

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

Shire of Capel Local Planning Scheme 8 Amendment 4

Location: Lot 49 (No. 58) Capel Drive, Capel

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

Determination Published: 10 February 2026

Summary

Amendment 4 proposes to amend Lot 49 (No. 58) Capel Drive, Capel R-Codes from 'R2.5' to 'R5' and remove the 'Additional Use No. 5' designation from Schedule 1 of the Shire of Capel Local Planning Scheme 4 (LPS4).

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 and other available information. 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
- Terrestrial environmental quality
- Inland waters
- Social surroundings

Advice and Recommendations regarding the Environmental Factors

Flora and vegetation and Terrestrial fauna

The amendment area has been historically cleared except planted endemic or non-endemic vegetation along the property boundary.

Based on information available to the EPA¹, the amendment area is known to provide habitat for the Western Ringtail Possum (listed as Critically Endangered under the *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*), with historical identification of a drey located in the eastern part of the amendment area on the boundary of Lot 1 Jenkin Road, Capel (Iluka Carpark). The amendment area may also provide foraging habitat for State and Commonwealth-listed threatened black cockatoos (Carnaby's Cockatoo and Baudin's Cockatoo).

Future subdivision and development application processes should ensure that development is located within existing cleared land and avoid clearing of vegetation that provides significant habitat for threatened fauna. In particular, vegetation with Western Ringtail Possum drey(s) and that provides canopy connectivity to the adjacent habitat, should be retained.

The EPA also notes that environmental values potentially present within the amendment area are considered Matters of National Environmental Significance (MNES). Future proposals that are likely to impact on MNES should be referred to the Commonwealth for consideration under the *Environment Protection and Biodiversity Conservation Act 1999*.

Terrestrial environmental quality, Inland waters and Social surroundings

The amendment area is located within proximity to a site listed on DWER's Contaminated Sites Database and an operational mineral sand processing plant.

Potential impacts to sensitive receptors associated with residential development from the adjoining processing plant, such as contaminants in groundwater, noise, dust and odour, should be managed to ensure contaminants in groundwater are not mobilised and through consideration of separation distances from sensitive land uses and to minimise impacts on social surroundings.

The EPA expects that due consideration is given to the EPA *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing planning processes. The EPA notes that future subdivision and/or development application processes should also further identify, manage and protect the above environmental values.

References:

¹Harewood, G. 2018, *Fauna Assessment, Capel Dry Plant, South Capel Remediation Project*, Prepared for Iluka Resources Ltd. Perth, Western Australia.