



Chief Executive Officer  
Shire of Mundaring  
7000 Great Eastern Highway  
**MUNDARING WA 6073**

Your Ref:  
Our Ref: CMS17322  
Enquiries: Angela Coletti, 6364 7600  
Email: [angela.coletti@dwer.wa.gov.au](mailto:angela.coletti@dwer.wa.gov.au)

Dear Sir/Madam

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

**SCHEME:** Shire of Mundaring - Local Planning Scheme 4 - Amendment 12  
**LOCATION:** Various lots in Mount Helena  
**RESPONSIBLE AUTHORITY:** Shire of Mundaring  
**DECISION:** Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

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

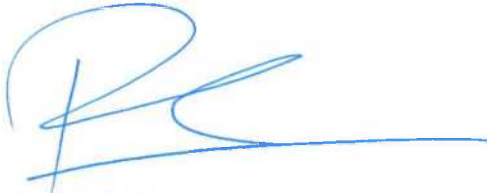
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

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 blue ink, consisting of a large, stylized 'P' followed by a long horizontal stroke that ends in a small upward flick.

**Patrick Seares**  
**Delegate of the Environmental Protection Authority**  
Executive Director EPA Strategic and Guidance

6 March 2018

Encl. Scheme Advice and Recommendations

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

**Shire of Mundaring - Local Planning Scheme 4 - Amendment 12**

**Location: Various Properties in Mount Helena**

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

**Determination Published: 6 March 2018**

**Summary**

The Shire of Mundaring proposes to rezone approximately 45.63 hectares (ha) in Mount Helena from 'Rural Residential 2' to 'Development' zone to facilitate future urban development.

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 documentation provided by the Shire of Mundaring. Having considered this matter the following advice is provided.

**1. Environmental Factors**

Having regard for the EPA's Statement of Environmental Principles, Factors and Objectives the EPA has identified the following preliminary environmental factors relevant to this scheme amendment.

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- Flora and Vegetation,
- Terrestrial Fauna,
- Hydrological Processes; and
- Hydrological Processes and Inland Waters Environmental Quality.

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

**Flora and Vegetation and Terrestrial Fauna**

The amendment area contains remnant native vegetation ranging in condition from Completely Degraded to Excellent. The EPA notes that some of the vegetation is mapped as a 'Protection' category (Conservation Category 3) Local Natural Area (LNA) in the Shire's Local Biodiversity Strategy and the Local Planning Strategy. The Shire's Local Planning Scheme 4 (LPS 4) states that where clearing of vegetation in a LNA is proposed the Shire may require or recommend that a Native Fauna and Flora Report and Management Plan be prepared to the satisfaction of the Shire prior to supporting or approving the proposal, or prior

to clearing the land. LPS 4 also requires structure planning to be undertaken under the proposed 'Development' zone.

The vegetation is likely to provide habitat for species of Black Cockatoo which are protected under Commonwealth and State legislation.

Therefore, the EPA recommends the Shire of Mundaring require the preparation of a Native Fauna and Flora Report and Management Plan prior to future structure planning, to inform the structure planning process. A habitat assessment for Black Cockatoo should also be undertaken for the amendment area to ensure significant habitat trees/groves/patches are identified and protected as part of structure planning. The EPA also advises that the future subdivision design should retain LNA vegetation within Public Open Space. Alternatively, if LNA vegetation is to be included in residential lots, a larger lot size may be required to ensure the vegetation is not impacted by building envelopes, fence lines and fire protection measures.

The EPA reminds future developers of their obligations to refer any subsequent proposal to the Commonwealth Department of the Environment for a determination under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### **Hydrological Processes and Inland Waters Environmental Quality**

The EPA notes that Charlotte Creek traverses the amendment area. In 2015, a District Water Management Strategy was approved which included a commitment for the Local Water Management Strategy (LWMS) to include a suitable buffer and management strategy. The EPA supports the requirement for the LWMS to protect Charlotte Creek and buffer, and expects appropriate measures be undertaken to protect water quality.

### **Recommendation**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives and environmental factors of Flora and Vegetation, Terrestrial Fauna, Hydrological Processes and Inland Waters Environmental Quality through the protection of Black Cockatoo habitat, retention of Local Natural Areas and Charlotte Creek and buffer, informed by the recommended studies/reports.