



Environmental Protection Authority

Chief Executive Officer
City of Gosnells
PO Box 662
GOSNELLS WA 6990

Your Ref:
Our Ref: CMS16096
Enquiries: Liesl Rohl, 6145 0800
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Dear Sir/Madam

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

SCHEME: City of Gosnells - Town Planning Scheme 6 - Amendment 165

LOCATION: Part of the land within the Maddington Kenwick Strategic Employment Area generally bounded by Bickley, Brook, Grove and Coldwell Roads, the boundary to the Shire of Kalamunda and the rail line.

RESPONSIBLE AUTHORITY: City of Gosnells

DECISION: Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (No Appeals)

Thank you for referring the above proposed scheme to the Environmental Protection Authority (EPA).

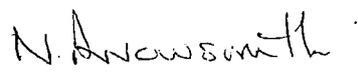
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

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 this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



Naomi Arrowsmith
Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

18 July 2016

Encl. Scheme Advice and Recommendations

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

City of Gosnells Town Planning Scheme No.6 Amendment 165

Location: Part of the land within the Maddington Kenwick Strategic Employment Area generally bounded by Bickley, Brook, Grove and Coldwell Roads, the boundary to the Shire of Kalamunda and the rail line.

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 18 July 2016

Summary

The City of Gosnells has initiated Amendment 165 to its Town Planning Scheme No. 6 to rezone the above area from Rural to General Industry.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act).

Having regard to the EPA's significance framework referred to in Environmental Assessment Guideline No.9 *Application of a significance framework in the environmental impact assessment process*, the EPA considers that the environmental impacts of the scheme amendment are not so significant as to warrant formal assessment under Part IV of the EP Act, providing the following advice is implemented.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Inland Waters Environmental Quality and Hydrological Processes; and,
- d) Amenity, Heritage and Human Health.

2. Advice and Recommendations regarding Environmental Factors

The EPA has examined the City of Gosnells referral documentation and conducted investigations. Subsequently the EPA has decided not to assess the scheme and expects that the environmental factors described below will be addressed through the planning process.

Flora and Vegetation and Terrestrial Fauna.

The EPA objective for these factors is to maintain representation, diversity, viability and ecological function at the species, population and community level.

The amendment area is mostly cleared and the vegetation is generally mapped as being Completely Degraded. A survey undertaken by Tauss and Weston in 2010 recorded stands of native trees with little or no native understory as 'degraded' but considered the stands to be of ecological value for genetic diversity and linkages. Also noted were occurrences of *Eucalyptus gomphocephala* (Tuart) on Coldwell Road, one either in the amendment area or the adjacent road reserve. Tauss and Weston advised these occurrences may be significant and recommended detailed assessment to determine if they occur naturally on calcareous sediments.

A subsequent Flora and Vegetation Assessment survey by Emerge (March 2016) conducted by roadside assessment with access to some lots mapped the amendment area as completely degraded with two small areas of vegetation as degraded. It concluded that clearing would not result in loss of significant flora or vegetation values. The EPA notes the survey by Emerge did not include an investigation of the Tuart occurrence.

A Black Cockatoo survey by 360 Environmental in 2012 undertook a roadside assessment with access to some lots identified a potential nesting location, roosting and feeding sites for Forest Red-tailed and Carnaby's Black Cockatoos, mainly within areas of *Corymbia calophylla* (Marri) in the amendment area.

The Carnaby's Black Cockatoo and Red-tailed Black Cockatoo are listed as Endangered and Vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Wildlife Conservation Act 1950* respectively.

The EPA supports the recommendations in the 360 Environmental survey including the retention of as much native vegetation as possible, particularly areas containing the Marri trees, trees with hollows and the roosting site. Proponents are reminded of their obligations under the *Environment Protection and Biodiversity Conservation Act 1999* to refer actions that may have significant impact on Black Cockatoos.

Inland Waters Environmental Quality and Hydrological Processes

The EPA objectives for these factors are:

- to maintain the hydrological regimes of groundwater and surface water so that existing and potential uses, including ecosystem maintenance are protected; and
- to maintain the quality of groundwater and surface water, sediment and biota so that the environmental values, both ecological and social, are protected.

The amendment area is dominated by Multiple Use category palusplain wetlands, with smaller areas of dampland and sumpland. A Resource Enhancement Wetland UFI 7635 (REW) is mapped adjacent to the amendment area. Occurrence of the Threatened Ecological Community *Shrubland and Woodlands on Muchea Limestone* (TEC) and Declared Rare Flora

occur within the REW. The TEC is endorsed by the WA Minister for Environment and listed under the *Environment Protection and Biodiversity Conservation Act 1999* as Endangered. According to the Maddington Kenwick Strategic Employment Area Indicative Local Structure Plan - September 2015 (MKSEA ILSP) the REW and a buffer will be retained.

