

Table C4-1 Revised decision-making authorities table

Decision Making Authority	Relevant Legislation	Approval required	Relevant activity
Commonwealth			
Minister for Environment	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Clearing approval	Clearing to facilitate construction of the Proposal
State			
Minister for Environment	<i>Environmental Protection Act 1986 (Part IV)</i>	Ministerial Statement	Clearing to facilitate construction of the Proposal
Chief Executive Officer (DWER)	<i>Environmental Protection Regulation 1987</i>		
Minister for Environment	<i>Environmental Protection Act 1986 (Part V)</i>	Works approval/license	WWTP construction
Chief Executive Officer (DWER)	<i>Environmental Protection Regulation 1987</i>		
Minister for Environment	<i>Biodiversity and Conservation Act 2016</i>	Section 40 authorisation to take or disturb flora and/or fauna (where the flora/fauna to be taken or disturbed is threatened)	Clearing to facilitate construction of the development
Chief Executive Officer (DBCA)	<i>Conservation and Land Management Act 1984</i>		
	<i>Environmental Protection Act 1986</i>		
Minister for Lands	<i>Land Administration Act 1997</i> <i>Parks and Reserves Act 1895</i> <i>Reserves Acts (various)</i>	Crown land enquiry	Sub-surface erosion control structure
Western Australian Planning Commission	<i>Planning and Development Act 2005</i> Planning and Development (Local Planning Schemes) Regulations 2015	Development Approval	Development of the Proposal
Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i>	Section 18 Consent	Clearing and construction works
Chief Health Officer Public Health	<i>Health Act 1911</i>	Certification for onsite wastewater treatment system	WWTP

Decision Making Authority	Relevant Legislation	Approval required	Relevant activity
	Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974		

Table 2 Revised other approvals

Decision-making authority	Legislation or Agreement regulating the activity	Proposal Element	Approval required	Whether and how statutory decision-making process can mitigate impacts on the environment? (Yes/No and summary of reasons Include a separate line item for each relevant impact, and discuss how the EPA's factor objective will be met)
Minister for Environment (WA) Chief Executive Officer (DWER)	<i>Environmental Protection Act 1986</i> (Part V) Environmental Protection Regulation 1987	Tourism Development	Clearing permit	<p>Potential impact Clearing and earthworks for development of the coastal village and landscaping and bushfire management within the Development Envelope.</p> <p>Relevant Key EPA Factor</p> <ul style="list-style-type: none"> • Flora and Vegetation; • Terrestrial Fauna; and • Subterranean Fauna. <p>Can the DMA mitigate impacts and how will the EPA's factor be met? Yes.</p> <p>The clearing and disturbance of native vegetation is being formally assessed under Part IV of the EP Act and therefore will be exempt from requiring a clearing permit (Schedule 6 exemptions). The clearing of vegetation will be in accordance with the decision made under Part IV of the EP Act. The extent to which environmental impacts can be managed and the EPA objective achieved is discussed in detail within this ERD.</p>
Chief Executive Officer (DWER)	<i>Environmental Protection Act 1986</i> (Part V) Environmental Protection Regulation 1987	WWTP	Works approval/licence	<p>Potential Impact Increased nutrient loading to soil following irrigation of treated wastewater and impact of nutrient enrichment and changes to hydrological conditions on native vegetation, potential terrestrial fauna and subterranean fauna habitat and marine environmental water quality.</p> <p>Relevant Key EPA Factor</p> <ul style="list-style-type: none"> • Flora and vegetation;

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				<ul style="list-style-type: none"> • Terrestrial Fauna; • Subterranean Fauna; • Inland Waters; and • Marine Environmental Quality. <p>Can the DMA mitigate impacts and how will the EPA's factor be met?</p> <p>Yes.</p> <p>The Proposal includes a scheme that treats the local wastewater from the development and recycles and reuses the wastewater for irrigation of public and private outdoor areas along with toilet flushing. The Proposal will use a modular sewer treatment plant to produce a WA Department of Health High Exposure Risk effluent. The high quality of treated water makes it suitable for uses that include direct human contact.</p> <p>The design capacity of the wastewater treatment plan will be aligned with the peak daily sewerage flow of 125kL/day. The proposed WWTP for the Smiths Beach development therefore meets the definition of prescribed premises Category 54 and triggers assessment under Part V of the EP Act:</p> <p style="padding-left: 40px;"><i>Sewage facility: premises -</i></p> <p style="padding-left: 80px;"><i>(a) on which sewage is treated (excluding septic tanks); or</i></p> <p style="padding-left: 80px;"><i>(b) from which treated sewage is discharged onto land or into waters.</i></p> <p style="padding-left: 40px;"><i>Production or design capacity: 100 m3 or more per day.</i></p> <p>Once an application for Works Approval and/or Licence is provided to DWER, DWER undertake a full assessment of all emissions, discharges and existing regulatory controls for a proposal. This assessment includes a risk-based approach and consideration of appropriate controls to prevent pollution.</p> <p>Section 62A of the EP Act sets out the kinds of conditions that can be imposed by DWER within a Works Approval and/or Licence to manage the environmental</p>

