

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

**Shire of Serpentine-Jarrahdale Local Planning Scheme 3 Amendment 4**

**Location: Lot 483 (2622) South Western Highway, Serpentine**

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

**Determination Published: 14 October 2024**

**Summary**

The amendment proposes to rezone Lot 483 (2622) South Western Highway, Serpentine from 'Rural' to 'Rural Residential 1' (RR 1), and to amend Schedule 4 (4.10) of the Local Planning Scheme (LPS) text to include an additional site and development requirement.

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, subject to the following advice being implemented. The EPA has based its decision on the original referral documentation including a draft concept plan and additional information provided by the Shire of Serpentine-Jarrahdale (the Shire). 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

**Advice and Recommendations regarding the Environmental Factors**

**Flora and vegetation and Terrestrial fauna**

The amendment area has been historically utilised for farming and is predominantly cleared. The site contains approximately 2.4 ha of remnant vegetation comprising of mainly marri (*Corymbia calophylla*), *Nuytsia floribunda* and *Kingia australis* in open pasture, recorded to be in 'completely degraded' condition. Approximately 1.8 ha of the remnant vegetation provides foraging habitat for threatened species of black cockatoos.

The EPA notes that the referred scheme including the ASR3 in Schedule 4 (4.10), does not specifically include additional site and development requirements for the avoidance and management of environmental (black cockatoo) values. However, the EPA notes and supports the following mechanisms to avoid, mitigate and manage potential impacts to the above environmental values, including:

- LPS 3 scheme text for the ‘Rural Residential’ (Schedule 4, Clause 4.1 - Additional Site Requirements), which states that removal of existing vegetation, which is not exempted from requiring development approval, will require a landscaping and revegetation plan to be prepared and implemented to the satisfaction of the local government
- Local Planning Policy 4.16 (LPP 4.16) - Tree Retention and Planting - Part 1 significant tree removal and replacement:
  - Clause 1.4: the removal of trees is generally not supported, unless suitably replaced
  - Clause 1.5.2: the removal of trees supported by the Shire as part of a subdivision application should be replaced within the subdivision area, or where not practical, in an area that is mutually agreed upon by the Shire and the applicant, in accordance with a revegetation management plan
  - Clause 1.5.4: where a tree cannot be reasonably replaced within the subdivision area, the Shire may consider replacement of trees within the locality.
- Local Planning Policy 2.8 - Public Open Space development standards:
  - Subdivision approvals will require a landscape and vegetation management plan, a POS management plan, and maintenance schedule in accordance with the requirements of LPP 4.16 and should consider the Shire’s Urban and Rural Forest Strategy 2018-2028, to ensure the retention of tree canopy and promote environmental sustainability.

The EPA recommends consideration be given to the EPA’s guidance for Protection of naturally vegetated areas in urban and peri-urban areas. Section 9 of the guidance contains design guidance for planning and development and includes the importance of a) locating development on existing cleared land b) retaining large blocks of vegetation c) avoiding infrastructure in areas of remnant vegetation and d) avoiding clearing in areas where this is likely to lead to degradation of the surrounding environment.

The EPA expects that as part of the formulation and design of the future structure plan that decision-makers have due regard to the scheme and LPP requirements and the EPA’s guidance for Protection of naturally vegetated areas in urban and peri-urban areas to retain and manage environmental values (black cockatoo habitat). The EPA recommends that landscaping and revegetation should prioritise the use of locally endemic, non-invasive species that provide foraging for species of black cockatoo. Designs should be informed by current research and guidelines.

### **Inland waters**

The amendment area is situated within a Multiple Use Wetland (MUW) within the broader Peel-Harvey Coastal Plain catchment and is identified as a sewerage sensitive area. The Hardy’ Creek Main Drain (HCMD), a non-perennial creek line, runs through the amendment area

The EPA notes that reticulated sewerage is not available for the amendment area, and that on-site effluent disposal is proposed. A Site and Soil Evaluation concluded that the site can accommodate suitable infrastructure for the appropriate disposal of on-site effluent (secondary treatment units with nutrient removal) consistent with *State Planning Policy No. 2.1 - The Peel-Harvey Coastal Plain Catchment* and the *Government Sewerage Policy* (GSP 2019).

Based on the Local Water Management Strategy (LWMS) and draft concept plan, the EPA notes the proposed retention of HCMD and riparian vegetation within a ‘Public Open Space’ (foreshore) reservation, which includes bio-retention basins/swales with native, nutrient-

retentive species and a 100 metre (m) setback for lots. Future planning should ensure residential lots meet the proposed 100 m setback from the HCMD.

The EPA advises that modifications to the LWMS and draft concept plan will be required to be consistent with GSP 2019, draft *State Planning Policy 2.9 - Planning for Water* and Better Urban Water management requirements. Further advice can be obtained from Department of Water and Environmental Regulation.

### **Conclusion**

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing scheme mechanisms and proposed retention of vegetation, black cockatoo foraging habitat, and HCMD foreshore setback. 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.