

Mrs Annette Riordan
Chief Executive Officer
Shire of Harvey
PO Box 500
HARVEY WA 6220

Our Ref: APP-0000181
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Dear Mrs Riordan

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

SCHEME	Shire of Harvey District Planning Scheme 1 Amendment 130
LOCATION	Lot 564 Paris Road, Australind
RESPONSIBLE AUTHORITY	Shire of Harvey
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.

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 EPA's Determination is attached and, together with the 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 'Lee McIntosh', with a stylized flourish at the end.

Lee McIntosh
Deputy Chair of the Environmental Protection Authority

4 January 2023

Encl. Deputy Chair's Determination
Scheme Advice and Recommendations

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

District Planning Scheme 1 Amendment 130

Location: Part Lot 564 Paris Road, Australind

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

Determination Published: 9 January 2023

Summary

The amendment proposes to rezone the northern portion of Lot 564 site from 'Light Industry' and 'Recreation' to 'Residential Development' to provide for the future subdivision and development. The amendment also proposes to insert text provisions for 'Area 7' at Schedule 15 - Additional Requirements - Residential, and to amend the Scheme map 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 Harvey (the Shire) for this amendment. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's *Statement of environmental principles, factors, objectives and aims of EIA*, 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

Flora and vegetation; Terrestrial fauna; Social surroundings

The amendment area is predominantly cleared except for an area of vegetation in the northern section of the site, mapped as degraded condition. The vegetation provides habitat for the Western Ringtail Possum (listed as Critically Endangered under the *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*), potential foraging habitat for Threatened species of black cockatoo.

The EPA has considered the impact of the proposal on each environmental factor in the context of their cumulative impact. The EPA notes the Structure Plan proposes to retain the existing remnant vegetation in the northern portion of the site. The EPA recommends the vegetation be retained in its entirety with additional areas planted to improve habitat extent and quality, and provide linkage for threatened species. The EPA also recommends the inclusion of additional text for the protection, restoration and management of the above

vegetation in the proposed provisions for Area 7: Lot 564 Paris Road, Australind in Schedule 15 of District Planning Scheme 1.

The EPA notes the provision of Public Open Space (POS) areas proposed to be planted with local native species to provide a separation distance and screen residential lots from the industrial lots in the southern portion of Lot 564, landscaped buffer areas to Forrest Highway, and acoustic treatments to mitigate noise impacts to sensitive land uses. The EPA recommends the planting of preferred habitat for threatened species within POS and drainage areas to improve habitat quality and connectivity within the local area. The EPA also expects the local government to maintain areas of POS, specifically to maintain the ecological value.

The amendment area is adjacent to Wardandi reserve to the west, the road reserve to the east, and large consolidated areas of remnant vegetation across Forrest Highway to the east. All of these areas provide habitat for threatened species. The retention, enhancement and expansion of vegetation in the amendment area will assist in ecological connectivity with surrounding areas.

Furthermore, planning should also consider reducing the risk of fauna vehicle strike. Measures may include:

- implementation of traffic calming and signage measures
- plantings for black cockatoo's being an adequate distance from roads and low fencing for assistance with safe take off
- placement of rope bridges to adjoining potential Western Ringtail Possum habitat

Inland waters

The entire amendment area is a Multiple Use palusplain wetland, defined as seasonally waterlogged land on a flat terrain. Appropriate land use planning and the inclusion of best management practices for water should ensure that a sustainable total water cycle management is achievable. Future Water management planning should consider the potential for cumulative impacts. It should maintain or improve groundwater and surface water quality, pre-development hydrology and ensure the health of native vegetation within the amendment and adjacent areas. The Department of Water and Environmental Regulation should be consulted regarding any water management planning documents.

Conclusion

The EPA concludes that the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors. When the separate environmental factors and values affected by the scheme amendment were considered together in a holistic assessment, the EPA formed the view that the impacts from implementation of the scheme amendment would not alter the EPA's views about consistency with the EPA's factor objectives as assessed above.

The EPA considers the proposed and recommended additional scheme provisions, implementation of future planning requirements, and other statutory processes are also able to manage potential impacts. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.