

Leeuwin-Naturaliste Ridge Draft Statement of Planning Policy Report

**A submission to the Western Australian Planning Commission
prepared under Section 16 of the Environmental Protection Act**

Advice of the Environmental Protection Authority

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1. Introduction

The purpose of this report is to provide the Environmental Protection Authority's (EPA) advice under Section 16 (j) of the Environmental Protection Act on the Leeuwin-Naturaliste Ridge draft Statement of Planning Policy Report (Western Australian Planning Commission, 1997).

In its consideration of the draft Statement of Planning Policy (SPP) the EPA acknowledged that the SPP is proposed to be a "high level" planning document and its implementation will be through subsequent strategic and statutory planning instruments, such as a possible region scheme, town planning schemes and local rural strategies. The purpose of the EPA's advice is to provide guidance to the planning agencies on the environmental issues relevant to subsequent strategic and statutory planning mechanisms. The EPA expects that the planning agencies will give due regard to this advice in the formulation of these mechanisms so that the environment will be adequately protected.

The integration of environmental issues alongside other landuse considerations during the early stages of planning should reduce the number of assessments by the EPA.

The EPA has determined that the following environmental matters are relevant to the draft SPP:

- Vegetation - retention and conservation of remnant vegetation;
- Water - protection of significant water resources;
- Coastal Development - protection of coastal processes and coastal environment;
- Karst - protection of karst areas and related areas of influence;
- Roads and Other Access - avoidance of adverse environmental impacts; and
- Landuse Buffers - protect sensitive land uses from adverse off-site environmental impacts.

Specific advice on each of these matters is provided in Section 4.

2. Background

The Western Australian Planning Commission (WAPC) released the draft Leeuwin-Naturaliste Statement of Planning Policy Report for public comment in May 1997. The WAPC requested the EPA to provide advice under Section 16 of the *Environmental Protection Act (1986)* in parallel with the public review period.

Following the public consultation phase the final SPP will be presented for adoption to the WAPC and forwarded to the Minister for Planning for final approval before enactment by the Governor of Western Australia.

Once finalised, the Leeuwin-Naturaliste Ridge Statement of Planning Policy Report will provide the strategic planning framework for the development of land and near shore waters between Cape Naturaliste and Cape Leeuwin and west of Bussell Highway (Figure 1).

The SPP will present a description of the future planning aspirations for the policy area. The intent of the SPP will be reflected as general policies, Policy Statements, and the presentation of a Land Use Strategy Plan that identifies the location and style of settlements, conservation of the natural and cultural landscape, principal agricultural areas, main tourist nodes, and strategic infrastructure requirements.

The SPP will be implemented through subsequent levels of planning, notably, a proposed future Region Scheme and town planning schemes for the area.

