

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

**Shire of Chittering Local Planning Scheme 6 Amendment 71**

**Location: Lots 202-203 Wandena Road and Lots 204-205 Great Northern Highway,  
Muchea**

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

**Determination Published: 15 January 2024**

**Summary**

Amendment 71 proposes to rezone Lots 202-203 Wandena Road and Lots 204-205 Great Northern Highway, Muchea from 'Agricultural Resource' zone to 'General Industry' and 'Light Industry' zone. The amendment area is approximately 82 hectares and is located east of the townsite of Muchea within the Muchea Industrial Park. Amendment 71 also proposes to amend Schedule 11-Muchea Employment Node Special Control Area by including provisions and to amend the scheme maps accordingly.

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 Shire of Chittering. 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**

The EPA recommends that requirements under Part IV and V of the EP Act for environmental impact assessment, clearing permits and works approvals and licences should be considered for future proposals within the industrial park. Further advice regarding specific environmental factors is provided below.

Flora and Vegetation and Terrestrial Fauna

The amendment area contains pockets of native vegetation, and scattered native trees which provide foraging and breeding habitat for threatened species of black cockatoo, listed under both the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

A black cockatoo tree survey conducted as part of an Environmental Assessment and Management Strategy (EAMS) (Bayley Environmental Services 2023) reported that there are a number of black cockatoo habitat trees with suitable breeding hollows. The EAMS proposes mitigation and management measures including the retention of the majority of native vegetation and fauna habitat including all of the vegetation in excellent condition. Mechanisms for permanently protecting the retention areas are proposed to be set out in a Vegetation Management Plan.

The EPA notes that the Muchea Industrial Precinct Structure Plan (MIPSP) highlights the importance of the industrial park to provide for foraging and breeding habitat for black cockatoos and states that there is a very high priority on retaining remaining bushland and individual trees in otherwise cleared pasture. The EPA expects that planning design for future development incorporates these mitigation and management measures. Future planning should also consider the EPA's 2021 *Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas* which advises that retention areas should have a low edge-to-area ratio and use hard edges to buffer naturally vegetated areas.

The retention of native vegetation and the identified significant habitat trees with suitable hollows, together with revegetation of drainage swales and basins will assist in reducing environmental impacts and retaining ecological connectivity with surrounding areas. The EPA recommends that the scheme text be modified to include a requirement for a Vegetation Management Plan to be prepared, consistent with EAMS, prior to subdivision. The Vegetation Management Plan should include monitoring and response actions, and generally be consistent with the EPA's 2021 Instructions *How to prepare Environmental Protection Act 1986 Part IV Environmental Management Plans* and must meet the EPA's environmental objectives.

Proponents are reminded of their obligations under the EPBC Act to refer actions that may have significant impact on black cockatoos to the Department of Climate Change, Energy, the Environment and Water.

#### Inland Waters

Development of the site for industrial land use has the potential to impact groundwater and surface water quality and pre-development hydrology, including through nutrient run off. Water management planning should maintain or improve groundwater and surface water quality and maintain pre-development hydrology.

All drainage from the amendment area flows eventually into Ellen Brook, the major drainage feature of the region. The Ellen Brook catchment is the largest sub-catchment of the Swan-Canning River system, contributing 6% of the total annual flow, and is the largest single contributor of nutrients to the system. The EPA notes a Local Water Management Plan has been prepared and expects that this, and any future water management documents, will be considered by the Department of Water and Environmental Regulation at the relevant planning stages.

The EPA notes that on-site effluent disposal proposed for the amendment area should be consistent with the *Government Sewerage Policy 2019*.

#### Social Surroundings

Industrial development may impact nearby residences due to potential noise, dust and odour emissions. The EPA's (2005) Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* should be considered to advise decision making on the potential impacts to surrounding land uses and separation distances.

## **Conclusion**

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through the existing and recommended scheme provisions. The EPA notes that further impacts may be mitigated through future planning requirements and other statutory processes. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors.