



Environmental Protection Authority

Ms Rhonda Hardy
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Our Ref: CMS17424 DWERA-001154
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Dear Ms Hardy

LOCAL PLANNING SCHEME 3 AMENDMENT 98– MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA – ASSESSMENT NO: 2187

Please find attached the Instructions for the Environmental Review of the above scheme amendment. These Instructions specify the scope and content of the Environmental Review and provide for the preparation of the Environmental Review Document (ERD). Please note that the City of Gosnells is also required to undertake some of the same information for their Environmental Reviews for Town Planning Scheme 6 Amendments 166 and 169. I recommend you liaise with the City of Gosnells in regard to this matter.

During the preparation of the ERD you are encouraged to consult with the Department of Water and Environmental Regulation Assessment Officer for the proposal, Gerard O'Brien, who can be contacted on (08) 6364 6499. Please quote the reference 'CMS17424' on any further correspondence.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'TH'.

Dr Tom Hatton
CHAIRMAN

22 February 2019

Encl. Instructions for Environmental Review

cc: Department of Planning, Lands and Heritage

INSTRUCTIONS FOR ENVIRONMENTAL REVIEW

Proposed scheme amendment:	Local Planning Scheme 3 Amendment 98
Responsible Authority:	City of Kalamunda
Assessment number:	2187
Location:	Lot 36 Welshpool Road East and Lot 810 Brook Road, Wattle Grove
Public review period:	Environmental Review Document – Timing and procedure in accordance with the <i>Planning and Development Act 2005</i> sections 84 and 87(1)

Environmental Review Instructions (instructions) are provided to the Responsible Authority (RA) to define the scope and content of the Environmental Review (ER) required by s.48C(1)(a) of the *Environmental Protection Act 1986* (EP Act). These instructions have been prepared by the Environmental Protection Authority (EPA) in consultation with interested agencies.

These instructions are available on the EPA website (www.epa.wa.gov.au).

1. Introduction

Context

The EPA has determined that the above proposed amendment to the City of Kalamunda Local Planning Scheme is to be assessed under Part IV of the EP Act. The scheme amendment is being assessed because the implementation of the scheme through future subdivision, development and provision of infrastructure could have significant environmental effects on key environmental factors.

The amendment area and the adjacent land contain a number of environmental values, including:

- A palusplain wetland mapped as a Resource Enhancement Wetland;
- The adjacent Greater Brixton Street Wetlands which is a Bush Forever Site and mapped as a Conservation Category Wetland;
- A Threatened Ecological Community (TEC) listed as endorsed by the WA Minister for Environment, SCP10a *Shrublands on dry clay flats*;
- Habitat for threatened species of fauna;
- Yule Brook; a waterway with known heritage, environmental and drainage significance.

Critical to these values is understanding the complex total water cycle of the area and managing the water balance and water quality of the site post development.

The preliminary key environmental factors related to these environmental values which need to be addressed in the ER are identified in Section 3.

Procedure

The EPA requires the responsible authority to undertake the ER according to these instructions.

Next step in the assessment process

The next step in the assessment process is the release of the ER. When the EPA is satisfied that the ER document has been prepared in accordance with the instructions, the RA can proceed to advertise the ER and proposed scheme amendment and release the ER and scheme report for a public review period as prescribed by the *Planning and Development Act 2005 sections 84 and 87(1)*.

To facilitate adequate public input, the ER document should be made available as widely as possible and at a reasonable cost. The advertising period and process for the scheme amendment and the ER are to be done in accordance with the *Planning and Development Act (2005)*.

Appendix 1 of this document describes in detail the process for assessment of planning schemes.

Scope and Content of instructions

The scope and content of the ER is outlined in sections 2 to 5 of these instructions. The EPA requires that the attached ER document template be used to complete the report on the environmental review required under s. 48C(1)(a) of the EP Act.

Timing

Table 1 sets out the process for the assessment of the scheme amendment.

