



WESTERN AUSTRALIA

Chief Executive Officer
Shire of Halls Creek
PO Box 21
HALLS CREEK WA 6770

Our Ref: CMS16225
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Dear Sir/Madam

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

SCHEME: Shire of Halls Creek - Local Planning Scheme 2
LOCATION: Shire of Halls Creek
RESPONSIBLE AUTHORITY: Shire of Halls Creek
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (Not Appealable)

Thank you for referring the above proposed 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 the attached 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 this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Seares', with a long horizontal stroke extending to the right.

Patrick Seares
Delegate of the Environmental Protection Authority
Executive Director EPA Strategic and Guidance

25 June 2018

Encl. Scheme Advice and Recommendations

**ADVICE UNDER SECTION 46A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Shire of Halls Creek - Local Planning Scheme 2

Location: Shire of Halls Creek

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

Determination Published: 25 June 2018

Summary

The Shire of Halls Creek (the Shire) has initiated Local Planning Scheme 2 (LPS 2) to replace existing Town Planning Scheme 1.

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 amendment, as set out, 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 documentation provided by the Shire. The EPA notes that the various changes to zones and reserves within the area covered by the Shire's current scheme is to predominately bring the zone and reserve designations into alignment with the Model Provisions in Schedules 1 and 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Having considered this matter the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme:

- a) Flora and Vegetation,
- b) Terrestrial Fauna,
- c) Inland Waters Environmental Quality,
- d) Air Quality; and
- e) Social Surroundings

2. Advice and Recommendations regarding Environmental Factors

The EPA notes that the proposed LPS 2 will apply to the whole of the Shire. The existing Town Planning Scheme 1 only applies to the Halls Creek townsite, with an Interim Developed Order (IDO) applying to the greater Shire area.

The EPA notes that while several new zones are being proposed over the area previously covered by the IDO, LPS 2 does not provide for any new development areas within the Shire. LPS 2 applies zoning and reservations that align with the existing development of landholdings within the Shire. LPS 2 will provide for development control in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Some areas of land proposed to be rezoned through LPS 2 contain native vegetation, Threatened and Priority Flora and Fauna, Threatened Ecological Communities, and inland

water values. Prior to future development, flora and vegetation and fauna surveys should be undertaken where required to determine potential impacts, and inform areas to be retained, protected and managed.

The EPA supports the application of special requirements for development and consideration of the operations of the Halls Creek Airport, boundary setbacks, surrounding development and retention of native vegetation, through the proposed Rural Enterprise zone over the McBeath locality. This area is currently developed for a range of rural residential and 'Industry – light' purposes.

The EPA also supports the proposed three Special Control Areas (SCAs): SCA 1 – Public Drinking Water Source Area, SCA 2 - Environment – Wellhead Protection zone, SCA 3 – Infrastructure – Sewer Treatment Odour Buffer, and notes that the SCA's will include additional provisions for development requirements requiring consultation with relevant State agencies, and consideration of relevant policies. The EPA considers these SCAs address potential impacts to the Inland Waters Environmental Quality, Air Quality, and Social Surroundings environmental factors.

Proposals raising environmental issues, which are likely to have a significant effect on the environment should be referred to the EPA pursuant to Part IV Section 38 of the EP Act. Future development may also require a clearing permit in accordance with Part V of the EP Act.

Recommendation

The EPA concludes that the scheme can be managed to meet the EPA's environmental objectives for the above factors through the local planning scheme provisions and future surveys to further identify, manage and protect the above environmental values and factors where required. Proposals raising environmental issues which are likely to have a significant effect on the environment should be referred to the EPA pursuant to Part IV s38 of the EP Act. Clearing permits may also be required for future development pursuant to Part V of the EP Act.