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				<p>impacts associated with emissions or discharges from prescribed premises during construction and / or operation. This includes (but is not limited to) the following measures relevant to potential impacts associated with the operation of a WWTP discharging treated effluent to the environment:</p> <ul style="list-style-type: none"> • design, construct or operate any facilities or plant in accordance with specified criteria; • install or operate any equipment for preventing, controlling, abating or monitoring pollution or environmental harm in accordance with specified criteria; • take specified measures for the purpose of minimising the likelihood of pollution or environmental harm; • meet specified criteria or comply with specified limits as to the characteristics, volume and effects of, emissions; and • meet specified ambient concentration limits in specified premises or places; monitor operations; conduct analysis of monitoring data; dispose of waste in a specified manner; provide reports on monitoring data, and analysis of it, to the CEO; prepare, implement and adhere to environmental management systems, waste management systems, safety management systems, environmental management plans and environmental improvement plans. <p>The required assessment and regulatory control of the proposed discharge of treated wastewater from the Proposed WWTP under Part V of the EP Act, is considered both appropriate and adequate to manage potential impacts on groundwater quality arising from treated wastewater irrigation both as part of the design and construct phase and the ongoing operations. These measures will ensure the EPA objectives for these factors can be met.</p>
Chief Health Officer Public Health	Health (Treatment of Sewage and Disposal of Effluent and Liquid	Onsite sewage treatment	Application to Construct or Install an Apparatus for	<p>Potential Impact: Inadequate treatment of wastewater to resulting risk of pathogen exposure and/or increased nutrient loading to soil and groundwater as a result of irrigation of treated wastewater.</p>

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Chief Executive Officer (City of Busselton)	Waste) Regulations 1974 (Health Regulations)		the Treatment of Sewage	<p>Relevant Key EPA Factor</p> <ul style="list-style-type: none"> Inland Waters. <p>Can the DMA mitigate impacts and how will the EPA's factor be met?</p> <p>Yes.</p> <p>The Application to Construct or Install an Apparatus for the Treatment of Sewage will be assessed by the City of Busselton, who then forward a report and the application to the DoH for approval. The assessment considers whether the proposed system design has considered the appropriate wastewater system loading rates and other matters specified by the Health Regulations. The assessment also considers the site conditions, such as soil type, distance to ground or surface waters., proximity to sensitive areas).</p> <p>For on-site sewage systems, not connected to reticulated sewerage, such as this Proposal, a site and soil evaluation (SSE) is required to be undertaken to ensure adequate management over time. The SSE ensures that the property is large enough to accommodate an appropriately sized treatment system, land application (irrigation, disposal, or reuse) system for the size and location of the development and infrastructure. The SSE process identifies both public and environmental health risks of on-site wastewater management especially the effect on groundwater and surface water on site. (DoH 2021).</p> <p>This approval process ensures appropriate system design to achieve required wastewater quality associated with the hydraulic loading, partially achieving the objectives for inland waters for the design and construct phase of the Proposal. Further mitigation measures are required to be implemented in addition to the EP Act Part V licensing process (refer to Section 10.6) to ensure appropriate objectives for inland waters (groundwater quality) are met.</p>
Minister for Environment (WA)	<i>Biodiversity Conservation Act 2016</i>	Tourism development	Section 40 authorisation to take or disturb flora	Potential impact

