

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

**Shire of Irwin Local Planning Scheme No. 6**

**Location: Whole of LPS6 scheme area**

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

**Determination Published: 22 June 2026**

**Summary**

The Shire of Irwin (the Shire) has prepared draft Local Planning Scheme No. 6 (LPS 6), which proposes a consolidation and update of its existing Local Planning Scheme No. 5 (LPS 5) in a format generally consistent with the Model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). LPS 6 also proposes to rezone several areas within the Dongara and Port Denison townsites for future subdivision and development, consistent with the Shire's *Local Planning Strategy (2026)*.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) and determined that a formal assessment is not required 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, and from its own investigations. The EPA considers that the scheme is unlikely to have a significant effect on the environment, if implemented in accordance with the following advice and recommendations.

**Environmental Factors**

Having regard to the EPA's *Statement of Environmental Principles, Factors, Objectives and Aims of Environmental Impact Assessment (2021)*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

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

**Flora and vegetation and Terrestrial fauna**

The southern portion of the scheme area contains large areas of native vegetation, largely on unallocated Crown land and in Crown reserves including Beekeepers and Yandanogo Nature Reserves. Native vegetation is fragmented in the northern portion of the scheme area, having

been historically cleared for agriculture. Remaining native vegetation largely exists outside of Crown reserves and is at risk of being cleared for future development.

Native vegetation in the scheme area provides habitat for threatened species, including the Carnaby's black cockatoo listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Biodiversity Conservation Act 2016* (BC Act). The scheme area also contains threatened and priority ecological communities, including 'Subtropical and temperate coastal saltmarsh' listed as Vulnerable under the EPBC Act and Priority 3 in WA, and 'Coastal sands dominated by *Acacia rostellifera*, *Eucalyptus oraria* and *Eucalyptus obtusiflora*' listed as Priority 1 in WA.

#### Inland waters and Terrestrial environmental quality

The Irwin River is a significant natural feature within the scheme area, extending from east of the Irwin townsite through the Dongara townsite to the coast. Most of the lower reaches of the Irwin River and foreshore are in Crown reserves or on unallocated Crown land. Large sections of the Irwin River in the eastern portion of the scheme area are privately owned and may be at risk of being impacted by rural land use such as uncontrolled grazing.

Multiple sites across the scheme area have been registered under the *Contaminated Sites Act 2003*. Future rural land use has the potential to cause pollution that may impact land and water resources. The Allanooka-Dongara Water Reserve, a Priority 1 and 2 Public Drinking Water Source Area (PDWSA) situated in the northern portion of the scheme area, is a particularly sensitive area at risk of impacts from land use.

#### Coastal processes and Landform

The scheme area contains approximately 75 km of coastline. In the southern portion of the scheme area, natural coastal dune landforms are largely protected in Crown reserves including Beekeepers Nature Reserve. North of the Dongara and Port Denison townsites, a relatively narrow foreshore exists in Crown reserves and on unallocated Crown land. Future development of adjoining freehold land has the potential to impact coastal landforms.

#### Social surroundings

The scheme area is located on southern Yamatji country. The Irwin River is a prominent cultural site of 'Camp Creation / Dreaming Narrative' within the scheme area, protected under the *Aboriginal Heritage Act 1972*.

The Brand Highway is the main travel route through the scheme area, providing extensive views of the natural and rural landscape, from sandplain heath in the south to the Greenough Flats in the north. Future development has the potential to impact social surroundings within the scheme area including Aboriginal heritage sites and amenity within natural and rural areas.

### **Advice and Recommendations**

The EPA notes that many of the proposed changes between LPS 5 and LPS 6 are minor and not expected to have a significant impact on the above environmental factors. In general, proposed changes existing development potential afforded to landowners under LPS 5.

The EPA supports new scheme provisions in LPS 6 and subject to further refinement, can provide opportunities to protect and enhance environmental values. However, the EPA has identified specific mapping, zoning and text changes that may result in impacts to environmental values. (Table 1)

## Reserves

The EPA supports the proposed introduction of Drainage/Waterway and Foreshore reserves which are being applied to the lower reaches of the Irwin River and along the coastline. The reservation of these areas in LPS 6 will provide the greatest form of protection under the scheme and will help to achieve the EPA's objectives for flora and vegetation, terrestrial fauna, landforms, coastal processes and inland waters. The EPA recommends further consideration be given to the designation of Drainage/Waterway and Foreshore reserves over unallocated Crown land along sections of the Irwin River in the east.

The EPA notes that land designated as Conservation reserve in LPS 5 will be maintained as Environmental Conservation reserve in LPS 6. However, substantial areas of native vegetation and coastal dune landforms south of the Port Denison townsite are designated as Public Purpose reserve. The EPA notes that these areas are at risk of impacts from future development, consistent with the Public Purpose reserve's objectives in LPS 6. The EPA advises that if impacts to environmental values in Public Purpose and other reserves cannot be avoided, future development may require referral under section 38 of the EP Act or a native vegetation clearing permit.

## Zones

The EPA notes that many of the Special Use zoned areas in LPS 5 are proposed to be replaced by a new Tourism zone in LPS 6, which has the objectives to promote and provide for tourism opportunities including holiday accommodation and associated uses and limited residential development where appropriate. The EPA advises that several land parcels proposed to be zoned Tourism contain native vegetation and thus are at risk of being cleared for future development. The EPA recommends introducing new subclauses to Clause 32.23 Development in the Tourism Zone, to require a local development plan that ensures future development responds appropriately to environmental values.

The EPA notes other proposed zoning changes between LPS 5 and LPS 6, some of which have the potential to lead to environmental impacts. Further consultation has occurred with the Shire of Irwin, and on this basis the EPA provides advice and recommendations on further refinements to LPS 6 (Tables 1 and 2).

## Land use

The EPA notes changes to land use terms and permissibility between LPS 5 and LPS 6 which have the potential to impact environmental values, for example:

- abattoir, agriculture (extensive), agriculture (intensive), animal husbandry (intensive), caravan park, fuel depot, service station – proposed as 'D' (discretionary) uses in the Rural zone
- mining operations – proposed as 'D' use in the Rural and General Industrial zones
- various other land uses including animal establishment, camping ground and caravan park, educational establishment, exhibition centre, industry (extractive), workforce accommodation, and warehouse/storage – proposed as 'D' or 'A' (subject to advertising) in the Rural zone.

The EPA recommends further consideration be given to the permissibility of land uses that have the potential for environmental impacts in the extensive Rural zone. For example, changing mining operations from 'D' to 'X' (not permitted) use, and changing other land uses with potential to cause pollution from 'D' to 'A' use in LPS 6.

## Special control area

The EPA supports the introduction of Special Control Area 2 (SCA2) – Public Drinking Water Source Area, covering the P1 and P2 Allnooka-Dongara Water Reserve PDWSA. The EPA notes that the SCA will require development approval for all development and will ensure consideration of ‘Water Quality Protection Note No. 25: Land use compatibility tables for public drinking water source areas’ and ‘Allnooka-Dongara Water Reserve Drinking Water Source Protection Review’ and any comments received from DWER.

#### Development requirements

EPA notes that much of the Shire is comprised of Rural zoned land, and that vast extents of native vegetation (including habitat for threatened fauna, such as black cockatoos) remain. Notwithstanding the Rural zone’s objectives require consideration of the maintenance and enhancement of environmental qualities of the landscape, vegetation, soils and water bodies, the EPA notes that permissibility of land uses and associated development in the Rural zone may result in impacts to flora and vegetation, terrestrial fauna, and inland waters values.

The EPA recommends strengthening of general development requirements and additional site and development requirements in LPS 6, to ensure future development responds appropriately to environmental features (Tables 1 and 2). For example, proposed clause 32.11 – Vegetation Protection applies only to the Rural Smallholdings and Rural Residential zones; hence, the EPA recommends extending this clause to the Tourism and Rural zones.

#### **Conclusion**

The EPA concludes that, subject to the EPA’s advice and recommendations, the proposed scheme can be managed to meet the EPA’s environmental objectives for the above factors through proposed scheme provisions, as well as through future statutory planning processes. Future proposals that have the potential for significant impacts to environmental values may require consideration under Part IV or Part V of the EP Act and/or the EPBC Act.

**Table 1.** EPA advice and recommendations regarding specific proposed zoning changes from LPS 5 to LPS 6.

Location	Proposed zoning change		EPA advice and recommendations
	LPS 5	LPS 6	
Lot 704 Indian Ocean Drive, Arrowsmith (Map 5)	Special Use 26	Rural	The EPA recommends inclusion of the Rural zone in Clause 32.11 Vegetation Protection.
Lots 60 and 70 Brady Road and Church Street, Dongara (Map 11)	Special Use 5	Tourism	The EPA recommends modifications to Clause 32.23 Development in the Tourism Zone (see Table 2), to ensure future development responds to environmental features.
Lot 3000, Corner George and Carnarvon Street, Port Denison (Map 14)	Special Use 17		
Lot 742, Corner Fletcher Street and George Street, Port Denison (Map 14)	Special Use 18	Residential (R30)	The EPA advises that future subdivision should consider Clause 32 Additional Site and Development Requirements, and to maximise the retention of native vegetation.
Lots 27 and 51 Brand Highway, Dongara (Map 12)	General Farming	Rural Residential	The EPA advises that Lots 27 and 51 contain a substantial area of native vegetation, and the proposed rezoning has not previously been considered by the EPA. The EPA recommends provisions be included in LPS 6 to ensure future subdivision minimises impact to native vegetation (considering access, building envelopes, bushfire protection, visual amenity from the highway, etc.). The EPA also recommends modifications to Clause 32.15 Building Envelopes / Building Exclusion.
Various lots along Point Leander Drive, Golf Course Road and portion Money Street, Port Denison (Map 14)	Special Residential; Residential	Urban Development	The EPA recommends provisions be included in LPS 6 to ensure future subdivision, land use and development consider retention of native vegetation and natural landform. The Shire could achieve this by either including provisions in Schedule 7 Additional Site and Development Requirements, or in a new schedule specifically pertaining to future structure plan areas.
Various lots along Francisco Road / Brand Highway (Map 9)	Development		
Various lots along Point Leander Drive / Parker Street (Map 11)	Service Commercial		
Lots 619 and 12815 Pool View, Dongara (Map 11)	Local reserve	Public open space (POS)	The EPA notes that consistent with the Shire's POS Strategy, Lots 619 and 12815 are identified as 'Local/Neighbourhood Parks', and thus are proposed to be zoned POS. Given that this area is largely undeveloped and vegetated, the EPA recommends rezoning the lots to Foreshore reserve, to provide for stronger environmental protection.

Lot 266 Brand Highway, Dongara (Map 12)	Local Reserve	Rural Smallholdings	The EPA notes there is a gap in the Foreshore reserve along the southern portion of Lot 266 (abutting the Irwin River). The EPA supports proposed inclusion of new Clause 32.27 Irwin River Floodplain (see Table 2).
Various lots within the Dongara and Port Denison townsites (Map 11)	Special Residential (R2.5)	POS; Residential (R5 and R2.5)	The EPA advises that these areas contain pockets of remnant vegetation that are at risk of being cleared from future residential development. In addition to its inherent environmental value, remnant vegetation provides a vegetated buffer to Brand Highway; therefore, EPAS recommends that future planning processes consider the retention of vegetation, to preserve its environmental and social (amenity) value.

