



Environmental Protection Authority

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

Your Ref SA140
Our Ref 13-381326
Enquiries Stephen Pavey
Phone 6145 0837

Attn: Marieke de Vries

Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: City of Kwinana Town Planning Scheme 2
Amendment 140 - Rezoning from No Zone to
Kwinana Town Centre Zone and Modifying
Scheme Text

LOCATION: Lot 303 Wellard Road & portion of unmade
'Wellard Road' Road Reserve

RESPONSIBLE AUTHORITY: City of Kwinana

DECISION: Scheme Amendment Not Assessed – Advice
Given (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

The EPA notes that the City of Kwinana Town Planning Scheme No. 2 (TPS2) was originally gazetted in 1992. Only schemes and amendments to schemes made since 1996 have been required to be referred to the EPA for consideration of assessment. The EPA has no record of TPS2 or an amendment regarding Lot E26 being referred to it. TPS2 is therefore not an assessed scheme for the purposes of Part IV of the EP Act. Consequently any proposal under TPS2 which is likely, if

implemented, to have a significant effect on the environment is not a proposal under an assessed scheme and may be referred by any person to the EPA under s38 of the EP Act.

As part of the Strategic Assessment of the Perth and Peel Regions Lot E26 has been identified as a site where development is likely to have a significant effect on the environment. Any proposal for development on Lot E26 will require referral to the EPA prior to implementation.

1. Environmental Issues

- Flora and Vegetation
- Terrestrial Fauna

2. Advice and recommendations regarding Environmental Issues

Flora and Vegetation and Terrestrial Fauna

The remnant vegetation within Lot E26 provides roosting, foraging and potential breeding habitat for Carnaby's and Forest Red-tailed Black Cockatoos. These species are listed as Endangered and Vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Wildlife Conservation Act 1950* respectively.

The Department of Housing (DoH) has referred a proposal for three sites in the Kwinana area to the EPA under section 38 of the EP Act. Lot E26 is included in the DoH proposal.

3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, 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 on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully



Anthony Sutton
Director
Assessment and Compliance Division

16 December 2013