



Environmental Protection Authority

Chief Executive Officer
Shire of Wyndham-East Kimberley
PO Box 614
KUNUNURRA WA 6743

Your Ref:
Our Ref: CMS15092
Enquiries: Stephen Pavey, 6145 0800
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Dear Sir/Madam

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

SCHEME: Shire of Wyndham-East Kimberley - Local
Planning Scheme 9
RESPONSIBLE AUTHORITY: Shire of Wyndham-East Kimberley
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', written in a cursive style.

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 WYNDHAM-EAST KIMBERLEY LOCAL PLANNING SCHEME 9

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

Determination Published: 20 April 2015

Summary

The Shire of Wyndham-East Kimberley (SWEK) proposes to introduce Local Planning Scheme No. 9 to replace the existing Town Planning Schemes No. 6 and No. 7.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). In making its decision on whether to assess the scheme, the EPA has applied its 'Significance Framework' which relates to the extent to which the scheme meets the EPA's environmental objectives for the environmental factors.

The EPA considers that the scheme 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 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:

- a) Inland Waters Environmental Quality
- b) Terrestrial Environmental Quality

2. Advice and Recommendations regarding Environmental Factors

Lakes Argyle and Kununurra, and the various connected wetlands, are a defined wetland included in the List of Wetlands of International Importance kept under the Ramsar Convention. Ramsar wetlands are recognised as having national and international environmental significance, and are protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In addition to its ecological values the Lakes Argyle and Kununurra Ramsar wetland has social and cultural values which include providing a quality water supply to the Ord River irrigation area.

Under the EP Act the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* declare a Ramsar wetland and the area within 50 metres of the wetland to be an environmentally sensitive area (ESA) for the purposes of Part V Division 2 of the EP Act.

The clearing exemptions of the EP Act do not apply in ESAs and therefore clearing of native vegetation within 50 metres of a Ramsar wetland requires a clearing permit granted by the Department of Environment Regulation (DER).

To maintain the values of Lakes Argyle and Kununurra Ramsar wetland the EPA advises adequate protection of the quality of water entering the wetland as well as protection of fringing land around the wetland. Development and activities with potential for altering the quality and quantity of water ultimately flowing into the Ramsar wetland should be managed so that they do not adversely affect Ramsar values.

Recommendation (where relevant)

The EPA recommends that any local government policy concerning development and activity within the Conservation Reserve ensures future development does not adversely affect the quality of water entering the wetland or native vegetation within 50 metres of the wetland. Development applications for land within the Conservation Reserve should be referred to the DER and Department of Water to comment on appropriate buffers.