

Ms Stephanie Addison-Brown
Chief Executive Officer
Shire of Augusta Margaret River
PO Box 61
MARGARET RIVER WA 6285

Our Ref: CMS 18118
Enquiries: Angela Coletti, 6364 7259
Email: Angela.Coletti@dwer.wa.gov.au

Dear Ms Addison-Brown

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

SCHEME	Shire of Augusta-Margaret River Local Planning Scheme 1 Amendment 73
LOCATION	Lots 23 and 24 Eucalyptus Court, Margaret River
RESPONSIBLE AUTHORITY	Shire of Augusta-Margaret River
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 'Shaun Meredith', is displayed on a light grey rectangular background.

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

20 April 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Shire of Augusta-Margaret River Local Planning Scheme No. 1 Amendment No. 73

Location: Lots 23 and 24 Eucalyptus Court, Margaret River

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

Determination Published: 26 April 2022

Summary

The Shire of Augusta-Margaret River proposes to include Lots 23 and 24 Eucalyptus Court, Margaret River in Rural Residential Area 'RR 41', with accompanying conditions in Schedule 7. The proposed amendment is to facilitate the subdivision of Lots 23 and 24 into four lots, approximately 1 hectare (ha) in size, consistent with surrounding lots.

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 Augusta-Margaret River. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to EPA's *Statement of Environmental Principles, Factors and Objectives* (EPA 2021), the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna

Advice and Recommendations regarding Environmental Factors

Flora and Vegetation; Terrestrial Fauna

The EPA supports the proposal for future development to be located in the substantially cleared areas located in the east of the subject lots, and the inclusion of additional wording at Schedule 7 which states: "*Subdivision design is to avoid the severance of treed areas and is to enable future development without the necessity for removal of vegetation*".

The amendment area contains vegetation belonging to the Cowaramup complexes (approximately 30% pre-clearing extent remaining). A flora and vegetation survey was undertaken for the amendment area by Ecosystem Solutions (February 2021), which determined that the vegetation is comprised of Marri, Jarrah and Peppermint woodland in 'degraded' condition.

The amendment area contains habitat for the Western Ringtail Possum (WRP) (critically endangered under the *Biodiversity Conservation Act 2016* (BC Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the Baudin's and Carnaby's black cockatoo species (endangered under the BC Act and EPBC Act) and the Forest red-tailed black cockatoo (vulnerable under the BC Act and EPBC Act). The terrestrial fauna assessment undertaken for the amendment area recorded 65 trees providing black cockatoo

breeding habitat, including five with hollows. The assessment also recorded the presence of WRP individuals and four dreys/nests.

A bushfire management plan by Envision (August 2021) identified the need for some vegetation to be removed to ensure that existing dwellings on Lots 23 and 24 are compliant with current bushfire protection requirements. The Shire's Firebreak Notice also requires the maintenance of 3 metre firebreaks inside all property boundaries, which may require further vegetation to be removed when the lots are subdivided.

The EPA recommends:

- Further consideration should be given to the wording of proposed scheme provisions, given the potential conflict between condition 1 (*'All vegetation on the land shall be preserved unless dead or dangerous or required to be removed to give effect to an approved subdivision or development'*) and condition 3 (*'Subdivision design is to avoid the severance of treed areas and is to enable future development without the necessity for removal of vegetation'*).
- The removal of vegetation referred to in condition 3 should include clearing for bushfire protection, such as firebreaks, along future lot boundaries.
- Implementation of bushfire protection requirements for existing dwellings on Lots 23 and 24 may affect habitat for threatened species. Careful consideration is required prior to the pruning of tree canopy (especially due to the presence of WRP dreys) or the removal of trees (especially if suitable diameter to provide future nesting hollows for black cockatoos).

It may also be appropriate for the Shire to consider the EPA's '*Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas*' published under s16(k) of the EP Act. Noting that this guidance is not strictly applicable to the 'Rural Residential' zoning of the amendment area, it may be utilised as a general planning tool to inform future development in the amendment area.

Conclusion

The EPA concludes that the implementation of Amendment 73 is unlikely to result in significant effects on the environment and can be managed to meet the EPA's environmental objectives for the above factors through existing scheme and planning requirements. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation and Terrestrial Fauna.