

Chief Executive Officer
Shire of Murray
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Our Ref: CMS14262
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Attn: Cherryll Oldham

Dear Sir/Madam

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

SCHEME: Shire of Murray Town Planning Scheme 4
Amendment 236
RESPONSIBLE AUTHORITY: Shire of Murray
DECISION: Not Assessed: Advice Given

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the 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 sent to relevant authorities and made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DF', with a stylized flourish at the end.

Darren Foster
Director
Strategic Policy and Planning Division

17 November 2014

Encl. Public Advice

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

Shire of Murray Town Planning Scheme No. 4 Amendment 236

Determination: Not Assessed – Advice Given

Determination Published: 17 November 2014

Summary

The Shire of Murray proposes to rezone 1107 hectares in Nambeelup from 'Rural' to 'Special Rural' zone.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). In making its decision on whether to assess the scheme amendment, the EPA has applied its 'Significance Framework' which relates to the extent to which the scheme amendment meets the EPA's environmental objectives for the environmental factors.

The EPA considers that the scheme amendment, if implemented consistent with the Scheme Amendment Report document dated August 2014 and this advice, is unlikely to have a significant effect on the environment and does not warrant formal assessment. The potential impacts from the scheme amendment can be adequately managed to meet the EPA's objectives through the implementation of the responsible authority's scheme provisions, management plans and regulated through other statutory processes.

1. Environmental Factors

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

- a) Flora and vegetation;
- b) Terrestrial fauna; and
- c) Inland waters environmental quality.

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act. The EPA considers that the mitigation of the potential effects on the environment can be regulated by other statutory decision-making processes and through the implementation of the responsible authority's commitments and best practice measures in accordance with this advice.

2. Advice and Recommendations regarding Environmental Issues

a. Flora and vegetation

The EPA supports the proposed scheme text regarding the retention and management of native flora and vegetation.

The EPA also supports the Subdivision Guide Plan (SGP) dated 28 July 2014 which proposes the retention of native vegetation across 10 public open space (POS) areas and proposed conservation covenant areas.

The EPA considers that the scheme amendment, if implemented consistent with the Scheme Amendment Report document dated August 2014, is not likely to have a significant impact on the environmental factor of flora and vegetation.

b. Terrestrial Fauna

The clearing of remnant native vegetation may cause a loss of habitat for Carnaby's Black Cockatoo.

All species of Cockatoos are protected under both the *Wildlife Conservation Act 1950* and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The developer should consider its notification responsibilities regarding matters of National Environmental Significance under the EPBC Act.

The EPA considers that the scheme amendment, if implemented consistent with the Scheme Amendment Report document dated August 2014, is not likely to have a significant impact on the environmental factor of terrestrial fauna.

c. Inland waters environmental quality

The EPA supports the proposed scheme text and Subdivision Guide Plan (SGP) dated 28 July 2014 which proposes the management and retention of significant wetlands in POS areas.

The EPA notes that the nutrient modelling information provided indicates that the post development land use scenario will reduce total phosphorous export by 78% when compared to its current use. This reduction meets the requirements for the EPA (2008) *Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System* (WQIP). The reduction is based on the assumption that future lot owners will use best practice fertiliser application and horse management.

The EPA supports the requirement for each 'Equestrian Lot' to prepare an Equine Management Plan (EMP) detailing maximum stocking rates to be approved by the Shire of Murray prior to stocking the land with horses. The EPA also supports that the EMP addresses fertiliser management to reduce total phosphorous export.

The EPA considers that given special rural developments have little associated POS and drainage infrastructure to filter nutrients, in waterlogged areas such as this site, nutrients from fertiliser practices and livestock are more susceptible to export via groundwater. Therefore the Shire of Murray has a responsibility to develop adequate mechanisms to control future residents' fertiliser application practices, such as through scheme text and community education programs. Appropriate drainage practices will also need to be addressed at the subdivision stage.

The EPA considers that the scheme amendment, if implemented consistent with the Scheme Amendment Report document dated August 2014 and this advice, is not likely to have a significant impact on the environmental factor of inland waters environmental quality.