

Mr David Blurton
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Our Ref: CMS17714
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Dear Mr Blurton

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

SCHEME:	Shire of Collie Local Planning Scheme 6
LOCATION:	Shire of Collie
RESPONSIBLE AUTHORITY:	Shire of Collie
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. I have also attached a copy of the Chairman's determination of the scheme.

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 the Chairman's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



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

10 January 2020

Encl. Scheme Advice and Recommendations
Chairman's Determination

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

Shire of Collie Local Planning Scheme 6

Location: Shire of Collie

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

Determination Published: 13 January 2020

Summary

The Shire of Collie proposes to introduce a new local planning scheme to replace its existing scheme. The new scheme proposes a number of changes including new zones, additional uses to reflect actual land uses and the introduction of several Special Control Areas.

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 the scheme 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 Collie and 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:

- Flora and Vegetation;
- Inland Waters; and
- Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

Flora and Vegetation

The Shire proposes a supplemental provision to the deemed provisions that will exempt local government works in local government reserves from requiring development approval. While the EPA recognises the intention of the supplemental provision is to allow for minor works the proposed provision may also allow works that could result in a significant impact on the environment, such as clearing of potentially significant vegetation and fauna habitat. Scheme provisions that exempt development approval do not negate the requirements of Parts IV and V of the *Environmental Protection Act 1986*.

The EPA recommends the proposed scheme provisions clarify the types of works that do not require development approval.

Inland Waters

The Shire proposes to rezone land adjacent to the Collie River foreshore from Rural to Rural Residential, with the intention to reflect existing land uses. The proposed rezoning has the potential to allow subdivision and intensification of development on lots not currently developed for rural residential uses. Intensification of development close to the river has the potential to impact on water quality and the river foreshore.

The EPA recommends no further subdivision of land proposed to be rezoned from Rural to the Rural Residential zone which is adjacent to the Collie River and is within the Flood Prone Special Control Area.

Social Surroundings

The EPA supports the introduction of a Special Control Area around the Shire's Waste Management Facility on Coalfields Highway. The proposed separation distance between the Waste Management Facility lot boundary and sensitive land uses is shown as 250 metres except where existing residences are within 250 metres.

The existing residences within 250 metres of the lot containing the facility are further than 250 metres from all current Waste Management operations.

The EPA recommends any future proposed Waste Management Facility operations with the potential to impact on sensitive land uses are located with separation distances consistent with the EPA's Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses.

Conclusion

The EPA concludes the scheme can be managed to meet the EPA's environmental objectives, through the implementation of the proposed local planning scheme provisions, and structure planning requirements.

Recommendations

The EPA recommends:

1. The supplemental provision to the deemed provisions proposed by the Shire is removed or amended to identify that the supplemental provision does not apply to any works likely to have a significant impact on the environment;
2. No further subdivision of land proposed to be rezoned from Rural to the Rural Residential zone which is adjacent to the Collie River and is within the Flood Prone Special Control Area; and
3. Any future proposed Waste Management Facility operations with the potential to impact on sensitive land uses are located with separation distances consistent with the EPA's Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses.