



## Environmental Protection Authority

Chief Executive Officer  
City of Rockingham  
PO Box 2142  
**ROCKINGHAM DC WA 6967**

*Your Ref* D14/124690  
*Our Ref* 14-971818  
*Enquiries* Angela Coletti  
*Phone* 6145 0806

Attn: Greg Delahunty

Dear Sir/Madam

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

**SCHEME AMENDMENT TITLE:** City of Rockingham Town Planning Scheme 2  
Amendment 149 - Rezoning from Community  
Purposes to Residential R30  
**LOCATION:** Lot 503 Warnbro Sound Avenue  
**LOCALITY:** Port Kennedy  
**RESPONSIBLE AUTHORITY:** City of Rockingham  
**DECISION:** Scheme Amendment Not Assessed – Advice  
Given (no appeals)

Please disregard the previous Environmental Protection Authority (EPA) level of assessment letter dated 10 November 2014.

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

#### **ADVICE AND RECOMMENDATIONS**

##### **1. Environmental Factors**

- Terrestrial Fauna

##### **2. Advice and recommendations regarding environmental factors**

###### Terrestrial Fauna

The EPA's records indicate that the vegetation on site may provide habitat for Black Cockatoos. All species of Black Cockatoos are protected under both the *Wildlife*

*Conservation Act 1950 and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).* The proponent should consider its notification responsibilities regarding matters of National Environmental Significance under the EPBC Act should implementation of the scheme fail to avoid impacts to protected fauna.

### **3. General Advice**

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, 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 on the level of assessment of scheme amendments.
- A copy of this advice will be sent to the relevant authorities and will be available to the public on request.

Yours faithfully



Darren Foster  
Director  
Strategic Policy and Planning Division

20 November 2014