



Environmental Protection Authority I 71929

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| CITY OF ARMADALE | |
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| REC'D 10 JUN 2003 | No. |
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Chief Executive Officer
 City of Armadale
 Locked Bag 2
 ARMADALE WA 6992

Your Ref JR:PSY/34
 Our Ref 188164
 Enquiries Rachael Mercy

ATTENTION: James Robinson

Dear Sir/Madam

SCHEME/AMENDMENT TITLE: City of Armadale Town Planning Scheme 4 - District Zoning Scheme Review
SCHEME/AMENDMENT LOCATION: City of Armadale
RESPONSIBLE AUTHORITY: City of Armadale
LEVEL OF ASSESSMENT: Scheme Not Assessed - Advice Given

Thank you for your letter of 27 March 2003 referring the above scheme amendment.

After consideration of the likely environmental factors related to the above scheme amendment and based on the information provided by you, the EPA decided that the overall environmental impact of its implementation would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment and Heritage. Please note that there are no appeal rights on the level of assessment set for scheme amendments.

Although there is to be no formal assessment of the scheme amendment, the following advice is provided to you on the key environmental factors. A copy of this advice will also be sent to the relevant decision-making authorities and will be publicly available on request. The information provided is advice only and is not legally binding.

ADVICE

Overall, the City of Armadale should be commended for Town Planning Scheme (TPS) No. 4. The EPA Service Unit (EPASU) is encouraged by the approach taken by Council to the identification and management of significant environmental features within the Local Authority boundary. In particular the Scheme Maps identifying Special Control Areas (surface water and groundwater), Development Areas, Special Land Quality/Land Use Areas and Soil Capability mapping are likely to provide Council with valuable land use planning information. In reviewing TPS 4, the EPASU has liaised closely with the Water and Rivers Commission (WRC) and has incorporated their advice and recommendations into the advice provided below where appropriate.

The EPA assessment has focused on zoning changes and modifications to the scheme text, which allow landuse change. In its assessment the EPA has considered:

- key environmental issues facing the local authority in the Local Planning Strategy;
- landuse changes proposed through the new scheme and analysis of the environmental implications associated with these changes; and
- strategies and scheme provisions to manage the environmental impacts associated with proposed landuse changes and key local environmental issues where appropriate and practical.

While this has been the focus of the EPASU review, the EPA does note that the scheme will allow for a range of potential uses within several zones that are already in existence and therefore have not been available to the EPA in considering this scheme. As the EPA has not been able to undertake an assessment of the relevant environmental issues in these areas, the EPA would expect that proposals within existing zones/use classes likely to lead to significant environmental impacts be referred to the EPA pursuant to Section 38 of the Environmental Protection Act, 1986.

Officers of the EPA can provide assistance to the Shire in advising on whether specific proposals should be referred to the EPA. However, proposals would generally be of interest to the EPA if they were likely to lead to the following environmental impacts:

- ☐ Clearing of significant areas of native vegetation;
- ☐ Clearing of areas likely to contain rare flora or fauna;
- ☐ Impacts on nature reserves, National Parks or conservation reserves;
- ☐ Impacts on wetlands or waterways;
- ☐ Impacts on public water source areas;
- ☐ The generation of gases, noise, dust, odour or effluent, which may have off-site impacts or may require licensing under the EP Act;
- ☐ Land degradation; or
- ☐ Significant soil or groundwater contamination.

Although there is to be no formal assessment of the scheme under Section 48A of the EP Act a copy of this advice will also be sent to the relevant decision-making authorities and will be publicly available on request.

Environmental Review (ER)

The ER that has been prepared in addition to the Local Planning Strategy (LPS) to focus on specific environmental features and initiatives within the City of Armadale is well structured and comprehensive. Its inclusion with the LPS and TPS for consideration of significant environmental features in land use planning is strongly supported. In particular the explanations provided for environmental protection mechanisms such as buffers and setbacks are considered generally consistent with the EPA's objectives for land use planning in identified environmentally sensitive areas.

While the reference list provided for each environmental feature provides a good basis for identifying the EPA's position with respect to various issues, there are a number of other publications that could be added to the Review such as EPA Guidance Statement No. 10 *Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 Region*. The EPA's website has a list of other currently available Position and Guidance Statements that may be useful to include in the ER document.

In addition, as you may be aware, a number of proposed changes to the EP Act regarding the protection of native vegetation through clearing controls and new penalties have been prepared and are currently progressing through the legislative process. It may therefore be appropriate to update the ER and LPS to reflect these changes once they are finalised.

