



## Environmental Protection Authority

Mr Stan Scott  
Chief Executive Officer  
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**TOODYAY WA 6566**

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Dear Mr Scott

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

**SCHEME:** Shire of Toodyay Local Planning Scheme 5  
**LOCATION:** Shire of Toodyay  
**RESPONSIBLE AUTHORITY:** Shire of Toodyay  
**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. I have also attached a copy of the Chairman's determination of the scheme.

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 Chairman's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



**Anthony Sutton**  
**Delegate of the Environmental Protection Authority**  
Executive Director  
EPA Services

3 April 2020

Encl. Scheme Advice and Recommendations  
Chairman's Determination

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

**Shire of Toodyay Local Planning Scheme 5**

**Location:** Shire of Toodyay

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

**Determination Published:** 6 April 2020

**Summary**

The Shire of Toodyay (Shire) has initiated a new Local Planning Scheme 5 (LPS 5) to replace its existing Local Planning Scheme 4 (LPS 4). The new scheme proposes a number of changes including the rezoning of land, new zones and reserves to align the scheme with planning regulations, and changes to correct errors in the Shire's existing LPS 4.

The Environmental Protection Authority (EPA) has considered LPS 5 in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers LPS 5 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 and the Western Australian Planning Commission (WAPC). Having considered this matter, the following advice is provided.

**1. Environmental Factors**

The EPA has identified the following preliminary environmental factors relevant to LPS 5:

- Flora and Vegetation;
- Terrestrial Fauna;
- Subterranean Fauna;
- Landforms;
- Terrestrial Environmental Quality;
- Inland Waters;
- Air Quality; and
- Social Surroundings.

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

The EPA acknowledges the intention of the Shire to zone and reserve land to better reflect already existing land uses and correct errors in the existing LPS 4.

The EPA notes the WAPC have advised the Shire it requires modifications to the scheme as initiated by the Shire. One of these modifications is for the zoning table to require 'Mining Operations' to be a 'D' Use in all zones. Subsequently, the EPA would expect that some future mining proposals within these zones may lead to environmental impacts to the above factors. As sufficient information in relation to the range of environmental impacts associated with future mining proposals under these zones is not available to the EPA in considering the LPS, the EPA reminds the Shire of its obligation to refer future significant proposals to the EPA pursuant to Part IV of the EP Act. This approach would also apply to any significant proposal within the Shire.

The EPA supports the following modifications to the LPS 5 maps prior to finalisation of the scheme:

- Reinstatement of the foreshore reserve on the unallocated Crown Land immediately adjacent to and south-west of Lot 78 River Road;
- Lots F 61 and F 64, land reserved for State Forest, to be shown as State Forest Reserve;
- Lots 21 and 22 Frank Venn Road, Hoddys Well to be shown as Rural zone;
- Lot 501 Julimar Road, West Toodyay, a vegetated crown reserve, to be shown as a Public Open Space reserve;
- Lot 1 (480) and Lot 29 (488) Julimar Road, West Toodyay to be shown as Rural Residential zone;
- Lot 69 (211) Drummondi Drive, Toodyay to be shown as Rural Residential zone; and
- Lot 777 (9) Drummond Street, Nunile to be shown as Rural Residential zone.

### **Conclusion**

The EPA concludes the scheme can be managed to meet the EPA's environmental objectives, through the implementation of the proposed local planning scheme provisions and existing planning controls. Future detailed stages of planning and proposals should also further identify, manage and protect the above environmental factors. In instances where the Shire believes there may be significant environmental issues raised by a proposal, the Shire should refer the proposal to the EPA pursuant to Part IV of the EP Act.