

Mr Brent Bailey  
Chief Executive Officer  
Shire of Dandaragan  
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**JURIEN BAY WA 6516**

Our Ref: CMS 18080  
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Dear Mr Bailey

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

<b>SCHEME</b>	<b>Shire of Dandaragan Local Planning Scheme 7 Amendment 38</b>
<b>LOCATION</b>	<b>Jurien Bay Boat Harbour</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Shire of Dandaragan</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)</b>

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



**Shaun Meredith**  
**Delegate of the Environmental Protection Authority**  
Executive Director  
EPA Services

26 October 2021

Encl. Chair's Determination  
Scheme Advice and Recommendations

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

**Shire of Dandaragan Local Planning Scheme (LPS) 7 Amendment 38**

**Location: Jurien Bay Boat Harbour**

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

**Determination Published: 25 October 2021**

**Summary**

The scheme amendment proposes to amend the zoning table to permit the use of ‘Caravan Park’ in the Harbour zone. The Harbour zone contains the Jurien Bay Boat Harbour (JBBH).

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, as set out, 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 of Dandaragan, and having considered this matter, the following advice is provided.

**Environmental Factors**

The EPA has identified the following preliminary environmental factor relevant to this scheme:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Marine Environmental Quality

**Advice and Recommendations regarding Environmental Factors**

The amendment area is in the Harbour Zone. The *Jurien Bay Boat Harbour Development Plan* in 2017 (Development Plan) has identified six planning precincts within the Harbour, each having specific objectives and associated uses. The combination of land uses within the precincts supports appropriate maritime commercial, industrial and tourism, recreational use and development activities.

The EPA notes that Precinct 4 is proposed for ‘Tourism’ suitable for a resort/caravan park facility. The EPA supports the provision, 4.16-Harbour Zone, that a structure plan is required to adequately address environmental, engineering, traffic or social problems that may arise within the zone.

The EPA expects future proposals likely to lead to significant environmental impacts are referred to the EPA pursuant to Part IV of the EP Act. The requirements of Part V

of the EP Act for clearing permit assessments should also be considered for future development proposals.

### **Flora and Vegetation and Terrestrial Fauna**

EPA notes that Precinct 4 is currently vacant containing remnant coastal heathland. A small area in the southwest corner contains some quality vegetation, but the site also contains firebreaks and vehicle tracks. The EPA supports LPS 7, Clause 4.16.1 for an adequate assessment to be prepared, prior to any development, for the retention of vegetation and ensure that no adverse environmental outcome.

### **Inland Waters and Marine Environmental Quality**

Development has the potential to impact on the local and marine water quality and quantity, due to the possibility of nutrient runoff from nutrient application associated with landscaping, hydrocarbon runoff from vehicles/boats, and local water planning and stormwater management.

The EPA supports a Drainage and Nutrient Management Plan and a landscape and maintenance plan to be prepared as part of the detailed planning and design stage to minimise use of nitrogen and phosphate-based fertilizers from the amendment area which may contribute nutrients to the Harbour marine waters. Direct runoff from any car parks, roads and other hard stand surfaces will also need to be managed through local water planning.

### **Conclusion**

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