

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

Shire of Kojonup Local Planning Scheme No. 4

Location: Shire of Kojonup local government area

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

Determination Published: 14 July 2026

Summary

The Shire of Kojonup (Shire) has prepared draft Local Planning Scheme No. 4 (LPS 4), which proposes a consolidation and update of its existing Local Planning Scheme No. 3 (LPS 3) in a format generally consistent with the Model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The Environmental Protection Authority (EPA) has considered the LPS 4 in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the LPS 4 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 Kojonup (Shire) during consultation. 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 LPS 4:

- Flora and vegetation
- Terrestrial fauna
- Inland waters
- Social surroundings

Advice and Recommendations regarding Environmental Factors

Flora and vegetation and Terrestrial fauna

The Shire has been historically cleared for agriculture, however areas of remnant vegetation and scattered mature trees remain. Remaining native vegetation that exists outside of Crown reserves is at risk of being cleared for future development.

The LPS 4 area includes important environmental values including threatened and priority flora and fauna and ecological communities such as *Yate (Eucalyptus occidentalis) dominated alluvial claypans of the Jingalup Soil System, Seasonal rainfall filled wetlands with impeding substrate of the Swan Coastal Plain and Jarrah Forest in transitional rainfall zones and Eucalypt woodlands of the Western Australian Wheatbelt*.

Native vegetation within the area also provides habitat for threatened black cockatoo species, being Carnaby's Cockatoo and Baudin's Cockatoo which are listed as Endangered under both

the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Biodiversity Conservation Act 2016* (BC Act), and the Forest Red-tailed Black-cockatoo listed as Vulnerable under both the EPBC Act and BC Act.

Implementation of LPS 4 has the potential to impact native vegetation including threatened and priority ecological communities and habitat for threatened flora and fauna.

Inland waters

The Balgarup River, Arthur River and Carlecatup Creek are major rivers within the Shire that support important ecological, landscape and waterway values. Some parts of these waterways and associated foreshore areas are located within Crown reserves and public land, but most sections are on privately owned rural land within the Shire. Implementation of LPS 4 has the potential to impact the hydrology of the major rivers and other waterways.

Social surroundings

The scheme area contains several aboriginal cultural heritage sites protected under the *Aboriginal Heritage Act 1972*, including significant cultural sites along the waterways. Implementation of LPS 4 has the potential to impact Aboriginal cultural heritage values.

Advice and Recommendations regarding LPS 4

LPS 4 will allow for a range of new land uses which may have the potential to impact environmental values. Detailed information relating to the range of environmental impacts associated with future proposals is not available to the EPA in considering the LPS 4. 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. This approach should also apply to proposals within the existing zones included within LPS 4, which have been transferred from the previous scheme.

Reserves

The EPA supports the designation of 'Environmental Conservation' reserves under LPS 4, as this will provide greater statutory protection of environmental values. The EPA notes the Model Scheme objectives for Environmental Conservation reserves are:

- *To identify areas of biodiversity and conservation value, and to protect those areas from development and subdivision.*
- *To identify and protect areas of biodiversity conservation significance within National Parks, State forests and other conservation reserves.*

The EPA advises that a number of reserves proposed as 'Public Open Space' and 'Public Purpose' reserves under LPS 4 contain remnant vegetation and other environmental values that may be subject to future development or intensification of land use. The EPA's expectation is that future planning and development of Public Open Space, Public Purpose and Infrastructure Services reserves will be informed by appropriate environmental surveys to identify and protect significant environmental values.

The EPA acknowledges the proposed change of Reserve 11301 to 'Infrastructure Services', recognising its existing use as a waste management site. Future development, expansion or associated infrastructure works should avoid and minimise impacts on native vegetation and environmental values. 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.

Several reserves proposed as 'Public Purpose' are associated with waterways and historic water infrastructure and may be more appropriately classified as 'Environmental Conservation'. Where more appropriate, the EPA notes 'Drainage / Waterway' reserve classification could be considered for waterways with high drainage functionality. The Model Scheme objectives for Drainage / Waterway reserves are:

- *To set aside land required for significant waterways and drainage.*

The EPA understands several Crown reserves within the Kojonup townsite within the area known as the Myrtle Benn Reserve (Reserves 21460, 24161, 22994, 21026 and 1006) were previously identified by the Shire for amalgamation into a single Conservation and Recreation Crown reserve, recognising the environmental and recreational values of the area. Under LPS 4, the EPA supports the proposed Environmental Conservation reserve designation of Reserve 22994. While environmental information has not been provided to enable a detailed assessment, due to the presence of remnant native vegetation within Reserves 1006, 24160 and 24161 the EPA considers that Environmental Conservation reserve designation should be considered where remnant vegetation and other environmental values occur.

In summary, the EPA recommends that:

- reserves identified in Table 1 containing significant remnant vegetation or other environmental values be classified as Environmental Conservation reserves under LPS 4, where appropriate;
- reserves associated with waterways and drainage functions be classified as Environmental Conservation or Drainage / Waterway reserves where appropriate;
- environmentally significant portions of proposed Public Open Space and Public Purpose reserves be retained and protected through Environmental Conservation reserve classification; and
- additional protection of biodiversity in Crown reserves should be considered via changes to the reserve purpose on management orders, such as 'recreation and conservation' (or similar), through a process administered by the Department of Planning, Lands and Heritage under the *Land Administration Act 1997*.