**Table 2.** EPA advice and recommendations regarding proposed scheme text modifications.

<b>Clause (LPS 6)</b>	<b>Proposed text modifications</b>	<b>EPA advice / recommendations</b>
32.11 Vegetation Protection	<i>In considering any application for development approval the clearing or disturbance of native vegetation is to be minimised.</i>	Supported
32.12 Dams and Watercourses	<i>(3) Notwithstanding any other provisions of this Scheme, where a foreshore reserve has not been established, no development or fencing is permitted within 30 m from the centre line of a creek line and within 50 m from the high-water mark of other waterways.</i>	Supported
32.13 Stocking Rates	<i>None</i>	There may be potential impacts to environmental values from unmanaged development (vegetation clearing) and livestock grazing along the upper reaches of the Irwin River. The EPA recommends expanding Clause 32.13 to include the Rural zone, consistent with recommendations for Clause 32.11, to ensure future development responds appropriately to environmental values.
32.15 Building Envelopes / Exclusion Areas	<p><i>(2)(d) the removal of vegetation is minimised, and the preservation of vegetation is maximised;</i></p> <p><i>(f) located on predominantly cleared land and can provide adequate bushfire hazard separation without the need to remove or modify vegetation;</i></p> <p><i>(g) concentrate development to preserve the visual amenity, rural character and landscape values of the locality; and</i></p> <p><i>(h) protect vegetation and other environmental features from development.</i></p> <p><i>(4)(a) the visual amenity, rural character and landscape values of the locality will not be affected to any greater extent;</i></p> <p><i>(c) any variations to the minimum setbacks of the Scheme minimise clearing or disturbance of vegetation.</i></p>	Supported
32.22 Caravan Parks	<p><i>(2) The local development plan shall set out detailed guidance for the overall development of the caravan park and may require –</i></p> <p><i>(a) an analysis of environmental opportunities and constraints that influence development; and</i></p>	Supported

	<i>(b) the identification of appropriate management strategies, consistent with industry best practice, to ensure development responds appropriately to those environmental features.</i>	
32.23 Residential Development in the Tourism Zone	<p>32.23 <del>Residential</del> <i>Development in the Tourism zone</i></p> <p><i>(3) The local government may require a local development plan to be approved in accordance with Part 6 of the deemed provisions prior to determining an application for development approval within the Tourism zone.</i></p> <p><i>(4) The local development plan shall set out detailed guidance for the overall development of the site and may require –</i></p> <p><i>(a) an analysis of environmental opportunities and constraints that influence development; and</i></p> <p><i>(b) the identification of appropriate management strategies, consistent with industry best practice, to ensure development responds appropriately to those environmental features.</i></p>	Supported
New clause	<p>32.27 <i>Irwin River floodplain</i></p> <p><i>Where an application for development approval is required on land within an identified floodway, the local government may refer the application to the Department of Water and Regulation and shall have due regard to any comments received.</i></p>	Supported. The EPA recommends substituting 'floodplain' with 'floodway'.
Schedule 4 – Special Use Zones (SU1 and SU2)	<p><i>(2) The local development plan shall set out detailed guidance for the overall development of the site and may require –</i></p> <p><i>(a) an analysis of environmental opportunities and constraints that influence development; and</i></p> <p><i>(b) the identification of appropriate management strategies, consistent with industry best practice, to ensure development responds appropriately to those environmental features.</i></p>	<p>Given the absence of cleared areas and considerable area of native vegetation (including known occurrence of a priority ecological community) at risk of being impacted due to the extensive land use permissibility, EPAS recommends the following modifications to SU1 and SU2 provisions:</p> <ul style="list-style-type: none"> <li>• (2): substitute 'and may require' with 'including'</li> <li>• (a): add 'based on suitable flora, vegetation and fauna surveys'</li> <li>• Add new subclause (c): the protection of significant native vegetation, consistent with regional conservation priorities.</li> </ul>