

Chief Executive Officer
Shire of Esperance
PO Box 507
ESPERANCE WA 6450

Your Ref:
Our Ref: CMS14219
Enquiries: Stephen Pavey, 6145 0800
Email: Stephen.Pavey@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: So Esperance Local Planning Scheme 23
Amendment 17
RESPONSIBLE AUTHORITY: Shire of Esperance
DECISION: Scheme Not Assessed: Advice Given (no
appeals)

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 'B. Hyder', with a long, sweeping flourish extending to the right.

Bridget Hyder
A/Director
Strategic Policy and Planning Division

For the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 dated 6 December 2013

9 March 2015

Encl. Scheme Advice and Recommendations

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

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME 23 AMENDMENT 17

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 9 March 2015

Summary

The Shire of Esperance proposes to rezone Lot 37 Sinclair Street, Esperance from 'Residential-DA1' to 'Industrial-General' and 'Parks, Recreation and Conservation'. The lot will be restricted to being used as a Depot for earthmoving equipment, light industry and a transport depot.

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 is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. 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 environmental factors relevant to this scheme amendment:

- a) Human Health;
- b) Amenity.

2. Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the scheme amendment documentation provided by the Shire and a site specific environmental assessment report prepared by 360 Environmental Pty Ltd in January 2015.

Human Health and Amenity

The Shire of Esperance proposes to permit the development of light industry, a transport depot and a depot for earthmoving equipment close to existing residential development. The nearest residence is 3.5 metres from the site boundary and there is potential for noise and dust impacts on nearby residents.

The site specific study conducted by 360 Environmental Pty Ltd in January 2015 used data obtained from the Australian Standard (AS2436) to estimate setbacks required for each type of machinery in order to avoid and mitigate noise impacts. The construction of a storage facility in the eastern portion of the site will further avoid and mitigate noise impacts.

The site specific study also investigated the potential issues of wheel generated dust and road traffic exhaust emissions. While the site specific study concluded that the proposed facility can operate without adversely impacting air quality it recommended a campaign of particulate monitoring to ensure that adequate controls are applied to protect the community from any adverse health and amenity impacts.

Recommendations

In order to address the environmental issues of noise and dust the EPA recommends implementation of the management measures detailed in the 360 Environmental Pty Ltd January 2015 report at the appropriate stages of the planning and development process. These include:

- the construction of the proposed storage facility prior to operating the site as a depot for machinery or transport depot;
- marking of setbacks required for each type of machinery in order to avoid and mitigate noise impacts;
- particulate monitoring as described in the 360 Environmental report to ensure that adequate controls are applied to protect the community from health and amenity impacts.