

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

City of Albany Local Planning Scheme 2 Amendment 2

Location: Various lots and reserves within the Marbelup and Cuthbert localities

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

Determination Published: 9 June 2025

Summary

The Local Planning Scheme (LPS) amendment proposes to rezone various lots and reserves within the Marbelup and Cuthbert localities, as follows:

- Lots 124 and 125 South Coast Highway, Marbelup and Lot 200 Old Elleker Road, Cuthbert from 'Rural' to 'Rural Residential'
- Lot 201 Old Elleker Road, Cuthbert from 'Rural' to 'Rural Smallholding'
- Portion of Lot 44 and Lot 9001 Old Elleker Road, Cuthbert from 'Rural' to either 'Rural Residential' or 'Rural Smallholding' as applicable on the proposed plan
- Lot 33 Old Elleker Road, Cuthbert from 'Rural' to 'Drainage / Waterway'
- Lot 7864 South Coast Highway, Marbelup from 'Infrastructure Services' to 'Drainage / Waterway'.

The Environmental Protection Authority (EPA) has considered the scheme amendment 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 original referral documentation including an opportunities and constraints concept plan (Figure 1) provided by the City of Albany (the City). 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 this scheme amendment:

- Flora and vegetation
- Terrestrial fauna
- Inland waters.

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation and Terrestrial Fauna

The amendment area has been subject to historical clearing to facilitate rural land uses however contains consolidated patches of remnant vegetation, approximately 25 ha in total, well as

scattered trees. The vegetation is mapped as Southern Jarrah Forest complex, with mapped associations including medium forest; Jarrah-Marri woodland which may provide suitable foraging and breeding habitat for conservation significant fauna including threatened species of black cockatoos.

The EPA:

- supports the implementation of the 'Development Exclusion Zone' areas in the Opportunities and Constraints Plan (Figure 1) which identifies pockets of remnant vegetation (which is also potential fauna habitat) and areas of riparian vegetation along Five Mile Creek to be retained
- expects that the implementation of future development associated with the amendment avoids the clearing of native vegetation and terrestrial fauna habitat within the 'Development Exclusion Zone' areas
- supports the identification of building envelopes to avoid impacts to native vegetation and habitat trees
- supports implementation of revegetation of Five Mile Creek
- notes the proposed implementation of the Bushfire Management Plan (BMP), which demonstrates an intent to avoid, and where not possible, minimise, the clearing of remnant vegetation to achieve compliance with *State Planning Policy 3.7 – Bushfire* (SPP 3.7).

LPS text provisions

The EPA expects that future development within the amendment area is consistent with the scheme text provisions to avoid, minimise, manage and mitigate potential impacts to flora and vegetation and terrestrial fauna values, including:

- LPS 2 Schedule 5 (Table 12) '*Additional requirements that apply to specific zones in Scheme area*' Rural Residential Zone including for *Development setbacks, Building envelope, Fencing, Buffers, Flora and fauna, Livestock*
- LPS 2 Schedule 6 (Table 13) *General development standards that apply to land in the scheme area* including for *Land Clearing, Building Envelope, Revegetation, Terrestrial Fauna Habitat Protection*.

The above schedules of scheme text include provisions that consider, but are not limited to:

- development being located to not result in a detrimental impact to existing environmental values
- development being located on existing cleared areas
- revegetation considerations, in particular assisting to provide vegetated corridors to maintain fauna and flora linkage
- requirements for fauna survey where avoidance of values is not able to be demonstrated.

Inland waters

Five Mile Creek traverses the amendment area, flowing to Seven Mile Creek to the southwest before discharging to Lake Powell. The amendment area also contains seasonal drainage lines and constructed drains and seasonally inundated and waterlogged areas.

The EPA notes that as no reticulated sewerage network is located in proximity to the amendment area and onsite wastewater management will be required. The EPA expects future wastewater disposal being undertaken consistent with the *Government Sewerage Policy 2019* (GSP) and supports the requirement that secondary treatment of effluent for disposal; nutrient removal systems may also be required.

The EPA has considered:

- the Local Water Management Strategy (LWMS) and Site and Soil Evaluation (SSE) documents and supports and expects the achievement of the following outcomes for inland waters, consistent with the LWMS documents:
 - post-development critical peak flows will be consistent with pre-development peak flow at the discharge point of each catchment within the amendment area, and

- the surface water quality found in Five Mile Creek shall be maintained or improved in the post-development scenario.
- the proposed additional measures (further to scheme provisions) to minimise impacts to inland waters expects these measures to be implemented through the future stages of planning. These measures include, but are not limited to:
 - the use of bioretention swales and stormwater drainage systems to treat stormwater runoff and improve the quality of stormwater infiltrating the groundwater table,
 - implement structural treatment measures to reduce nutrient input into groundwater,
 - stabilisation of sections of drainage easements (i.e. revegetation, stabilisation matting, etc.) to prevent future erosion and sediment deposition within the amendment area and Five Mile Creek,
 - revegetation of sections of Five Mile Creek and associated flood plain (existing vegetation proposed not to be impacted).

The LWMS and SSE documents should be finalised for endorsement in consultation with the Department of Water and Environmental Regulation and the City, and additional management measures required by these agencies incorporated and implemented.

