

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

City of Busselton Local Planning Scheme 22

Location: Whole of LPS 22 scheme area

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

Determination Published: 29 October 2025

Summary

The City of Busselton (the City) has prepared draft Local Planning Scheme 22 (LPS 22), which proposes a consolidation and update of the existing LPS 21 in a manner and format consistent with requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the City's Local Planning Strategy, and relevant state policies and legislation.

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 original referral documentation and additional information provided by the City. Having considered this matter, the following advice is provided.

Environmental Factors

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

- Flora and vegetation
- Terrestrial fauna
- Inland waters
- Social surroundings
- Coastal processes

Advice and Recommendations regarding the Environmental Factors

The scheme area encompasses a diverse range of environmental values, including vegetation which provides habitat for conservation significant fauna such as black cockatoo species and western ringtail possum, rivers, wetlands of both national and international significance (the Ramsar-listed Vasse-Wonnerup wetland system), and Aboriginal heritage sites. Implementation of the scheme may cause potential clearing of vegetation, disturbance of conservation significant fauna habitat, hydrological changes, and disturbance of heritage sites.

The EPA acknowledges that LPS 22 has been prepared in consideration of the City's *Local Planning Strategy 2019*, which considers the protection of the 'Environment, Landscape and Heritage' (Theme 4), and 'Biodiversity & environment/ environmental change & risk'.

The EPA supports the proposed LPS 22 text provisions aimed at protecting environmental values and mitigating potential impacts, including but not limited to:

- the requirement for development approval for the removal of vegetation on any reserve
- the insertion of environmental protection objectives within the 'Foreshore' reserve ('Part 2 – Reserves'), and 'Residential', 'Urban Development', 'Rural', 'Rural Residential', 'Environmental Conservation', and 'Regional Centre' zones ('Part 3 – Zones and use of land):
- the insertion of new environmental protection provisions, including for (but not limited to):
 - vegetation removal controls ('Table A – General Development Standards' in 'Schedule E – Additional Site and Development Requirements')
 - peppermint tree protection ('Table B – Additional development requirements that apply to zones in the Scheme area' in 'Schedule E')
 - rural residential subdivision requirements ('Table B' in 'Schedule E')
 - beverage production facilities in rural areas ('Table C – additional requirements that apply to land uses in the Scheme area' in 'Schedule E')
 - extractive industry controls ('Table C' in 'Schedule E').
- the insertion of two new 'Special Control Areas' in 'Schedule G – Special Control Areas', being:
 - 'Special Control Area – Extractive Industry Prohibition Area'
 - 'Special Control Area – Cape to Cape Track Visual Protection Area'.

The EPA also notes and supports the information provided by the City regarding the intent to modify the Peppermint Tree retention clause in Table B of Schedule E to be expanded to include additional vegetation species that are also habitat for conservation significant fauna including the western ringtail possum and species of black cockatoo.

Despite the proposed insertion of new scheme text provisions for the protection of environmental values (as noted above), the EPA notes that several changes proposed from LPS 21 to LPS 22 may have potential impacts on environmental values within the scheme area. EPA advice and recommendations for the management and mitigation of potential impacts related to specific changes that may result in impacts to environmental values are provided in Table 1.

The EPA considers that further assessment under Part IV or V of the EP Act may also be required for future development. Decision-making authorities have an obligation to refer future significant proposals to the EPA for environmental impact assessment; these are proposals likely if implemented to have a significant impact on the environment.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through proposed scheme provisions, as well as through future planning processes, such as structure planning and subdivision. The EPA expects its advice is implemented to further manage and mitigate potential environmental impacts.

Table 1. EPA advice and recommendations regarding proposed changes from LPS 21 to LPS 22.

Proposal location	Proposed change		EPA advice and recommendations
	LPS 21	LPS 22	
Lot 3 Ludlow Park Road, Wonnerup	Special Control Area 2 - Wetlands	Remove 'Special Control Area (SCA) 2 – Wetlands'	<ul style="list-style-type: none"> • Lot 3 contains a range of environmental values, including priority ecological flora communities, such as coastal saltmarsh and tuart woodland. The lot is also adjacent to the Ludlow River and Wonnerup Estuary, which form part of the Ramsar-listed Vasse-Wonnerup conservation category wetland suite. • The EPA notes that there is an existing limestone / lime sand operation on a portion of Lot 3, which is subject to which is subject to regulation by the City of Busselton and DWER. The EPA notes that the removal of SCA 2 may be intended to support the existing operations to expand toward areas of wetland value, and that this may result in impacts to these values. • The EPA expects 'SCA 2– Wetlands' is retained on Lot 3 as part of the finalisation of LPS 22 to ensure that potential impacts to environmental values can be appropriately managed and mitigated. • The EPA also expects that as part of finalisation of LPS 22, consideration is given to application of SCA 8 – Extractive Industry Prohibition Area over the portions of Lot 3 that have the potential to impact environmental values if subject to development. • Proposed LPS 22 text provisions, including vegetation removal controls (Schedule E Table A) and extractive industry controls (Schedule E Table C) can assist to manage some potential impacts to environmental values on Lot 3. • Future activities on Lot 3 that may result in significant impacts to environmental values may require referral under the EPBC Act and Part IV and Part V (clearing permit) of the EP Act.
Lot 32 Lyddy Road, Yalyalup	Special No. 28	Use Urban Development	<ul style="list-style-type: none"> • The EPA notes that Lot 32 is part of the proposed <i>Millwood Structure Plan (MSP)</i> (2024) and is subject to future structure planning and subdivision. • Future development may result in environmental impacts from the clearing of vegetation representative of the Busselton Yate Community, a DBCA-listed 'Priority 1' ecological community, and a small stand of tuart woodland.

			<ul style="list-style-type: none"> • The site also contains remnant peppermint woodland, providing habitat for threatened western ringtail possum, and black cockatoo habitat trees (with no suitable hollows). • The EPA expects at minimum the retention of environmental values onsite. • Proposed environmental provisions in Schedule E Table A will provide for opportunities to protect environmental values. • Lot 32 is located 2.5 kilometres north of the Busselton-Margaret River Airport. The Busselton-Margaret River Airport is subject to the conditions of approval in Ministerial Statement 1088 and the approved Busselton Margaret River Airport Noise Management Plan 2018 (BMRANMP, 2018) (Version 1, dated May 2018). Future urban development may result in sensitive land uses being impacted by noise emissions. The Yalyalup Development Area is also located within the Noise Abatement Zone identified within the approved BMRANMP, 2018. LPS 21 includes scheme text under Special Provision Area 23 (SP 23) which are applicable to this location in relation to noise. The EPA advises that the scheme text provisions in LPS 22 should reflect the approved BMRANMP (2018) or any subsequent revisions as approved by the CEO of DWER and the requirements of condition 5-6 of Ministerial Statement 1088.
Lot 209 Bronzewing Road, Quedjinup	N/A	Additional Use 4 (A4)	<ul style="list-style-type: none"> • The EPA notes that 'Tourist and Visitor Accommodation' uses permitted under A4 in LPS22 allows for up to 10 chalets and one habitable building, including associated infrastructure over Lot 209. • Future development may result the clearing of remnant vegetation that provides suitable black cockatoo and western ringtail possum habitat. • The EPA expects at minimum the retention of environmental values onsite. • Proposed environmental provisions in Schedule E, Table A and Table B can provide for opportunities to protect environmental values.
Part Lot 113 Vasse Highway, Yalyalup	Special Use No. 27	Urban Development	<ul style="list-style-type: none"> • Remnant vegetation comprises of Eucalypt, marri and peppermint woodland, providing suitable habitat for threatened black cockatoos and western ringtail possum. • The EPA notes that there is an existing EPBC approval (EPBC 2018/8244) applicable over Lot 113 for the clearing of western ringtail possum habitat, the preparation of an Environmental

			<p>Management Plan (for western ringtail possum), and requirement for revegetation.</p> <ul style="list-style-type: none"> The EPA notes the proposed insertion of vegetation removal controls (Schedule E Table A) and peppermint tree protection (Schedule E Table B), and environmental protection objectives for the 'Urban Development' zone, provide for opportunities to retain and enhance environmental values. Future development would also need to be consistent with EPBC 2018/8244 conditions, and a (future) approved structure plan. The advice in relation to the provisions of SP 23 discussed above is also applicable to Part Lot 113.
Lot 3 Bussell Highway, Broadwater	Special Use No. 2	Urban Development	<ul style="list-style-type: none"> The EPA notes that Lot 3 contains remnant peppermint woodland, which provides suitable habitat for threatened western ringtail possums. The EPA notes that EPBC approval (2013/7098) is applicable over Lot 3, which contain conditions to limit the clearing of peppermint vegetation, and requirements for onsite revegetation / rehabilitation. Proposed scheme provision in LPS 22 ASR10 and Schedule E Table A and Table B can assist to protect and manage environmental values. The City has provided additional information confirming the intent to include the requirement for <i>Western Ringtail Possum Management Plan</i> as a provision under ASR10, to "best protect environmental values on site" prior to finalisation of LPS 22, and the EPA expects this to be implemented. Future development should also be consistent with conditions of the EPBC 2013/7098 approval.
Lot 308 Millbrook Road, Yallingup	Special Provision 71 (SP 71)	Additional Use 25 (A25)	<ul style="list-style-type: none"> Lot 308 contains remnant vegetation, comprising of marri and jarrah woodland, which provides habitat for threatened species of black cockatoo and the western ringtail possum. A25 permits the development of 'Exhibition Centre', 'Hotel', 'Restaurant/Cafe', 'Small Bar', and 'Tourist and Visitor Accommodation'. The EPA notes that A25 is proposed to be included in LPS 22 to transfer existing land uses under SP 71. SP 71 was inserted into LPS 21 through Amendment 45, and was determined by the EPA to be not assessed with advice given (here).

