Chief Executive Officer
Shire of Augusta-Margaret
PO Box 81
MARGARET RIVER WA 6285

Attention: Andre Schonfeldt

Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: Shire of Augusta-Margaret River Local Planning Scheme 1 Amendment 2
LOCATION: Pt Lot 300 Salter Street
LOCALITY: Gracetown
RESPONSIBLE AUTHORITY: Shire of Augusta-Margaret
DECISION: Scheme Amendment Not Assessed – Advice Given (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

The EPA notes that Amendment 2 to Local Planning Scheme 1 is consistent with the previously initiated Amendment 175. The EPA acknowledges that when considering the former Amendment (No. 175) it determined that an Environmental Review was required. The Environmental Review was progressed to the stage where the EPA approved the Environmental Review document for release for advertising. The EPA was subsequently advised that Amendment 175 was not being progressed due to the new Local Planning Scheme nearing completion.

It is the EPA’s view that the draft Environmental Review (ER) document for Amendment 2 adequately identifies the environmental issues and that management of the environmental issues can be achieved through the land planning process. In addition to the EPA’s advice and recommendations,
comments on the draft Environmental Management Plan (EMP) are attached (Appendix 1).

Two matters which have not been considered by the EPA in its assessment of Amendment 2 are the need for a wastewater treatment plant and the potential requirement for an alternative access route to Gracetown for fire management purposes.

A wastewater treatment plant is required to service the proposed new development and will require existing residences to connect to the plant. It is currently proposed that wind turbines or photovoltaic panels will power the treatment plant and surplus reclaimed water will be infiltrated into the local aquifer. The treatment plant will require a works approval and licence pursuant to Part V of the *Environmental Protection Act* (1986).

The EPA notes that the Fire Management Plan (FMP) developed for Amendment 2 states that according to the Planning for Bushfire Guidelines (WAPC 2010) the existing Gracetown townsite should have two access/egress points and this should be constructed whether the new development proceeds or not. The FMP identifies an alignment for an alternative second access route though the Leeuwin-Naturaliste National Park (LNNP).

The EPA understands the relevant authorities could not reach a consensus on the need for the second access route and the proponent has advised it will undertake a risk based assessment in consultation with Department of Planning, Fire and Emergency Services, Department of Environment and Conservation (DEC) and the Shire. According to the Council meeting minutes, the assessment will be available prior to the Shire formulating its recommendation to the Western Australian Planning Commission.

The DEC has advised the FMP contains errors and lacks rigorous analysis of the fire risk, hazard, threat and evaluation of the proposed mitigation methods. The EPA expects these issues and a critical assessment on whether a road is necessary to be addressed as part of the risk based assessment and finalisation of the FMP for Amendment 2.

The EPA reiterates that its decision to “not assess” Amendment 2 is made on the basis that a second access route through the LNNP is not part of the amendment. Should Amendment 2 subsequently be modified to include an alternative second access route, the EPA would consider that a significant change and expects that the Amendment will be referred back to the EPA for consideration.

The Shire (as a decision-making authority) is also reminded of its obligation to refer any proposal that is likely to have a significant environmental impact to the EPA for a decision as to whether the environmental impacts are significant enough to warrant assessment by the Authority.

1. Environmental Issues
   - Vegetation and flora
   - Fauna
   - Landscape and visual amenity
   - Soil contamination
2. Advice and recommendations regarding Environmental Issues

Vegetation and flora

The EPA’s objective for flora is to maintain the abundance, diversity, geographic distribution, and productivity of flora at the species and ecosystem level through the avoidance or management of adverse impacts and through improvement in knowledge.

The total footprint of the proposed residential development is 35.77 hectares (ha) which includes approximately 14.67 ha for the actual development (roads, lots etc). It is proposed that of the 14.67 ha, a minimum of 5.8 ha will be maintained as public open space which includes retention of some existing native vegetation supplemented with native vegetation landscaping. Fire management measures will necessitate the clearing/modification of up to 21.1ha. The total area of vegetation effected in Lot 300 is 28.29ha. The remaining 230 ha of vegetated Crown Land in Lot 300 will be ceded to the adjoining LNNP.

The EPA notes that most of the vegetation is in pristine to very good condition. The three vegetation complexes that dominate the majority of the amendment area site are well represented in formal reserves. One species of Priority flora, Banksia sessilis var. cordata was identified in four locations and according to the draft ER, Caladenia abbreviata which is also a Priority flora species has been recorded in the amendment area.