LPS text provisions

The EPA expects that the implementation of future development associated with the amendment minimises and manages impacts to inland waters values. The EPA has considered that the proposed Drainage/Waterways reservation over Five Mile Creek and the existing scheme conditions in LPS 2 can protect, minimise and manage impacts to inland waters values. The EPA expects that future stages of planning/future development within the amendment area is consistent with the scheme text provisions in LPS 2 Schedule 6 (Table 13) General development standards that apply to land in the scheme area including for Setbacks from Water Resources, Sewerage Disposal (Onsite Disposal, Trade Waste), Land Subject to Flooding and Water Sensitive Urban Design Principles.

The above schedules of scheme text include provisions that consider, but are not limited to:

- onsite effluent disposal to be consistent with the GSP 2019 and not to be 100 m of a waterway or wetland and not within a waterway foreshore area
- development on land outside of the Residential zone may be required to be setback a minimum of 100m from a waterway or wetland
- reduced setbacks can only be considered where they will not have a significant impact on the environment
- native vegetation within any defined water resource setback area shall be retained and managed in perpetuity
- where stormwater is directed to any water resource, it will only be permitted where it can be demonstrated that there will be no adverse impacts on the water resource and/or environmental values of the area within which the development is proposed
- preparation of a waterway management plan

Conclusion

The EPA concludes the scheme is likely to meet the EPA's environmental objective for flora and vegetation, terrestrial fauna, and inland waters. Key environmental issues can be managed through existing scheme text mechanisms, and through future planning and statutory processes. The EPA expects its advice is implemented to further manage and mitigate potential impacts to the above environmental factors.

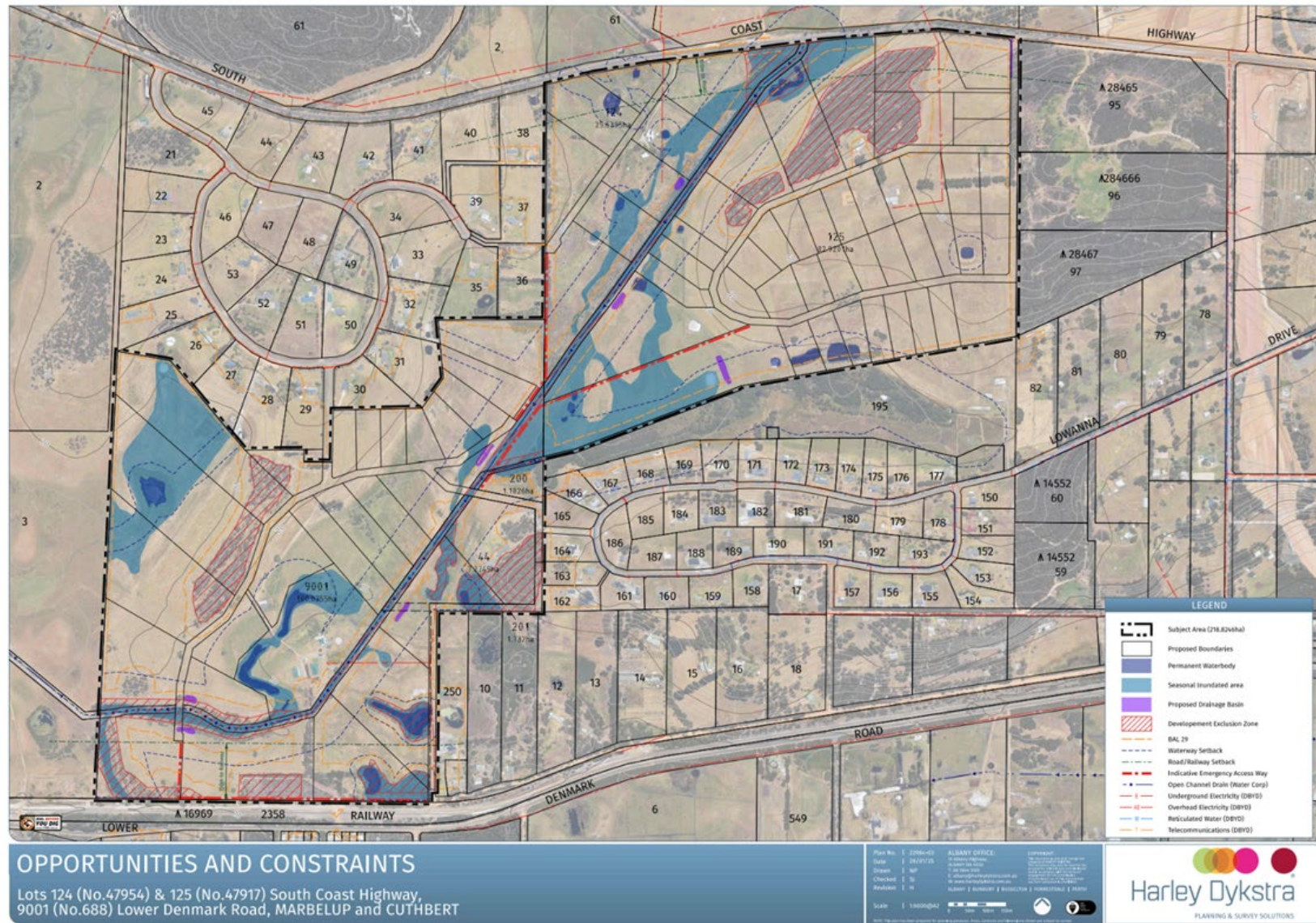


Figure 1. Opportunities and Constraints Plan (Harley Dykstra, 2025)