Table 1 Assessment process

Key assessment milestones
EPA issues instructions to the responsible authority (60 days after referral)
Responsible authority submits Environmental Review to EPA
EPA authorises advertising of Environmental Review and scheme for public review (30 days from RA submission of ERD)
Responsible authority advertises scheme amendments and Environmental Review for public review in accordance with the <i>Planning and Development Act 2005</i> sections 84 and 87(1) .
Close of public review period
Responsible authority provides to the EPA copies of submissions regarding environmental issues (7 days from close of public review period)
Responsible authority provides Response to Submissions to EPA (42 days from close of public review period)
EPA reports to the Environment Minister on environmental factors and recommended scheme conditions (60 days after end of public review period or 30 days after receiving RA's Response to Submissions, whichever is longer, but no more than 72 days from the end of the public review period.)

Assessment by the Commonwealth

The EPA notes that the scheme amendment, if approved, could allow future proposals (subdivisions, development and provision of infrastructure) that may be considered controlled actions under the EPBC Act depending on whether potential impacts to Matters of National Environmental Significance (MNES) are adequately addressed by the finalised scheme amendments. In general, planning schemes are not considered 'actions' under the EPBC Act (s523) and not subject to assessment by the Commonwealth.

Importantly, the RA should take into account Commonwealth advice and guidance documents in relation to the relevant MNES.

2. The scheme amendment

The subject of these instructions is the City of Kalamunda Local Planning Scheme 3 Amendment 98. Amendment 98 seeks to rezone approximately 4.25 hectares (ha) in Wattle Grove from Industrial Development to Light Industrial zone.

Amendment 98 has been mapped as General Industrial/Business Uses in the Maddington Kenwick Strategic Employment Area (MKSEA) Indicative Structure Plan shown in Figure 1, prepared by the City of Gosnells.

The locations of the scheme amendment, including existing and proposed zoning, are shown in Figures 2-4, and a summary of the scheme amendment is set out in Table 2.

Table 2 Summary of the scheme amendment

Scheme amendment title	Amendment 98 to Local Planning Scheme 3
Responsible authority name	City of Kalamunda
Location	Lot 36 Welshpool Road East and Lot 810 Brook Road, Wattle Grove.
Short description	Amendment 98 seeks to rezone approximately 4.25 ha of land from Industrial Development to Light Industrial zone. The site is directly adjacent to the Greater Brixton Street Wetlands.

