

Mr Rob Stewart
A/Chief Executive Officer
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Our Ref: CMS 17860
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Dear Mr Stewart

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

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|------------------------------|---|
| SCHEME | Shire of Capel Town Planning Scheme 7 Amendment 68 |
| LOCATION | Part Lot 2 Calinup Road Gelorup |
| RESPONSIBLE AUTHORITY | Shire of Capel |
| DECISION | Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable) |

Thank you for referring the above 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 Chair'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 Chair's determination, 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 blue ink, appearing to read 'Shaun Meredith', is positioned above the typed name.

Dr Shaun Meredith
Delegate of the Environmental Protection Authority
A/Executive Director
EPA Services

6 April 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Shire of Capel Town Planning Scheme 7 Amendment 68

Location: Part Lot 2 Calinup Road Gelorup

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

Determination Published: 6 April 2021

Summary

The Shire of Capel proposes to rezone Part Lot 2 Calinup Road Gelorup from 'Rural' to 'Special Rural' and include the land within Special Rural Zone Area No. 2 to facilitate future subdivision. The scheme map is to be amended accordingly.

The Environmental Protection Authority (EPA) has considered the scheme amendment 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 Capel. 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 amendment:

- a) Flora and Vegetation
- b) Terrestrial Fauna
- c) Social Surroundings
- d) Inland Waters

2. Advice and Recommendations regarding Environmental Factors

Ministerial Statements 767 and 969 apply to the amendment area. Change to proposal and condition applications under Section 45C and Section 46 of the EP Act respectively, were submitted in August 2020 to exclude the part of Lot 2 related to this amendment and revise the implementation conditions accordingly. The current proposal definition and implementation conditions apply to the amendment area until otherwise determined by the EPA and Minister for Environment.

Flora and Vegetation; Terrestrial Fauna

The EPA notes that Part Lot 2 was nearly completely cleared of native vegetation as part of historical sand extraction. The site has been partially revegetated as part of rehabilitation works specified in Ministerial Statements 767 and 969.

The site potentially contains instances of the Threatened Ecological Community Banksia Dominated Woodlands of the Swan Coastal Plain, habitat for conservation significant species

including species of black cockatoo and Western Ringtail Possum. Revegetated areas should be a priority for retention, and development should be located within existing cleared land.

The EPA supports the Shire's proposed modifications to the scheme text provisions for Special Rural Zone Area 2 – Gelorup and recommends the text state (k) i) 'Protection and preservation of existing natural vegetation *and, where relevant the retention of vegetation required for rehabilitation for former land uses.*'

Social Surroundings

The amendment area is adjacent to operational resource (sand) extraction; it is noted that this is not an impact of the implementation of the scheme amendment, but a potential conflicting land use issue. However, resource extraction activities may impact sensitive land uses within the amendment area through noise and dust emissions. The separation between the proposed 'Special Rural' zone and the closest edge of nearby approved extraction activity is less than the 300m – 500m recommended in the EPA's *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses* (Guidance Statement No. 3).

Further to existing scheme provisions which will manage separation distances, the EPA recommends a staged approach to development within the proposed Special Rural area starting in the northern portion of Part Lot 2, with consideration of staging nearby sand extraction activity to provide adequate separation distances to sensitive land uses.

Guidance Statement No. 3 should be considered to advise decision making on the potential impacts to sensitive land uses and separation distances. Further investigation into the separation distances should be undertaken as part of the future planning process.

Inland Waters

The amendment area contains sandy soils with a low Phosphorus Retention Index (PRI) and is within a sewage sensitive area.

On-site effluent disposal is proposed for the amendment area, which may result in impacts to surface water and groundwater quality from nutrient input.

The EPA supports effluent disposal being consistent with the requirements of the scheme, and the *Government Sewerage Policy* (2019). The EPA recommends that scheme text be included which require future development to be connected to an onsite secondary treatment and disposal system for sewage, with nutrient removal.

Amelioration of low PRI soils is recommended in areas proposed for on-site effluent disposal, to further manage potential impact of nutrient input to groundwater.

Site works may impact the topography of the site and have an impact on local groundwater and surface water hydrology. These impacts can be managed through future stages of planning, including preparation of a water management plan.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through existing local planning scheme provisions. Future planning requirements can also assist in management of impacts. The EPA also recommends its advice is implemented to further mitigate potential impacts to the above environmental factors.