

Mr Jason Whiteaker
Chief Executive Officer
Shire of Northam
PO Box 613
NORTHAM WA 6401

Our Ref: CMS 18028
Enquiries: Katrina Cooper, 6364 6468
Email: Katrina.Cooper@dwer.wa.gov.au

Dear Mr Whiteaker

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

SCHEME	Shire of Northam - Local Planning Scheme 6 Amendment 16
LOCATION	Lot 9002 on Plan 68686 and the entirety of Lot 17 on Plan 25370, Avon Industrial Park, Grass Valley, Northam.
RESPONSIBLE AUTHORITY	Shire of Northam
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 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 Chair's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



Shaun Meredith
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

29 October 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Shire of Northam - Local Planning Scheme 6 Amendment 16

Location: Avon Industrial Park, Grass Valley, Northam

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

Determination Published: 1 November 2021

Summary

The Shire of Northam (Shire) has initiated Local Planning Scheme (LPS) 6 Amendment 16 which proposes to:

- Rezone a portion of land in the north-western corner of the Avon Industrial Park (AIP) from 'Parks and Recreation reserve' to 'General Industry', being a portion of Lot 9002 on Plan 68686 and the entirety of Lot 17 on Plan 25370.
- Include a new 'Renewable Energy Facility' land use definition in Schedule 1.
- Amend Table 1: Zoning Table to include the new 'Renewable Energy Facility' land use as a discretionary (A) use subject to advertising within the 'General Industry' zone and the "Rural" zone and a prohibited (X) use in all other zones.

The EPA has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers LPS 6 Amendment 16 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. 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
- Terrestrial Fauna

2. Advice and Recommendations regarding Environmental Factors

The amendment area has been historically cleared and sections have been rehabilitated in late 1990s with native trees (mainly York Gum and Wandoo) in the Parks and Recreation buffer zone of the AIP. Land degradation processes such as grazing resulted in no understorey in remnant vegetated areas and rehabilitation areas.

The amendment area is located within a fragmented landscape and contains poorly represented remnant vegetation, mapped as 'Vegetation Association 694' less than 10% per cent of its original extent remaining. The remnant vegetation (containing York Gum, Salmon Gum, Wandoo) is noted to be in degraded condition.

A portion of the amendment area is located within buffers of mapped Department of Biodiversity Conservation and Attractions (DBCA) Threatened Ecological Communities (TEC): Eucalypt woodlands of the Western Australian Wheatbelt (State: Priority 3 (iii); *Environment Protection Biodiversity and Conservation Act 1999* (EPBC Act): Critically Endangered).

The amendment area contains remnant vegetation areas on the western and eastern sections which is likely to contain black cockatoo foraging habitat and potential roosting and habitat trees.

The EPA notes that the Shire's referral documentation discusses:

1. The two stands of remnant native trees occur at the western and eastern ends of the amendment area and should be retained for their aesthetic value and local fauna habitat value in any future rezoning and development.
2. Any clearing of trees from the revegetation area should be offset by planting in other sections of the Industrial Park.

To manage any future development on the site, including the clearing of any vegetation, the EPA is supportive of the Shire's recommendation that Part 4.28 Development in the General Industrial and Light and Service Industry Zones of the Shire of Northam LPS No.6 text be modified to:

"Clause 4.28.5 In the General Industry zone; in order to conserve environmental values and amenity, native trees and revegetated areas shall be retained unless their removal is authorised by local government or is associated with approved works, vehicle access or required bushfire mitigation measures or the trees are dead, diseased or dangerous".

The EPA is supportive of the retention and protection of the remnant areas (natural trees) shown within the Shire's referral package (dated 23 June 2021) Appendix D, Attachment 1, and shown below as Figure 1.

The EPA expects that any future development considers the retention of remnant vegetation areas which represents Eucalypt woodlands of the Western Australian Wheatbelt TEC and/or Black cockatoo foraging habitat.

Conclusion

The EPA concludes that LPS 6 Amendment 16 can be managed to meet the EPA's environmental objectives through the scheme text.

Future structure planning and proposals should also further identify, manage and protect the above environmental values. In addition, existing planning controls, future planning processes and management measures will also manage potential impacts. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation and Terrestrial Fauna.

