

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

Our Ref: CMS 18183
Enquiries: Maddison Howard, 6364 6424
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Dear Ms Fagan

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

SCHEME	MRS Amendment 1396/57 – Rosehill Waters Estate
LOCATION	Part Lots 9002, 82, 200, and 1 West Parade, South Guildford (Rosehill Waters Estate)
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 blue ink, appearing to read 'Shaun Meredith', is written over a light grey rectangular background.

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

20 April 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1396/57 – Rosehill Waters Estate

Location: Portion of Lots 9002, 82, 200, 1 West Parade, South Guildford

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

Determination Published: 26 April 2022

Summary

The Western Australian Planning Commission (WAPC) has initiated Metropolitan Region Scheme (MRS) Amendment 1396/57 which proposes to rezone portions of Lots 9002, 82, 200 and 1 West Parade, South Guildford to facilitate the final stages of the Rosehill Waters Estate development. The total proposed amendment area is 7.32 hectares (ha). The proposal includes rezoning a 3.7ha portion of the amendment area from 'Rural' to 'Urban', and facilitating a land exchange between the developer and the WAPC to rezone 1.3 ha from 'Rural' to 'Parks and Recreation' reserve, and 2.3 ha from 'Parks and Recreation' reserve to 'Rural'.

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 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 provided by the WAPC for 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:

- Terrestrial Fauna
- Inland Waters
- Social Surroundings

Advice and Recommendations regarding the Environmental Factors

Terrestrial Fauna

It is noted that vegetation within the amendment area is regrowth or planted. A patch of riparian vegetation occurs over the drainage line within the floodplain fringe, located in the eastern portion of the lot. The riparian vegetation is to be retained as 'public open space'.

The Environmental Assessment Report Addendum (Coterra Environment 2022) identified two Eucalypt trees that could provide breeding habitat to black cockatoos within the amendment area. Both trees are included in the portion of the amendment area already subject to the approved Rosehill Waters Structure Plan. As such, no additional fauna habitat trees are to be removed as part of the proposed amendment.

Noting the likely presence of black cockatoos in the locality of the amendment area, the EPA recommends:

- Potential fauna habitat trees within the proposed subdivision area are retained as part of future development.
- The existing Fauna Management Plan is applied to the portion of the proposed amendment area sited outside the current structure plan boundary.

Inland Waters

The amendment area is within a mapped Multiple Use Wetland and the 1 in 100-year AEP Floodplain Development Control Area for the Helena River. The Swan River Trust Development Control Area also partially overlaps the site.

The existing District Water Management Strategy and Local Water Management Strategy (LWMS) for the broader Rosehill Waters Estate structure plan area include a portion of the amendment area. It is noted an LWMS addendum has been prepared, that includes the balance of the amendment area, and contains measures to manage potential impacts to the Helena River and floodplain. The EPA recommends that the addendum be endorsed by DWER prior to approval of the rezoning.

It is noted that a preliminary Foreshore Management Plan (Coterra Environment 2022) has been prepared, and proposes an 11.7ha foreshore reserve for the area between the Helena River and the Rosehill Waters Estate. The EPA recommends that the Department of Biodiversity, Conservation and Attractions, Rivers and Estuaries (DBCA) is consulted in the preparation of the final Foreshore Management Plan, and for advice regarding requirements for development in the Swan River Development Control Area.

Social Surroundings

Portions of three registered Aboriginal heritage sites are mapped over part of the amendment area.

- Bridge Camps (Site 3608) – Camp.
- Bennett Brook Camp Area (Site 3840) – Camp area (ceremonial, mythological, skeletal material/burial, manmade structure, fish trap, artefact scatter, historical).
- Helena River (Site 3758) - Ceremonial, mythological, repository/cache.

It is noted that in 2014, the former Department of Aboriginal Affairs provided advice regarding potential impacts to Aboriginal heritage values within the structure plan area. Noting that the proposed amendment area extends beyond the current structure plan boundary, the EPA recommends that the proponent considers any obligations under the *Aboriginal Heritage Act 1972* regarding potential impacts of the amendment to Aboriginal heritage sites and/or values.

The EPA also recommends that following finalisation of the region scheme amendment, a local planning scheme amendment is prepared and referred to the EPA for its consideration under section 48A of the EP Act.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through existing planning controls. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors.