater and surface water quality and pre-development hydrology, including through nutrient run off. This impact can be managed through establishment of an appropriate buffer to the REW and implementation of

water management planning for the site. Water management planning should maintain or improve groundwater and surface quality, and pre-development hydrology.

The amendment area is within the Swan Canning Rivers Development Control Area, and will be managed under Part 5 of the *Swan and Canning Rivers Management Act 2006*, and any associated requirements of the MRS.

The EPA supports the intention to remove 0.16 ha of Rural Residential designated land from the rezoning when the Report on Submissions is presented to the WAPC for its consideration, given the designation of the land as a part of the Helena River floodway.

The proposed structure plan for the site designates the majority of the amendment area for Public Open Space/Drainage. Vegetation within the REW and Kadina Brook foreshore area is proposed to be retained within the 30m wetland buffer. The EPA supports this approach. The EPA recommends significant trees within the future development area be retained where possible.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3758 for Helena River. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to SWALSC during the formal advertising period.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through existing planning mechanisms. In addition, the EPA recommends its advice is implemented to further mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna, Inland Waters and Social Surroundings. Future local planning scheme amendments and structure planning should contain specific scheme reserves and/or text to ensure impacts to these values are avoided and/or managed.