

Mr David Taylor
Chief Executive Officer
Shire of Nannup
PO Box 11
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Our Ref: CMS 17908
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Dear Mr Taylor

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

SCHEME	Shire of Nannup Local Planning Scheme 4
LOCATION	Whole of local government area
RESPONSIBLE AUTHORITY	Shire of Nannup
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 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

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

30 November 2020

Encl. Chairman's Determination
Scheme Advice and Recommendations

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

Shire of Nannup Local Planning Scheme 4

Location: Whole of Local Government area

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

Determination Published: 30 November 2020

Summary

The Shire of Nannup (the Shire) proposes to replace its current Local Planning Scheme (LPS) No.3 with LPS No.4. LPS No.4 is an updated version of LPS No.3 that includes changes to align the scheme with the Shire's Local Planning Strategy and the state, regional and local planning framework.

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 based on the information it has to date the scheme 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 Nannup. 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:

- Flora and Vegetation; and
- Inland Waters;

2. Advice and Recommendations regarding Environmental Factors

The scheme will allow for potential uses within zones which have the potential for environmental impacts. The EPA has not undertaken an assessment of the potential environmental impacts of the future development proposals permissible within these zones, as this detailed information is not available to the EPA at the new scheme initiation stage. Subsequently, the EPA expects future proposals likely to lead to significant environmental impacts are referred to the EPA pursuant to Part IV of the EP Act. When considering future proposals the Shire should consider its responsibilities under s.48I of the EP Act. This approach should also apply to proposals within the existing zones included within LPS No.4, which have been transferred from the previous scheme. Clearing permits may also be required for future development pursuant to Part V of the EP Act.

Flora and Vegetation

Current LPS No.3 provisions permit the operation of existing small scale tourist development on several sites with zones inconsistent with tourist development. Some of these sites are in vegetated areas, with some adjacent to a watercourse. LPS No.4 proposes to zone these sites Tourism to reflect the existing tourist land uses. The Tourism zone potentially allows

land uses and larger scale tourism development currently not permitted on the sites under LPS No.3. Larger scale tourist development has the potential to require clearing of remnant vegetation.

The EPA recommends flora and vegetation surveys consistent with EPA technical guidance are required for any future proposals on sites where impacts to remnant vegetation are expected.

Inland Waters

The EPA advises some areas near the Blackwood River are subject to flooding. Further development of several sites proposed to be zoned to Tourism and adjacent to the Blackwood River has the potential to impact groundwater and surface water quality, and pre-development hydrology, including through increased sediment and nutrient loads.

Potential impacts can be managed through implementation of water management planning for the site including set back to the river, as required by structure planning. It is recommended that Department of Water and Environmental Regulation (DWER) is consulted. The EPA advises water management planning should maintain or improve groundwater and surface quality, and pre-development hydrology, 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).

Conclusion

The EPA concludes the scheme 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 scheme area. 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.

The EPA recommends its advice and recommendations are implemented to avoid and mitigate potential impacts to Flora and Vegetation and Inland Waters.