

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

**Shire of Augusta-Margaret River Local Planning Scheme 1 Amendment 67**

**Location:** Lot 101 Wallcliffe Road, Margaret River

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

**Determination Published:** 18 May 2020

**Summary**

The Shire of Augusta-Margaret River has initiated Amendment 67 to update the special conditions relating to tourist zone for Lot 101 Wallcliffe Road Margaret River.

It is proposed to retain the existing tourism uses of restaurant, tearoom, exhibition centre, reception centre, conference, guesthouse and public viewing of buildings, and to amend the conditions to include hotel and chalet (limited to 40 keys in total), small bar and spa. Amended and additional scheme provisions are also proposed.

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 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 scheme amendment documentation provided by the Shire. Having considered this matter the following advice is provided.

**Environmental Factors**

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 Environmental Factors**

Flora and Vegetation and Terrestrial Fauna

The amendment area contains 1.28 hectares of remnant native vegetation, including *Agonis flexuosus* woodland. The vegetation contains habitat for conservation significant fauna listed under both the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), including species of black cockatoo, Western Ringtail Possum and the migratory Eastern Osprey.

The EPA supports the proposed scheme text prohibiting the removal of existing vegetation on site without the approval of local government. Threatened fauna habitat including habitat trees for black cockatoos and the Eastern Osprey should be retained on site. Any potential impacts

to threatened fauna as a result of any proposed development may require referral to the Commonwealth Department of Agriculture, Water and the Environment under the EPBC Act due to impacts to black cockatoo habitat.

The EPA recommends a fauna management plan is prepared prior to development, including protocols for managing clearing works to avoid impacts on threatened fauna.

### Inland Waters

The amendment area is adjacent to the Margaret River. Development of the site for tourism purposes has the potential to impact groundwater quality, and the surface water quality of the Margaret River, through nutrient runoff from gardens and on-site effluent disposal systems.

Potential impacts can be managed through retention and rehabilitation of foreshore vegetation, provision of an appropriate buffer to the Margaret River and implementation of water management planning to maintain or improve pre development surface water and groundwater quality. Erosion controls should also be applied as appropriate.

The enhancement, protection and management of foreshore values as proposed in the scheme text is supported. It is recommended that new development is set back a minimum of 30 metres from the property boundary, unless an alternative setback is identified through a site specific study undertaken in consultation with the Department of Water and Environmental Regulation (DWER) South West Region office. It is also recommended nutrient and irrigation management, foreshore revegetation and potential river erosion impacts (due to the proposed boathouse construction) be considered and addressed through the future stages of planning, in consultation with DWER.

On-site effluent disposal should also be consistent with the Government Sewerage Policy (2019 Department of Health, Department of Planning, Lands and Heritage, Department of Water and Environmental Regulation).

### **Conclusion**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through existing planning controls within the scheme. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna and Inland Waters.