

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

Our Ref: CMS 18010
Enquiries: Renee Blandin, 6364 7259
Email: Renee.Blandin@dwer.wa.gov.au

Dear Mr Schober

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

SCHEME	Town Planning Scheme 3 Amendment 149
LOCATION	Various lots Beaufortia Gardens and Pimlea View Hays and Reserve 52123, Springdale Beach Estate
RESPONSIBLE AUTHORITY	Shire of Denmark
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the 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 Chair'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 Chair's determination, 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 blue ink, appearing to read 'Hans Jacob', is positioned above the printed name.

Hans Jacob
Delegate of the Environmental Protection Authority
A/Director
EPA Services

29 July 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Shire of Denmark Town Planning Scheme (TPS) 3 Amendment 149

**Location: Various lots Beaufortia Gardens and Pimlea View Hays and Reserve 52123,
Springdale Beach Estate**

Determination: Scheme Not Assessed – Advice Given (Not Appealable)

Determination Published: 1 August 2022

Summary

The Shire of Denmark proposes to move portion Lot 9008 Beaufortia Gardens, Hay from the Tourist (T9) zone and Parks and Recreation reserve to the Special Residential (SRes6) zone, to rezone Lots 193, 194, 195 & 196 Pimelea View & portion Lots 180, 181, 182 & 184 Beaufortia Gardens from the Tourist (T9) zone to the Special Residential (SRes6) zone, to move a portion of Reserve 52123 from the Tourist (T9) zone to the Parks and Recreation reserve and to delete Tourist Zone (T9) from Appendix XIII of the Scheme. The amendment also proposes modifications to the scheme text for Appendix XIV – Special Residential 6 Special Provisions.

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 Shire of Denmark. Having considered this matter, the following advice is provided.

1. Environmental Factors

Having regard to the EPA's Statement of Environmental Principles, Factors and Objectives, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Inland Waters
- Flora and Vegetation.
- Terrestrial Fauna.
- Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

The EPA is supportive of the proposed Amendment 149 scheme text provisions (as amended by Council on 21st June 2022).

It is noted that the Indicative Concept Plan provided with the amendment is not consistent with the Government Sewerage Policy (GSP) (2019) The EPA recommends future subdivision design be updated to be consistent with this as well as the Shire's proposed scheme provisions and the EPA's advice below.

The EPA considers the proposed detailed scheme provisions and proposed Parks and Recreation reservation are important mechanisms to ensure the amendment is not inconsistent with EPA's objectives for the factors of Inland Waters, Flora and Vegetation, Terrestrial Fauna and Social Surroundings.

Inland Waters

The site is located adjacent to the Wilson Inlet. Future development associated with the amendment has the potential to impact groundwater and surface water hydrology and quality of the Wilson Inlet.

The amendment area is located within a sewage sensitive area, defined by the GSP (2019) as land within two kilometres of the Wilson Inlet. The EPA supports the Shire's proposed scheme provisions requiring future development within the amendment area to meet the requirements of the GSP (2019), including for compliance with the minimum lot size outlined in the policy.

It is noted that some areas of the site contains soils with low nutrient retention capability, and some areas have soils typically unsuitable for onsite effluent disposal. Scheme provisions requiring future development to be supported by an updated Site and Soil Evaluation to the satisfaction of the relevant government agencies are supported.

The EPA supports the Shire's proposed scheme text provisions associated with the Inland Waters factor. This includes preparation of Urban Water Management Plan and Foreshore Management Plan addendums, and of a Landscape Management Plan and Construction Management Plan.. The plans should demonstrate mitigation and management of impacts on the Wilson Inlet, including identification of an appropriate setback to the Inlet. Water management planning should maintain or improve groundwater and surface water quality. Maintenance of pre-development hydrology should be considered at various stages as part of water management planning. Planning for and development of the site should take into consideration proposed and actual wetland mapping updates and consider management and mitigation of impacts to wetland values.

The EPA supports the proposed combination of initiatives outlined in the amendment report and reflected in the scheme provisions to minimise the impacts of future development on the Wilson Inlet, including through best practice management of stormwater, management of fertiliser use, retention of native vegetation and provision of a foreshore reserve area as a vegetated buffer to the Wilson Inlet.

Consistent with the Shire's proposed provisions, future development of the site should be consistent with the Wilson Inlet Management Strategy (2013) (and/or future versions of this strategy).

Flora and Vegetation; Terrestrial Fauna

Based on the referral information provided, approximately 30% of the site is vegetated and contains native vegetation including Karri, Jarrah/Marri woodland and Peppermint Trees, ranging from Degraded to Excellent quality. The vegetation is also potential habitat for conservation significant fauna including threatened species of black cockatoo. Whilst the vegetation is potential habitat for Western Ringtail Possum, the survey provided with the amendment did not find evidence of this species utilising the site.

The implementation of the scheme amendment may result in the clearing of native vegetation. The EPA supports the transfer of a 1.5 hectare portion of the amendment area containing native vegetation to Parks and Recreation Reserve.

The EPA also supports the Shire's proposed scheme provisions that will identify, protect and manage environmental values associated with the factors of Flora and Vegetation and Terrestrial Fauna.

Future planning for the site should consider building envelopes that identify and retain consolidated areas of native vegetation that provide ecological linkage throughout the amendment area, with an emphasis on retention of conservation significant fauna habitat and significant trees.

Road layout (including consideration of edge effects and safe fauna passage), fire and drainage management should all be managed through the planning process to minimise impact to environmental values within and surrounding the amendment area.

Social Surroundings

The EPA supports proposed scheme provisions that will require future development to consider the Western Australian Planning Commission's (2022) *Position Statement: Dark Sky and Astrotourism* to mitigate potential impacts to visual amenity on the Wilson Inlet.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through the proposed scheme provisions and scheme map amendments. In addition, future planning processes and management measures will manage potential impacts. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors.