

Mr Jason Whiteaker
Chief Executive Officer
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Our Ref: CMS18131; DWERT9207
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Dear Mr Whiteaker

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

SCHEME	Local Planning Scheme No.6 Amendment No. 17
LOCATION	Lot 881 Yilgarn Avenue Malabaine
RESPONSIBLE AUTHORITY	Shire of Northam
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 Chair's Determination advice and recommendations is attached and will be made available to the public via the EPA website.

Yours sincerely



Prof. Matthew Tonts
Chair of the Environmental Protection Authority

24 July 2023

Encl. Chair's Determination and Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986
Shire of Northam - Local Planning Scheme 6 Amendment 17**

Location: Lot 881 Yilgarn Avenue Malabaine

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

Determination Published: 24 July 2023

Summary

Local Planning Scheme (LPS) 6 Amendment 17 proposes to:

- Rezone portions of Lot 881 (#239) Yilgarn Avenue, Malabaine from 'Environmental Conservation' to 'Light and Service Industry';
- Amend the Scheme Map, accordingly and
- Insert new scheme provision clause 4.38 and Table 4.

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 (referral, additional information and *Planning and Development Act 2005* resolution deciding to amend a scheme) provided by the Shire of Northam (the Shire) and Proponent. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA (2021) Statement of Environmental Principles, Factors, Objectives and Aims of Environmental Impact Assessment, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and vegetation
- Terrestrial fauna.

Advice and Recommendations regarding Environmental Factors

Flora and vegetation and Terrestrial fauna

The amendment area is located within a fragmented landscape and contains poorly represented Vegetation Association 352 (Medium woodland; York gum). The amendment area contains remnant and planted vegetation (containing York Gum, and other Eucalyptus species with no understorey) recorded to be in Degraded or Completely Degraded condition (Talis Consulting 2021 and Spectrum Ecology 2021).

The information identified that the remnant vegetation may represent Eucalypt woodlands of the Western Australia (WA) Wheatbelt, a critically endangered Threatened Ecological Community (TEC) under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and a Priority 3 Ecological Community (PEC) in WA. However, the EPA notes that upon evaluation against the Commonwealth's *TSSC (2015) key diagnostic characteristics of the Eucalypt woodlands of the WA Wheatbelt (conservation advice)* the assessment concluded that the remnant vegetation was unlikely to be representative of the TEC/PEC (Talis Consulting 2021; 2022 and Spectrum Ecology 2022).

The information also identified the remnant vegetation provides high quality foraging and habitat trees that may contain suitable hollows for Threatened Carnaby's cockatoo (*Zanda latirostris*) and Forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*), listed under the *Biodiversity Conservation Act 2016* and EPBC Act. While the EPA notes that fauna survey recorded no evidence of foraging, breeding or roosting activity, the EPA recommends that an internal hollow inspection (to assess the hollow entrance and internal dimensions/slope) be completed to confirm whether hollows are suitable for black cockatoo utilisation. The EPA recommends that black cockatoo habitat trees with suitable hollows are retained.

To manage future planning and development, the EPA supports the proposed scheme provision clause 4.38 and Table 4 to the LPS and the consideration of on-ground management relating to the protection of existing native vegetation and revegetation of degraded areas within a vegetated corridor which is to be outlined in a Conservation Management Plan.

Future planning proposals that may have a significant impact to Matters of Environmental Significance (MNES) should be referred under the EPBC Act.

Conclusion

The EPA concludes that the scheme amendment can be managed to meet the EPA environmental objectives for the above factors through proposed planning controls. 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.