



Chief Executive Officer
Shire of Serpentine Jarrahdale
6 Paterson Street
MUNDIJONG WA 6123

Your Ref:
Our Ref: CMS16133
Enquiries: Gerard O'Brien, 6364 7600
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Dear Sir/Madam

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

SCHEME: Shire of Serpentine Jarrahdale - Local Planning Scheme No. 3
LOCATION: Whole of scheme area
RESPONSIBLE AUTHORITY: Shire of Serpentine Jarrahdale
DECISION: Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

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 be 'P. Seares', with a long horizontal stroke extending to the right.

Patrick Seares
Delegate of the Environmental Protection Authority
Executive Director EPA Strategic and Guidance

14 May 2018

Encl. Scheme Advice and Recommendations

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

Shire of Serpentine-Jarrahdale Local Planning Scheme 3

Location: Shire of Serpentine-Jarrahdale

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

Determination Published: 14 May 2018

Summary

The Shire of Serpentine-Jarrahdale has initiated Local Planning Scheme 3 (LPS 3) to replace existing Town Planning Scheme 2.

The Environmental Protection Authority (EPA) has considered the scheme 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 documentation provided by the Shire of Serpentine-Jarrahdale (the Shire). The EPA's assessment focused on the zoning changes. Proposals outside of these areas and/or proposals raising new environmental issues which are likely to have a significant effect on the environment should still be referred to the EPA pursuant to Section 38 of the EP Act. Having considered this matter the following advice is provided.

1. Environmental Factors

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

- a) Flora and Vegetation;
- b) Terrestrial Environmental Quality;
- c) Inland Waters Environmental Quality;
- d) Air Quality; and
- e) Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

a. Flora and Vegetation

Some areas of land proposed to be rezoned through the Shire's LPS 3 contain remnant native vegetation. Specifically, while existing extractive industries may have approval, future land uses consistent with LPS 3 may require a permit to clear vegetation in accordance with Part V of the EP Act.

b. Terrestrial Environmental Quality

Existing and historical extractive industry and landfill sites within the Shire may be contaminated sites. The *Contaminated Sites Act 2003* provides for the identification, recording, management and remediation of contaminated sites. These sites within the Shire

should be considered with regards to the provisions of the *Contaminated Sites Act 2003*. The Shire may wish to liaise with the Department of Water and Environmental Regulation in this regard.

c. Inland Waters Environmental Quality, Air Quality and Social Surroundings

The EPA notes that the proposed 'Special Control Area 4 – Agri-Food Processing and Production' (SCA4) will allow for a range of potential land uses which may lead to environmental impacts, specifically poultry farms. As sufficient information in relation to the range of environmental impacts associated with proposals which may be allowable under SCA4 is not available to the EPA in considering the LPS, the EPA has not been able to undertake an assessment of the relevant environmental issues. Subsequently, the EPA would expect that poultry proposals within the SCA4 are likely to lead to significant environmental impacts to the above factors due to associated nutrient, noise, dust and odour issues. The Shire should refer future significant proposals to the EPA pursuant to Part IV of the EP Act. This approach would also apply to proposals within the existing zones included within the LPS, which have been transferred from the previous scheme.

The EPA recommends that the existing SCA4 text be modified to change poultry farms from a permitted 'P' use, to an 'A' use. This means that the use is not permitted unless an application has been advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The EPA also recommends that the SCA4 text require all development to be consistent with the State Planning Policy 2.5 *Rural Planning*, which repealed the previous State Planning Policy 4.3 *Poultry Farms Policy*. The SCA4 text should also require poultry development to be consistent with the *Code of Practice for Poultry in Western Australia (2003)*, the *Environmental Code of Practice for Poultry Farms in Western Australian (2004)*, and any more contemporary publications of these codes.

The EPA supports the SCA4 requirement for poultry farms to be in 'controlled environmental sheds', which will contain and manage nutrients which would otherwise potentially impact the Peel Harvey Catchment.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives for the above factors through the local planning scheme provisions and/or proposals to further identify, manage and protect the above environmental values and factors. The Shire should refer future significant proposals to the EPA pursuant to Part IV of the EP Act.