

Mr Stuart Devenish
Chief Executive Officer
Shire of Collie
Locked Bag 6225
COLLIE WA 6225

Our Ref: APP-0000127
Enquiries: Maddison Howard, 6364 6424
Email: Maddison.Howard@dwer.wa.gov.au

Dear Mr Devenish

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

SCHEME	Shire of Collie Local Planning Scheme 6 Amendment 1 (Omnibus)
LOCATION	Various Lots in Shire of Collie
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 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 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 'Matt Tonts', followed by a large, stylized flourish.

Prof. Matthew Tonts
Chair of the Environmental Protection Authority

6 December 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Shire of Collie Local Planning Scheme 6 Amendment 1

Location: Various Lots in the Shire of Collie (Omnibus Amendment)

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

Determination Published: 12th December 2022

Summary

Amendment 1 proposes multiple changes to the recently gazetted Local Planning Scheme 6 (LPS 6) including the correction of administrative errors and minor updates to improve functionality of the Scheme. The amendment also proposes to rezone Lots 2 & 51 Patstone Road, Collie from 'Rural' to 'Industrial Development' and to introduce related provisions at Table 8 of the Scheme.

The proposed rezoning is to facilitate the future subdivision and development of Lots 2 & 51 Patstone Road for light industrial land use/s.

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 the scheme 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 original referral documentation and additional information provided by the Shire of Collie (the Shire) for this amendment. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's *Statement of Environmental Principles, Factors and Objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

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

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation; Terrestrial Fauna

The amendment area includes Lots 2 & 51 Patstone Road, Collie (the Patstone Sites) which are currently utilised for rural land uses, and transport depot/storage activities. The Lots contain cleared rural land and some remnant vegetation, and abut the Collie State Forest, Harris River State Forest and a local Shire reserve.

The EPA advises that Lot 2 Patstone Road (and adjoining vegetated areas) may provide habitat for threatened species of black cockatoo. Implementation of the proposed amendment may result in the clearing of native vegetation and potential fauna habitat trees to provide for future development of industrial land uses at the sites. Implementation may also result in

indirect impacts including noise, dust and/or light emissions to adjoining areas of native vegetation and fauna habitat, and potential disturbance to threatened fauna species residing in these areas. It should be noted that potential impacts to threatened species may require referral under the *Environment Protection and Biodiversity Conservation Act 1999*.

The amendment proposes to insert provisions at Table 8 of LPS 6, that may assist in managing native vegetation and fauna habitat as part of future planning processes. The provisions require the preparation of structure plans and accompanying studies prior to development at the Patstone Sites, and the referral of future applications for development approval to the Department of Water and Environmental Regulation.

The EPA supports the proposed provisions, and recommends that structure planning for future development also includes:

- a fauna habitat assessment, to identify threatened fauna species and habitat present at the site and surrounding areas
- a fauna management plan, describing how potential impacts to fauna species from industrial land uses will be mitigated and managed (e.g. fencing, traffic calming measures, dust and noise amelioration)
- consideration of buffers, to ensure the establishment of adequate setbacks from industrial areas to surrounding native vegetation and fauna habitat, particularly potential black cockatoo roosting or breeding habitat
 - EPA Guidance Statement 3 *Separation Distances between Industrial and Sensitive Land Uses* may be referred to for further guidance
- opportunities for vegetation retention, particularly in the context of potential bushfire management requirements and additional clearing that may be required
 - for example, structure planning may propose larger lot sizes in areas where remnant trees are concentrated
 - EPA *Guidance for planning and development: protection of naturally vegetated areas in urban and peri-urban areas* section 16(k) advice may be referred to for further guidance
- a description of weed management measures, noting the proximity of the sites to areas containing native vegetation
- landscaping and/or revegetation plans retaining existing vegetation and incorporating planting of native vegetation species endemic to the locality, preferably species capable of providing habitat for black cockatoos. Landscaping and planting should be designed to limit the risk of bird strike from vehicles.

Inland Waters

A degraded creek line runs north-south through the eastern portion of the Patstone Sites. It is noted that the referred structure plan proposes onsite wastewater disposal for future industrial sites at Lot 51.

The EPA considers that implementation of the scheme amendment may result in a modified hydrological regime and reduced water quality discharging to the creek. Accordingly, the following is recommended:

- a Site and Soil Evaluation is undertaken as part of structure planning, to demonstrate that future development is consistent with the requirements of the *Government Sewerage Policy 2019*
- future wastewater treatment systems are installed with nutrient removal capabilities, and located a sufficient distance from waterways
- a Water Management Plan is prepared for the combined Patstone Sites area, to the satisfaction of the local government on advice from DWER.

The EPA also recognises the opportunity to enhance the environmental value and function of the creek line as part of future structure planning processes. Revegetation of the creek line with low-lying riparian species, and trees where suitable, may provide for improved water quality outcomes and assist in stormwater management, whilst also providing habitat and maintaining sightlines.

Social Surroundings

The referral documents state that five noise sensitive receivers (rural dwellings) are located generally easterly of the Patstone Sites, within a 400m radius. The EPA considers that implementation of the scheme amendment may result in indirect impacts to these sensitive receptors from the future development (and operation) of an industrial area at the Patstone Sites.

The proposed amendment includes provisions to manage potential impacts to sensitive receptors, including requirements to demonstrate that proposed new land uses are compatible with existing nearby land uses, and will not cause detrimental impact. The EPA supports the proposed provisions and further recommends that future development:

- addresses and adopts the conclusions from the referred Environmental Noise Assessment (Lloyd George Acoustics 2021), particularly regarding preferential location of noisier land uses furthest away from the sensitive receptors
- considers implementing buffers from industrial use areas to nearby sensitive receptors, in accordance with the EPA's Guidance Statement 3 *Separation Distances between Industrial and Sensitive Land Uses (2005.)*

The requirements of Part IV and V of the EP Act for environmental impact assessment, clearing permits and works approvals and licences should also be considered for future proposals.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through the proposed scheme provisions. Future planning requirements, and other statutory processes are also able to manage potential impacts. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.