



GOVERNMENT OF
WESTERN AUSTRALIA

Environmental Protection Authority

S48A Referrals

- Title:** City of Armadale Town Planning Scheme 4 Amendment 121
- Location:** Lots 603 – 606 Balannup Road, Lots 200 – 201 Skeet Road, portions of Lots 601, 602 Balannup Road and Lot 202 Skeet Road.
- Description:** The City of Armadale proposes to rezone the above lots from General Rural to the Urban Development zone and insert text provisions into Schedule 8 Development (Structure Planning) areas to address later structure planning, subdivision and development.
- Ref ID:** CMS18082
- Date Received:** 6/10/2021 **Date Sufficient Information Received:** 4/02/2022
- Responsible Authority:** City of Armadale, 7 Orchard Avenue Armadale, WA 6112
- Contact:** Attilio Romano
- Preliminary Environmental Factors:** Flora and Vegetation, Terrestrial Fauna, Inland Waters, Social Surroundings.
- Potential Significant Effects:** Clearing of native vegetation including Banksia Woodland of the Swan Coastal Plain, clearing of habitat for conservation significant fauna including threatened species of black cockatoo, impact to hydrology of Conservation Category and Resource Enhancement Wetlands. Future conflicting land use considerations with future residential land uses from noise from nearby dog kennel zone and odour, noise and dust from poultry farm within the amendment area.
- Management:** Impacts can be managed through the proposed scheme provisions. In addition, proposed modifications to the scheme provisions as referred and future planning processes will provide further management of potential impacts. EPA advice is also provided.
- Determination:** **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given (Not Appealable)**

The EPA has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair's Initials:

Date: 23 February 2022



Ms Joanne Abbiss
Chief Executive Officer
City of Armadale
7 Orchard Avenue
ARMADALE WA 6112

Our Ref: CMS 18082
Enquiries: Teresa Bryant, 6364 6421
Email: Teresa.Bryant@dwer.wa.gov.au

Dear Ms Abbiss

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

SCHEME	City of Armadale Town Planning Scheme 4 Amendment 121
LOCATION	Lots 603 – 606 Balannup Road, Lots 200 – 201 Skeet Road, portions of Lots 601, 602 Balannup Road and Lot 202 Skeet Road.
RESPONSIBLE AUTHORITY	City of Armadale
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 'R Hughes', is positioned above the typed name.

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

25 February 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

City of Armadale Town Planning Scheme (TPS) 4 Amendment 121

Location: Lots 603 – 606 Balannup Road, Lots 200 – 201 Skeet Road, portions of Lots 601, 602 Balannup Road and Lot 202 Skeet Road, Harrisdale

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

Determination Published: 28 February 2022

Summary

The City of Armadale proposes to rezone Lots 603 – 606 Balannup Road, Lots 200 – 201 Skeet Road, portions of Lots 601, 602 Balannup Road and Lot 202 Skeet Road from the 'General Rural' zone to the 'Urban Development' zone and insert text provisions into Schedule 8 Development (Structure Planning) areas to address future structure planning, subdivision and development requirements.

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 documentation provided by the City of Armadale. Having considered this matter the following advice is provided.

1. 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.
- Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

The EPA is supportive of the scheme text as provided by the City at referral, and the proposed modifications to the scheme text as outlined by the City via correspondence dated 4 February 2022. The proposed scheme text includes future structure planning requirements including an Environmental Assessment Report, management plans and design considerations. The scheme text should be revised to require the management plans be prepared in consultation with the Departments of Water and Environmental Regulation (DWER), and/or Biodiversity Conservation and Attractions (DBCA) (whichever is relevant) to the satisfaction of the City of Armadale. The EPA generally does not consider review/advise on management plans prepared through scheme text requirements. It is recommended the City consult with DBCA regarding its role in the preparation of management plans prior to finalising modifications to the scheme provisions.

Noting the draft structure plan provided, the EPA recommends that future structure planning and subdivision design be modified in consideration of the factor specific advice below.

Flora and Vegetation; Terrestrial Fauna

The implementation of the scheme amendment will result in the potential clearing of native vegetation including Banksia Woodlands of the Swan Coastal Plain, and potential clearing of conservation significant flora species. The vegetation is also habitat for conservation significant fauna including threatened species of black cockatoo. Bush Forever (BF) sites 413 and 342 are located adjacent to the amendment area.