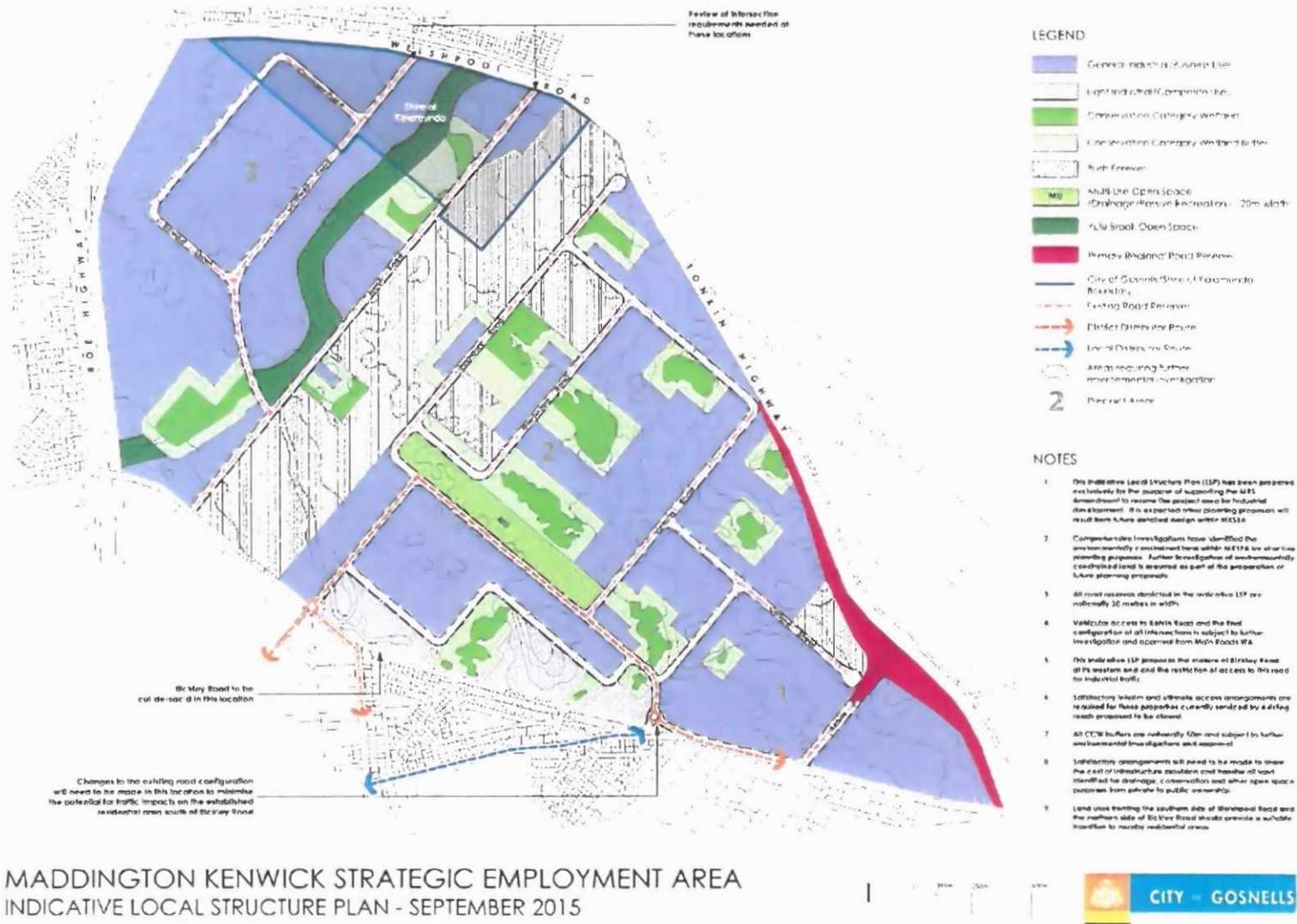


Figure 1: 2015 Indicative Structure Plan (Source: City of Gosnells)

