

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

Shire of Augusta Margaret River Local Planning Scheme 1 Amendment 77

Location: Lot 2 Fisher Road Kudardup

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 26 February 2024

Summary

The scheme amendment proposes to rezone Lot 2 Fisher Road Kudardup from General Agriculture to Rural Residential zone, and amend Schedule 7 special provisions relating to development rural residential land to insert specific conditions and requirements for Lot 2. Amendment 77 covers approximately 74.1 hectares (ha).

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). 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. The EPA has based its decision on the original referral documentation and additional information provided by the Shire of Augusta Margaret River (the Shire) to this amendment. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (2021) *Statement of Environmental Principles, Factors, Objectives and Aims of Environmental Impact Assessment*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and vegetation
- Terrestrial fauna
- Inland waters

Advice and Recommendations regarding the Environmental Factors

The amendment area contains some remnant vegetation which provides habitat for threatened species of black cockatoo and critically endangered Western Ringtail Possum (WRP), as well as a perennial creek lines; West Bay creek.

Implementation of the amendment may result in the removal of remnant vegetation and potential fauna habitat to facilitate future residential development and related land uses. The EPA notes the scheme text mitigation measures; to require subdivision to be designed to minimise clearing on native vegetation, and the future local development plan to include vegetation areas. The EPA further supports the proposed modifications to the scheme maps and text which provide for greater protection of values and mitigation of impacts, specifically a Parks and Recreation reserve over the West Bay creek and associated vegetation, and for the scheme text to state:

2. Subdivision is to be designed and implemented in such a way as to minimize clearing of native vegetation, especially:

- a. in the areas of *Corymbia calophylla* – *Agonis flexuosa* Woodland and *Taxandria linearifolia* – *Lepidosperma tetraquetrum* Dampland identified in Figure 5 Plan Communities of the Lot 2 Fisher Road Kudardup Flora and Vegetation Survey (Plant Ecology, March 2023); and
- b. habitat trees identified in Figure 5 Habitat Trees of the Environmental Assessment Report Lot 2 Fisher Road Kudardup (Accendo, November 2022)

The EPA also notes and supports the intent of the draft concept plan, to retain the remnant vegetation and fauna habitat along West Bay creek, and *Agonis flexuosa* (peppermint) woodland WRP habitat via a specified building envelope location in existing cleared land. The EPA also notes that as no reticulated sewerage network is located in proximity to the subject site, it is anticipated that onsite wastewater management will be required. As West Bay creek is within the amendment area, and the amendment area is also identified as a 'Sewage sensitive area' implementation of the amendment may result in impacts to inland water values, specifically water quality and hydrology. The EPA expects future wastewater disposal being undertaken consistent with the Government Sewerage Policy (GSP), and supports the proposed scheme text requiring secondary treatment of effluent for disposal; nutrient removal systems may also be required.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing and proposed planning controls. The EPA notes that further impacts may be mitigated through future planning requirements. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.