

Mr Matthew Gilfellow
Chief Executive Officer
Shire of Chittering
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CHITTERING WA 6502

Our Ref: CMS 17938
Enquiries: Renee Blandin, 6364 7259
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Dear Mr Gilfellow

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

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|------------------------------|---|
| SCHEME | Shire of Chittering Local Planning Scheme 6 Amendment 69 |
| LOCATION | Lot 9002 Reserve Road, Chittering |
| RESPONSIBLE AUTHORITY | Shire of Chittering |
| DECISION | Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable) |

Thank you for referring the above 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. I have also attached a copy of the Chair's determination of the scheme.

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 the Chair's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

7 May 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Shire of Chittering Town Planning Scheme 7 Amendment 69

Location: Lot 9002 Reserve Road, Chittering

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

Determination Published: 10 April 2021

Summary

The Shire of Chittering proposes to apply the 'Residential R5' residential density code over an undeveloped portion of Lot 9002 Reserve Road, and to modify the Military Considerations (RAAF) Special Control Area. The scheme map is to be amended 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 documentation provided by the Shire of Chittering. Having considered this matter the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and Vegetation
- b) Terrestrial Fauna
- c) Inland Waters

2. Advice and Recommendations regarding Environmental Factors

Flora and Vegetation; Terrestrial Fauna

The EPA notes Lot 9002 was historically cleared of native vegetation and the existing vegetation on-site comprises a mosaic of planted vegetation, due to the site previously operating as a plant nursery. The amendment area contains limited black cockatoo foraging habitat and potential future breeding trees.

Implementation of the scheme amendment may result in the clearing of a maximum of 10 potential future breeding trees. Five of these trees are in an area of 0.5 hectares of disturbed and previously cleared vegetation. This area should be a priority for retention, and development should be located within existing cleared land.

The EPA supports the Shire's proposed modifications to the scheme text provisions for clause 5 (iv) and recommends the text state *Future subdivision design and layout of Lot 9002 Reserve Road, Chittering is to retain identified black cockatoo habitat tree(s) that have a Diameter at Breast Height (DBH) > 500mm (360 Environmental, Black Cockatoos Habitat Assessment Report, May 2015 or any update to this assessment) and are not dead, diseased or pose a danger to humans. A 10 metre habitat tree protection zone should be identified to ensure the protection of retained trees during subdivision and development.*

Inland Waters

There is currently no existing reticulated sewerage system available for Lot 9002. Whilst Lot 9002 is not located in a Sewerage Sensitive Area and no wetlands, water bodies or drainage lines are present, it is within the Ellen Brook catchment which flows into the Swan River, and Rocky Creek is located nearby.

The EPA notes site and soil investigation demonstrates each lot is able to accommodate a wastewater management system via an alternate treatment system. The EPA also notes *Government Sewerage Policy 2019 (GSP)* only requires the use of nutrient removal systems in sewage sensitive areas and public drinking water source areas.

The EPA recommends proposed clause 5(iii) be worded towards subdivision and development being required to demonstrate compliance with the GSP and that secondary treatment systems with nutrient removal are required unless otherwise demonstrated through a site and soil evaluation.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through existing and proposed modifications to local planning scheme provisions. Future planning requirements can also assist in management of impacts. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors.