

Mr Tony Brun  
Chief Executive Officer  
City of Cockburn  
9 Coleville Crescent  
**SPEARWOOD WA 6163**

Our Ref: CMS 17987  
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Dear Mr Brun

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

<b>SCHEME</b>	<b>City of Cockburn Town Planning Scheme 3 Amendment 151</b>
<b>LOCATION</b>	<b>Part Lot 5131 and Part Lot 705 Jandakot Rd Treeby</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>City of Cockburn</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)</b>

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

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

9 August 2021

Encl. Chair's Determination  
Scheme Advice and Recommendations

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

**City of Cockburn Town Planning Scheme 3 Amendment 151**

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

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

**Determination Published: 9 August 2021**

**Summary**

The proposed amendment is to amend the scheme map to rezone portions of Lot 5131 and part Lot 705 Jandakot Road Treeby from the 'Resource' to the 'Development' zone and include the lots in Development Area 44 (DA44). The amendment proposes to amend the scheme text to insert DA 44 into Table 9 Development Areas, with associated provisions.

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 City of Cockburn, 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 6.5ha of Banksia Woodlands of the Swan Coastal Plain (dominated by FCT SCP 23a), a Threatened Ecological Community (TEC) under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The TEC is also potential foraging habitat for threatened species of black cockatoo listed under the *Biodiversity Conservation Act 2016* (BC Act) and EPBC Act. The amendment area is adjacent to Bush Forever site 390 (BFS 390).

Future development associated with the amendment has the potential to impact threatened vegetation and fauna habitat through clearing, and to impact the adjacent BFS 390.

It is recommended that through the future stages of planning consideration should still be given to retention of black cockatoo foraging habitat and significant trees that have the potential to develop suitable breeding hollows.

Occurrences of the threatened flora *Caladenia huegelii* listed as Critically Endangered under the BC Act and Endangered under the EPBC Act have been identified adjacent to the

amendment area. Indirect impacts to *Caladenia huegelii* habitat should be managed through future planning processes (including structure planning and subdivision).

The EPA expects that consultation regarding the protection of habitat for occurrences of threatened flora adjacent to the amendment area will be undertaken with the Department of Biodiversity, Conservation and Attractions (DBCA) as part of future planning processes.

EPA's Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development* guidance should be considered at the detailed planning stage, including structure planning. Future planning 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 through the planning process to protect impact to significant environmental values within BFS 390.

The City of Cockburn should ensure that any future Structure Plan for the amendment area be referred to the DBCA and other relevant authorities for consultation and comment as part of the planning process.

The EPA notes the amendment area is part of a Negotiated Planning Outcome (NPO) between the land developer and Western Australian Planning Commission. The developer will cede 46.24ha of rationalised BFS 390 within Lot 5131 Jandakot Road and Lot 705 Armadale Road to the National Trust of Australia. The majority of the vegetation to be ceded as part of the NPO is mapped as black cockatoo habitat.

### Inland Waters

The amendment area is located in a Priority 2 Public Drinking Water Source Area (PDWSA). P2 areas are managed to maintain or improve the quality of the drinking water source with the objective of risk minimisation. Urban development is incompatible with this protection status, consistent with *State Planning Policy 2.3: Jandakot Groundwater Protection (SPP 2.3)*, and *Water Quality Protection Note 25 - Land use compatibility tables for public drinking water source areas (DWER, 2016)*.

It is noted that Metropolitan Region Scheme Amendment (MRS) 1367/57 has rezoned the site from the Rural-Water Protection to the Urban zone in the MRS. The WAPC has made this decision in its role as the decision maker and custodian of SPP 2.3. As a result of the rezoning, the Department of Water and Environmental Regulation (DWER) will amend PDWSA protection status of the groundwater resource within the amendment area from P2 to P3, which is compatible with urban development and consistent with SPP 2.3.

The EPA notes that the 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 may be required at the later stages of the planning process.

The amendment area is adjacent to a Resource Enhancement Wetland (REW). Future development within the amendment area has the potential to impact groundwater and surface water quality and pre-development hydrology within the site and adjacent REW. Future water management plans for the site should consider management of potential impact of future development on the nearby REW, and future structure planning should consider establishment of appropriate buffers between the REW and development.

## **Conclusion**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through through proposed scheme provisions. In addition, existing planning controls, future planning processes and management measures will also manage potential impacts. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna and Inland Waters.