



Mr Andre Schonfeldt
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Dear Mr Schonfeldt

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

SCHEME	Shire of Dardanup Town Planning Scheme 3 Amendment 205
LOCATION	Lot 2 Harold Douglas Drive & part Lot 185 Venn Road, Dardanup West
RESPONSIBLE AUTHORITY	Shire of Dardanup
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 written over a light blue horizontal line.

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

3 June 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Shire of Dardanup Town Planning Scheme 3 Amendment 205

Location: Lot 2 Harold Douglas Drive & part Lot 185 Venn Road, Dardanup West

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

Determination Published: 7 June 2022

Summary

Amendment 205 proposes to rezone Lot 2 Harold Douglas Drive and a portion of Lot 185 Venn Road, Dardanup West from 'General Farming' to 'Small Holding', and to introduce additional requirements for 'Area 19 Dardanup Park' to Appendix VIII in the scheme text.

The proposed rezoning is to facilitate future subdivision and development of the amendment site, consistent with the *Shire of Dardanup Local Planning Strategy* and the approved *Dardanup Small Holdings Structure Plan*.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the 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 Dardanup for this amendment. Having considered this matter, the following advice is provided.

Environmental Factors

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

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

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation and Terrestrial Fauna

The amendment area is largely cleared farmland, containing some areas of scattered remnant vegetation. The remnant vegetation constitutes medium woodland; *Eucalyptus rudis* and *Melaleuca raphiophylla*. The Environmental Assessment Report (Accendo Australia 2021) classified the condition of the vegetation as 'completely degraded' due to an absence of mid and understorey species and high weed prevalence.

The native vegetation provides habitat for threatened black cockatoo species, including four trees with hollows potentially suitable for nesting (Harewood 2021). The amendment area may also contain habitat for the Western Ringtail Possum (Critically Endangered under the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)).

It is noted that approximately 1.64 hectares (ha) of vegetation is proposed to be cleared and/or modified to provide for the future subdivision and development. It is also noted that many of the habitat trees will be retained within the proposed drainage reserve and that most of the proposed building envelopes will be located in cleared areas.

To mitigate potential clearing for building envelopes and/or modification of vegetation associated with bushfire management requirements, the EPA recommends concept planning is amended to provide larger lot sizes in areas where remnant trees are concentrated. In particular, it may not be suitable to site lots as small as 1 ha in the southwest portion of the amendment area, where remnant trees are most numerous.

The EPA also notes that Carter's Freshwater Mussel (Vulnerable under the *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*) has been recorded in the vicinity of the proposed amendment area. The EPA supports the establishment of a drainage reserve and the proposed provisions to retain and revegetate the foreshore area to improve biodiversity values and provide an ecological linkage. The proposed drainage reserve and enhancement of the vegetation around Gavin's Gully may assist in improving the condition of potential aquatic habitat and water quality discharging to the gully.

Inland Waters

Three Multiple Use Wetlands (Palusplain) cover large portions of the proposed amendment area (UFI 15221, 1757 and 14329) and Gavin's Gully runs through the amendment area and discharges to the Preston River. The amendment area is located within the Leschenault Estuary-Preston River catchment, which is considered a sewerage sensitive area.

The EPA notes that a large portion of the amendment area is seasonally waterlogged, and that the area has a high groundwater table and is largely mapped as a moderate to low acid sulfate soil disturbance risk area. It is also noted that there are no reticulated wastewater services within the amendment area, and potential future development proposes on-site sewage disposal with use of secondary waste treatment systems.

Future development associated with the amendment has the potential to impact hydrology, groundwater and surface water quality, disturb acidic soils, and facilitate inappropriate discharge of waste to waterways.

The EPA notes that the proposed scheme provisions require future development to be consistent with the *Government Sewerage Policy (2019)* (GSP) and a local development plan. The EPA supports these provisions and further recommends:

- In accordance with the requirements of the GSP, as part of future development, the Shire should consider whether on-site sewage disposal can be accommodated without endangering public health or the environment. It is noted that groundwater levels are less than 0.5 metres from the surface at many locations within the amendment area, indicating a reduced capability for the land to absorb wastewater discharge and an increased risk of human contact with effluent. The Shire should consult the Department of Health and the Department of Water and Environmental Regulation (DWER) regarding the proposed disposal of sewage on-site, and any associated risks to human health and the environment. Further management measures through future planning processes are likely to be required to ensure future development of the amendment area meets the GSP.
- Consultation with the Water Corporation regarding the suitability of proposed water management associated with future development, and potential impacts to the Gavin's Gully drainage line.

- Revision of the 'Additional Requirements and Modifications to the Provisions of Scheme Text' table relating to 'Area 19 Dardanup Park', within Appendix VIII. Noting that the future lot sizes within the amendment area are proposed to be approximately 1 ha, the Land Use Controls' clauses conflict as the proposed lots are unlikely to meet the requirements of the Department of Primary Industries and Regional Development (2000) *Stocking Rate Guidelines for Rural Small Holdings*. Further, the high groundwater level and soil types within the amendment area may not be capable of supporting any number of horses on future lots. It is recommended that the removal or modification of Clause 2(b) is considered.

The EPA notes planning for West Dardanup is to be guided by the *Dardanup Small Holdings Structure Plan*. The EPA recommends this is supported by an overarching water management plan for the entire structure plan area.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing and proposed scheme provisions and future planning processes. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.