

Mr David Blurton
Chief Executive Officer
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Our Ref: CMS 17873
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Dear Mr Blurton

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

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|------------------------------|---|
| SCHEME | Shire of Collie Local Planning Scheme 5 Amendment 7 |
| LOCATION | Whole of schema area; Lots 557 - 563 DP 67882 Premier Road Shotts (Shotts Strategic Industrial Area) |
| RESPONSIBLE AUTHORITY | Shire of Collie |
| 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. I have also attached a copy of the Deputy Chair'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

A handwritten signature in black ink, appearing to read 'A. Sutton', with a horizontal line extending from the end of the signature.

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

23 November 2020

Encl. Deputy Chair's Determination
Scheme Advice and Recommendations

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

Shire of Collie Local Planning Scheme 5 Amendment 7

Location: Whole of Scheme area; Lots 557-563 DP 67882 Premier Road Shotts

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

Determination Published: 23 November 2020

Summary

The Shire of Collie proposes to amend LPS 5 to increase the range of permissible land uses to allow industry not related to coal to be permitted, and include further structure planning provisions for Lots 557-563 DP 67882 Premier Road Shott (Shotts Strategic Industrial Area); and to include additional land use definitions and update the zoning table with additional land uses for the whole scheme area.

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 based on the information it has to date, and given the limited scope of the scheme amendment, the scheme amendment itself is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. However the site the subject of the scheme amendment has potentially significant environmental constraints, so the scheme amendment does warrant advice and recommendations being given.

The EPA also recommends a strategic proposal for Lots 557-563 be referred to the EPA pursuant to Part IV of the EP Act because future proposals may be likely to have a significant effect on the environment which have not been able to be assessed by the EPA as part of this scheme amendment.

The EPA advises there has been past formal assessment and condition setting regarding the Collie Urea Project (Ministerial Statement 842) addressing black cockatoo fauna habitat loss, noise, air quality, greenhouse gas and decommissioning. There has also been approval issued under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the Shotts Industrial Park Structure Plan (SIPS) area (ref. 2009/5086) for the proposed clearing at Collie Shotts Industrial Park, with conditions relating to vegetation retention and rehabilitation. Even though these past approvals may not apply to future proposals, the assessment for, and subject matter of those approvals, should be considered in assessing the environmental constraints of the site for future proposals.

The EPA has based its decision on the documentation provided by the Shire of Collie. Having considered this matter the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation;
- Terrestrial Fauna;
- Inland Waters; and
- Terrestrial Environmental Quality

2. Advice and Recommendations regarding Environmental Factors

Flora and Vegetation and Terrestrial Fauna

The amendment area contains approximately 121 hectares of native vegetation. This vegetation is well represented regionally; however the amendment area is located within the Wellington Dam catchment area and as such the vegetation is potentially significant in maintaining water quality and preventing further salinisation of water resources. This has not been able to be assessed by the EPA at this stage. Any proposed clearing of vegetation may also require a clearing permit under Part V of the EP Act and the *Country Areas Water Supply Act 1947*.

The site also contains potential habitat for conservation significant terrestrial fauna species including the Chuditch and threatened species of black cockatoo listed under both the *Biodiversity Conservation Act 2016* and the EPBC Act. A number of regionally significant species may also occur in the amendment area including the Brush-tail Phascogale, Brush Wallaby and Quenda. The potential impact of any development on the site on these species has not been able to be assessed by the EPA at this stage.

The EPA supports scheme provisions included in the amendment modifications endorsed by Council, 27 October 2020, requiring structure planning to identify and manage the above values. The EPA recommends the following:

- The identification of any environmentally sensitive locations, informed by contemporary surveys, including wetlands, and flora, vegetation, fauna habitat and habitat corridors which may be likely to be significantly effected
- The management of environmentally sensitive locations, including wetlands, flora, vegetation, fauna habitat and habitat corridors, to meet EPA objectives
- Identification of values and impact management measures informed by flora, vegetation and fauna surveys consistent with the relevant EPA Technical Guidance.
- Management and mitigation of impacts to the adjacent State Forest consistent with EPA Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas*.
- Management measures to prevent the introduction and spread of *Phytophthora cinnamomi* (dieback) to adjacent State Forest which may occur as a result of development of the site.
- The scheme text should be amended to be consistent with statutory threshold requirements for consideration of whether there are likely to be significant impacts to flora and fauna effects and disturbance, taking into account the *Environmental Protection Act 1986*, *Environment Protection and Biodiversity Conservation Act 1999* and *Biodiversity Conservation Act 2016*.

The EPA recommends that Schedule 4 – Special Use zone No. 11 2.ii. be modified to also include:

The identification and management of environmentally sensitive locations, including possible contaminated sites, underground mine workings, wetlands, and likely significant flora, vegetation, fauna habitat and habitat corridors

Inland Waters and Terrestrial Environmental Quality

Development of the site for the proposed land uses has the potential to impact groundwater and surface water quality and pre-development hydrology, including through increased

sediment, nutrient and contaminant loads. Clearing of vegetation and a rise in the groundwater table also has the potential to cause increased salinity. These impacts are likely to be managed through implementation of water management planning for the site, as required by structure planning. The EPA recommends water management planning should maintain or improve groundwater and surface quality, and pre-development hydrology, and consider requirements for wetland management to ensure that EPA objectives are met.

Where on-site effluent disposal is proposed, the EPA recommends development should be consistent with the Government Sewerage Policy (2019 Department of Health, Department of Planning, Lands and Heritage, Department of Water and Environmental Regulation).

In addition, potentially contaminating land use activities may have historically occurred on the site, such as railways, quarry activity and unauthorised landfill. Further investigation and remediation of contamination may be required prior to development of the site, in accordance with *Contaminated Sites Act 2003*, as regulated by the Department of Water and Environmental Regulation.

The amendment modifies permissible land uses within the scheme zoning table, specifically defined terms and permissible land uses in Schedule 4 Special Use Zone 11 (SU11) to include 'Waste disposal facility' and 'Waste storage facility', which may lead to environmental impacts. The nature and extent of these impacts for this scheme amendment has not been able to be assessed by the EPA at this stage.

The EPA recommends that Schedule 4 – Special Use zone No. 11 3. i. be modified to also include:

Development proposals within SU11 shall be referred to the EPA for consideration under Part IV of the *Environmental Protection Act 1986*, unless the development is for a minor or ancillary development which is not likely to have a significant effect on the environment .

The Department of Water and Environmental Regulation, EPA Services Directorate may be contacted regarding the future referral of significant proposals to the EPA.

Conclusion

The EPA concludes that based on the information it has available at this stage, the scheme amendment is likely to be managed to meet the EPA's environmental objectives through existing planning controls and proposed scheme provisions. However, the EPA has not been able to assess all relevant factors at this stage given the information available to it and the range of future development proposals which may occur within the amendment area.

The EPA recommends its advice and recommendations are implemented to avoid and mitigate potential impacts to Terrestrial Fauna, Flora and Vegetation, Inland Water and Terrestrial Environmental Quality.

The EPA also recommends a strategic proposal for Lots 557-563 be referred to the EPA pursuant to Part IV of the EP Act because future proposals may be likely to have a significant effect on the environment which have not been assessed by the EPA. Alternatively, future individual significant proposals may also require referral to the EPA pursuant to Part IV of the EP Act.

The EPA advises past assessment and condition setting under the EP Act and EPBC Act which show there may be significant environmental site constraints, should be considered in assessing the environmental constraints of the site for future proposals.