

Mr John Perry  
Florida Partnership  
54 Mandurah Tce  
**MANDURAH WA 6210**

Your Ref:  
Our Ref: CMS15165  
Enquiries: Angela Coletti, 6145 0800  
Email: Angela.Coletti@epa.wa.gov.au

Dear Mr Perry

**NOTICE UNDER SECTION 39A(3)**  
***Environmental Protection Act 1986***

**PROPOSAL:** Florida North Residential Development  
**LOCATION:** Lot 9008 Ocean Road Dawesville  
**PROPONENT:** Florida Partnership  
**DECISION:** Not Assessed: Public Advice Given

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the EPA for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so significant as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986*. Accordingly, the EPA has determined not to assess this proposal.

Nevertheless, the EPA has provided the attached advice to you as the proponent, and other relevant authorities, on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 10 August 2015, during which, on payment of the appeal fee, an appellant may ask the Minister to consider directing the EPA to reconsider this decision or conduct a formal assessment.

Information on the outcome of the appeals process is available through the Appeals Convenor's website, [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au), or by telephoning 6467 5190 after the closing date of appeals.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DF', with a horizontal line extending to the right.

Darren Foster  
Director  
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority  
Under Notice of Delegation No. 33 published 17 December 2013

27 July 2015

Encl: Public Advice

**PUBLIC ADVICE UNDER SECTION 39A(7)  
ENVIRONMENTAL PROTECTION ACT 1986**

**FLORIDA NORTH RESIDENTIAL DEVELOPMENT LOT 9008 OCEAN ROAD,  
DAWESVILLE, W.A.**

**Summary**

The Florida Partnership is proposing to subdivide and construct the portion of Florida Beach Estate known as 'Florida North', which will create approximately 161 lots for residential development.

The site is zoned for this purpose in the Peel Region Scheme and the City of Mandurah Town Planning Scheme.

The proposed development footprint is approximately 16.73 hectares (ha) and will require clearing approximately 11.72 ha of native vegetation.

The proposal was advertised for public comment and the Environmental Protection Authority (EPA) notes that three public comments were received.

The public comments requested Public Environmental Review and the key concerns raised in relation to the proposal were:

- cumulative loss of vegetation and fauna;
- cumulative loss of vegetation;
- suitability of development on hydrological process; and
- buffer to the Caddadup Waste Water Treatment Plant.

The EPA has considered the proposal in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) and the *Environmental Impact Assessment Administrative Procedures 2012*. In making its decision on whether to assess the proposal, the EPA considered the 10 aspects of the significance test as set out in clause 7 of the *Environmental Impact Assessment Administrative Procedures 2012*:

1. values, sensitivity and quality of the environment which is likely to be impacted;
2. extent (intensity, duration, magnitude and geographic footprint) of the likely impacts;
3. consequence of the likely impacts (or change);
4. resilience of the environment to cope with the impacts or change;
5. cumulative impacts with other projects;
6. level of confidence in the prediction of impacts and the success of proposed mitigation;
7. objects of the Act, policies, guidelines, procedures and standards against which a proposal can be assessed;
8. presence of strategic planning policy framework;
9. presence of other statutory decision-making processes which regulate the mitigation of the potential effects on the environment to meet the EPA's objectives and principles for EIA; and

10. public concern about the likely effects of the proposal, if implemented, on the environment.

In summary, although the proposal raises a number of environmental issues, the EPA considers that the proposal is unlikely to have a significant impact on the environment and does not warrant formal assessment. The potential impacts from the proposal can be adequately managed through the implementation of the proposal in accordance with the referral documentation and the proponent's management and mitigation measures and other statutory decision-making processes.

## **1. Environmental Factors**

The EPA has identified the following preliminary environmental factors relevant to this proposal:

- a) Flora and Vegetation;
- b) Terrestrial Fauna; and
- c) Amenity.

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act.

## **2. Advice and Recommendations regarding Environmental Issues**

### **a. Flora and Vegetation**

The EPA notes that the proponent intends to cede 1.9 ha of *Eucalyptus gomphocephala* closed forest into the existing Public Open Space (POS) that was previously set aside as part of the overall planning design for Florida Beach Estate. The *E. gomphocephala* closed forest is classified as being in 'Very Good' condition and minimal rehabilitation is required. The proposed consolidation of a further 1.9 ha will increase the viability of the POS as an ecological linkage with Caddadup Reserve located to the north of the proposed subdivision.

Approximately 0.87 ha of *Acacia rostellifera*, *Spyridium globulosum*, *Santalum acuminatum* mid-high closed shrub land classified in 'Very Good' condition will be also be retained in a linear POS along the eastern boundary adjoining the Old Coast Road.

The EPA supports the proponent's commitment to retain approximately 2.77 ha of remnant vegetation in POS.

### **b. Terrestrial Fauna**

The EPA notes that there are no trees within the referral area with a diameter at chest height greater than 500 mm and no evidence of past or present black cockatoo foraging, breeding or nesting has been recorded. The majority of the Tuart trees identified as having potential to become hollow bearing are located within the western portion of the referral area that has been identified as POS.

Suitable habitat does exist for several Priority Species: Perth Lined Lerista (P3), Carpet Python (P3) and the Southern Brown Bandicoot/Quenda (P5).

A Vegetation and Fauna Management Plan (VFMP) will be prepared to the satisfaction of the City of Mandurah and in consultation with the Department of Parks and Wildlife prior to clearing. The VFMP will include a fauna trapping and relocation program to avoid harming resident fauna during the clearing and construction phases of the proposal.

The EPA supports the proponent's commitment to retain the majority of Tuart trees identified as having potential to become hollow bearing in POS and prepare and implement a VFMP.

### **c. Amenity**

The Caddadup Waste Water Treatment Plant (WWTP) is 300 metres (m) to the north of the northern boundary of the proposed residential development.

The Caddadup WWTP is located within a low-lying area (8 m to 12 m AHD) with local ridges rising to 24 m AHD located to the north, east and south. A golf course to the west of the WWTP is at the same local height as the WWTP. Except for the golf course, the vegetation surrounding the WWTP is predominantly dense ranging in height from 2 m to 5 m.

The Western Australian Planning Commission (WAPC) has approved the Florida Beach Outline Development Plan which identified a 400 m buffer to the Caddadup WWTP.

The proponent has undertaken odour modelling. The modelling indicated that criteria for residential acceptability can be met with a 300 m buffer and no odour mitigation will be required.

The EPA considers that with respect to amenity, the suitability of the site for residential development is a matter best determined by the WAPC through the subdivision assessment and approval process. However, the EPA notes the potential for land use conflict that may arise from the occupation of residential development in close proximity to an operating WWTP. The EPA understands that Water Corporation, which operates the Caddadup WWTP, does not support the proposal to construct residential development within the established buffer.

The EPA also acknowledges that it is important to protect essential infrastructure from the encroachment of residential development that may ultimately restrict options to expand the infrastructure to meet future service demands. The EPA, therefore, recommends that the WAPC consult Water Corporation to determine the appropriateness of residential development within the 400 m buffer before making a decision on the subdivision application. The EPA also recommends that the WAPC consult the Department of Environment Regulation for technical advice on the proponent's odour modelling.