



Environmental Protection Authority

Chief Executive Officer
Shire of Denmark
PO Box 183
DENMARK WA 6333

Your Ref:
Our Ref: CMS15086
Enquiries: Stephen Pavey, 6145 0800
Email: Stephen.Pavey@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: Shire of Denmark - Town Planning Scheme 3 -
Amendment 133
RESPONSIBLE AUTHORITY: Shire of Denmark
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 be 'DF', with a long horizontal flourish extending to the right.

Darren Foster
Director
Strategic Policy and Planning Division

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

20 April 2015

Encl. Scheme Advice and Recommendations

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

Shire of Denmark Town Planning Scheme 3 Amendment 133

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

Determination Published: 20 April 2015

Summary

The Shire of Denmark proposes to rezone Lot 1 Valley of the Giants Road (47ha) from the Rural zone to part Tourist zone and part Parks and Recreation reserve to facilitate development of tourist accommodation and tourist attractors on site.

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 preliminary environmental factors relevant to this scheme amendment:

- a) Terrestrial Fauna – potential loss of Black Cockatoo habitat
- b) Flora and Vegetation – potential clearing of native vegetation

2. Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the scheme amendment documentation provided by the shire.

Terrestrial Fauna and Flora and Vegetation

There is a high probability that the remnant vegetation on Lot 1 Valley of the Giants Road provides habitat for the Forest Red Tailed Black Cockatoo, Quenda and Quokka. The EPA strongly supports development and associated clearing for bushfire risk mitigation (Bushfire Protection Zones) within the already cleared areas of the lot.

Recommendation

The EPA recommends any clearing required for bushfire risk mitigation (Hazard Protection Zones) should not impact on the above fauna habitat.