The EPA understands that a District Water Management Strategy (DWMS) has been approved by the Department of Water and a draft Local Water Management Strategy (LWMS) prepared for part of the amendment area. The EPA notes the mapped path of a drainage channel that traverses REW UFI 7635 and TEC before entering Yule Brook is mapped differently in the DWMS and LWMS. More importantly, the LWMS proposes to divert the drainage channel to a detention basin, bypassing the REW and TEC. The EPA is concerned that alteration of drainage pathways and a reduction of water quantity entering Yule Brook within and upstream of the REW will impact the hydrological balance of the TEC.

It is the EPA's view that local water management planning for the amendment area and adjacent areas should maintain pre-development flows. Any proposed changes to flow paths and rate must be supported by hydrological investigations to determine if altered/reduced flows will impact the TEC occurrences and areas of retained vegetation along the Yule Brook. The investigations will also assist in delineating the boundary and buffers requirements within the amendment area for REW UFI 7635 and TEC. The EPA supports implementation of adaptive water management techniques to enable future management of environmental water flows in response to climatic (rainfall) change.

The EPA notes connection to reticulated sewerage can be made available and expects this will be implemented prior to development of the area.

Amenity, Human Health and Heritage

The EPA notes the City of Gosnell's Local Planning Policy 5.8 (LPP 5.8) requires an Odour, Noise and Dust Management Strategy at the Outline Development Plan (ODP) stage. The City and proponents of development applications should aim to avoid impacts, minimise creation and discharge of wastes and ensure industrial emissions are acceptable and meet the relevant regulations and health criteria.

According to an Aboriginal Heritage Preliminary Investigation undertaken for the MKSEA in May 2009 there are several recorded sites within the amendment area. The LPP 5.8 requires that assessments for Aboriginal heritage to be undertaken at the subdivision application stage. The EPA considers this too late in the planning process and recommends that the recorded sites are annotated on Local Structure Plans (LSP), and that comprehensive survey(s) and assessment of recorded sites be undertaken at the LSP or ODP stages. This will allow for consideration of retaining sites in areas of Public Open Space and areas retained for significant environmental values.

Recommendation

The EPA concludes that Amendment 165 can be managed to meet the EPA's environmental objectives, through the preparation of scheme provisions and the subsequent stages of planning to manage and protect the identified environmental factors of Flora and Vegetation, Terrestrial Fauna; Hydrological Processes and Inland Waters Environmental Quality, Amenity, Heritage and Human Health.

The EPA recommends:

- that hard edges be installed allowing passive surveillance, with a natural and aesthetic interface, to retained natural areas;
- retention of significant environmental values including:
 - Wetland UFI 7635 and buffer;
 - Threatened Ecological Communities;
 - Declared Rare and Priority Flora; and
 - Areas of vegetation occurring naturally outside of its normal range and/or as significant fauna habitat.
- that the following provisions be included in the scheme to guide future planning so as to identify, protect and manage the significant environmental values;

The significant environmental values identified within and adjacent to the Amendment area include:

- Wetland UFI 7635 and buffer;
- Threatened Ecological Communities;
- Declared Rare and Priority Flora; and
- Areas of vegetation occurring naturally outside of its normal range and/or as significant fauna habitat.

To ensure the identification and protection of significant environmental values within and adjacent to the amendment area, the following information is required to accompany Structure Plan(s) (or subdivision/development applications where a Structure Plan is not required) where planning has the potential to impact significant environmental values:

- Investigations to determine the water balance and buffer requirements for occurrences of the Threatened Ecological Community and wetland identified as UFI 7635 in the *Geomorphic Wetlands Swan Coastal Plan* dataset occurring adjacent to the Amendment area, prepared on advice by the Department of Parks and Wildlife and to the satisfaction of the Environmental Protection Authority.
- A boundary definition study for wetland UFI 7635 prepared on advice by and to the satisfaction of the Department of Parks and Wildlife.
- Local Water Management Strategy(s) informed by the outcomes of the water balance and buffer investigations (where there are potential impacts to significant environmental values) prepared on advice of the Department of Parks and Wildlife and responsible authority, to the satisfaction of the Department of Water.
- Investigations to examine the occurrences of *Eucalyptus gomphocephala* (Tuart) potentially occurring on Muchea Limestone near Coldwell Road to enable

assessment of their significance, prepared on advice of and, to the satisfaction of the Environmental Protection Authority.

To ensure management of the significant environmental values within and adjacent to the amendment area, the following information is required to accompany subdivision and development applications:

- Detailed Vegetation, Wetland and/or Buffer Management Plans for wetland UFI 7635 and occurrences of Threatened Ecological Communities, Declared Rare and Priority Flora and retained areas of significant vegetation including Declared Rare and Priority Flora (where applicable), on advice from the Department of Parks and Wildlife and to the satisfaction of the Responsible Authority.

Management plans shall be consistent with the EPA's Guidance Statement No. 33 Environmental Guidance for Planning and Development (May 2008) and address any relevant Recovery Plans prepared by Department of Parks and Wildlife. Rehabilitation of degraded areas, weed management and fencing may be required, as deemed appropriate by the Department of Parks and Wildlife and the Responsible Authority.

- That the known Aboriginal heritage sites are annotated on LSPs and that comprehensive surveys and assessment of recorded sites be undertaken at the LSP or ODP stages to allow for consideration of retaining sites.