

Mr Wayne Jack
Chief Executive Officer
City of Kwinana
PO Box 21
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Our Ref: CMS 18139
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Dear Mr Jack

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

SCHEME	City of Kwinana Town Planning Scheme 2 Amendment 159
LOCATION	Lots 52 & 9002 Rowley Road, Mandogalup
RESPONSIBLE AUTHORITY	City of Kwinana
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 'R Hughes', is positioned above the printed name and title.

Dr Robert Hughes
Delegate of the Environmental Protection Authority
Director
EPA Services

13 June 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

City of Kwinana Local Planning Scheme Amendment 159 and 161

Location: Lots 52 & 9002 Rowley Road and Lots 3, 11, 9000, 9002 & 9006 Hoffman Road, Mandogalup

Determination: Scheme Not Assessed – Advice Given (Not Appealable)

Determination Published: 13 June 2022

Summary

The amendments propose to transfer approximately 59 ha from the 'Rural A' zone to the 'Development' zone under the City of Kwinana's Local Planning Scheme No.2.

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 amendments as set out are unlikely to have a significant effect on the environment and do not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the scheme amendment documentation provided by the City of Kwinana. 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:

- Inland Waters;
- Flora and Vegetation; and
- Terrestrial Fauna.

Advice and Recommendations regarding Environmental Factors

Inland Waters

The amendment areas are situated within the northwest corner of the Peel-Harvey Catchment and have been mapped largely as Multiple Use wetlands.

Future development should be consistent with Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System (EPA, 2008) and the *Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992*. Due consideration should also be given to the *Bindjareb-Djilba (Peel-Harvey Estuary Protection Plan)* management actions.

Water management planning for the site should maintain or improve groundwater and surface water quality, and pre-development hydrology to ensure water quality objectives for the Policy area are achieved. The EPA also supports future intensions to undertake planting along the banks of the Peel Main Drain with native species where possible.

Flora and Vegetation; Terrestrial Fauna

The amendment areas contain approximately 10 hectares (ha) of vegetation in primarily degraded condition with 2 ha mapped as being in good condition. The area of vegetation in good condition is considered to be representative of the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community.

The vegetation is mapped as containing 5.38 ha of potential foraging habitat for the threatened Carnaby's black cockatoo and Forest red-tailed black cockatoo, and 143 potential habitat trees (with a diameter at breast height greater than 500 mm). It is noted that none of these were identified as containing hollows suitable for breeding.

The EPA notes that the part of the amendment area containing the Banksia woodland TEC and black cockatoo foraging habitat is part of a broader area with *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) development approval subject to conditions (reference number 2014/7126) for urban development. It noted that these conditions include offset requirements.

The EPA supports the preparation of a 'Landscape Feature and Tree Retention Strategy' at local structure planning stage to identify trees and vegetation for retention post development. Consideration should be given to retaining foraging habitat and trees with existing hollows where possible.

Recommendation

The EPA concludes that the implementation of the amendment can be managed to meet the EPA's environmental objectives for the above factors through existing planning controls. The EPA recommends its advice is implemented to mitigate potential impacts to Inland Waters, Flora and Vegetation, and Terrestrial Fauna.