

Chief Executive Officer
Shire of Donnybrook-Balingup
PO Box 94
DONNYBROOK WA 6239

Your Ref:
Our Ref: CMS15293
Enquiries: Angela Coletti, 6145 0800
Email: Angela.Coletti@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: Shire of Donnybrook-Balingup - Local Planning
Scheme 7 - Amendment 2
LOCATION: Lot 102 South Western Highway Donnybrook
RESPONSIBLE AUTHORITY: Shire of Donnybrook-Balingup
DECISION: Scheme Not Assessed: Advice Given (no
appeals)

Thank you for referring the above proposed scheme to the Environmental Protection Authority (EPA).

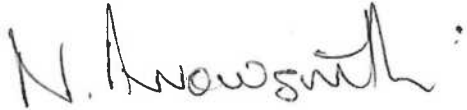
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

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 that reads "Naomi Arrowsmith". The signature is written in a cursive style with a small dot at the end.

Naomi Arrowsmith
A/Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

7 December 2015

Encl. Scheme Advice and Recommendations

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

Shire of Donnybrook - Balingup

Local Planning Scheme 7 Amendment 2

Location: Lot 102 South Western Highway, Donnybrook

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

Determination Published: 7 December 2015

Summary

The Shire of Donnybrook-Balingup proposes to rezone Lot 102 South Western Highway, Donnybrook from 'Residential 2.5/5' to 'Residential 5/10'.

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 environmental impacts of the scheme amendment are not so significant as to warrant formal assessment under Part IV of the EP Act, providing the following advice is implemented.

1. Environmental Factors

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

- Flora and Vegetation;
- Terrestrial Fauna; and
- Human Health.

2. Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the scheme amendment documentation provided by the Shire of Donnybrook-Balingup. The EPA expects the Shire to include scheme provisions to address the environmental factors: Flora and Vegetation; Terrestrial Fauna and Human Health.

- **Flora and Vegetation, Terrestrial Fauna**

The EPA supports the Proposed Structure Plan dated 20 May 2015 which proposes to retain 2 hectares of Marri and Jarrah woodland in the central southern portion of Lot 102 South Western Highway, Donnybrook which is in a 'Very Poor' to 'Good' condition.

- **Human Health**

The EPA notes that there are existing orchards located north and west of Lot 102 South Western Highway, Donnybrook.

EPA Guidance No.3 2005, *Separation Distances between Industrial and Sensitive Land Uses* recommends a separation distance of 500 meters from an existing vineyard, orchards and residential buildings. However, the EPA recognises that a lesser separation distance may be appropriate where a vegetated buffer is established to mitigate the impacts of spray drift and other potential emissions from the vineyard and orchard.

The EPA notes that the Department of Health *Guidelines for Separation of Agricultural and Residential Land Uses, August 2012* recommends an effective vegetative buffer be a minimum total width of 40m made up of 10m cleared fire break area either side of a 20 m wide planted area.

Further advice can be obtained from the Department of Health *Guidelines for Separation of Agricultural and Residential Land Uses, August 2012*, available on the Department of Health website.