

Mr Jonathan Throssell  
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Shire of Mundaring  
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**MUNDARING WA 6073**

Our Ref: CMS17120  
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Dear Mr Throssell

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

<b>SCHEME:</b>	<b>Shire of Mundaring Local Planning Scheme 4 Amendment 10</b>
<b>LOCATION:</b>	<b>Lot 96 Clayton Road, Helena Valley</b>
<b>RESPONSIBLE AUTHORITY:</b>	<b>Shire of Mundaring</b>
<b>DECISION:</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)</b>

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



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

26 August 2019

Encl. Scheme Advice and Recommendations

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

**Shire of Mundaring Local Planning Scheme 4 Amendment 10**

**Location:** Lot 96 (1710) Clayton Road Helena Valley

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

**Determination Published:** 26 August 2019

**Summary**

The Shire of Mundaring (the Shire) has initiated Amendment 10 to Local Planning Scheme 4 (LPS 4) to allow within the 'Rural Residential' zone, an additional use of 'Residential Building (extra facilities)' on Lot 96 (1710) Clayton Road, Helena Valley.

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 and advice received from the Department of Biodiversity, Conservation and Attractions (DBCA). Having considered this matter the following advice is provided.

**Background**

The *Planning and Development Act 2005* requires all planning schemes and amendments to be referred to the EPA for consideration of environmental impacts under s48A of the EP Act.

In 2015 a development application was made to the Shire to convert the former CSIRO research facility into a residential building consisting of multiple self-contained units. The Shire did not support the development application as the proposed development did not meet the definition of 'Residential Building', it was considered to be 'Grouped Dwelling'. The Western Australian Planning Commission also refused the development under the Metropolitan Region Scheme on the basis that it was not consistent with the intent of the Rural zone.

Following the outcome of a State Administrative Tribunal mediation process, the applicant has sought to amend LPS 4 to allow the reuse of the former CSIRO building for residential purposes.

On 3 November 2017, the Shire referred its proposed Amendment 10 to LPS 4 to the EPA. Amendment 10 seeks to insert the additional use of Residential Building (extra facilities) for Lot 96 Clayton Road, Helena Valley. The EPA notes that the Amendment's text provisions limit the additional use to the existing building with refitting to include within each room, an ensuite, kitchenette and oven or hotplate.

The EPA has regard for various matters when considering if a scheme amendment is likely to have a significant impact or effect on the environment. Referral of the Amendment to the EPA is for the proposed addition in land use only.

The approval of development applications abutting the Swan and Canning River – Development Control Area is a local government consideration, with advice from DBCA. In instances where an unconventional wastewater treatment system is proposed, the Department of Health is also consulted.

In assessing the proposed Amendment, the EPA is not approving or endorsing the proposed future use of the former CSIRO building.

### **Environmental Factors**

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

- Inland Waters

### **Advice and Recommendations regarding Environmental Factors**

The Amendment area is adjacent to the Helena River and the Swan and Canning River – Development Control Area. The Amendment area has a perched water table with groundwater expressed at surface in places. As reticulated sewerage is not available, an alternative wastewater treatment system will be required.

As part of its consideration of the Amendment, the EPA requested the Shire provide a revised Preliminary Wastewater Treatment and Effluent Disposal Study, and additional technical information to verify the design concept. The EPA also sought advice from DBCA regarding wastewater management and potential impacts to the Swan Canning River system.

The EPA considers that waste and stormwater management systems are best dealt with through the development application stage by the local government, with advice from DBCA. The EPA advises that where a waste water system is not conventional, the Department of Health should also be consulted.

The proposed scheme amendment includes conditions in Schedule 2 for the Additional Use for drainage measures. The EPA recommends the condition be amended to include stormwater management; and, wastewater treatment and effluent disposal measures. The EPA also recommends Conditions for the following be added:

- Prior to approval of the Development Plan a monitoring plan shall be prepared to ensure the on-site wastewater system functions to ensure there is no nutrient discharge from the site.
- Prior to approval of the Development Plan a maintenance and contingency plan shall be prepared outlining how the system will be maintained, with contingency actions should the system fail.

### **Conclusion**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives, through wastewater treatment and stormwater management systems being designed and managed to ensure there will be no nutrient discharge to the Helena River. The EPA recommends its advice is implemented, to mitigate potential impacts to Inland Waters.