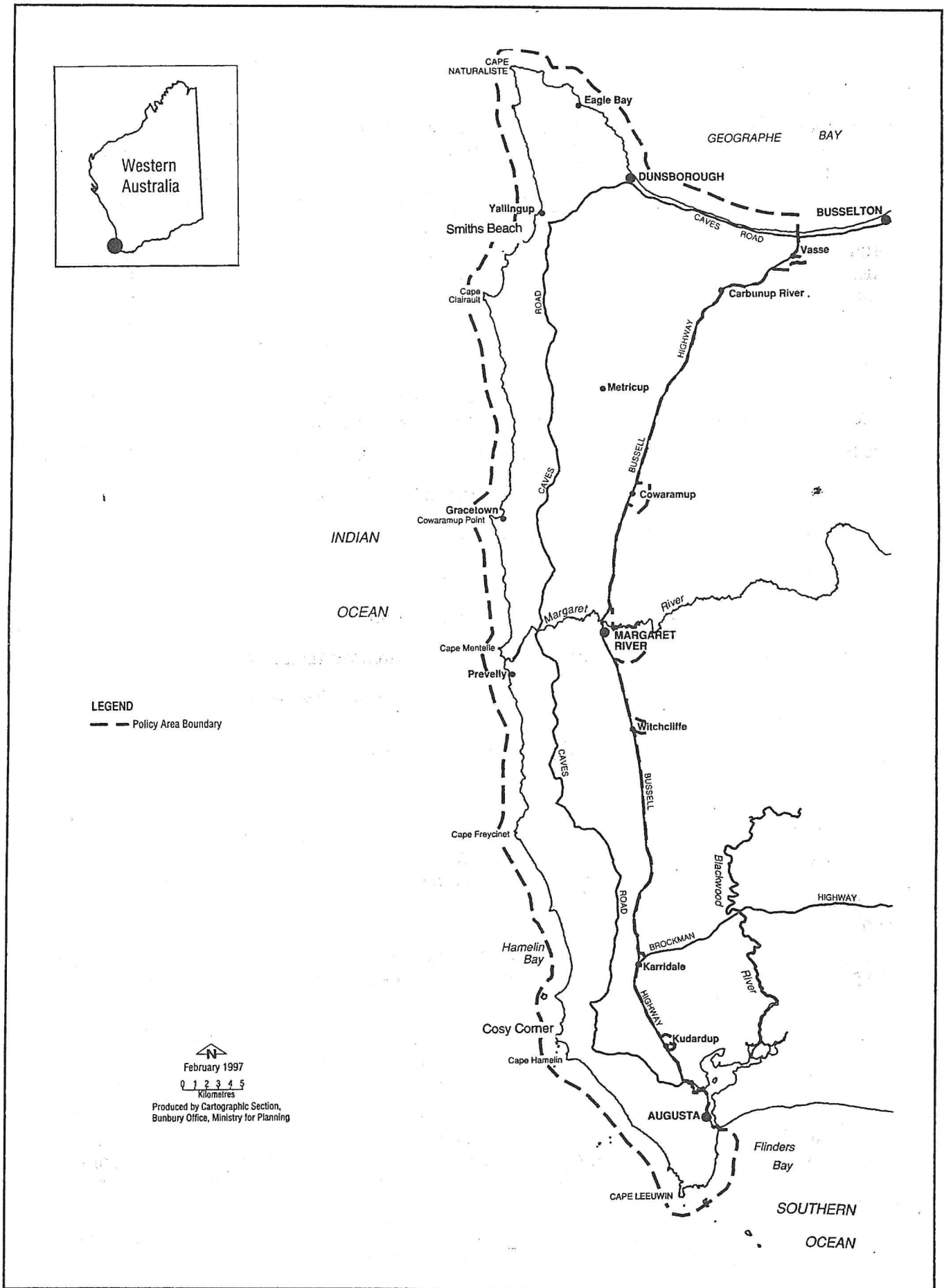


Figure 1. SPP area (Source: Western Australian Planning Commission, 1997).

3. Status and purpose of the advice

In its consideration of the draft SPP, the EPA acknowledged that the SPP, once finalised, will be a "high level" planning document and its implementation will be through subsequent strategic and statutory planning instruments. The intent of the EPA's advice in this Bulletin is to identify environmental matters requiring further consideration and integration in future planning processes.

The EPA's comments and advice contained in this Bulletin are provided under Section 16 (j) of the Environmental Protection Act which enables the EPA "to publish reports on environmental matters generally". Consequently, the proposed region scheme and subsequent future town planning schemes and scheme amendments will be required to be referred to the EPA in accordance with Section 48(a) of the Environmental Protection Act.

The purpose of this advice is provide guidance to the planning agencies on the environmental issues relevant to the subsequent planning instruments. It is expected that the planning agencies will give due regard to this advice in the formulation of the proposed region scheme or town planning schemes so that the environment will be adequately protected.

The advice contained in this bulletin was formulated by the EPA based primarily on input from the Department of Environmental Protection (DEP).

4. Discussion of the environmental matters

4.1 Overview

The EPA supports the vision and overall objectives developed for the draft Leeuwin-Naturaliste Ridge draft Statement of Planning Policy. The Policy has drawn together a considerable amount of information about the environment in the area and has generally recognised the value of this environment. The environment is acknowledged not only for its natural values, but also for the important role the environment plays in the economic and social well-being of the community.

The intent of the draft SPP is to promote sustainable development, conservation, and land resource management for the future.