The EPA supports the use of local native species such as Banksia sessilis var. cordata in areas of rehabilitation and the proposed restriction of lawn grass in both public and private areas (Gracetown Landscape Masterplan, 2009). In addition to the provision of an information package to landowners, it is recommended signage is displayed to inform residents of the regulations for rubbish dumping, specifically garden waste.

The EPA notes that financial support to both the Shire and DEC is a key measure to assist with rehabilitation; fire management and with management of the LNNP. The EPA recommends that details of the proposed financial support be agreed to prior to finalisation of the Amendment.

Fauna

The EPA’s objective is to maintain the abundance, diversity, geographic distribution and productivity of fauna at species and ecosystems level through the avoidance or management of adverse impacts and improvements in knowledge.

The scheme amendment area contains feeding habitat for Carnaby's and Baudin's Black Cockatoo. It is also habitat for Quenda and the South West Carpet Python. Whilst no Western Ringtail Possums (WRP) individuals were recorded in the amendment area, four dreys were identified. One WRP individual was trapped and another drey located in the proposed fire management area adjacent to the amendment area. These species are threatened species under the State Wildlife Conservation Act and some are protected under the Commonwealth Environment Protection and Biodiversity Conservation Act.
The proponent should consult with the DEC about operational guidelines for clearing and modification of vegetation, including issues such as temporary vegetation heaps that may be adopted by fauna for habitat. The DEC has advised that different methods for the relocation of fauna will be needed for different species and that the approval of DEC and the relevant licenses will be required.

The provision of information packages to landowners discouraging interaction with native animals is supported. Street signage would also reinforce this message, particularly to visitors that are not landowners.

**Western Ringtail Possum**

The survey report (Green Iguana, 2008) for WRP states that the site appears to be used by WRP’s in a limited capacity. The report highlights issues such as a lack of available summer water, limited preferred food source, high fire frequency and high predator pet load as limiting factors. The EPA notes that this information is restated in other supporting documents such as the draft ER (June 2011) and Expansion Design Initiatives (April 2011) reports. The reference to fire frequency limiting WRP populations for the amendment area is incorrect as this issue pertains to another site surveyed for a proposed tourism development site encompassing the existing community facilities (Area B future tourism development area). This area is not within the development area of Amendment 2. The erroneous statement should be corrected prior to release for advertising.

In addition, the DEC has advised that WRP do not require available summer water as they principally obtain their moisture from the foliage they eat and that WRP have a wide dietary range and are not obligate dependant on Peppermint trees (*Agonis flexuosa*). Any Myrtaceous foliage, such as Acacias which are found on the site will suffice. The ‘established’ fragmentation will also be increased by development.

The DEC has advised its WRP clearing protocol should be implemented as a precaution and that rehabilitation should include *Agonis flexuosa*, which should be watered to assist growth.

Appendix C in the Fire Management Plan (June 2010) should also be amended to include the location of the WRP drey outside of the development area but within the fire management area.

Whilst it is proposed to retain clumps of trees where possum drees were identified in the development and fire management areas, WRP’s prefer tree canopy connectivity. In areas where canopy connectivity cannot be maintained, there is an increased risk of WRPs being killed by vehicle collisions and pet predation.

**Subterranean fauna**

The desk based assessment for subterranean fauna determined that there is a moderate likelihood of Strygo fauna and a high likelihood of Troglofauna occurring at the site. The subsequent risk based assessment determined the potential for significant impacts’ occurring to subterranean fauna was ‘very low’.

The EPA considers that the proposed mitigation measures in the EMP including restrictive covenants for sinking private bores and drainage and nutrient
management plan that it is unlikely there will be a significant impact to any subterranean fauna.

The EPA advises that any future proposals for a waste water treatment plant and/or waste water injection may require more detailed investigation for the presence of subterranean fauna and potential impacts. Surveys for subterranean fauna to either confirm their presence or absence would, if present, provide a baseline for monitoring impacts of the proposed future development proposals, would enable assessment of the above mentioned risk based assessment and help build the State’s knowledge of subterranean fauna.

**Landscape and Visual amenity**

The EPA’s objective is to ensure that aesthetic values are considered and measures are adopted to reduce visual impact on the landscape as low as reasonably practicable.

