

Chief Executive Officer
City of Cockburn
PO Box 1215
COCKBURN WA 6965

CITY OF COCKBURN
COC Set
03 SEP 2016
SUBJECT 169/053
RETENTION 124.2.3 AS
PROPERTY 6025885
APP
ACTION CAROL CARTERWOOD

Your Ref:
Our Ref: CMS16237
Enquiries: Gerard O'Brien, 6145 0800
Email: Gerard.O'Brien@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: City of Cockburn - Town Planning Scheme 3 -
Amendment 117
LOCATION: Lot 1 Ghostgum Drive Banjup
RESPONSIBLE AUTHORITY: City of Cockburn
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (No Appeals)

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, appearing to be 'Sally Bowman', written in a cursive style.

Sally Bowman
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

27 September 2016

Encl. Scheme Advice and Recommendations

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

City of Cockburn Town Planning Scheme 3 Amendment 117

Location: Banjup

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 27 September 2016

Summary

The City of Cockburn proposes to rezone 20.34 hectares (ha) at a former sand quarry in Banjup from 'Resource' zone to 'Development' zone.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). In making its decision on whether to assess the scheme amendment, the EPA has applied its 'Significance Framework' which relates to the extent to which the scheme amendment meets the EPA's environmental objectives for the environmental factors.

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 noting that there are mechanisms available through the ensuing planning processes to avoid and mitigate the impacts of urban development on the environment. The potential impacts from the scheme amendment can be adequately managed to meet the EPA's objectives through the development and implementation of future structure plans, and implementation of the responsible authority's scheme provisions that specifically address the environmental factors of Flora and Vegetation.

1. Environmental Factors

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

- Flora and Vegetation

2. Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the scheme amendment documentation provided by the City of Cockburn. The EPA expects that further detailed scheme provisions to address Flora and Vegetation will be addressed prior to the finalisation of structure plans.

Flora and Vegetation

The EPA notes that given the historical land use as sand quarry, the amendment area is largely cleared of native vegetation.

The corridor of remnant native vegetation along the south western boundary, within Lot 1 Ghostgum Avenue, contains confirmed populations of the Declared Rare Flora (DRF) *Caladenia huegelii*. This species is listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Critically Endangered under the *Wildlife Conservation Act 1950*.

The EPA expects this remnant native vegetation to be retained for conservation during all stages of the planning process including structure planning, subdivision and development. The EPA considers this will manage potential impacts from urban development on the DRF *Caladenia huegelii*, and its associated habitat.

The City of Cockburn Town Planning Scheme 3 Schedule 11 Development Area 37 (DA 37) text provisions should be modified to include the requirement for future structure plans to retain the remnant native vegetation corridor within Lot 1 Ghostgum Avenue, for conservation purposes.

The future subdivision design around the retention of this area, and potential impacts to the neighbouring Bush Forever Site 390 Fraser Road Bushland, can be guided by the EPA Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development*. Specifically, the retention area should not be bisected by roads or principal shared paths.

The EPA considers that future developers should be aware that any potential impacts on the DRF *Caladenia huegelii* may require referral to the Commonwealth Department of the Environment under the EPBC Act.

Recommendation

The EPA recommends the City of Cockburn Town Planning Scheme 3 Schedule 11 Development Area 37 (DA 37) text provisions be modified to include the requirement for future structure plans to retain the remnant native vegetation corridor within Lot 1 Ghostgum Avenue, for conservation purposes.

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives, through the preparation of future local planning scheme provisions for structure plans to manage and protect *Caladenia huegelii* and its habitat.