It is clear that the SPP is intended to be a policy statement pitched at a high level, preferring to give broad approaches in meeting its objectives rather than providing specific land use controls as have previous SPPs (for example the Peel-Harvey Swan Coastal Plain SPP and the draft SPP for the Jandakot Mound Public water supply area). In adopting this higher level approach the WAPC is providing more flexibility for subsequent planning levels. In so doing, however, it will lead to case-by-case interpretation of the SPP and greater variation of outcomes. The EPA, whilst supporting this higher level policy approach, believes that more specific advice on the desired environmental outcomes for the area are required, to guide the implementation of the SPP through the later planning stages. This Bulletin contains that advice.

4.2 Identification of specific environmental matters

The EPA has determined that the following are environmental matters relevant to the SPP:

- Vegetation - retention and conservation of remnant vegetation;
- Water - protection of significant water resources;
- Coastal Development - protection of coastal processes and coastal environment;
- Karst - protection of karst areas and related areas of influence;
- Roads and Other Access - avoidance of adverse environmental impacts; and

- Landuse Buffers - protect sensitive land uses from adverse off-site environmental impacts.

These matters are discussed below.

4.3 Vegetation

The EPA's objective is to maintain the abundance, species diversity, geographic distribution and productivity of vegetation types and communities.

Retention and protection of remnant vegetation is a key component in maintaining the environmental quality of the draft SPP area. The EPA recognises that there is remnant vegetation in the Leeuwin-Naturaliste area that:

- requires special management,
- is considered to have regional significance; or
- contains Threatened Community types within the policy area.

The following sections discuss the major issues pertaining to remnant vegetation in the draft SPP area.

Clearing of vegetation

The draft SPP states that any proposal to clear vegetation will require planning approval and that there will be a general presumption against clearing remnant vegetation. Clearing will only be supported where the need has been established for safety or for specific building requirements. The EPA supports these restrictions on clearing.

The SPP will provide a higher level strategic framework for protecting remnant vegetation. This will complement the Memorandum of Understanding for the protection of remnant vegetation on private land in the agriculture region of western Australia.

Conservation on private land - compatibility of uses with the National Park

The draft SPP includes a Land Use Strategy Plan that has established a number of land use categories to allow compatible uses adjacent to the Leeuwin-Naturaliste National Park. These land use categories include Principal Ridge Protection, Ridge Landscape Amenity Area and National Park Influence Area (refer to Figure 5 in the draft SPP document). The Principal Ridge Protection category offers the highest level of protection and also allows for strategic additions to the National Park. In general, these initiatives are supported.

The EPA expects that the planning agencies will give the following advice during the formulation of the proposed regional scheme and local planning schemes.

Conservation on private land - other initiatives

The draft SPP proposes two other significant initiatives for conservation on private land. These are Regional Environmental Corridors and a Wetland Amenity Area.

The draft SPP identifies regional environmental corridors that provide strategically important environmental linkages between sections of national park and other conservation areas. Local environmental corridors are encouraged along roads, streams, wetlands and linkages between existing blocks of remnant vegetation. The corridors indicated in the Land Use Strategy Plan will be implemented by planning agencies through future local rural strategies and town planning schemes.

The EPA generally supports the policy statements and land use strategies related to conservation contained in the draft SPP. The Wetland Amenity Area is discussed in more detail in Section 4.4.

Consolidation and management of the Leeuwin Naturaliste National Park

The draft SPP supports the consolidation of the Leeuwin-Naturaliste National Park to form a continuous strip along the coast between Cape Leeuwin and Cape Naturaliste. The EPA considers that the priority should be to increase the width of the national park through the acquisition of land adjacent to the National Park. Priority for additions to the National Park should be in the vicinity of Smiths Beach, Cape Clairault, Gracetown, Cape Mentelle, Prevelly and Cosy Corner (south of Hamelin Bay) where the National Park is very narrow in sections or not continuous (Figure 1).

Careful consideration of the impacts of any proposed spur roads to access the coast through the National Park is required. The location and frequency of these access roads should be determined in consultation with CALM and consideration of the management of the areas accessed should be included in these consultations.