The EPA supports the City of Armadale's proposed scheme text provisions as referred, and further proposed modifications, related to protection of and management of values related to Flora and Vegetation and Terrestrial Fauna – including the preparation of an Environmental Management Plan (EMP) at structure planning stage.

Future planning for the site, should identify and retain consolidated areas of native vegetation that provide ecological linkage throughout the amendment area, with an emphasis on retention of black cockatoo foraging habitat, significant trees, and connectivity of wetland habitat. Future planning should consider minimisation of impacts to retained areas from fire management requirements and design to reduce edge effect. The EPA is supportive of the implementation of the City of Armadale's Local Planning Policy PLN 2.4 *Landscape Feature and Tree Preservation* to retain significant fauna habitat trees.

Future planning should consider the EPA's 2021 *Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas*. Road layout, and fire, noise, and drainage management should all be managed through the planning process to minimise impact to significant environmental values within the amendment area and surrounding BF sites and areas of native vegetation. The EPA supports the City's proposed modification to provision 72.2 c) to reference BF sites.

Proposed modifications to the scheme text requiring preparation of a fauna management plan (FMP) and implementation of traffic calming and signage measures are supported. The FMP should also consider construction and operational management measures, and provision of safe fauna passages to surrounding areas of habitat.

Inland Waters

The site contains Conservation Category (CCW), Resource Enhancement (REW) and Multiple Use (MUW) Wetlands identified in the existing Department of Biodiversity, Conservation and Attractions (DBCA) geomorphic wetland mapping dataset. In addition, the EPA notes site specific wetland mapping was undertaken in 2021. Further to this DBCA (November 2021) propose to update the geomorphic wetland mapping dataset over the amendment area to include additional areas of CCW and REW. Future planning for and development of the site should take into consideration proposed and actual wetland mapping updates.

The site is within the Forrestdale Main Drain catchment and is in proximity to other wetlands and hydrologically sensitive vegetation communities.

Future development associated with the amendment has the potential to impact groundwater and surface water hydrology, quantity and quality associated with the above areas of environmental value associated with the Inland Waters factor.

The EPA supports the City of Armadale's proposed scheme text provisions for the preparation of a detailed Wetland and Buffer Management Plan at subdivision stage. The EPA recommends wetland values and buffers be identified and planned for retention and

management earlier in the planning process, and it is recommended the proposed provision requiring preparation of an EMP at structure planning stage is updated to reflect this.

The EPA supports the City's proposed scheme provisions requiring water management planning, and supports further modified scheme provisions for creation of an appropriate link between significant wetland and public open space areas within the structure plan area; and for an Urban Water Management Plan (UWMP), consistent with the approved Local Water Management Strategy, to be prepared in consultation with DWER, DBCA and to the satisfaction of the City of Armadale, that will demonstrate mitigation and management of impacts on wetlands or hydrologically sensitive vegetation, either within or surrounding the amendment area.

Water management planning should maintain or improve groundwater and surface quality. Maintenance of pre-development hydrology should be considered at various stages as part of future water management planning.

The EPA notes that Lot 606 Balannup Road contains existing structures that would be within the future wetland buffer. The EPA supports proposed scheme provisions to prevent future residential development or subdivision within Lot 606 unless it is to replace a like for like existing structure, or portion of existing dwelling, or enable work related to maintenance of any existing structures or dwelling.

Social Surroundings

There is currently a poultry farm operating at Lot 202 Skeet Road. The poultry farm has a 500 metre buffer to urban residential development under the City's TPS No.4 Special Control Area Map 1. The western half and north-eastern corner of the site are potentially affected by noise being emitted from dog kennels located within Hatch Court and the City of Gosnells Dog Kennel area.

There is potential odour, noise and dust impact from the above existing land uses on future residential development within the amendment area. The EPA supports the proposed scheme provisions 72.2 and 72.5 under Schedule 8 that would manage potential impacts of existing land uses on future development; EPA Guidance Statement 3 *Separation distances between industrial and sensitive land uses* may also be considered through the future stages of planning. The EPA also expects that the existing poultry farm land use would cease, and the land be suitably remediated in accordance with the *Contaminated Sites Act 2003*, prior to residential development occurring.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through the proposed scheme provisions. In addition, future planning processes and management measures will manage potential impacts. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors, in particular the recommended modifications to the scheme text.