

Mrs Andrea Selvey
Chief Executive Officer
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CARNARVON WA 6701

Our Ref: APP-0000274
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Dear Mrs Selvey

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

SCHEME	Shire of Carnarvon Local Planning Scheme 13 Amendment 6
LOCATION	Lot 500 North River Road, North Plantations
RESPONSIBLE AUTHORITY	Shire of Carnarvon
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given (Not Appealable)

Thank you for referring the above 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 the EPA's Determination is attached and, together with the advice and recommendations, will be made available to the public via the EPA website.

Yours sincerely



Prof. Matthew Tonts
Chair of the Environmental Protection Authority

29 March 2023

Encl. EPA Determination
Scheme Advice and Recommendations

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

Shire of Carnarvon Local Planning Scheme 13 Amendment 6

Location: Lot 500 North River Road, North Plantations

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

Determination Published: 3 April 2023

Summary

Amendment 6 proposes to reclassify Lot 500 North River Road, North Plantations from 'Environmental Conservation' reservation to 'Priority Agricultural' zone, to facilitate the expansion of horticultural activities on the Lot. The proposed rezoning will also provide for new permitted and discretionary land uses at Lot 500 consistent with the 'Priority Agricultural' zoning. It is noted that this rezoning is consistent with the surrounding land uses and broader Gascoyne food bowl.

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 provided by the Shire of Carnarvon (the Shire) to this amendment, and information obtained through its own enquiries. 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 Environmental Quality
- Inland Waters

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation & Terrestrial Environmental Quality

The southern portion of Lot 500 is zoned 'Priority Agricultural' under the Shire's Local Planning Scheme 13 (LPS 13) and is used for existing horticultural purposes, a dwelling and associated buildings. The northern portion of Lot 500 is zoned 'Environmental Conservation' reserve under LPS 13 and contains remnant native vegetation.

The intent of the amendment is to provide for the expansion of the existing horticultural operations in the southern half of the Lot, which will likely require the removal of any remaining native vegetation in the north of the Lot. As such, the EPA considers that potential impacts from implementation of the amendment may result in the clearing of native vegetation, indirect impacts to nearby native vegetation, soil erosion, and soil loss or contamination from future horticultural activities within the Lot.

The EPA notes the provisions at Schedule 5 of LPS 13 to manage and protect native vegetation within 'Priority Agricultural' zoned areas, including the requirement for a 'Level 2' flora and vegetation survey (now referred to as a 'detailed' survey) to be undertaken prior to subdivision or development. The EPA also notes that in accordance with Part V of the EP Act, a Native Vegetation Clearing Permit (NVCP) may be required to clear vegetation associated with the future development of horticultural operations in the amendment area.

The EPA understands the proposed amendment provides for other permitted and discretionary land uses at Lot 500, consistent with the 'Priority Agricultural' zone. The EPA notes that a future development application would likely be required to implement any of the 'discretionary after advertising' land uses under the proposed new zoning, including:

- Abattoir (Allowable ('A'))
- Animal Husbandry ('A')
- Garden Centre ('A')
- Winery ('A')

These land uses have the potential to result in environmental impacts. As such, future proposals for said land uses may qualify as prescribed premises and require a works approval or licencing under Part V of the EP Act. It is expected that future proposals that appear likely, if implemented, to have a significant effect on the environment will be referred to the EPA under Part IV of the EP Act.

Inland Waters

Lot 500 is located on the northern banks of the Gascoyne River and within the associated 1 in 100 Annual Exceedance Probability (AEP) Floodplain. Two designated floodways from the Gascoyne River are located east and west of the amendment area, and direct flows northwards towards Miaboolya Beach.

As above, whilst the EPA acknowledges that future horticultural activities implementable by the amendment are consistent with the surrounding land uses, other discretionary land uses may also be implementable under the 'Priority Agricultural' zone. As such, implementation of the amendment may contribute to the discharge of polluted and/or contaminated waters from the flooding of areas supporting high-nutrient land uses.

The EPA notes existing provisions at Schedule 5 of LPS 13 relate to the management of stormwater, wastewater, and floodplain requirements for development. However, given the location of the Lot within the horticultural district and its proximity to Gascoyne Food Bowl Initiative the Shire should consider whether land uses (other than horticulture) are appropriate.

As above, it is expected that future proposals that appear likely, if implemented, to have a significant effect on the environment will be referred to the EPA under Part IV of the EP Act.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing scheme provisions. The EPA notes that further impacts may be mitigated through future planning requirements and other statutory processes, including requirements under Part V of the EP Act. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.