Bunker Bay to Eagle Bay area

The remnant vegetation in the Bunker Bay to Eagle Bay area includes vegetation considered to be regionally significant and contains Threatened Ecological Communities. Much of this area is designated as Ridge Landscape Amenity Area in the draft SPP. In the Ridge Landscape Amenity Area there is a presumption against further subdivision and development is restricted to low impact uses consistent with the values of the ridge and adjoining National Park. Although maintaining or enhancing the conservation and landscape values is the primary criteria against which proposals will be assessed, and there is a general presumption against clearing remnant vegetation, the vegetation considered to be regionally significant should be provided adequate protection. The DEP will provide further advice in relation to regionally significant vegetation during the assessment of future planning schemes.

Carbunup townsite

The draft SPP identifies Carbunup River as the location for a hamlet with a target population of less than 500. Adjacent to the existing Carbunup townsite is a vegetation community known to be threatened or poorly reserved. This plant community along with others were recognised by the EPA as being in need of protection and were identified as requiring interim recognition prior to the release of the System 6 update report.

The EPA informed all the land owners, appropriate local authorities and state government agencies of the importance of this area and advised that any proposals to development this area should be referred to the EPA for environmental assessment.

Mechanisms for protection of this area in the long term should be established. The EPA recommends that this area of vegetation should be included in a Conservation Reserve.

4.4 Water

The EPA's main objective is to protect significant water resources. In the Leeuwin-Naturaliste Ridge area these are public water supply areas, wetlands and watercourses.

The protection of water quality and quantity are key factors in the maintenance of the environmental qualities of the area. The draft SPP recognises this characteristic and states that water resources will be allocated and managed to balance and sustain the environmental, cultural and economic values of the area.

The EPA considers that the following aspects of water management in the draft SPP area are worthy of further comment.

Effluent disposal

The draft SPP considers that reticulated sewerage should be provided unless proponents can demonstrate suitable alternative technologies. The EPA supports this requirement.

Effluent disposal in the Commonage special rural zone will need to be managed carefully because it could impact the water supply area for Dunsborough.

Residential development and associated septic tanks at Prevelly Park has been linked with contamination of groundwater. The draft SPP states that further development in this area is to be in accordance with designated areas in approved structure plan and gazetted town planning schemes. The EPA considers that in the absence of a reticulated sewage treatment system at Prevelly there is likely to be limited scope for expansion without adverse environmental impacts.

The EPA has been advised that there could be a water quality problem at the mouth of Margaret River. The EPA recommends that this issue should be further investigated as part of future proposals for the catchment within the SPP area.

Watercourse protection

The draft SPP encourages the establishment of environmental buffers of native vegetation around rivers, streams, lakes and wetlands. Local government is also encouraged to establish land use controls over activities within designated stream / drainage buffers based on consultation with the Water and Rivers Commission and Land Conservation District Committees.

The draft SPP provides limited information about surface water, including watercourses and wetlands. These should be given greater recognition in subsequent levels of planning, and mechanisms for protection should be proposed. This could occur through the establishment of an additional landuse category for surface water features and should focus on the protection of these areas. The EPA recommends that the waterways and their environmental buffers be included in a watercourse protection category.

Wetland amenity area

The draft SPP designates an area near the Geographe Bay coastline as Wetland Amenity Area (refer to Figure 5 in the draft SPP document). The Wetland Amenity Area, includes an area of wetlands known as The Broadwater, which are protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 (EPP). The wetlands are also included in the recommendations of the EPA's Conservation Through Reserves Committee (System 1-Recommendation 1.2).

A wetland contained in the EPP is protected by the Environmental Protection Act 1986 from unauthorised filling, mining, clearing of emergent and fringing vegetation, water abstraction (Crown land wetlands only) and harmful agricultural drainage works in the catchment.

The System 1 recommendations focus on the protection of the wetland habitats, particularly for usage by waterbirds.

The landuse strategies contained in the draft SPP offer some protection for The Broadwater wetland areas, but more specific controls and criteria would result in greater protection of the conservation values of the wetland area.

The Broadwater wetlands will need to be recognised in future planning strategies and statutory planning processes. The wetlands and surrounding buffer vegetation could be included within the additional category for surface water features that is discussed above. Specific controls and criteria would result in greater protection of the conservation values of the wetland area. Development within this area or development likely to impact on the area would require referral to the EPA.

4.5 Coastal development

The EPA's main objectives in relation to coastal development are to protect coastal processes and to ensure that necessary additions to the National Park are not compromised as a result of coastal development.

