

Mr Mike Archer
Chief Executive Officer
City of Busselton
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BUSSELTON WA 6280

Our Ref: CMS 17828
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Dear Mr Archer

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

SCHEME	City of Busselton Local Planning Scheme 21 Amendment 43
LOCATION	Part Lot 22 Bussell Highway, Yalyalup
RESPONSIBLE AUTHORITY	City of Busselton
DECISION	Referred Examined, Preliminary Investigations and Inquires 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. I have also attached a copy of the Chairman's determination of the scheme.

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 the Chairman's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

22 June 2020

Encl. Chairman's Determination
Scheme Advice and Recommendations

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

City of Busselton Local Planning Scheme 21 Amendment 43

Location: Lot 22 Bussell Highway, Yalyalup

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

Determination Published: 15 June 2020

Summary

The City of Busselton has initiated Amendment 43 to rezone approximately 40 hectares of land at Lot 22 Bussell Highway, Yalyalup from 'Tourism', 'Special Use 15 (Road Purposes)' and 'Reserve for Recreation' to 'Special Use 27 (Yalyalup Development)', include the land within 'Special Provision Area 23' and amend the Scheme Map accordingly. Amendment 43 will facilitate the future subdivision and development of the land for residential purposes as part of the ongoing development of the Provence Estate.

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. The EPA has based its decision on the documentation provided by the City of Busselton. 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
- Social Surroundings

Advice and Recommendations regarding Environmental Factors

Flora and Vegetation and Terrestrial Fauna

It is understood based on earlier surveys that while much of the remnant vegetation is mapped as 'Completely Degraded', 'Degraded' and 'Degraded-Good', the vegetation in the northern portion of the amendment area potentially contains trees suitable for Black Cockatoos.

The EPA supports the retention of the remnant vegetation located in the northern portion of Lot 22 in Public Open Space. The EPA's Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development* provides advice on the protection of vegetated areas in urban environments.

Social Surroundings

The EPA notes there is a potential for impacts from noise from the Bussell Highway, the operations of the Busselton Regional Airport and nearby mineral sand mine operations. The EPA notes the City of Busselton has commissioned noise assessments to align with changes in forecast usage and aircraft type assumptions set out in the business case for the

redevelopment and upgrading of the Airport and as required by the *Busselton Margaret River Airport Noise Management Plan*.

Conclusion

The EPA concludes that the scheme 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 Social Surroundings.