

Chief Executive Officer
Shire of Chittering
PO Box 70
BINDOON WA 6502

Your Ref:
Our Ref: CMS17102
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 Chittering - Town Planning Scheme 6 - Amendment 61
LOCATION:	Lot 101 Teatree Road, Bindoon
RESPONSIBLE AUTHORITY:	Shire of Chittering
DECISION:	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

Thank you for referring the above 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.

Yours sincerely



Patrick Seares
Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

26 June 2017

Encl. Scheme Advice and Recommendations

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

Shire of Chittering Town Planning Scheme 6 Amendment 61

Location: Lot 101 Teatree Road, Bindoon

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

Determination Published: 26 June 2017

Summary

The Shire of Chittering proposes to amend its local planning scheme to allow for tourist development within the permitted 50 hectare development area of Lot 101 Teatree Road. The scheme amendment also proposes to remove the requirement for a Conservation Covenant over the remainder of the lot.

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, providing the following advice is implemented.

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) Hydrological Processes.

2. Advice and Recommendations regarding Environmental Factors

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

Flora and Vegetation and Terrestrial Fauna

Lot 101 is approximately 475 hectares in size and is covered by remnant vegetation in mainly excellent condition. The vegetation consists of Banksia Woodlands and is considered habitat for Carnaby's and Red-Tail Black Cockatoos. These Black Cockatoos are protected under both the *Wildlife Conservation Act 1950* and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The current and proposed scheme provisions allow for a 50 hectare development area within Lot 101. The exact location of the 50 hectare development area is yet to be finalised.

Hydrological Processes

The proposed development within the development area is estimated to require approximately 63 megalitres of water per year, not including any allocation for fire services. There is currently no mains water supply to the site. The EPA understands that different supply options are being considered including accessing groundwater.

Recommendations

The EPA recommends:

- the requirement for a Conservation Covenant over the portion of Lot 101 that is outside of the development area should remain in the scheme. This requirement should only be removed if this portion of the lot is transferred to the State for conservation;
- the 50 hectare development area should be located so that it remains as one consolidated area and minimises fragmentation of vegetation; and
- the Department of Planning liaise with the Shire of Chittering to develop appropriate mechanisms or scheme provisions to ensure that any extraction of water for future development does not impact on the environmental assets of the lot.