



Chief Executive Officer  
Shire of Mingenew  
PO Box 120  
**MINGENEW WA 6522**

Our Ref: CMS17367  
Enquiries: Tiffany Cullinane, 6364 7600  
Email: [Tiffany.Cullinane@dwer.wa.gov.au](mailto:Tiffany.Cullinane@dwer.wa.gov.au)

Dear Sir/Madam

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

**SCHEME:** Shire of Mingenew – Local Planning Scheme 4  
**LOCATION:** Shire of Mingenew  
**RESPONSIBLE AUTHORITY:** Shire of Mingenew  
**DECISION:** Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

Thank you for referring the above proposed 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.

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 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 black ink, appearing to be 'P. Seares', with a long horizontal flourish extending to the right.

**Patrick Seares**  
**Delegate of the Environmental Protection Authority**  
Executive Director EPA Strategic and Guidance

2 July 2018

Encl. Scheme Advice and Recommendations

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

**Shire of Mingenew Local Planning Scheme 4**

**Location: Shire of Mingenew**

**Determination: Scheme Not Assessed – Advice Given (no appeals)**

**Determination Published: 2 July 2018**

**Summary**

The Shire of Mingenew has proposed Local Planning Scheme No. 4 (LPS No. 4) to replace existing Local Planning Scheme No. 3.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the LPS No. 4 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 Mingenew (the Shire). The EPA notes that the various changes to zones and reserves with the area covered by the Shire's current scheme are to predominately bring the zone and reserve designations into alignment with the Model Provisions in Schedules 1 and 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Having considered this matter the following advice is provided.

**1. Environmental Factors**

Having regard to EPA's Statement of Environmental Principles, Factors and Objectives, the EPA has identified the following preliminary environmental factors relevant to this scheme:

- a) Flora and Vegetation,
- b) Terrestrial Fauna,
- c) Inland Waters Environmental Quality,
- d) Air Quality, and
- e) Social Surroundings.

**2. Advice and Recommendations Regarding Environmental Factors**

Areas of land within LPS No. 4 contain native vegetation, threatened and priority flora, threatened ecological communities, threatened fauna and fauna habitat and inland water values. Prior to future development, flora and vegetation and fauna surveys should be undertaken where required to determine potential environmental impacts and inform areas to be retained, protected and managed. Native vegetation within the Shire consists of underrepresented Vegetation Associations 354 and 379 which should be retained for conservation. Proposals raising environmental issues which are likely to have a significant impact on the environment should be referred to the EPA pursuant to Part IV s38 of the EP Act. Clearing permits may also be required for future development pursuant to Part V of the EP Act.

The EPA supports the additional provisions and environmental management measures proposed within Special Control Area (SCA) Public Drinking Water Source Protection Area (PDWSA). When determining development proposals in the SCA area, due regard will be

given to State Government policies and land use compatibility guidance when determining future land use in this area. Consultation will also occur with the Department of Water and Environmental Regulation (DWER) on any development application or impact within the SCA which may cause pollution risks to the PDWSA.

The EPA supports that certain land uses such as abattoir, piggery, power station, fish processing, tannery and wool scouring are not permitted within the SCA. The EPA also supports the referral of development applications to the DWER for advice prior to determination of any application which has the potential to increase nutrient loading, (e.g. poultry farm or piggery), intensification of fertiliser or pesticide application, storage of chemicals, fuels or polluting substances, increase in surface water runoff or any other impact the Shire considers may have an impact on the quality of public drinking water.

Future development within the 'General Industry' zone should be located appropriately so that potential environmental impacts can be isolated from sensitive land uses. The EPA considers that potential impacts associated with industrial activities such as noise, dust and odour can be well managed through consideration of current land zonings and separation distances from sensitive land uses, to minimise impacts on social surroundings.

### **Recommendation**

The EPA concludes that the scheme can be managed to meet the EPA's environmental objectives for the above factors through local planning scheme provisions, future surveys to further identify, manage, and protect the above environmental values and factors, where required. Future development proposals will need to consider the requirements of Part IV and V of the EP Act for environmental impact and clearing permit assessments.