

Mr Michael Parker
Chief Executive Officer
City of Rockingham
PO Box 2142
ROCKINGHAM WA 6967

Our Ref: CMS 18172
Enquiries: Maddison Howard, 6364 6424
Email: Maddison.Howardi@dwer.wa.gov.au

Dear Ms Selvey

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

SCHEME	City of Rockingham Town Planning Scheme 2 Amendment 182
LOCATION	Lots 151 & 152 (No. 1243 & 1245) Mandurah 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



Dr Robert Hughes
Delegate of the Environmental Protection Authority
A/Executive Director
EPA Services

30 June 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 182

Location: 151 & 152 (No. 1243 & 1245) Mandurah Road, Baldivis

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

Determination Published: 4th July 2022

Summary

Amendment 182 proposes to rezone Lots 151 & 152 Mandurah Road, Baldivis from 'Rural' to 'Special Rural' and 'Special Residential'. It is also proposed that the lots be included at Schedule 4 and Schedule 5 of the Town Planning Scheme.

The rezoning is proposed to facilitate the future subdivision and development of the amendment area for residential use.

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 original referral documentation and additional information provided by the City of Rockingham (the City) to this amendment. 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

Flora and Vegetation; Terrestrial Fauna

Implementation of the proposed scheme amendment may result in the clearing of native vegetation and fauna habitat trees. The EPA notes that the Geotechnical Assessment (Landform Research 2021) undertaken for the amendment area identified Tuart and Jarrah trees, some with diameters greater than 500mm, which may be potential habitat for threatened black cockatoo species. Schedules 4 and 5 of the Town Planning Scheme include provisions requiring the *'location and size of building envelopes...to the satisfaction of the local government'* and for the general retention of native vegetation. The referral information contained concept plans for the proposed future development of the amendment area, which included indicative building envelopes and providing for 78% retention of trees.

The EPA supports the identification of building envelopes to avoid impacts to native vegetation and habitat trees. However, it is noted that further clearing may be required within the

amendment area for bushfire management requirements (e.g. firebreaks). As such, the EPA recommends that concept planning also considers additional bushfire management requirements and the associated implications for retention of native vegetation and potential habitat trees to ensure these values are retained.

The EPA also notes that in 2018, advice was provided to the City of Rockingham Town Planning Scheme 2 Amendment 167, which proposed rezoning of the adjoining Lot 156 Mandurah Road, Baldivis from 'Rural' to 'Special Residential'. The advice included the following –

“The EPA is also aware of the future intention to develop the land surrounding the Amendment 167 area for ‘Special Residential’ uses, as mapped in the City of Rockingham Planning Policy 3.1.1 Rural Land Strategy (RLS) Planning Unit No.4. To be consistent with this advice regarding Amendment 167, the EPA expects all subsequent stages of planning concerning this broader Special Residential development, to require the retention and revegetation of locally endemic trees, in-particular Tuart trees and species which provide habitat for black cockatoos.”

Consistent with this advice, the EPA recommends measures be undertaken to provide certainty to habitat retention outcomes and long-term protection of potential fauna habitat values as part of future development.

Inland Waters

The Walyungup Lake Conservation Category Wetland (CCW) is located to the west of the amendment area, and the Pike Road Swamp Resource Enhancement Wetland occurs to the east. The EPA advises the values of Pike Road Swamp may be commensurate with those of a CCW. The proposed amendment is within a sewerage sensitive area.

Future development associated with the amendment has the potential to impact water hydrology, quantity and quality of the nearby wetlands. This impact may arise through future development within the amendment area as a result of the proposed rezoning, including through stormwater runoff and residential wastewater.

The EPA notes that the referred concept plan proposes future lot sizes ranging from 5024 sqm to 6366 sqm in the 'Special Residential' zoned portion of the amendment area. It is also noted that wastewater associated with future residential development is proposed to be managed through on-site effluent disposal.

According to the *Government Sewerage Policy 2019*, development within a sewerage sensitive area should not occur on lots sized smaller than 1 hectare. Additionally, secondary wastewater treatment systems with nutrient removal will generally be required in sewerage sensitive areas.

Noting that the lots are located within a sewerage sensitive area, the EPA recommends that future development of the site be consistent with the *Government Sewerage Policy 2019*. The EPA also recommends that future development and associated wastewater treatment systems have nutrient removal capabilities and are located a sufficient distance from wetlands to provide for adequate nutrient removal.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through the scheme provisions and future

planning requirements, and other statutory processes. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.