			<ul style="list-style-type: none"> • Consistent with the EPA's advice for Amendment 45, the EPA recommends the retention of suitable black cockatoo and western ringtail possum habitat, implementation of water management strategies, and ensuring compliance with <i>Environmental Protection (Noise) Regulations 1997</i>. • The EPA notes the proposed vegetation removal controls (Schedule E Table A) and peppermint tree protection (Schedule E Table B) provisions in LPS 22 can assist to protect and manage environmental values.
Lot 1 Abbeys Farm Road, and Lots 1 and 2 Caves Road, Yallingup	Additional Use 77 (A77)	Additional Use 18 (A18)	<ul style="list-style-type: none"> • Lots 1, 2 and 3 contain remnant vegetation that may provide suitable black cockatoo and western ringtail possum habitat. • The EPA notes that 26 land uses, varying from industrial to commercial, residential, recreation and infrastructure, are proposed 'Discretionary' (D) under A18 in LPS 22. • Considering the above, future development under A18 may result in the clearing of remnant vegetation. However, the EPA notes that the land use intent remains consistent between LPS 21 and LPS 22. • The EPA notes the current 'Bushland Protection' zoning and associated conservation covenants over vegetated portions of the lots is proposed to be retained in LPS 22 and provides for the protection of environmental values. • Further, the EPA notes proposed vegetation removal controls (Schedule E Table A) and peppermint tree protection (Schedule E Table B) provisions in LPS 22 can assist to protect and manage environmental values.
Lots 529 and 530 William Drive, Broadwater	Special Provision 9 (SP 9)	Civic and Community	<ul style="list-style-type: none"> • Lots 529 and 530 contain western ringtail possum habitat and are located along the coastline. It is noted that the intent of development for the site for aged care remains consistent between LPS 21 and LPS 22, and that the change in reservation is intended to reflect the Regulations. • Nevertheless, the EPA expects the intent of the SP 9 provisions to be reflected in LPS 22, including for future development and planning processes to address coastal management, habitat protection, landscape issues, provision of adequate foreshore reserves and public access consistent with existing provisions. • The EPA notes proposed vegetation removal controls (Schedule E Table A) provisions in LPS 22 can assist to protect and manage environmental values.

			<ul style="list-style-type: none"> Development that proposes impacts to western ringtail possum habitat may require referral under the EPBC Act and the EP Act.
Lots 65, 77, 4516, & 246 Pettit Crescent, West Busselton	Special Provision (SP 34) 34	Not proposed to be transferred to LPS 22	<ul style="list-style-type: none"> The EPA recommends provisions 3 and 6 of SP 34 in LPS 21 be retained in LPS 22.
Lots 163, 161, 7, 9, 35, 15, 51, 50, 33, 11, 4, 3, 1, 2363, 2365 and portion of Lots 2191, 2192 and 2193 Queen Elizabeth Avenue, Lot 301 Busselton Bypass and Lots 2, 126, 22, 804 and portion of Lot 57 Chapman Hill Road, Busselton	Special Provision (SP 39) 39	Not proposed to be transferred to LPS 22	<ul style="list-style-type: none"> The EPA recommends that provision 7 and 8 of SP 39 in LPS 21 be retained for the preparation of an urban water management plan(as part of any application for subdivision), that gives consideration to the usage and impact of drainage outcomes on the northern bushland and wetland area; and to ensure development and subdivision meets the requirements and objectives of an approved Water Quality Improvement Plan for the Vasse Wonnerup Wetlands and Geographe Bay.