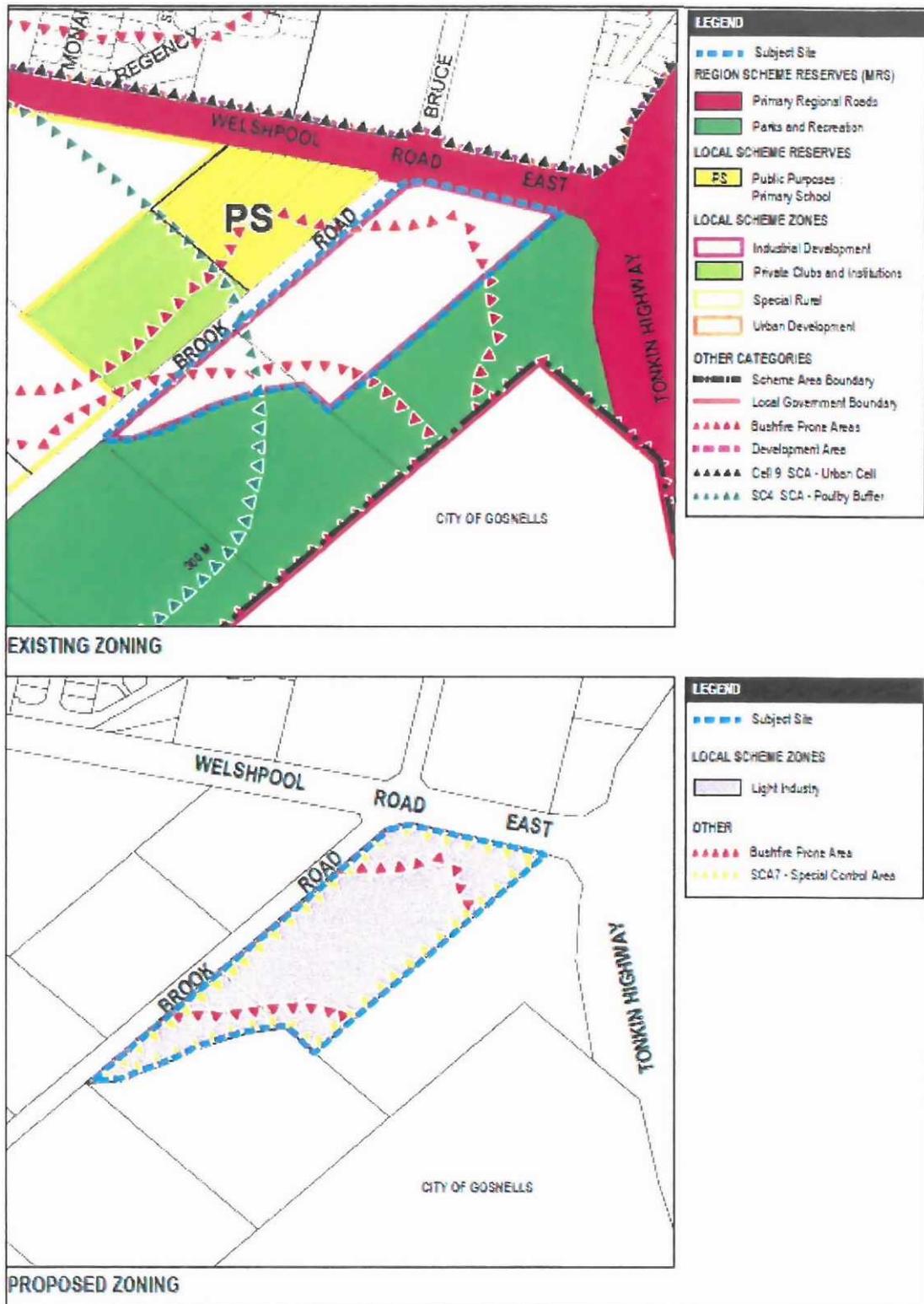


Figure 3: Existing and proposed zoning for Amendment 98 (Source: City of Kalamunda)



Figure 4: Amendment 98 area and aerial map.

3. Preliminary key environmental factor and required work

The preliminary key environmental factor for the environmental review is Inland Waters.

Table 3 outlines the work required for each preliminary key environmental factor and contains the following elements for each factor:

- **EPA factor and EPA objective** for that factor.
- **Relevant activities** – the development activities that may have a significant impact on that factor.
- **Potential impacts and risks** to that factor.
- **Required work** for that factor.
- **Relevant policy and guidance** – EPA (and other) guidance and policy relevant to the assessment.

Table 3 Preliminary key environmental factor and required work

Inland Waters	
EPA objective	To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.
Relevant activities	<ul style="list-style-type: none"> • Alteration of natural drainage regimes for future development and associated infrastructure.
Potential impacts and risks	<ul style="list-style-type: none"> • Impacts to current surface and ground water cycles (alteration of hydrological regimes) resulting in impacts to significant wetlands and waterways adjacent to the amendment area. • Impacts to the water quality of significant wetlands and waterways adjacent to the amendment area. • Loss of wetland buffer functions and impacts to wetland dependent vegetation and water dependent ecosystems.
Required Work	<ol style="list-style-type: none"> 1. Describe the total water cycle for the Yule Brook Catchment and discuss the hydrology and hydrogeology particularly as it relates to wetland and ecological diversity within and adjacent to the amendment area (i.e. Greater Brixton Street Wetland Complex). Describe these values in a local and regional context. Include information and discussion on the water budget for the area, the existing drainage management practices and any known impacts on the wetlands and waterways adjacent to the amendment area. 2. Identify and map wetlands and watercourses within and adjacent to the amendment area. Identify and map wetland areas potentially impacted by future development and associated drainage infrastructure.

3. Using a pre and post development water balance model, describe and assess the potential direct and indirect impacts of future development and associated infrastructure. This includes any drainage, dewatering/use of fill/impervious surfaces/ waste water, impacting water quantity and quality of surface and ground waters in relation significant wetlands.
4. Predict the extent, severity and duration of potential impacts, including changes to local and regional groundwater flows and levels, drawdown, local water quality and impacts to other groundwater users as a result of future development (including infrastructure) and provide measures to mitigate these impacts.
5. Demonstrate how the future development will provide an appropriate buffer to the adjacent wetland area consistent with the EPA's *Inland Waters Environmental Factor Guideline*. A wetland buffer determination should consider the characteristics of hydrology, hydric soils and wetland vegetation, and the water balance of the wetland/wetland dependent vegetation. The buffer determination should also consider ecological water requirements of, and buffers to, significant vegetation (including the TEC) and fauna habitat adjacent to the amendment area, particularly within the Greater Brixton Street Wetlands. Alternatively, demonstrate how development will comply with a nominal 50 metre wetland buffer distance.
6. Prepare a local water management strategy in accordance with the *Interim: Developing a local water management strategy* (DoW, 2008). The strategy should also consider the requirements of the *Stormwater Management Manual for Western Australia* (Department of Environment, 2004) and the *Decision process for stormwater management* (DWER, 2017). Describe how the principles of water sensitive design will be incorporated and implemented in the amendment area, consistent with the *Better Urban Water Management* framework (WAPC, 2008).
7. Detail and discuss how future drainage practices and waste water management within the site, is to be managed, considering the broader catchment. This management should ensure the hydrological balance and water quality of significant wetlands will be maintained.
8. Describe how drainage management practices could be adapted in the future to mitigate impacts of climate change on significant wetlands and waterways adjacent to the amendment area.
9. Detail and discuss how development activities will not mobilise potentially poor quality groundwater resulting from past land uses.
10. Describe the planning mechanisms that are to be applied to ensure impacts are managed to meet the EPA's objectives. These mechanisms should ensure the environmental values and hydrological functions of the Greater Brixton Street Wetlands are maintained.

