



Mr Michael Parker
Chief Executive Officer
City of Rockingham
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Our Ref: CMS 18152
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Dear Mr Parker

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

SCHEME	City of Rockingham Town Planning Scheme 2 Amendment 187
LOCATION	Lot 5000 (No.531) Eighty Road, Baldivis
RESPONSIBLE AUTHORITY	City of Rockingham
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 blue ink, appearing to read 'Shaun Meredith', with a long horizontal flourish extending to the right.

Dr Shaun Meredith
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

10 March 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

City of Rockingham Town Planning Scheme 2 Amendment 187

Location: 531 (Lot 5000) Eighty Road, Baldivis

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

Determination Published: 14 March 2022

Summary

Amendment 187 proposes to add the 'Additional Uses' of 'Medical Centre, Consulting Rooms and Health Studio' to 531 (Lot 5000) Eighty Road, Baldivis. The proposed additional uses will carry a special condition for the primary street setback to be a minimum of 3m, and 10m to all other lot boundaries.

The lot is currently zoned 'Rural' which does not permit the proposed uses. The 'Additional Uses' are proposed to facilitate the functions and development of the Baldivis District Sports Complex by providing for commercial development.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the EP Act. The EPA considers that the scheme 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 has based its decision on the documentation provided by the City of Rockingham for this amendment, and from the previous application for the clearing permit at the site. Having considered this matter, the following advice is provided.

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
- Inland Waters

Advice and Recommendations regarding the Environmental Factors

The City has not designated the proposed additional uses to a specific location within Lot 5000. However, the EPA notes the Baldivis District Sports Complex Masterplan, provided with the amendment documentation, proposes to locate the additional uses in the cleared south-eastern 'future development' area. The EPA supports this existing cleared area of the site outside of the wetland buffer as the proposed location for the additional uses.

Flora and Vegetation; Terrestrial Fauna

The subject lot and adjacent areas contain native vegetation, threatened ecological communities, and habitat for threatened and priority fauna including black cockatoos. The EPA notes that Clearing Permit 8172/2 granted under Part V Division 2 (Clearing) of the *Environmental Protection Act 1986* (EP Act), applies to the amendment area. Accordingly, the

19.28 ha lot has been largely cleared except for the northwest portion containing approximately 3 ha of remnant native vegetation.

The vegetation on site includes:

- Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain (listed as Priority 3 (P3) under the *Biodiversity Conservation Act 2016* (BC Act) and critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)).
- Banksia dominated woodlands of the Swan Coastal Plain IBRA Region (listed as P3 under the BC Act and endangered under the EPBC Act).

The EPA notes that as of June 2020, the remnant vegetation at the northwest portion of the lot is protected by an 'in-perpetuity' conservation covenant, consistent with the conditions of Clearing Permit 8172/2. The location of additional uses outside of this area, consistent with the conservation covenant, is supported.

Inland Waters

The Outridge Swamp Conservation Category Wetland (CCW) is located to the southwest of Lot 5000. A small portion of the Outridge Swamp CCW buffer extends into the southwest portion of the lot. The Fount Swamp CCW is sited north of the lot.

Future development associated with the amendment has the potential to impact water hydrology, quantity and quality associated with the Outridge Swamp wetland. This impact may arise through future development within the lot as result of the proposed additional uses, including through stormwater runoff and disposal from impervious surfaces.

The EPA recommends a water management plan, which considers the management of stormwater runoff and disposal from future development, be prepared in consultation with the Department of Water and Environmental Regulation. The plan should consider best practice water management to ameliorate potential impacts to the Outridge Swamp CCW from changed hydrology. This could include consideration of proposed landscaping measures such as planted rain gardens, vegetated swales and tree pits to prevent direct discharge of stormwater from the site. Development at the site should continue to be located outside of the CCW buffer.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing scheme and planning requirements and other statutory processes. The existing clearing permit for the amendment area will also provide further management of potential impacts. The EPA recommends its advice is implemented to mitigate potential impacts to the above factors.