

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

Shire of Gingin Local Planning Scheme 9 Amendment 25

Location: Lot 5905 Cowalla Road, Wanerie

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

Determination Published: 25 March 2024

Summary

The amendment proposes to rezone Lot 5905 Cowalla Road, Wanerie from ‘General Rural’ to ‘General Rural (GR 10)’. The amendment also proposes to include new provisions at Schedule 10 of the Scheme to guide future subdivision of the amendment area.

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 additional information provided by the Department of Planning, Lands and Heritage (DPLH) to this amendment. 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
- Social surroundings
- Inland waters

Advice and Recommendations regarding the Environmental Factors

Flora and vegetation and Terrestrial fauna

The amendment area contains scattered paddock trees and small patches of remnant native vegetation that may provide habitat for threatened species of black cockatoos. Implementation of the amendment may result in the clearing of vegetation and potential fauna habitat to provide for future subdivision and/or development.

The EPA notes that the Shire’s Local Planning Scheme 9 (LPS 9) contains provisions at Clause 4.8.6 that provide general protections for native vegetation within the ‘General Rural’ zone. The existing provisions require the siting of proposed buildings to avoid significantly impacting natural vegetation, and provide for the requisition of additional technical information to address environmental issues prior to subdivision and development.

In addition to the above, the Shire has proposed site-specific provisions for inclusion at Schedule 10 of LPS 9 to further mitigate potential impacts to native vegetation within the amendment area. The proposed provisions, which include requirements for developers to

identify vegetation worthy of protection prior to subdivision, are supported by the EPA. In addition, the EPA recommends that targeted black cockatoo habitat assessment is undertaken within the amendment area prior to subdivision, to support the identification of potential habitat trees that may be worthy of retention and protection.

Social surroundings

The amendment area is located adjacent to existing rural and horticultural land uses. Implementation of the proposed amendment will facilitate future subdivision of the amendment area, whilst also maintaining the existing scope of permitted rural land uses. As such, the EPA considers that implementation of the scheme amendment may lead to the potential intensification of rural land uses in the locality, and/or a potential land use conflict whereby new residents of the amendment area are exposed to emissions from neighbouring rural and horticultural land uses.

The EPA's Guidance Statement 3 *Separation Distances between Industrial and Sensitive Land Uses* (2005) (GS 3) recommends that a 300-500m separation distance from market gardens (horticultural) land uses to sensitive land uses is achieved, to reduce the potential impacts of gas, noise, dust and odour emissions. The EPA recommends that the Shire considers GS 3 in conjunction with other relevant government agency guidance documents, as part of considering the amendment and, any future applications and conditions for subdivision or development.

The EPA also recommends that the potential impacts of the amendment in intensifying or contributing to emissions from rural activities should be given due regard.

Inland waters

The amendment area is located within the Moore River catchment. The [Shire's Local Planning Strategy](#) (LPS) identifies the amendment area as being suitable for 'Rural Smallholding' purposes.

The referral information notes that the proposed amendment area is not connected to reticulated water or sewerage networks, and that future development within the area will require on-site wastewater disposal and sourcing of potable water (most likely through installation of rainwater tanks). The EPA also notes that groundwater availability is generally limited in the Shire of Gingin, with groundwater licences being largely (if not completely) allocated. As such, it is unclear how, and/or if, future horticultural operations potentially permissible in the amendment area will source water to meet operational needs.

Noting the above, implementation of the amendment may result in a change to water hydrology and reduced water quality or contaminated water discharging from the amendment area as a result of onsite wastewater disposal and/or run-off from possible horticultural land uses.

The EPA considers that it is likely that the proposed 10 hectare (ha) minimum lot size required by the proposed amendment will be capable of accommodating future on-site wastewater disposal. The EPA also recommends that appropriate water management planning is undertaken prior to subdivision to further assist in mitigating potential impacts to water quality from the proposed amendment.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing and proposed scheme

provisions. The EPA notes that further impacts may be mitigated through future planning requirements, including subdivision and/or development applications. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.