



Environmental Protection Authority

Mr Andrew Sharpe
Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331

Our Ref: CMS17460
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Dear Mr Walker

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

SCHEME: City of Albany - Local Planning Scheme 1 - Amendment 33
LOCATION: Lot 1 Frenchman Bay Road, Little Grove, Albany (Lot 1).
RESPONSIBLE AUTHORITY: City of Albany
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 read 'Hans Jacob', written in a cursive style.

Hans Jacob
Delegate of the Environmental Protection Authority
A/Executive Director
EPA Services

25 September 2018

Encl. Scheme Advice and Recommendations

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

City of Albany – Local Planning Scheme 1 – Amendment 33

Location: City of Albany

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

Determination Published: 25 September 2018

Summary

The City of Albany has initiated Amendment 33 to Local Planning Scheme 1 to incorporate the 'Additional Uses' of grouped and multiple housing and mixed use on Lot 1 Frenchman Bay Road, Little Grove (Lot 1).

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, as set out, 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 City of Albany. Having considered this matter the following advice is provided.

1. Environmental Factors

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

- a) Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

The EPA considers that the proposal for residential and mixed use development within Lot 1 will not result in a significant impact on the environment. However, the EPA notes that Lot 1 contains an existing operating service station.

The EPA's Guidance 3 *Separation Distances between Industrial and Sensitive Land Uses* (GS 3) Appendix 1 notes that service stations potentially have 'gaseous, noise, odour and risk' impacts. In this circumstance the EPA considers that these potential impacts on the future residential development may be mitigated by the location of the service station and future development on either side of the store associated with the service station.

The EPA recommends that the City of Albany consider the EPA's GS 3 concerning whether an appropriate separation distance has been provided between the operating service station and proposed development of sensitive land uses. GS 3 recommends a separation distance of 50 meters for service stations operating during normal hours, and 200 meters for a non-freeway service station operating for 24 hours a day.

Conclusion:

The EPA concludes that future development in line with the proposed scheme amendment can be managed to meet the EPA's environmental objectives.

The EPA recommends the City of Albany consider the EPA's GS 3 concerning an appropriate separation distance between the service station operations and future sensitive land uses.