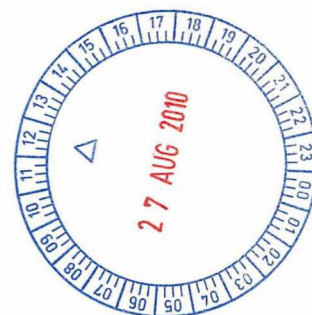




**PUBLIC**

## Minister for Environment; Youth

Our ref: 40-10643



Hon Brian Ellis MLC  
Chairman  
Standing Committee on Environment and Public Affairs  
Parliament House  
PERTH WA 6000

  
Dear Mr Ellis

### **COMMENT ON PETITIONS NO 73 AND NO 76**

Thank you for your letter dated 30 June 2010 seeking my comments on petitions No 73 and No 76 and the submissions from the principal petitioner.

I understand that similar requests have been sent to the Minister for Water and the Minister for Planning.

Petitions 73 and 76 are seeking the removal of key recommendations of the Gngangara Sustainability Strategy (GSS), namely:

- Petition No 73 requests that the alteration of the Underground Water Pollution Control Area (UWPCA) and the proposed excision of State forest on the western edge of the UWPCA for employment generating purposes are removed from recommendations for Zone 2 of the GSS; and
- Petition No 76 requests that rezoning of areas from conservation/special rural to urban and/or commercial is removed from recommendations for Zone 2 of the GSS.

### **Gngangara Sustainability Strategy**

As the Department of Water (DoW) is the lead agency for the GSS, it would be appropriate for the Minister for Water to comment on the GSS community consultative process and its current status.

The GSS itself does not give effect to final decisions on land use or other matters. It proposes 45 major recommendations that are to be progressed by designated agencies. The GSS recommendations are proposed in the context of expected reductions in rainfall on the Gngangara Mound.

## Urban planning

Questions relating to the *East Wanneroo Sub-regional Structure Plan* and the *Industrial Lands Strategy* should be directed to the Minister for Planning.

### Excision of State forest currently in the P1 boundary

The GSS has made recommendations about State forest land excisions within the P1 boundary provided the excisions are on the western edge of the P1 area and that they consist of cleared pine plantation, result in limited impact on native vegetation, and are readily accessed by services. The GSS does not support further specific or broadscale excision of Crown land from the P1 boundary for land parcels that do not meet these criteria.

Should the GSS recommendations on excisions be accepted by the Government, then formal statutory processes will be required to change the land zoning and effect the associated change to the boundary of the UWPCA. These will require proposed tenure, vesting and purpose changes to be addressed by Parliamentary processes and by Metropolitan Region Scheme amendments effected through the Western Australian Planning Commission.

I am advised that the key studies yet to be completed include:

- a review of P1 boundary in the UWPCA by the Water Corporation and DoW; and
- an options paper on land uses associated with industrial land review by Department of Planning.

Excisions from State forest require approval by the Minister for Environment and the Parliament. Section 9(2) of the *Conservation and Land Management Act 1984* provides that the Governor may cause to be laid before each House of Parliament a proposal that results in land ceasing to be State forest. The Department of Environment and Conservation (DEC) normally undertakes initial assessment of proposals for excisions of State forest. As State forest is vested with the Conservation Commission, DEC will seek the Commission's views before referring proposed excisions for my consideration as Minister for Environment.

### Role of the Environmental Protection Authority

The EPA is a statutory authority which provides independent environmental advice to the Minister for Environment. The EPA is assisted by the Office of the Environmental Protection Authority (OEPA). DEC and other agencies also provide technical advice to the OEPA.

Legislation requires that planning schemes and their amendments be referred to the EPA to determine the level of environmental impact assessment.

The *East Wanneroo Sub-regional Structure Plan* and any resultant amendments to the Metropolitan Region Scheme will be referred to the EPA to decide whether to carry out a formal environmental impact assessment under the *Environmental Protection Act 1986*. The EPA may also provide advice on planning matters associated with significant environmental issues that may arise from changes to the P1 boundary of the UWPCA.

**Conclusion**

Noting the subsequent statutory and consultative stages before recommendations in the GSS are given effect, and given the overall objectives of the GSS, it would not be appropriate to remove recommendations identified by the petitioners from the GSS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Donna Faragher', written in a cursive style.

Hon Donna Faragher JP MLC  
**MINISTER FOR ENVIRONMENT; YOUTH**

**26 AUG 2010**