

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

City of Wanneroo District Planning Scheme 2 Amendment 213

Location: Breakwater Estate, Two Rocks

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

Determination Published: 22 April 2024

Summary

The City of Wanneroo (City) proposes to reclassify various land parcels in the Two Rocks area and delete the provisions relating to 'RR19' in Schedule 8 (Rural Residential Zone Special Provisions) and replace those provisions with special provisions relating to the subdivision of land.

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 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 referral documentation provided by the City of Wanneroo and acknowledging the EPA's formal assessment (Bulletin 956) (undertaken in 1999) of the City of Wanneroo previous Town Planning Scheme No.1 Amendment 837, and Ministerial Statement 537. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (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
- Landforms
- Subterranean Fauna.

Advice and Recommendations regarding the Environmental Factors

The EPA notes that when the City of Wanneroo Town Planning Scheme No.1 Amendment 837 (which includes DPS 2 Amendment 213 area) was assessed, the terrestrial fauna environmental factor was not considered. Since the assessment (Bulletin 956), the carnaby's cockatoo (*Zanda latirostris*), baudin's cockatoo (*Zanda baudinii*) and the forest red-tailed cockatoo (*Calyptorhynchus banksii naso*) were listed as Endangered or Vulnerable under the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The amendment area contains black cockatoo habitat.

The EPA also advises that tuart woodlands may occur within and adjacent to the amendment area and that under the EPBC Act, Tuart (*Eucalyptus gomphocephala*) Woodlands and Forests of the Swan Coastal Plain ecological community is listed as critically endangered.

The EPA is supportive of the City reclassifying various lots containing environmental values from 'Rural Residential' Zone to 'Local Scheme Reserve – Public Open Space' or to 'Local Scheme Reserve – Environmental Conservation'. The environmental values in these areas are likely to include vegetation (banksia species, tuart woodland) and terrestrial fauna (black cockatoo) habitat.

The EPA recommends that based on the likely environmental values present in Portion Lot 701 Caraway Loop, Two Rocks (Reserve 50707) and that the area is part of a consolidated patch of native vegetation, that the City considers reclassifying this area to 'Environmental Conservation' reserve instead of 'Public Open Space' reserve. The DPS2 'Environmental Conservation' reserve objectives better reflect the values and intent of vegetation retention for this area.

The amendment includes the Lot 201 and Lot 202 Breakwater Drive, proposed for future subdivision. The City proposes inserting new special provisions relating to RR19 in Schedule 8 which provides conditions to mitigate stormwater, onsite effluent disposal and potential effect to karst features from development. The EPA recommends that the City amends RR19 special provisions to include assessment of and retention of mature trees, which also provide black cockatoo habitat.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through proposed and existing planning mechanisms such as local planning policies and special provisions. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.