

Mr Ian Holland  
Chief Executive Officer  
Shire of Yalgoo  
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**YALGOO WA 6635**

Our Ref: CMS 18230  
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Dear Mr Holland

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

<b>SCHEME</b>	<b>Local Planning Scheme 2 Amendment 3</b>
<b>LOCATION</b>	<b>Shire of Yalgoo</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Shire of Yalgoo</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)</b>

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

A handwritten signature in blue ink, appearing to read 'Hans Jacob', written in a cursive style.

**Hans Jacob**  
**Delegate of the Environmental Protection Authority**  
A/Director  
EPA Services

2929 July 2022

Encl. Chair's Determination  
Scheme Advice and Recommendations

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

**Shire of Yalgoo Local Planning Scheme 2 Amendment 3**

**Location: Shire of Yalgoo**

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

**Determination Published: 1 August 2022**

**Summary**

The amendment proposes to modify the land use permissibility table within the Shire of Yalgoo (the Shire) local planning scheme, to provide for increased options in the types of tourism accommodation available within the Shire. The amendment proposes to modify 'Caravan Park' and 'Residential-Grouped Dwelling' land uses within the 'Rural/Mining' zone to discretionary ('D') uses, and to insert additional uses to the permissibility table for 'Hosted Accommodation', 'Holiday Apartment', 'Holiday House', 'Holiday Unit', 'Serviced Apartment', 'Short-term Accommodation' and 'Tourist Development'.

The EPA has considered the amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers the 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 documentation provided by the Shire of Yalgoo. 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:

- Social Surroundings
- Inland Waters
- Flora and Vegetation
- Terrestrial Fauna

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

The proposed scheme will allow for a range of future tourism accommodation and grouped housing on currently undeveloped lands which may have the potential for environmental impacts. Detailed information relating to the range of environmental impacts associated with development is not available to the EPA in considering the amendment. The EPA expects that future proposals that appear likely, if implemented, to have a significant effect on the environment are referred to the EPA under Part IV of the EP Act.

The EPA notes that draft Local Planning Policies 1 and 2 (the policies) have been prepared to support the proposed amendment and provide guidance for the Council's consideration of future applications for tourism accommodation and grouped housing. The policies include parameters for the development of tourism accommodation in the 'Rural/Mining' zone and require consideration of potential impacts to environmental and conservation values. The EPA supports the formalisation of the draft policies.

The EPA also recommends that the environmental provisions from the policies, including those relating to the retention of native vegetation and water resource protection, are integrated in the local planning scheme text to be applied across the scheme area. The addition of such provisions to the scheme would provide for further protection of environmental and conservation values within the Shire.

### **Conclusion**

The EPA concludes that the proposed amendment can be managed to meet the EPA's objectives through the scheme text and proposed local planning policies. Future proposals should also identify, manage and protect environmental values. The requirements of Part IV and V of the EP Act for environmental impact assessment should also be considered for future proposals.