

Mr Andre Schonfeldt
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Our Ref: CMS 18117
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Dear Mr Schonfeldt

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

SCHEME	Shire of Dardanup Local Planning Scheme 3 Amendment 204
LOCATION	Portion of Lot 10 Temple Road, East Picton
RESPONSIBLE AUTHORITY	Shire of Dardanup
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. I have also attached a copy of the Chair's determination of the scheme.

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, 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 blue ink, appearing to read 'Shaun Meredith', is displayed on a white background.

Dr Shaun Meredith
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

18 April 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Shire of Dardanup Local Planning Scheme 3 Amendment 204

Location: Portion of Lot 10 Temple Road, East Picton

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

Determination Published: 19 April 2022

Summary

Shire of Dardanup (the Shire) Local Planning Scheme 3 Amendment 204 (Amendment 204) proposes to add 'Additional Use No. 22 (A22)' to a portion of Lot 10 Temple Road, East Picton (Lot 10). The proposed additional uses of 'Storage' and 'Industry – mobile crushing plant' are discretionary ('D') uses and subject to conditions.

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 provided by the Shire. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's *Statement of Environmental Principles, Factors and Objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna

Advice and Recommendations regarding the Environmental Factors

Lot 10 is currently used for storage, which was an allowable use prior to Amendment 167 in 2010. However, under the current local planning scheme, Lot 10 is zoned 'General Farming' which does not permit the proposed additional uses.

The proposed amendment is located within the Preston Industrial Park (PIP) Northern Precinct Structure Plan Boundary.

In the original amendment referral to the EPA, the Shire had not designated the proposed additional uses to a specific location within Lot 10. The Shire has since revised the amendment to apply the proposed additional uses over only the cleared portions of Lot 10 and has added conditions to A22 to manage potential impacts to remnant vegetation at the site; this is supported by the EPA. Further advice specific to environmental factors is provided below:

Flora and Vegetation; Terrestrial Fauna

Lot 10 contains native vegetation, threatened ecological communities, and habitat for threatened and priority fauna, including:

- Banksia dominated woodlands of the Swan Coastal Plain ecological community (listed as Priority 3 (P3) under the *Biodiversity Conservation Act 2016* (BC Act) and endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act))
- Quenda (listed as P4 under the BC Act)
- Western Ringtail Possum (listed as critically endangered (CR) under the BC Act and EPBC Act).
- Habitat for Carnarby's Black Cockatoo and Baudin's Cockatoo (both endangered under the BC Act and EPBC Act), and Forest Red-tailed Black Cockatoo (vulnerable under the BC Act and EPBC Act).

The proposed amendment area is part of the McLarty/Kemerton/Twin Rivers/Preston River/Gwindinnup (north-south ecological linkage). The environmental values contained within the broader PIP provide ecological linkage to the Indian Ocean to the west, the Leschenault Estuary to the north, and the Darling Scarp and Plateau to the east and south.

In March 2008, the EPA published 'Advice on areas of conservation significance in the 'Preston Industrial Park' under section 16(e) of the EP Act. The advice considered native vegetation and flora, native fauna, wetlands and waterways and ecological linkages within the PIP. The advice recommended that all remnant vegetation within the PIP is regionally significant and should be retained. The advice also recommended that -

"vegetation in its entirety within Recommendation Areas A, B, C, D and E (Figure 6) be reserved as Regional Open Space in a future amendment to the GBRS and appropriately managed" and that *"Area A meets the highest number of criteria for regional conservation significance of all the sites, includes areas in best condition, is the largest and most consolidated and is therefore the highest priority conservation area in the PIP"*.

It is noted that the proposed amendment area is contained within 'Area A'. Accordingly, the EPA supports the revised amendment that defines the proposal to the cleared areas of Lot 10 and includes conditions for additional use activities.

The EPA notes that the proposed amendment boundary does not provide for a buffer between potential additional use activities and the remnant vegetation on Lot 10. As such, the amendment area, which may provide for activities capable of generating dust, noise, and pollutants, directly abuts the remnant vegetation and possible fauna habitat. To manage potential edge effects and reduce disturbance to fauna, the EPA recommends that future development applications (DA) include a management plan to address dust, noise and pollutants (including light) consistent with Condition 3 of the proposed additional use table. Potential impacts should be contained within the DA area and not extend into the vegetated areas of Lot 10.

It may also be appropriate for the Shire to consider the EPA's '*Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas*' published under s16(k) of the EP Act. Noting that this guidance is not strictly applicable to the 'General Farming' zoning of the amendment area, it may be utilised as a general planning tool to inform future development in the amendment area.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through the proposed scheme provisions, and planning requirements. The requirement for a licence under Part V of the EP Act to undertake additional use activities in the amendment area will provide further management of potential

impacts. The EPA recommends its advice is implemented to mitigate potential impacts to the above factors.