The measures in the draft SPP relating to coastal protection are generally supported. However, as discussed earlier the EPA supports the consolidation of the Leeuwin-Naturaliste National Park with priority given to additions to the National Park in the vicinity of Smiths Beach, Cape Clairault, Gracetown, Cape Mentelle, Prevelly and Cosy Corner (south of Hamelin Bay) where the National Park is very narrow in sections or not continuous. This may mean that some of the coastal development nodes could be constrained by the need for future additions to the National Park or the need for adequate sewage management provisions.

4.6 Karst

The high conservation and scientific value of the cave systems (karst environment) is acknowledged in the draft SPP although the specific karst areas and areas of influence are not clearly defined. Mechanisms proposed for protection include controls on any development that may interfere with ecological process, surface and groundwater quality, and evaluation of potential adverse impacts of development in the vicinity of cave features.

It is recommended that the planning agencies coordinate further investigation, to the satisfaction of the EPA, to identify karst areas that require protection, appropriate buffers and special management considerations. The outcome of this work may require future modifications to the SPP.

4.7 Roads and other access

Roads and other forms of access to areas within the Policy area can result in deterioration of the environment through fragmentation, barriers to migration for some species, erosion, loss of vegetation and/or deterioration of water quality in adjacent streams. As such the location and form of existing and proposed roads needs to be carefully considered and recognised by the SPP.

Caves Rd

The SPP supports the widening and straightening of Caves Road only where it can be demonstrated there is an overriding safety issue that cannot be overcome by other traffic management techniques. The EPA may require assessment of upgrading to some sections of the road depending on the extent and severity of potential environmental impacts (particularly with respect to vegetation).

New roads

The draft SPP states that new roads will consider traffic function, safety and aesthetic tourism appeal. Potential environmental impacts should also be acknowledged as a consideration for any future road proposals.

The main environmental issues associated with the proposed new roads are impacts on significant vegetation, watercourses and wetlands. Issues such as erosion, sedimentation, salinisation, and waterlogging should also be recognised. The EPA may require assessment of any new road depending on the extent and severity of potential environmental impacts.

Coastal walk / cycle trail

The proposal for a coastal walk / cycle trail is supported. The EPA recommends that measures to prevent vehicular access should be implemented.

4.8 Landuse buffers

The EPA's objective is to protect sensitive land uses from adverse off-site environmental impacts through the provision of appropriate buffer areas.

Viticulture

The DEP's draft Code of Practice for Vineyards recommends that a new vineyard should not be established within 500 metres of a zoned residential area, and rural land should not be rezoned to residential (including tourist accommodation) within 500 metres of an established vineyard or an area set aside as being of prime agricultural / horticultural land.

A Joint Industry and State Agency Working Group has been meeting since July 1997 to discuss the buffer requirements around vineyards. A recent recommendation of these meetings has been to allow a variation of the vineyard buffer requirements in some situations. One such situation is where a vineyard is part of a residential subdivision proposal and there is agreement between the landholders that a variation is appropriate. More details of these changes will be published in the final code of practice due for release early in 1998.

Wastewater treatment plants

Buffer distances around wastewater treatment plants should be determined in consultation with the EPA. Buffers are determined on a case-by-case basis and are dependent on wind regime, topography, waste loading, treatment / disposal methods and design capacity.

It is recommended that a strategic assessment of the capacity of the environment to accept treated wastewater from the proposed settlements be conducted to ensure the proposed size and location of the settlements can be supported by the adjacent environment.

5. Conclusion

The Western Australian Planning Commission (WAPC) and the Shires of Augusta-Margaret River and Busselton are to be congratulated on the preparation of the draft Statement of Planning Policy for the Leeuwin-Naturaliste Ridge area. The preparation of the draft SPP has recognised the importance of protecting and managing the environment, as well as the significant role of the environment in the economic and social development of the region.

The EPA supports the intent of the draft SPP and generally supports the policies it contains. However, the EPA believes that more specific advice on the desired environmental outcomes for the area is required to guide the implementation of the final SPP through the later strategic and statutory planning stages. The intent of the EPA's advice in this Bulletin is to identify environmental matters requiring further consideration and integration in future planning processes.

6. References and bibliography

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