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Chief Executive Officer, Department of Biodiversity, Conservation and Attractions (DBCA)			and/or fauna (where the flora/fauna to be taken or disturbed is threatened)	<p>Loss of species diversity and impacts to conservation species through clearing and disturbance of habitat.</p> <p>Relevant Key EPA Factor/s</p> <ul style="list-style-type: none"> • Flora and Vegetation; • Subterranean Fauna; and • Terrestrial Fauna. <p>Can the DMA mitigate impacts and how will the EPA's factor be met?</p> <p>Yes.</p> <p>The BC Act provides for the listing of threatened native flora, threatened native fauna and threatened ecological communities that need protection as critically endangered, endangered and vulnerable species or ecological communities. It is considered an offence to 'take or 'disturb' threatened flora and fauna listed under the BC Act without Ministerial approval.</p> <p>The BC Act provides the ability to impose authorisation from the Minister for Environment or delegate under s.40 for the taking or disturbing of threatened flora and/or fauna.</p> <p>The BC Act will provide an additional level of assessment and condition requirements to mitigate impacts to threatened species to as low as reasonably practicable, which is consistent with the EPA objectives for those factors.</p>
Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i>	Clearing of native vegetation; Proposal activities within mapped	Section 18 consent to disturb/harm an Aboriginal site	<p>Potential impact</p> <p>Disturbance of an Aboriginal Heritage site (site 15080; artefacts/scatter) and sites yet to be listed (such as burial sites, sites of cultural significance).</p>

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		extent of Registered Aboriginal Heritage Site(s)		<p>Relevant Key EPA Factor/s</p> <ul style="list-style-type: none"> • Social Surroundings <p>Can the DMA mitigate impacts and how will the EPA's factor be met?</p> <p>Yes.</p> <p>The following will be undertaken for unavoidable disturbance:</p> <ul style="list-style-type: none"> • Consent under section 18 of the AH Act will be sought. If an application is lodged and the proposed mitigation measures are considered appropriate, section 18 provides a mechanism that can allow disturbance to registered sites under specified conditions (subject to approval). <p>This consultation and assessment process will meet the EPA's objective for Social Surroundings. Further avoidance and mitigation measures are detailed in the ERD.</p>
Western Australian Planning Commission	<i>Planning and Development Act 2005</i> (PD Act) Planning and Development (Local Planning Schemes) Regulations 2015	Tourism Development	Development Approval	<p>Potential impact</p> <p>Development not consistent with the values assigned to the local area (e.g., natural and physical environment, heritage places).</p> <p>Relevant Key EPA Factor/s</p> <ul style="list-style-type: none"> • Coastal Processes; • Flora and Vegetation; • Inland Waters; • Landforms; and • Social Surroundings. <p>Can the DMA mitigate impacts and how will the EPA's factor be met?</p> <p>Yes.</p>

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				<p>Under the PD Act, several State Planning Policies (SPPs) are established and regularly reviewed. These policies require the Minister's recommendation and approval by the Governor. Their primary purpose is to guide decision-makers in subdivision and development approvals, ensuring due consideration of relevant planning factors. Key SPPs applicable to this proposal, particularly concerning EPA factors, include (but are not limited to):</p> <ul style="list-style-type: none"> • SPP 2.0 – Environment and Natural Resources • SPP 2.6 – State Coastal Planning • SPP 2.9 – Water Resources • SPP 3.4 – Natural Hazards and Disasters • SPP 3.7 – Planning in Bushfire-Prone Areas • SPP 6.1 – Leeuwin Naturaliste Ridge (with a focus on visual amenity) <p>A development application has been submitted under Part 17 of the PD Act and is currently under assessment by the SDAU. The Department of Planning, Lands and Heritage (DPLH) is conducting a thorough and transparent review, which includes design evaluation, extensive public consultation, and referrals to key stakeholders such as the City of Busselton, the Health Department of Western Australia, the DBCA, and the DFES.</p> <p>This assessment will focus on critical factors, including:</p> <ul style="list-style-type: none"> • Design quality, building height, and density; • Visual and environmental impacts; • Bushfire management; • Aboriginal heritage considerations; • Coastal erosion and servicing infrastructure; • Parking, traffic impacts, and public beach access; and • Landscaping and ecological preservation.

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				<p>At this stage, the Western Australian Planning Commission (WAPC) has not yet made a decision on the development application however should it be approved the WAPC will impose conditions to regulate the development's implementation. A key consideration is compliance with the State Bushfire Policy Framework, as the site is located in a bushfire-prone area. While large-scale vegetation clearing is not supported as a risk mitigation strategy, selective clearing is necessary to reduce fuel loads and establish firebreaks. The proposal includes a revised design that balances bushfire risk management with ecological integrity, preserving native vegetation as habitat for conservation-significant fauna.</p> <p>Additionally, the development must align with the City of Busselton Local Planning Scheme (LPS) No. 21, which outlines general zoning requirements. The site is designated under LPS No. 21 as a combination of 'Tourism Zone' and 'Recreation Reserve,' with Additional Use Site No. 36 permitting residential development. Schedule 8 of LPS No. 21 sets forth provisions that support the EPA's objectives and will be considered during the approval process.</p>