



Mr Neville Hale
Chief Executive Officer
Shire of Cunderdin
PO Box 100
CUNDERDIN WA 6407

Our Ref: CMS17513
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Dear Mr Hale

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

SCHEME: Shire of Cunderdin – Local Planning Scheme 4
LOCATION: Whole of Scheme Area
RESPONSIBLE AUTHORITY: Shire of Cunderdin
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 read 'A Sutton'.

Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

25 January 2019

Encl. Scheme Advice and Recommendations

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

Shire of Cunderdin Local Planning Scheme 4

Location: Shire of Cunderdin

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

Determination Published: 29 January 2019

Summary

The Shire of Cunderdin has initiated Local Planning Scheme 4 (LPS 4) to replace the existing Local Planning Scheme 3.

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 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 of Cunderdin (the Shire). The EPA's assessment focused on the zoning changes. Proposals outside of these areas and/or proposals raising new environmental issues which are likely to have a significant effect on the environment should still be referred to the EPA pursuant to Section 38 of the EP Act. Having considered this matter the following advice is provided.

Environmental Factors

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

- Flora and Vegetation;
- Inland Waters;
- Air Quality; and
- Social Surroundings.

Advice and Recommendations regarding Environmental Factors

Flora and Vegetation

Some areas of land proposed to be rezoned through the Shire's LPS 4 contain remnant native vegetation. Future land uses consistent with LPS 4 may require a permit to clear vegetation in accordance with Part V of the EP Act. Development should also be located within existing cleared land, or within areas of existing degraded vegetation.

Inland Waters, Air Quality and Social Surroundings

LPS 4 proposes to rezone land to general industry, industrial development and urban development zones. Subsequently, the EPA would expect that some future proposals within these zones may lead to environmental impacts to the above factors due to associated nutrient, noise, dust and odour issues, especially any expansion to the existing Co-operative Bulk Handling (CBH) Group facility. As sufficient information in relation to the range of

environmental impacts associated with proposals which may be allowable under these zones is not available to the EPA in considering the LPS, the EPA has not been able to undertake an assessment of the relevant environmental issues. The Shire should refer future significant proposals to the EPA pursuant to Part IV of the EP Act. This approach would also apply to proposals within the existing zones included within the LPS, which have been transferred from the previous scheme.

LPS 4 requires that structure planning be undertaken within the proposed urban development and industrial development zones, to guide subdivision and development. Structure planning should take into consideration potential impacts to the environment, especially social surroundings. EPA Guidance Statement 3 *Separation Distances between Industrial and Sensitive Land Uses* should be considered in this regard.

Conclusion

The EPA concludes that implementation of the scheme can be managed to meet the EPA's environmental objectives for the above factors through existing development controls within the scheme. Future structure planning and proposals should also further identify, manage and protect the above environmental factors. The Shire should refer future significant proposals to the EPA pursuant to Part IV of the EP Act.