



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

Our Ref: CMS 18088
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Dear Ms Fagan

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

SCHEME	Metropolitan Region Scheme Amendment 1387/57
LOCATION	Breakwater Drive between Lisford Avenue and the Mitchell Freeway
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

A handwritten signature in black ink, reading "Dehlia Goundrey". The signature is written in a cursive style with a long, sweeping tail on the "y".

Dehlia Goundrey

Director
EPA Services

7 December 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1387/57

Location: Breakwater Drive (Lisford Avenue to Mitchell Freeway Reservation)

Determination: Scheme Not Assessed – Advice Given (Not Appealable)

Determination Published: 6 December 2021

Summary

The Western Australian Planning Commission (WAPC) proposes to amend the Metropolitan Region Scheme (MRS) to transfer land along a section of Breakwater Drive between Lisford Avenue and the Mitchell Freeway reservation (herein referred as Breakwater Drive) from Urban, Urban Deferred, Rural zones and Parks and Recreation reservation to the Other Regional Roads (ORR) reservation.

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. Having considered this matter, the following advice is provided.

The local zoning and reservations within the amendment area (City of Wanneroo District Planning Scheme 2) were assessed by the EPA, and the amendment area is within an area subject to Ministerial Statement 538 (MS 538). Any development within the amendment area should be consistent with MS 538.

Environmental Factors

Having regard to the EPA's *Statement of Environmental Principles, Factors and Objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna
- Landforms

Advice and Recommendations regarding Environmental Factors

Flora and Vegetation; Terrestrial Fauna

The amendment area contains native vegetation including three Priority 3 State-listed Priority Ecological Communities (PECs): 'Tuart (*Eucalyptus gomphocephala*) woodlands of the Swan Coastal Plain' PEC, the 'Northern Spearwood shrublands and woodlands' PEC and the 'Acacia shrublands on taller dunes' PEC.

Existing vegetation within the site is predominantly mapped as 'good to degraded' to 'completely degraded', in accordance with the Keighery (1994) vegetation condition scale. The amendment area intersects 2.74 hectares (ha) of Bush Forever site 284, including 1.69 ha of vegetation. The condition of vegetation within the Bush Forever site ranges from 'completely degraded', with a small extent of vegetation in 'excellent' condition (0.02 ha).

The amendment area contains 2.18 ha of potential foraging habitat for threatened species of black cockatoo, and 44 potential breeding trees (DBH > 500 mm), including 3 trees containing potentially suitable hollows and one tree containing an unsuitable hollow.

It is recommended that further assessment of the trees that contain hollows potentially suitable for black cockatoo be undertaken to determine their actual suitability and that the final detailed road design considers prioritising retention of potential breeding habitat trees. Construction and operational management measures should be implemented to avoid and minimise impacts to fauna.

A native vegetation clearing permit will be required under Part V of the EP Act, which will consider impact to values associated with Flora and Vegetation and Terrestrial Fauna.

Recommendation

The EPA concludes that implementation of the amendment can be managed to meet the EPA's environmental objectives for the above factors through standard planning requirements and other statutory processes including the clearing of native vegetation in accordance with a permit under Part V Division 2 (Clearing) of the EP Act. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation and Terrestrial Fauna.