

Ms Stephanie Addison-Brown
Chief Executive Officer
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Our Ref: CMS 18141
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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 71
LOCATION	Part Lot 4 and Lots 31 & 5 Darch Road, 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 'S. Meredith', is displayed on a light-colored rectangular background.

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

09 February 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 1 Amendment 71

Location: Part Lot 4 and Lots 31 & 5 Darch Road, Margaret River

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

Determination Published: 7 February 2022

Summary

The Shire of Augusta-Margaret River has initiated Amendment 71 to Local Planning Scheme 1 to rezone Part Lot 4 and Lots 31 & 5 Darch Road, Margaret River from 'General Agriculture' and 'Priority Agriculture' to 'Future Development' zone; delete 'Additional Use 55' from Schedule 2 of the scheme text and amend the scheme map accordingly.

Amendment 71 proposes to facilitate the future development of approximately 7.42 hectares (ha) for residential development, currently proposing 15 lots ranging in size from 2000 m² to 1.6 ha.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers Amendment 71 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.

1. 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

2. Advice and Recommendations regarding Environmental Factors

Flora and Vegetation; Terrestrial Fauna

The EPA notes several investigations have been conducted to inform the preparation of a Structure Plan to guide future development. The Environmental Assessment Report, dated September 2019, states that the vegetation condition is classified as 'Completely Degraded' to 'Degraded' but small patches of remnant or planted vegetation containing several Peppermints are located in the central and northern portions of the site. There are large trees including Marri, Karri and Peppermint within the site and the road verge along Rosa Brook Road.

EPA notes that Western Ringtail Possum dreys were located in the north of the site and five trees with hollows were recorded which may potentially be suitable for Black Cockatoos. Two of these hollow bearing trees are within the road verge vegetation. A further 23 trees were recorded which have greater than 50cm Diameter at Breast Height which provide habitat and may be suitable roosting trees for Black Cockatoos.

The EPA acknowledges that future structure planning and subdivision can be refined to take into consideration potential impacts to environmental values and, protect and retain these values. The EPA advises that the proposed northern lots in the subdivision concept plan may impact Threatened fauna habitat; dreys and hollows. Subdivision and development, including bushfire management requirements, should be located within existing cleared land and retain canopy connectivity and fauna habitat trees.

EPA recommends that future structure planning and subdivision be modified, which may include redesign of the proposed subdivision concept and/or a reduction in lot yield, to retain these values. The EPA also expects that any future development considers the [recovery plan](#) for the Commonwealth/State listed Critically Endangered Western Ringtail Possum.

Conclusion

The EPA concludes that Amendment 71 can be managed to meet the EPA's environmental objectives through the existing planning scheme controls. Future structure planning and subdivision should also further identify, manage and protect the above environmental values.