

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

Shire of Ashburton Local Planning Scheme 8

Location: Shire of Ashburton local government area (LGA)

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

Determination Published: 16 September 2024

Summary

The Shire of Ashburton's (the Shire) Local Planning Scheme (LPS) 8 represents an update to the Shire's existing LPS 7, to ensure consistency with the requirements of the Model Provisions at Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Shire's Local Planning Strategy, and relevant state planning legislation and policies.

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 that the scheme 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 to this scheme. 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:

- Flora and vegetation
- Terrestrial fauna
- Social surroundings
- Terrestrial environmental quality
- Marine environmental quality
- Coastal processes
- Inland waters

Advice and Recommendations regarding the Environmental Factors

The LPS 8 scheme area includes a number of potentially significant environmental values including Threatened and Priority fauna and flora and Threatened Ecological Communities (TEC) such as the Themeda grasslands, Brockman Iron cracking clay communities and various subterranean stygofauna communities. The scheme area also includes water resources, wetlands, numerous Aboriginal heritage sites and significant conservation parks. Implementation of the scheme may cause potential clearing of vegetation, disturbance of Threatened and Priority flora and fauna habitat, disturbance of TEC's, hydrological changes, disturbance of heritage sites, the marine environment and sensitive receptors.

The EPA supports the proposed scheme text provisions aimed at protecting environmental values and mitigating potential impacts. The EPA also notes and supports the rezoning of

areas of identified conservation value to 'Environmental conservation' reserve and 'Foreshore reserve' consistent with the Local Planning Strategy.

The EPA advises that proposals within the LGA that appear likely, if implemented, to have a significant effect on the environment should be referred to the EPA under Part IV of the EP Act. The EPA also expects that where relevant, the requirements under Part V of the EP Act (for clearing permits, work approvals and licences), should be considered for activities that may be permissible under the scheme.

The EPA notes that LPS 8 proposes zoning changes, some of which may lead to potential environmental impacts on Flora and vegetation and Terrestrial fauna. In the absence of information on environmental values, future development should also be informed by appropriate environmental assessments and surveys. Areas of potential concern and advice are listed below, the EPA expects that if it's advice is implemented, this will reduce the likelihood of future proposals needing to be referred to the EPA.

Cane River Conservation Park (CRCP) and expansion areas

- The former Department of Parks and Wildlife (DPAW) purchased the former Mt Minnie Station in 1999, with the CRCP and expansion areas reserved as 'Conservation, recreation and nature landscape' in LPS 7 on the advice of the former Department of Conservation and Land Management (CALM).
- The expansion areas are currently designated as unallocated crown land.
- The CRCP and expansion areas contain Threatened and Priority flora and fauna values.
- The EPA notes the Department of Biodiversity, Conservation and Attractions' (DBCA) is seeking conservation reservation for the expansion areas.

The EPA advises that consistent with the former CALM advice, and noting the points above, it appears it is more appropriate to reserve the CRCP expansion areas as 'Environmental conservation', however further advice should be sought from the DBCA about the values of the areas and whether they are still appropriate for reservation and managed by DBCA.

Proposed areas to be rezoned to 'Urban development' and 'Service commercial':

- Quindalup Street development (Cogelup Way and Marrinup Way, Tom Price) (currently zoned as 'Conservation, recreation and nature landscape' proposed for 'Urban development') is approximately 33 hectares (ha) and contains remnant vegetation.
- 862 – 864 Hospital Drive, Tom Price (currently zoned 'Parks, recreation and drainage' proposed for 'Urban development') approximately 7.23 ha with remnant vegetation onsite.
- Lot 24 Nameless Valley Drive, Tom Price (currently zoned as 'Rural' proposed for 'Service commercial') approximately 5.34 ha and contains remnant vegetation.
- Development between Killawarra Drive and the rail line, Tom Price (currently zoned as 'Conservation, recreation and nature landscape' proposed for 'Service commercial') approximately 17.61 ha and contains remnant vegetation.

The EPA's expectation for the above proposed zoning changes to 'Urban development' is that future planning be informed by appropriate environmental surveys to ensure protection of potential significant environmental values onsite and mitigation of impacts to these values.

The EPA recommends consideration be given to the EPA's guidance for Protection of naturally vegetated areas in urban and peri-urban areas which may be applied to any clearing of native vegetation in WA. Section 9 of the guidance contains design guidance for planning and development and includes the importance of a) locating development on existing cleared land b) retaining large blocks of vegetation c) avoiding infrastructure in remnant vegetation and d) avoiding clearing in areas where this is likely to lead to degradation of the surrounding environment.

Proposed rezonings to 'Public purposes' and 'Industrial development':

- Tom Price Refuse Tip (currently zoned as 'Conservation, recreation and nature landscape' proposed for 'Public purposes – Infrastructure services') approximately 20.47 ha.
- Lot 30 Beasley Road and Lot 35 Tom Price Road, Paraburdoo (currently zoned 'Rural' proposed for 'Industrial development') approximately 7.4 ha.
- Lot 460 Beadon Creek Road, Onslow (currently zoned 'Public purposes' proposed for 'Industrial development') approximately 39.06 ha.
 - The EPA notes that the implementation of development in this zone may impact potentially significant environmental values including benthic community and potential habitat for significant marine fauna species including species of sawfish known in the Onslow area. The EPA further notes that there was no environmental information provided to assess the environmental values and whether the proposed change will have a potential significant impact on those potential values.
 - Therefore the EPA recommends Lot 460 Beadon Creek Road in Onslow is removed from LPS 8 and progressed as a separate amendment in the future, to enable the EPA to appropriately consider the proposed industrial zoning of this area under Part IV of the EP Act.

Except Lot 460 Beadon Creek Road, Onslow, the EPA's expectation for the above proposed zoning changes to 'Industrial development' is that consistent with the proposed 'general development' requirements for LPS 8, land use development in the Industrial zone should be subject to an approved structure plan informed by relevant environmental information and studies (where necessary) to address environmental concerns and mitigate potential impacts. Land use development in the 'Industrial development' zone should also be consistent with EPA Guidance Statement 3 *Separation Distances between Industrial and Sensitive Land Uses* to protect sensitive land uses from unacceptable impacts that may result from industrial activities, emissions and infrastructure. Further assessment under Part IV or V of the EP Act may also be required for polluting industries proposed in the 'Industrial development' zone. Consideration should be given to the EPA's guidance for Protection of naturally vegetated areas in urban and peri-urban areas.

Aboriginal Heritage Sites

The scheme area contains a number of registered Aboriginal heritage sites and the EPA notes Aboriginal heritage obligations under the *Aboriginal Heritage Act 1972* must be fulfilled by proponents prior to future development. Future development should also consider the EPA's Technical Guidance *Environmental impact assessment of Social Surroundings – Aboriginal cultural heritage* in assessing potential impacts to Aboriginal cultural heritage values.

Conclusion

The EPA concludes the scheme can be managed to meet the EPA's environmental objectives for the above factors through existing and proposed scheme text and provisions. The EPA advises that future planning processes, and the requirements of Part IV and Part V of the EP Act can assist in mitigating potential impacts to environmental values. The EPA advises that proposals that appear likely, if implemented, to have a significant effect on the environment should be referred to the EPA under Part IV of the EP Act.

The EPA recommends its advice is implemented to enhance the protection of environmental values, and further mitigate potential impacts to the above factors.