	<p>11. Describe any proposed avoidance, mitigation and management measures that demonstrate the EPA's objectives can be met.</p> <p>12. Based on the outcomes of the above and taking into consideration the principles of avoidance and minimisation, identify an environmentally acceptable area for development.</p> <p>13. Provide a summary of residual impacts of future development and associated infrastructure within and adjacent to the amendment area.</p> <p>14. Prepare a monitoring program including management objectives, baseline conditions, public reporting and measures to be implemented in the event of non-compliance to management objectives.</p>
<p>Relevant policy and guidance</p>	<p><i>EPA Policy and Guidance</i></p> <p><i>Statement of Environmental Principles, Factors and Objectives, EPA, 2016</i></p> <p><i>Environmental Factor Guideline – Inland Waters, EPA, June 2018</i></p> <p><i>Other policy and guidance</i></p> <p><i>Better Urban Water Management, Western Australian Planning Commission, October 2008</i></p> <p><i>Decision process for stormwater management in Western Australia, Department of Water and Environmental Regulation, November 2017.</i></p> <p><i>Environment Protection and Biodiversity Conservation Act 1999 and approved conservation advices on relevant MNES.</i></p> <p><i>Identification and investigation of acid sulphate soils and acidic landscapes, Department of Environment Regulation, June 2015</i></p> <p><i>Interim: Developing a local water management strategy, Department of Water, December 2008</i></p> <p><i>Stormwater Management Manual for Western Australia, Department of Environment, February 2004.</i></p> <p><i>Treatment and management of soil and water in acid sulphate soil landscapes, Department of Environment Regulation, June 2015.</i></p>

These preliminary key environmental factors must be addressed within the ER for the public to consider the impacts of the implementation of the scheme amendment, and proposed management, and make comment to the EPA. All technical reports, modelling and referenced documents (not currently in the public domain) used in the preparation of the ER document should be included as appendices to the document. Documents used in the preparation of the ER must not contain disclaimers that preclude their public availability.

The EPA anticipates addressing these factors in its report to the Minister for the Environment.

4. Other environmental factors or matters

It is important that the responsible authority be aware that other factors or matters may be identified during the course of the ER that were not apparent at the time that these instructions were prepared. If this situation arises, the responsible authority must consult with the EPA to determine whether these factors and/or matters are to be addressed in the ER, and if so, to what extent.

5. Relevant Ministers and interested agencies

At this stage, the EPA has identified the Minister and agencies listed in Table 4 as being either the Responsible Minister or a Minister or agency concerned with the outcome of the scheme amendment. Additional Ministers and agencies may be identified during the course of the assessment.

Table 4 Relevant Ministers and interested agencies

Minister/agency	Interest
Minister for Planning	Responsible Minister - <i>Planning and Development Act 2005</i> s. 48F <i>Environmental Protection Act</i> . Minister's agreement needed with Minister for Environment on the condition.
Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i> S18 Approval
Department of Biodiversity Conservation and Attractions	Management of lands under the CALM Act Greater Brixton Street wetlands, presence of TEC's, significant fauna and flora and potential impact on Canning river water quality.
Department of Water and Environment Regulation	Stormwater and drainage management, groundwater licensing and management, other waterways management.
Manager Development Services, Water Corporation	Approval of the Yule Brook Main Drain design.
Chief Executive Officer, City of Kalamunda	Approval of the major storm event management plan.