

Chief Executive Officer
Shire of Dardanup
PO Box 7016
EATON WA 6232

Your Ref PL1131845
Our Ref 13-276221
Enquiries Teresa Bryant
Phone 6145 0852

Attn: Jake Whistler

Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: Shire of Dardanup - Town Planning Scheme 3
Amendment 185 - Rezoning
LOCATION: Lot 11 Temple Road and Lot 38 South Western
Highway, Picton
RESPONSIBLE AUTHORITY: Shire of Dardanup
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

1. Environmental Issues

- Significant Fauna

2. Advice and recommendations regarding Environmental Issues

The EPA notes that the Environmental Assessment (GHD 2010) identified evidence of Black Cockatoo feeding, possum droppings and an old disused drey. It listed Red-tailed Black Cockatoos and Western Ringtail Possums (WRP) as potentially

occurring on the site. The WRP and Black Cockatoo species are listed as threatened species under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Western Australian Wildlife Conservation Act 1950*.

It is noted that the vegetation is degraded compared to the adjacent site, being predominately parkland cleared with some wooded patches. However, the Environmental Assessment does not appear to have included an assessment of tree hollows or their potential as breeding hollows and there is potential for significant fauna to be killed and injured during development of the site. It is recommended that provisions be included to ensure a habitat tree survey is undertaken prior to structure planning and that fauna management measures, to the satisfaction of the Department of Parks and Wildlife (DPAW), are undertaken prior to subdivision and development/clearing of the amendment area. If the clearing of any known nesting tree is proposed then the proposal should be referred to the Commonwealth for assessment under the *Environment Protection and Biodiversity Conservation Act 1999*.

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

2 September 2013