Land use permissibility

The EPA notes the introduction of new land uses 'Mining Operations' and 'Renewable Energy Facility' and increased permissibility of 'Caravan Park' as advertised discretionary ('A') uses within the Rural zone. The EPA advises that these land uses may result in impacts to flora and vegetation, terrestrial fauna, inland waters and social surroundings, depending on their scale and location. The EPA recommends that environmental values are identified and considered through future planning, subdivision and development assessment processes, supported by appropriate environmental investigations and management measures where required.

The EPA considers that the Shire's future Local Planning Strategy may provide additional guidance regarding the location and management of these land uses and the protection of environmental values.

Development requirements

Most remnant native vegetation in the Shire occurs within the Rural zone, including vegetation that provides habitat for threatened fauna such as black cockatoos, and vegetation associated

with waterways and townsites. 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 advises that permissible land uses and associated development in the Rural zone may result in environmental impacts. Furthermore, future subdivision permitted in the Rural Residential zone in the Kojonup townsite may result in impacts to flora and vegetation, terrestrial fauna, and inland waters values.

The EPA supports the inclusion of new provisions in LPS 4 relating to environmental and natural resource management. However, the EPA notes there are limited controls on the removal of native vegetation across the scheme area, particularly within the Rural zone and on larger undeveloped lots. Given the highly cleared nature of the agricultural land within the Shire and the importance of remaining native vegetation, the EPA considers there is opportunity to strengthen provisions relating to the retention, protection and management of native vegetation, ecological linkages and waterway values. In the absence of additional scheme provisions, the EPA recommends that potentially significant environmental values be identified and protected through future planning stages, including structure planning, subdivision and development assessment processes, and that the future Local Planning Strategy address the environmental factors discussed above.

Special control area

The EPA supports the proposed Special Control Area 1 (SCA1) – Infrastructure Area – Waste Water Treatment Plant Buffer, which includes additional provisions for the development and/or use of premises for the purposes of residential or other sensitive land uses.

Conclusion

The EPA concludes LPS 4 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. The EPA advises that further impacts may be mitigated through additional scheme provisions around vegetation retention and reclassifying land to Environmental Conservation to provide for stronger environmental protection. The EPA recommends its advice is implemented to further mitigate potential impacts to the above environmental factors. 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 for proposed reserve designations in LPS 4

Location	Proposed zone / reserve		EPA advice and recommendations
	LPS 3	LPS 4	
Reserve 10281 Water (no management order)	Rural	Public Purpose	The EPA recommends that reserves associated with waterways, water supply and drainage functions be designated as 'Environmental Conservation' or 'Drainage/Waterway' reserves under LPS 4, to provide for stronger environmental protection outcomes and recognition of waterway values.
Reserve 9306 Water (no management order)	Rural	Public Purpose	
Reserve 10389 Water (no management order)	Rural	Public Purpose	
Reserve 10217 Water (no management order)	Rural	Public Purpose	
Reserve 39018 Water Supply	Rural	Public Purpose	
Reserve 20584 Water & Timber	Rural	Public Purpose	
Reserve 26642 Rubbish Depot	Public Purposes, Recreation	Public Purpose	The EPA recommends that reserves containing remnant native vegetation and other environmental values be classified as 'Environmental Conservation' reserves under LPS 4, to provide for stronger environmental protection outcomes.
Reserve 10569 Parkland	Rural	Public Open Space	
Reserve 9304 Landscape Protection	Rural	Public Open Space	
Reserve 23978 Resting Place	Rural	Public Open Space	
Reserve 23978 Travellers and Stock	Rural	Rural	
Reserve 26366 Parkland	Rural, Recreation	Public Purpose	The EPA notes the proposed 'Public Open Space' reserves. Where areas of remnant native vegetation occur, future consideration should be given to retention of environmental values.
Reserve 17340 Parkland	Rural	Rural	
Reserve 1071 Recreation and Camping	Rural	Public Open Space	
Reserve 15189 Recreation	Rural	Public Open Space	The EPA recommends that areas of remnant native vegetation within proposed 'Public Open Space' reserves be retained and that consideration be given to designating environmentally significant portions as 'Environmental Conservation' reserve.
Reserve 18033 Recreation Golf Club	Rural	Public Open Space	
Reserve 25215 Recreation	Public Purposes, Recreation	Public Purpose	The EPA recommends that portions of reserves containing remnant native vegetation be classified as 'Environmental

Reserve 26366 (part)	Rural	Public Open Space	Conservation' reserve, with cleared or developed areas retained for their proposed public purpose or recreation functions.
Reserve 18302 Recreation	Rural	Public Open Space	
Reserve 24160 Rubbish Depot	Public Purposes	Public Purpose	
Reserve 1006 Commons	Public Purposes	Public Purpose	The EPA recommends that the conservation values of this reserve be recognised through an appropriate reserve designation that supports long-term environmental protection and recreation outcomes.
Reserve 11301	Public Purposes / Recreation	Infrastructure Services	The EPA notes the proposed infrastructure use of the reserve. Future development or expansion should avoid or minimise impacts on native vegetation and environmental values.