



Environmental Protection Authority

Chief Executive Officer
City of Kwinana
PO Box 21
KWINANA WA 6966

Your Ref:
Our Ref: CMS16314
Enquiries: Angela Coletti, 6145 0800
Email: Angela.Coletti@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: City of Kwinana - Town Planning Scheme 2 -
Amendment 144
LOCATION: Lot 54 Johnson Road and Lot 9001 Holden Close
Bertram
RESPONSIBLE AUTHORITY: City of Kwinana
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (Not Appealable)

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 that reads "Liesl Rohl". The signature is written in a cursive, flowing style.

Liesl Rohl
A/Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

23 December 2016

Encl. Scheme Advice and Recommendations

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

City of Kwinana Local Planning Scheme No.2 Amendment 144

Location: Lot 54 Johnson Road and Lot 9001 Holden Close, Bertram

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

Determination Published: 23 December 2016

Summary

The City of Kwinana has initiated Local Planning Scheme (LPS) No.4 Amendment 144 to rezone Lot 54 Johnson Road and Lot 9001 Holden Close, Bertram from 'Residential R20' to 'Residential R40'. Amendment 144 also proposes to include additional provisions into 'Schedule IV – Development Areas' of the scheme amendment area.

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 is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act.

1. Environmental Factors

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

Flora and vegetation

2. Advice and Recommendations regarding Environmental Factors

The EPA has examined the City of Kwinana's referral documentation and conducted investigations. Subsequently the EPA has decided not to assess the scheme amendment. The EPA expects that the environmental issues described below and its recommendations will be addressed through the planning process.

Amendment 144 proposes to rezone the subject area from 'Residential R20' to 'Residential R40' which was zoned 'Urban' under the Metropolitan Region Scheme. The rezoning occurred prior to 1996 and therefore was not referred to or considered by the EPA at that time.

The subject area is considered to have the following environmental values that are to be managed via the planning process.

The subject area comprises of the following environmental issues:

- Remnant vegetation covers the majority of the site and is 'Good' to 'Very Good' condition;
- Vegetation is comprised of Bassendean Complex-Central and South. There is only about 21% of the original pre-European extent of this vegetation complex on the Swan Coastal Plain remaining;

- The vegetation is described as Banksia woodland dominated by *Banksia attenuata* and *Banksia menziesii* which covers the site and may be considered to be important feeding habitat for Carnaby's Cockatoo habitat. All species of Black Cockatoos are protected under both the *Wildlife Conservation Act 1950* and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); and
- The study area is located adjacent to a north-south ecological corridor that links the Beeliar Regional Park (including The Spectacles Wetland) with Leda Nature Reserve and Rockingham Lakes Regional park in the south.

The EPA considers that the subsequent stages of planning can provide for the retention and management of remnant vegetation.

Recommendation

The EPA concludes that the Scheme can be managed to meet the EPA's environmental objectives and recommends:

- That the Department of Planning and the City of Kwinana liaise to ensure retention and management of remnant vegetation through the subsequent stages of planning; and
- Any subsequent proposals or actions which may have a significant impact on black cockatoo habitat should be referred to the Australian Government Minister for the Environment and Energy under the EPBC Act.