

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

City of Swan Local Planning Scheme 17 Amendment 195

Location: Lot 912 (No. 234) Midland Road, Bushmead

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 26 August 2024

Summary

The amendment proposes to rezone Lot 912 (No. 234) Midland Road, Bushmead from 'Unzoned' to 'Special Use Zone No. 14', replace the existing entry of 'Special Use Zone No. 14' in 'Schedule 4 – Special Use Zones', and insert two precincts and new scheme text.

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 original referral documentation and additional information provided by the City of Swan (the City). Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (2021) *Statement of Environmental Principles, Factors, Objectives and Aims of Environmental Impact Assessment*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and vegetation
- Terrestrial fauna
- Inland waters
- Social surroundings

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation, Terrestrial fauna and Inland waters

The amendment area contains remnant vegetation mapped as 'Forrestfield Complex', ranging from 'Completely Degraded' to 'Very Good' condition, which also provides habitat for threatened species of black cockatoo and potential habitat for the Priority listed (P4) southern brown bandicoot. The EPA notes that several Jarrah, Marri, and standing dead trees contain potentially suitable nesting hollows for species of black cockatoo. Kadina Brook, a Conservation Category Wetland (CCW), meanders along the eastern edge outside of the amendment area. Implementation of the amendment might result in the removal of fauna

habitat and have indirect impacts with Kadina Brook if not implemented in accordance with this advice.

The EPA notes the proponent has amended its concept plan (December 2023) since referral of the amendment and proposed a number of measures to avoid and maintain critical habitat in the area. The EPA considers that the continued decline in Perth's tree canopy can be reversed through prioritising the integration of existing trees within development areas together with additional and strategic planting.

The EPA supports the proposed retention of 3.52 ha of vegetation, including the occurrence of FCT 3b Threatened Ecological Community (TEC), and black cockatoo habitat, within future 'Public Open Space' (POS) reservations. Together with the proposed Midland Road / Sadler Road landscape buffer, 3.24 ha (77 trees) of black cockatoo habitat is proposed to be retained. The further retention of trees that provide habitat for black cockatoos throughout the development area (159 trees) and road reserve (67 trees) is also supported and recommended. The retention of known and suitable nesting trees with an appropriate buffer should be prioritised. The EPA also expects that future planning will ensure adequate buffers to the TEC and that trees retained within the development area and road reserves will have sufficient root zone area to enable continued growth and ensure long term survival.

The EPA also supports the proposed 30 m foreshore setback to Kadina Brook, consistent with the revised concept plan submitted with the modified amendment documentation.

The EPA acknowledges and supports the amended scheme text requiring a Vegetation and Fauna Habitat Enhancement and Management Plan and Kadina Brook Foreshore Management Plan. The EPA expects the retention, protection and management of the environmental values (consistent with the concept plan) be provided for in the preparation and assessment of a future local structure plan (LSP) and any future subdivision applications for the site.

The EPA has published a submission on the DPLH Urban Greening Strategy. This includes support for and proposals for protecting and retaining naturally vegetated areas through local planning, as well as opportunities for restoration of naturally vegetated areas through local planning. It also deals with the holistic benefits of urban greening. The EPA advises that principles in this submission should be considered in future local planning for this area.

Social surroundings

Two Aboriginal Heritage sites intersect the amendment area, including: Bushmead Rifle Range (ID: 3543) and Helena River (ID: 3758). A Heritage Place, Sadler Drive Creek (ID: 3395), intersects the central eastern boundary of the site. Implementation of the amendment may result in direct disturbance to the above registered sites and heritage place.

The EPA supports appropriate consultation, investigation and relevant management actions be undertaken prior to subsequent stages of planning to address potential impacts to Aboriginal cultural heritage values. Such stages of planning should also be considered in accordance with the requirements of the *Aboriginal Heritage Act 1972*.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through the existing scheme mechanisms and the proposed retention of TEC, significant trees providing black cockatoo habitat and foreshore setback. In addition, future planning processes and management measures can further

mitigate potential impacts. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors.