

Chief Executive Officer
Shire of Chittering
PO Box 70
BINDOON WA 6502

Your Ref:
Our Ref: CMS15054
Enquiries: Liesl Rohl, 6145 0800
Email: Liesl.Rohl@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: Shire of Chittering - Town Planning Scheme 6 -
Amendment 55
RESPONSIBLE AUTHORITY: Shire of Chittering
DECISION: Scheme Not Assessed: Advice Given (no
appeals)

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

A handwritten signature in black ink, appearing to read 'Bridget Hyder', with a stylized, cursive script.

Bridget Hyder
A/Director
Strategic Policy and Planning Division

For the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 dated 6 December 2013

16 March 2015

Encl. Scheme Advice and Recommendations

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

Shire of Chittering Town Planning Scheme 6 Amendment 55

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 16 March 2015

Summary

The Shire of Chittering proposes to rezone Lot 2 Reserve Road, Chittering from 'Rural Residential' to 'Rural Residential R2' and to rezone Lot 9001 Rosewood Drive, Chittering from 'Rural Residential' to 'Rural Conservation'.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). In making its decision on whether to assess the scheme amendment, the EPA has applied its 'Significance Framework' which relates to the extent to which the scheme amendment meets the EPA's environmental objectives for the environmental factors.

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 potential impacts from the scheme amendment can be adequately managed to meet the EPA's objectives through the implementation of the responsible authority's scheme provisions, management plans, EPA advice and regulated through other statutory processes.

1. Environmental Factors

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

Terrestrial Fauna

2. Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the scheme amendment documentation provided by the Shire of Chittering. The EPA expects that further detailed management plans and scheme provisions to address the environmental factor Terrestrial Fauna will be completed prior to the finalisation of the Development Plan.

Terrestrial Fauna

The clearing of remnant native vegetation on Lot 9001 Rosewood Drive, Chittering may cause a loss of habitat for Black Cockatoos. Baudin's Cockatoo, Carnaby's Cockatoo and Forest Red-tailed Black Cockatoo 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.

The EPA supports the Shire's preference for a larger single Conservation Lot on Lot 9001 as it will contribute towards protection of land identified within the Local Biodiversity Strategy. Further information regarding the design of urban and peri-urban development proposals in order to protect naturally vegetated areas can be sought from the *Environmental Protection Bulletin No.20 – Protection of naturally vegetated areas through planning and development*.