

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

Shire of Three Springs Local Planning Scheme 3

Location: Shire of Three Springs

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

Determination Published: 11 December 2023

Summary

The Shire of Three Springs (the Shire) has initiated Local Planning Scheme (LPS) 3 to replace the existing Local Planning Scheme (LPS) 2 and update scheme text in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, particularly the Model Provisions (model scheme text) and Deemed Provisions.

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 LPS 3 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. 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 proposed scheme will allow for a change of land uses which may have the potential to impact environmental values, in particular the clearing of native vegetation and fauna habitat. Detailed information relating to the range of environmental impacts associated with future proposals is not available to the EPA in considering the LPS 3. Accordingly, 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 the Shire has retained provisions in LPS 3 to address the protection and management of environmental values within the scheme boundaries, particularly in Part 4 – General development requirements, which proposes general environmental provisions to apply across the scheme area extent. These include:

- sewerage and onsite effluent disposal requirements
- requirements for the consideration of water resources management and protection when considering a development application or subdivision, including:

- development will not result in net export of nutrients to any wetland, watercourse or underground aquifer
- no further clearing of vegetation
- shall prohibit stormwater from draining directly into existing water bodies or watercourses and stormwater disposal offsite
- protection of water resources, water balance, enhancing water quality, encouraging water conservation
- maintaining and enhancing water values
- water sensitive urban design
- no development of habitable building or effluent disposal system within 30m of bank or watercourse
- requirements for the consideration of native vegetation, environmentally significant flora and fauna management and protection when considering a development application or subdivision, including:
 - tree retention
 - referral to the Department of Biodiversity, Conservation and Attractions and/or the Department of Water and Environmental Regulation for advice. Requirement to identify, assess, and put in place measures to protect the environmentally significant remnant vegetation, flora and/or fauna prior to determination.
- supporting subdivision/development of land where adequate sustainable potable water supply is provided

The EPA supports the inclusion of such provisions, and notes that the scheme text may be further refined by additional technical input from other government agencies. The EPA recommends that these environmental management provisions are retained in the process of finalising the scheme.

Conclusion

The EPA concludes that the proposed scheme can be managed to meet the EPA environmental objectives through the scheme text and map mechanisms. Future planning stages should also further identify, manage and protect the above environmental factors, including avoiding conflicts between incompatible land uses. 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.

The EPA also 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.