



Environmental Protection Authority

Chief Executive Officer
Shire of Augusta Margaret River
PO Box 61
MARGARET RIVER 6285 WA

Our Ref: CMS14386
Enquiries: Angela Coletti, 6145 0800
Email: Angela.Coletti@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: Shire of Augusta-Margaret River Local Planning
Scheme 1 Amendment 16
RESPONSIBLE AUTHORITY: Shire of Augusta-Margaret River
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 that reads "N. Arrowsmith". The signature is written in a cursive style with a small flourish at the end.

Naomi Arrowsmith
A/Director
Strategic Policy and Planning Division

For the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 dated 6 December 2013

22 December 2014

Encl. Scheme Advice and Recommendations

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

Shire of Augusta Margaret River Scheme Amendment 16

Determination: Not Assessed – Advice Given (no appeals)

Determination Published: 22 December 2014

Summary

The Shire of Augusta-Margaret River proposes to rezone Lot 9000 Brockman Road, Cowaramup from 'General Agriculture' to 'Future 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. The potential impacts from the scheme amendment can be adequately managed to meet the EPA's objectives through the implementation of the responsible authority's scheme provisions, management plans and regulated through other statutory processes.

1. Environmental Factors

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

- a) Flora and Vegetation;
- b) Terrestrial Fauna; and
- c) Amenity.

2. Advice and Recommendations regarding Environmental Issues

The EPA has based its assessment on the Scheme Amendment, which provides for further detailed management plans and scheme provisions to address environmental factors such as Flora and Vegetation, Terrestrial Fauna and Amenity. The EPA understands these will be addressed prior to the finalisation of the structure plan.

a. Flora and Vegetation

The EPA supports the Proposed Structure Plan dated 14 May 2014 which proposes the retention of native vegetation in "Good" to "Very Good" condition. The EPA understands that conservation covenants will be placed on the titles of lots with vegetation in "Good" to "Very Good" condition.

b. Terrestrial Fauna

The clearing of remnant native vegetation may cause a loss of habitat for Black Cockatoos. All species of Black Cockatoos are protected under both the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proponent should consider its notification responsibilities regarding matters of National Environmental Significance under the EPBC Act should implementation of the scheme fail to avoid impacts to protected fauna.

The EPA recommends that trees identified as suitable habitat for Black Cockatoos be included within the remnant vegetation protected by the conservation covenants.

c. Amenity

The EPA notes that the Structure Plan, dated 14 May 2014, indicates a buffer of 80 meters is proposed from potential residential buildings and an existing vineyard located to the north of the subject site. The EPA also notes that this includes a 20 metre buffer of native vegetation.

EPA Guidance No.3 2005, *Separation Distances between Industrial and Sensitive Land Uses* recommends a separation distance of 500 meters from an existing vineyard and residential buildings. However, the EPA recognises that a lesser separation distance may be appropriate where a vegetated buffer is established to mitigate the impacts of spray drift and other potential emissions from the vineyard. The EPA recommends that the vegetated buffer be implemented consistent with the Department of Health *Guidelines for Separation of Agricultural and Residential Land Uses*, August 2012, available on the Department of Health website.