



Chief Executive Officer  
Shire of Broome  
PO Box 44  
**BROOME WA 6726**

Your Ref:  
Our Ref: CMS16050  
Enquiries: Billie-J Hughes, 6145 0800  
Email: Billie-J.Hughes@epa.wa.gov.au

Dear Sir/Madam

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

**SCHEME:** Shire of Broome - Local Planning Scheme 6 -  
Amendment 3  
**LOCATION:** Text Amendment  
**RESPONSIBLE AUTHORITY:** Shire of Broome  
**DECISION:** Scheme Not Assessed: Advice Given (no appeals)

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

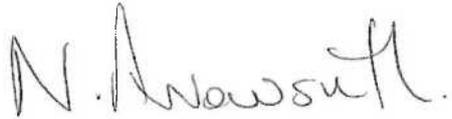
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

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 read "N. Arrowsmith". The signature is written in a cursive style with a large initial 'N'.

Naomi Arrowsmith  
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

4 April 2016

Encl. Scheme Advice and Recommendations

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

**Shire of Broome Local Planning Scheme 6 Amendment 3**

**Location: Lot 222 (No. 51) Lullfitz Drive, Billingurr**

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

**Determination Published: 4 April 2016**

**Summary**

The Shire of Broome proposes to include 'Additional Use' designation on Lot 222 (No.51) Lullfitz Drive, Billingurr zoned 'Rural Living' in the Shire of Broome Local Planning Scheme 6. The 'Additional Use' will facilitate the development of a 'Health and Wellbeing Retreat' consisting of short term accommodation, ancillary uses and a Caretaker's Dwelling.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) having regard to its relevant published policies.

Having regard to the EPA's significance framework referred to in Environmental Assessment Guideline (EAG) No.9 *Application of a significance framework in the environmental impact assessment process*, the EPA considers that the environmental impacts of the scheme amendment are not so significant as to warrant formal assessment under Part IV of the EP Act, providing the following advice is implemented.

**1. Environmental Factors**

Having regard to Environmental Assessment Guideline No.8 *Environmental principles, factors and objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

a) Flora and Vegetation

**2. Advice and Recommendations regarding Environmental Factors**

The EPA has based its decision on the scheme amendment documentation provided by the Shire of Broome. The EPA expects that the environmental factors described below will be addressed prior to the finalisation of a future concept plan and development application.

The EPA's specific advice in relation to the preliminary factors identified is as follows:

**a. Flora and vegetation**

The EPA objective for flora and vegetation is to maintain representation, diversity, viability and ecological function at the species, population and community level.

The area adjacent to and encroaching on the western portion of the site has a vegetation community of vine thickets which is vulnerable and classified as a Threatened Ecological Community (TEC). It is also listed as endangered under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Under the EPBC Act, actions that have, or are likely to have, a significant impact on a matter of national environmental significance require approval from the Australian Government Minister for the Environment.

The EPA recommends that the clearing of this TEC of vine thickets is avoided and that this is reflected in the Concept Plan for the future Development Application for the site. If clearing of the TEC is proposed the EPA recommends that the proponent refer the proposal to the Commonwealth.

Further advice can be sought from the:

- EPA Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development*. This policy sets out the EPA's expectations for urban design to protect naturally vegetated areas. This policy will be more relevant at subsequent stages of planning, when more detailed urban design is undertaken.
- EPA Environmental Assessment Guideline No. 9 *Application of a significance framework in the environmental impact assessment process*. This policy sets out the framework for the EPA's decisions throughout the Environmental Impact Assessment (EIA) process. It describes the EPA's 'Significance Framework' which relates to the extent to which a proposal meets the EPA's environmental objectives, and how the framework is applied through the entire EIA process.
- EPA's Guidance Statement No. 33 *Environmental Guidance for Planning and Development*. This policy provides an overview of environmental protection processes and information, to assist land use planning and development in Western Australia.

## **Recommendation**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives, through the subsequent stages of the planning process to manage and protect the identified environmental factors of flora and vegetation.

The EPA recommends:

- clearing of the TEC of vine thickets is avoided and that this is reflected in the Concept Plan for the future Development Application for the site.
- if clearing of the TEC is proposed that the proponent refer the proposal to the Commonwealth.