Local Planning Strategy

Section 5.4.1 – Residential development

It is recommended that the list of actions include setbacks from watercourses as included in Section 5.4.7

Section 5.4.7 – Rural Land/Agricultural Production

While it is noted that building setbacks have been considered, it is recommended that 'development setbacks' be included to ensure that buffer distances exist for horticultural/agricultural developments that may impact other land uses through their activities such as producing spray drift, noise and dust.

Section 5.4.8 – Environment

The second strategy should be amended to include Wungong Brook.

Appendices 2 & 3

It should be noted that the WRC promotes the consideration of land use capability in planning and encourages the City to include water availability under land use capability for Appendix 2 and as a key issue in Appendix 3, as a number of the rural planning areas have limited water availability or poor water quality, which will impede some types of development.

Town Planning Scheme

Zonings changes

The changes in zonings are noted in the table and mapping provided to the EPASU received on 8 May 2003.

Rural Zonings

It is noted that proposed rezonings 1 to 4 generally correspond to a rezoning from 'Rural' zone to 'Rural Living' zones and the provisions within the scheme relating to any proposed subdivision or development within the 'Rural Living' zones are noted in Part 5B of the TPS. In addition, the identification of 'rezonings' in rural areas as 'development areas' that requires a structure plan process which will address a variety of issues, is supported.

However, rezoning areas No. 4 & 8 are traversed by Stony Brook, a tributary of the Canning River. Stony Brook is proclaimed under the Rights in Water and Irrigation Act 1914 and consequently abstraction of water requires a Surface Water License, issued by the Water and Rivers Commission. It should be noted that no additional Surface Water Licenses will be issued on Stony Brook due to the existing high consumptive demand from orchards in this area. In addition, it should be noted that there have been numerous conflicts regarding water along this watercourse.

Rezoning area No. 1 is traversed by Nerrigen Brook, a tributary of Wungong Brook. Nerrigen Brook is a non-proclaimed waterway under the Rights in Water and Irrigation Act 1914 and consequently no licenses are required for abstraction. Management of flow is reliant on the appropriate management of water by users.

It is therefore recommended that a foreshore reserve be placed on these waterways during the structure plan process or when any application is made for subdivision to ensure there is no additional pressure placed on these watercourses by increased lot density.

Special Control Areas (SCA)

The incorporation of SCA into the TPS to consider significant environmental features such as flood prone areas, wetland catchments and landscape and bushland areas, is supported. In addition a review of the provisions indicates that they are generally consistent with the requirements for setbacks and other control mechanisms that should ensure the protection of these significant features. However the following should be noted:

6.3.3 – Public drinking water resource protection areas

It is noted that the City refers to WRC Water Quality Protection Note Land Use Compatibility in Public Drinking Water Source Areas, when determining applications for planning approval in these areas. The Land Use Compatibility Table outlines activities are compatible, conditional or incompatible. 'Conditional' land uses may require a Permit under the Metropolitan Water Supply Sewerage and Drainage Act.

To ensure developments requiring a Permit are referred to WRC, it is recommended that a provision is included to state that proposals for Conditional uses should be referred to this agency for assessment.

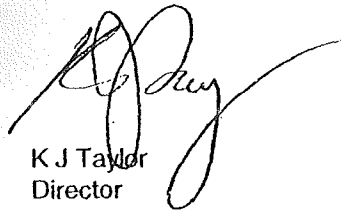
Structure Planning

The Structure Planning process is considered to provide an excellent opportunity to identify the significant environmental features and constraints of the subject site prior to approval or development to ensure that the most appropriate form of development proceeds. However, to ensure that all potentially significant environmental features or impacts are considered in the Structure Planning process it is strongly recommended that land use history is investigated to address any potential site contamination and the need for appropriate management measures (such as memorials on titles, remediation and validation). Consideration of any potential issues associated with site contamination should be in accordance with the Department of Environmental Protections Contaminated Sites Management Series of Guidelines which can be found at the following website www.environ.wa.com.au

Finally, given inclusion of a number of major road and rail transportation routes within the City of Armadale, it is strongly recommended that noise and vibration be considered as a potentially significant issue during the Structure Planning process. Information on the EPA's position on acceptable levels of noise and vibration can be found in the EPA's *Draft Guidance Statement No. 14 Road and Rail Transportation Noise* (EPA, 2000) and *Draft Guidance No. 8, Guidance For Environmental Noise* (EPA, 1998).

Under the provisions of Section 48A(a) of the Environmental Protection Act the above scheme amendment is now deemed assessed by the EPA.

Yours faithfully



K J Taylor
Director
Environmental Impact Assessment

9 June 2003

cc: Department for Planning & Infrastructure