



Chief Executive Officer  
Shire of Chittering  
6177 Great Northern Highway  
**BINDOON WA 6502**

Your Ref:  
Our Ref: CMS16053  
Enquiries: Angela Coletti, 6145 0800  
Email: [Angela.Coletti@epa.wa.gov.au](mailto:Angela.Coletti@epa.wa.gov.au)

Dear Sir/Madam

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

**SCHEME:** Shire of Chittering - Town Planning Scheme 6 -  
Amendment 58  
**LOCATION:** Lot 8 Buckthorn Drive, Lower Chittering  
**RESPONSIBLE AUTHORITY:** Shire of Chittering  
**DECISION:** Scheme Not Assessed: Advice Given (no appeals)

Thank you for referring the above proposed scheme to the Environmental Protection Authority (EPA).

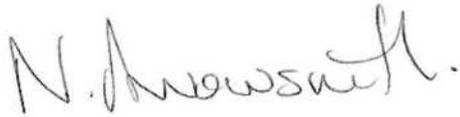
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

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 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 black ink, appearing to read 'N. Arrowsmith'.

Naomi Arrowsmith  
A/Director  
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority  
Under Notice of Delegation No. 33 published 17 December 2013

4 April 2016

Encl. Scheme Advice and Recommendations

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

**Shire of Chittering Town Planning Scheme No.6 Amendment 58**

**Location:** Lot 8 Buckthorn Drive, Lower Chittering

**Determination:** Scheme Not Assessed – Advice Given (no appeals)

**Determination Published:** 4 April 2016

**Summary**

The Shire of Chittering has initiated Amendment 58 to Town Planning Scheme 6 to rezone Lot 8 Buckthorn Drive, Lower Chittering from 'Agricultural Resource' to 'Rural Residential'.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) having regard to its relevant published policies.

Having regard to the EPA's significance framework referred to in Environmental Assessment Guideline (EAG) No.9 *Application of a significance framework in the environmental impact assessment process*, the EPA considers that the environmental impacts of the scheme amendment are not so significant as to warrant formal assessment under Part IV of the EP Act, providing the following advice is implemented.

**1. Environmental Factors**

Having regard to Environmental Assessment Guideline No.8 *Environmental principles, factors and objectives* (EAG 8), the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and vegetation;
- b) Terrestrial fauna; and,
- c) Amenity.

**2. Advice and Recommendations regarding Environmental Factors**

Flora and Vegetation, Terrestrial Fauna

The EPA has based its decision not to assess on the scheme amendment documentation provided by the Shire of Chittering. The EPA expects that the environmental factors described below will be addressed prior to the finalisation of a future structure plan and subdivision.

The EPA's specific advice in relation to the preliminary factors identified is as follows:

**a. Flora and vegetation and Terrestrial fauna**

The EPA objectives for these factors are:

- to maintain representation, diversity, viability and ecological function at the species, population and community level; and,
- to maintain representation, diversity, viability and ecological function at the species, population and assemblage level.

The amendment area contains the Mogumber – South vegetation complex which is mapped as having less than 10% of its pre-European extent protected for conservation within the bioregion (Swan Coastal Plain IBRA region). Sixty nine (69)% of the pre-European extent and 61% of the current extent of Mogumber – South occurs within the Shire of Chittering, which indicates that there are limited opportunities outside the Shire to increase protection of this vegetation complex, and it is therefore a high priority for conservation through the Shire's local biodiversity strategy.

The EPA notes that the majority of the remnant vegetation throughout Lot 8 Buckthorn Drive, Lower Chittering has been identified as being in 'Good' condition.

The remnant vegetation throughout the proposed amendment area may also be Carnaby's Cockatoo foraging habitat.

All species of Black Cockatoos are protected under both the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposed development may require referral to the Department of the Environment under the EPBC Act due to impacts to Black Cockatoo habitat.

The EPA recommends that a Level 2 Fauna Survey targeted for Carnaby's Cockatoo in accordance with the EPA's Guidance 56 *Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia* be conducted prior to the amendment being finalised.

The EPA recommends that provisions be included in the local planning scheme to guide future structure planning, subdivision and development so as to minimise impacts on remnant vegetation and Black cockatoo habitat. This would include clustering of development within cleared portions of Lot 8 Buckthorn Drive, Lower Chittering, preparation of an Environmental Management Plan, and identification of 'vegetation protection' areas in the structure plan.

Further advice can be sought from the:

- EPA's Environmental Protection Bulletin No.20 *Protection of naturally vegetated areas through planning and development* which sets out the EPA's view and expectations for the design of urban and peri – urban development proposals in order to protect naturally vegetated areas; and,
- EPA's Guidance Statement No. 33 *Environmental Guidance for Planning and Development* which provides an overview of environmental protection processes and information, to assist land use planning and development in Western Australia.

#### **b. Amenity**

The EPA notes that the western half of the Amendment site is located within the 'Military Consideration' area which is considered as a 'Special Control Area' under the provisions of the Town Planning Scheme 6. The EPA acknowledges that development within this area is required to be constructed so as to comply with any noise attenuation measures outlined within

the *Australian Standard AS 2021-2000 Aircraft Noise Intrusion – Building Siting and Construction* issue by the Standard Association of Australia.

### **Recommendation**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives, through the preparation of future local planning scheme provisions and structure plans to manage and protect the identified environmental factors of Flora and vegetation and Terrestrial fauna.

The EPA recommends:

- a Level 2 Fauna Survey targeted for Carnaby's Cockatoo in accordance with the EPA's Guidance 56 *Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia* be conducted prior to the amendment being finalised;
- that provisions be included in the local planning scheme to guide future structure planning, subdivision and development so as to minimise impacts on remnant vegetation;
- that the Department of Parks and Wildlife, Department of Water and other relevant agencies be consulted prior to the finalisation for a Structure Plan and Subdivision; and,
- the Department of Planning and the Shire of Chittering liaise to ensure that subsequent stages of planning ensure that development is consistent with the Shire of Chittering *Local Biodiversity Strategy* and EPA's Guidance and policies.