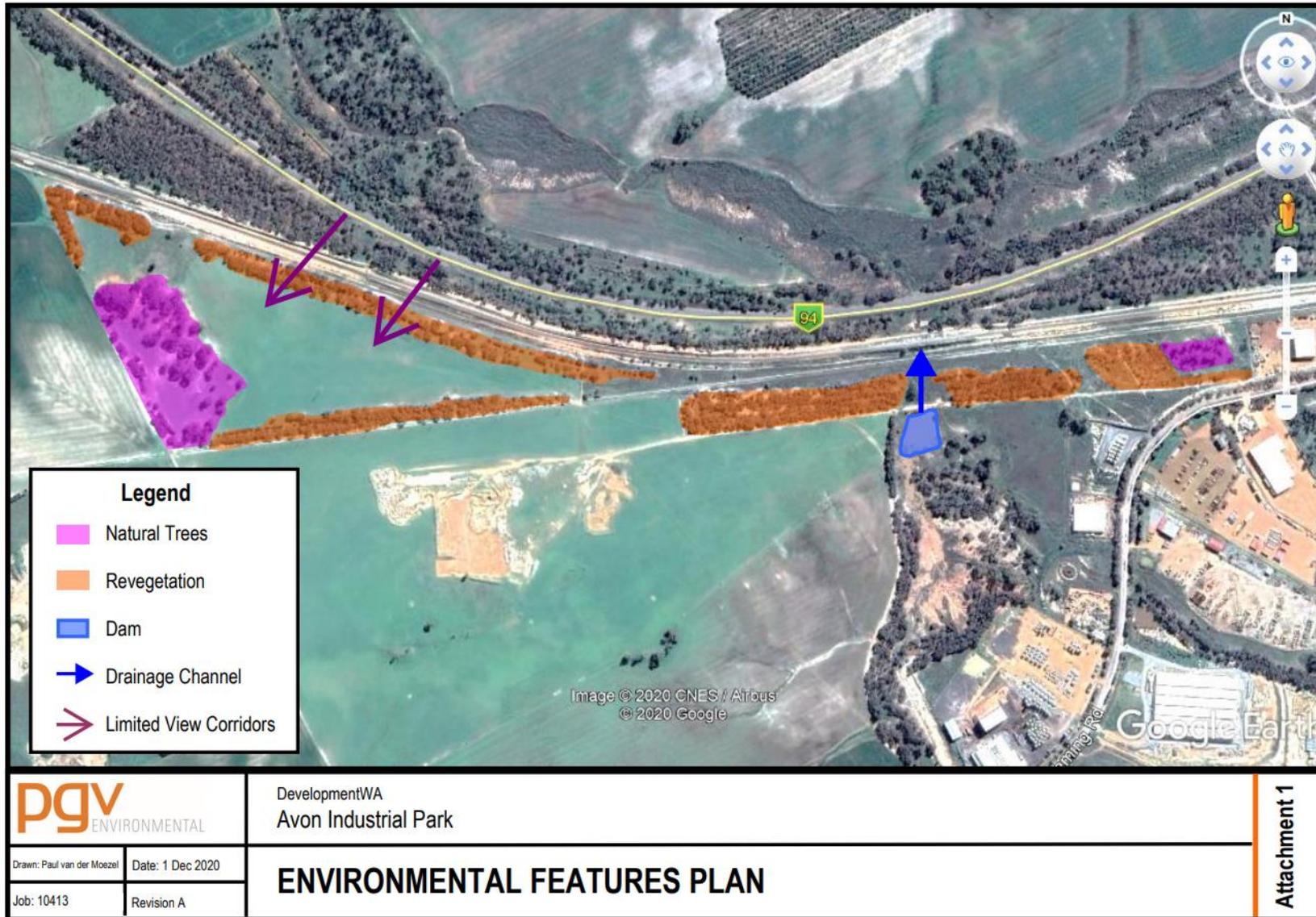


Figure 1: Location of remnant vegetation (natural trees) as per Local Planning Scheme 6 Amendment 16, Appendix D, Attachment 1.