

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

Shire of Esperance Local Planning Scheme No. 24 - Amendment No. 12

Location: Lot 12 Coolgardie-Esperance Highway, Myrup

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

Determination Published: 30 April 2026

Summary

The amendment proposes to rezone Lot 12 Coolgardie-Esperance Highway, Myrup from Rural to Rural Smallholdings, amending the Scheme text to create an additional use, add a restricted use and amend the Scheme maps accordingly.

The Environment 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. 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 requiring advice:

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

Advice and Recommendations regarding the Environmental Factors

Flora and vegetation and Terrestrial fauna

The EPA advises that implementation of the scheme amendment may impact on vegetation, including vegetation mapped as Proteaceae Dominated Kwongan Shrubland listed as an endangered threatened ecological community (TEC) under *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and as a State-listed priority 3 (P3) priority ecological community (PEC). The EPA also notes the recorded presence of the Wood Sandpiper (*Tringa glareola*) within the Amendment area, which is a migratory species listed under the EPBC Act.

The EPA advises that future development resulting from implementation of the amendment, including building envelopes, lot boundaries and clearing for bush fire management purposes, should avoid impacts to TEC/PEC occurrences and habitat for migratory fauna species. Landgate's Shared Location Information Platform (SLIP) available at www.data.wa.gov.au/slip provides publicly available spatial information layers to assist in identifying environmental values. The Department of Biodiversity, Conservation and Attractions (DBCA) should also be contacted for more detailed information to assist in subdivision design.

The EPA considers that the existing provisions in Schedule 1 clause 29 of the Scheme, which do not support the removal of the TEC, can assist in protecting and mitigating potential impacts to native vegetation and occurrences of TEC within the Amendment area. The EPA also notes that the Western Australian Planning Commission (WAPC) will consider future subdivision applications consistent with the *Planning and Development Act 2005* and that future planning processes will assist in managing potential impacts to flora and vegetation and terrestrial fauna. Additionally, given the presence of TEC and migratory species listed under the EPBC Act, the EPA advises that proposed actions likely to have a significant impact on Matters of National Environmental Significance must be referred to the Commonwealth for a decision as to whether assessment is required under the EPBC Act.

Inland waters and Social surroundings

The EPA advises that implementation of the scheme amendment may impact inland waters values within the Amendment area, including the wetland basins identified in Wheatbelt Wetlands Stage 1 mapping undertaken by DBCA and associated groundwater.

The EPA notes the proposed Special Provisions for the Amendment area require: (1) subdivision to be generally in accordance with the Concept Subdivision Plan that has been prepared as part of the Amendment; and (2) a wetland management plan to be prepared and implemented as a condition of subdivision approval. The EPA advises that the DBCA Wheatbelt Wetlands Stage 1 mapping identifies additional wetland areas in the Amendment area to those identified in the Concept Subdivision Plan. The DBCA's Wheatbelt Wetlands Stage 1 mapping is also publicly available on Landgate's SLIP available at www.data.wa.gov.au/slip. The Concept Subdivision Plan should be amended to include all wetland areas, with lot boundaries and location of building envelopes modified to avoid potential impacts on the wetlands and their buffers. The EPA supports proposed revegetation of wetland buffers, noting that it should not adversely impact TEC/PEC occurrences, and expects this to be addressed in the wetland management plan, developed with advice of DBCA.

The EPA notes that the proposed rezoning to 'Rural Smallholdings' with an additional use of 'Industry – Light' allows for potentially contaminating land uses which may impact on groundwater quality and quantity and the wetlands in the Amendment area. The EPA encourages the local government to apply appropriate discretion in its decision making on future land use and development where it has the potential to impact the wetland values in the Amendment area. The EPA also notes that future subdivision and development is required to be consistent with *State Planning Policy 2.9 Water* (SPP 2.9).

The EPA does not expect the proposed zoning and change of land use to create any new or adverse impacts on social surroundings. The EPA notes the proposed Special Provision requiring notifications on titles advising owners of potential noise impacts from the nearby motorsport facility. Future planning processes should also have regard to the EPA's *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for flora and vegetation, terrestrial fauna, inland waters and social surroundings through existing and proposed local planning scheme provisions, and future local planning requirements (subdivision and development approval). The EPA expects its advice is implemented to further mitigate and manage potential impacts to the above environmental factors.