

Mr Andrew Dover
Chief Executive Officer
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Our Ref: APP-0000351
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Dear Mr Dover

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

SCHEME	Local Planning Scheme 3 Amendment 6- Omnibus
LOCATION	Whole Scheme area
RESPONSIBLE AUTHORITY	Shire of Pingelly
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 advice and recommendations.

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 EPA's Determination and advice and recommendations is attached and will be made available to the public via the EPA website.

Yours sincerely



Prof. Matthew Tonts
Chair of the Environmental Protection Authority

31 May 2023

Encl. EPA Determination
Scheme advice and recommendations

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

Shire of Pingelly Local Planning Scheme 3 Amendment 6 - Omnibus

Location: Whole of Shire

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

Determination Published: 31 May 2023

Summary

Amendment 6 has been proposed to:

- ensure the Scheme Text is consistent with the Model Provisions and Deemed Provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*
- introduce a Special Control Area for the Wastewater Treatment Plant buffer area
- extend and modify the aims of the scheme
- introduce an additional use to Location 3524-50 Aviation Street to permit the use of 'transport depot and garaging, maintenance and repair of transport vehicles and future sheds for hay storage'
- insert provisions to a number of zones and general provisions for the whole scheme, including provisions to protect environmental values
- modify the scheme maps accordingly.

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. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (2021) *Statement of environmental principles, factors, objectives and aims of environmental impact assessment*, 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

The EPA supports the addition of aims targeted at protection of environmental values within the Shire and general environmental provisions, including for natural resource management, tree planting and waterway resource management and protection.

The EPA recommends the text surrounding natural resource management be updated to be consistent with current Acts, for example, threatened or priority ecological communities are not identified by the EPA, but made under the *Biodiversity Conservation Act 2016*.

In addition, EPA suggests that Clause 51A (Natural resource management) is updated with text to include:

- protection for native vegetation and flora, such as the Council shall in considering any development proposal have regard to remnant vegetation, Threatened and Priority flora and any Threatened and Priority Ecological Community
- requirements for retention and management of vegetation.

Additional general scheme provisions should also be considered, for dams and their control for environmental and safety reasons livestock and stocking rates and further control powers to limit or manage stocking, such as the ability to require fencing.

The EPA notes the introduction of a Special Control Area for the Wastewater treatment plant buffer area and support the controls and provisions proposed to protect environmental values, including visual amenity (Social surroundings).

The EPA also notes the introduction of an additional use on Location 3524-50 Aviation Street. The EPA expects future development will have regard to the existing and proposed scheme text to protect environmental values on the site.

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 text/provisions. The EPA notes that further impacts may be mitigated through future planning requirements, and other statutory processes. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.