The Leeuwin-Naturalist Ridge Statement of Planning Policy (WAPC 1998) identifies the values of the area and the following policies are considered particularly relevant:

- **PS 3.3** Development will have due regard for the landscape integrity and value of Ridge backdrops when viewed from the coastline, bays or Travel Route Corridors.
- **PS 3.8** Where the LNRSSP identifies development opportunities on the Ridge, such development will:
  - maintain the natural character where this exists;
  - utilise sites of least visual impact;
  - conform with a sustainable bushfire plan;
  - maintain the values of adjacent conservation reserves;
  - avoid the steeper and higher slopes; and
  - avoid impacts on significant flora and fauna communities.
- **LUS1.17** Expansion of Yallingup or Gracetown will be considered provided it conserves the surrounding conservation and landscape values.

The Gracetown Landscape Assessment Report (Ecoscape 2009) provides a good assessment and recommendations for managing the impacts. The assessment is based on a 9 metre building height and identifies an area of greatest impact (area circled grey in Figure 55) where proposed buildings most often affect the view by ‘skylining’ from views where ‘skylining’ from the existing town does not already occur.

The EPA notes that viewing points from within or near the LNNP affected by skylining are Views 1, 6, 7, 14, 15 and 16. For views 6 and 14, most of or all of the area that may skyline is outside of the area of greatest impact (area circled grey in Figure 55). The EPA recommends that further assessment of the impact of the proposed development and mitigation measures for these views be undertaken.

In addition, the special building height limits that ought to apply to avoid interruption of the natural ridgeline and therefore achieve the management objectives of the Gracetown Landscape Assessment Report and policies of the Leeuwin-Naturalist Ridge Statement of Planning Policy (LNRSSP) should be determined.
According to the Gracetown Expansion Design Initiatives Report (TME, 2011) building heights should be limited in the area of greatest impact and will be established via a Detailed Area Plan. It is the EPA’s view that the determined building height limits should be either stated in the Amendment or the Amendment should identify an objective consistent with LNRSPPP and require height to be detailed in a subsequent statutory planning document. The building height limits should refer to the maximum building height level above the natural ground level.

**Soil Contamination**

The Contamination Investigation (GHD 2009) report identifies an area of asbestos contamination within the Amendment area and recommends that further investigation of the extent of filling be undertaken.

The *Contaminated Sites Act 2003* is the main mechanism for identifying and managing known and suspected contaminated sites. Section 11 of the *Contaminated Sites Act 2003* requires owners or occupiers of a site, or persons who know or suspect that they have caused or contributed to contamination of a site, to report known or suspected contaminated sites to the DEC.

The EPA expects the proponent will meet its obligations under the *Contaminated Sites Act 2003* and that investigations and any necessary management plans/remediation will be undertaken in accordance with DEC’s Contaminated Sites Management Series and to the satisfaction of DEC prior to any development or ground disturbing activities commencing.


3. **General Advice**

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, 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 on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully

[Signature]

Anthony Sutton
Director
Assessment and Compliance Division

17 October 2011

Att
Comments on draft Environmental Management Plan

The following comments on the draft EMP are provided by the Office of the EPA in the context of its review of the draft Environmental Review document.

- The information provided in Section 1.2 Background should be updated to reflect what has occurred since October 2007.

- Not all of the KPI’s are quantifiable or measureable. For example in Table 1.1 the KPI for clearing should be “No incidents of clearing outside of the pre-defined boundaries”. Another example is the KPI for infiltration swales within the scheme amendment area. The KPI should probably measure the effectiveness of infiltration and instances where stormwater is not directed to swales.

- The issue of Soil contamination should be included in the EMP.

- It is recommended the frequency of monitoring actions for the extent and distribution of Arum Lily be for one and three years after completion of construction and the Purpose amended to read “To ensure the area is rehabilitated...surrounding vegetation subject to Fire Management Plan requirements” (Section 3.5 Table 3).

- An additional Target and KPI for weeds and diseases could be “All vehicles to be clean before entry to the site and avoid unintentional movement of soil about the the site” and "No breaches of hygiene requirements" respectively.

- The EMP states that a fauna relocation program will be implemented and that fauna handlers may be engaged if required. Considering the density of the vegetation and its value as habitat for significant fauna species, the EMP should be amended to require fauna spotters/handlers during clearing.

- The inclusion of a monitoring or reporting system for fauna spotting/kills may assist in identifying any significant fauna crossing areas, the need to install signage and/or an aerial wildlife rope bridge to assist the safe dispersal of WRP.

- An action requiring the installation of street signage to inform people of regulations for rubbish dumping, discouraging feeding native animals and warning of potential vehicle collisions.