

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

City of Swan Local Planning Scheme 17 Amendment 238

Location: Various lots along Surrey Way / Court, Somerset Street, Harford Avenue, and Eveline Road, Viveash

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

Determination Published: 24 April 2026

Summary

The amendment proposes to transfer various lots along Surrey Way / Surrey Court, Somerset Street, Harford Avenue, and Eveline Road, Viveash, from the 'General Industrial' zone and 'Local Road' reserve to the 'Residential Development' zone. Amendment 238 also proposes to insert 'Restricted Use' conditions in Schedule 3 of LPS 17. The amendment area is approximately 11.57 hectares (ha) and is located to the south of Reid Highway, west of Great Northern Highway and south/west of the Swan River.

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 original referral documentation. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (2021) *Statement of Environmental Principles, Factors, Objectives and Aims of Environmental Impact Assessment*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Social surroundings
- Air quality
- Flora and vegetation
- Terrestrial fauna
- Inland waters
- Terrestrial environmental quality.

Advice and Recommendations regarding the Environmental Factors

The EPA considers that the amendment in itself would be unlikely to have a significant impact on the environment. However, the amendment raises a number of land use conflicts, notably issues associated with dust, noise, air quality and water management arising from adjacent industrial zoned land and operating Midland Brick brickworks.

Social surroundings and Air quality

The amendment area is located approximately 308 m from the Midland Brick brickworks and adjoins the area the subject of Metropolitan Region Scheme Amendment 1395-57 (MRS Amendment 1395-57) to which the EPA provided advice on in November 2024.

Implementation of the scheme amendment may result in impacts to sensitive receptors, such as residential development, from the adjacent existing industrial land use. Operating elements of the brickworks may result in reduced air quality, noise, dust and odour emissions. Further, the amendment area is situated under Perth Airport's flight paths and is affected by the 20-25 ANEF aircraft noise exposure contour.

The EPA notes that proposed Amendment 238 'Restricted Use' conditions reflect the intent of EPA advice provided for MRS Amendment 1395-57, and supports that the applicant must demonstrate:

- it has scoped, designed, implemented and validated noise mitigation measures from adjacent Midland Brick industrial operations, until decommissioned
- that noise emissions are compliant with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the Western Australian Planning Commission (WAPC) in consultation with the Department of Water and Environmental Regulation (DWER).

In addition, the proposed 'Residential Development' zone objective in LPS 17 specify the requirement for coordinated development consistent with a structure plan to guide subdivision and development. To this effect, and consistent the EPA's advice on MRS Amendment 1395-57, air quality investigations should be undertaken at the structure planning stage to ensure future residents are not adversely affected by ongoing industrial emissions.

The EPA also recommends that future development should be consistent with the EPA (2003) *Environmental Protection Guidance Statement No. 3 Separation Distances Between Industrial and Sensitive Land Uses*, *State Planning Policy (SPP) No. 4.1 – Industrial Interface*, and *SPP 5.1 – Land Use Planning in the Vicinity of Perth Airport*, to further manage and mitigate potential impacts from adjacent industrial land uses.

The amendment area is located approximately 30-50 m south/west of the Swan River and intersects with registered Aboriginal Heritage sites, being Turtle Swamp (ID: 3622) and Bishop Road Camp (ID: 3768). The EPA recommends appropriate consultation (further to that already undertaken), investigation and relevant management plans be undertaken to address potential impacts to Aboriginal heritage values. Future development should also be consistent with obligations under the *Aboriginal Heritage Act 1972*.

Flora and vegetation and Terrestrial fauna

The amendment area has been developed for industrial purposes and is largely cleared except for approximately 0.5 to 1 ha of remnant vegetation. The vegetation is adjacent to the foreshore area of the Swan River proposed to be a 'Parks and Recreation' reserve. The EPA advises that structure planning should consider retention of vegetation, consistent with MRS Amendment 1395-57 advice.

The EPA also recommends due consideration of the City of Swan Local Planning Policy (LPP) *POL-C-104 Environmental Planning*, which specifies expectations and minimum requirements for investigation and management of natural environmental assets that must be addressed in structure plans, and any subsequent proposals for subdivision. Future planning should also

have regard for the EPA (2021) *Guidance for Planning and Development: Protection of Naturally Vegetated Areas in Urban and Peri-Urban Areas*.

Inland waters and Terrestrial environmental quality

The amendment area is located adjacent to the Swan River, which is mapped as a Conservation Category Wetland, and to the south east, of Blackadder Creek. Implementation of the scheme amendment may result in changes to the local surface water and groundwater hydrology, and quality of surface water discharge to the Swan River and Blackadder Creek.

The EPA notes that a *Local Water Management Strategy* (LWMS) has been prepared in consideration of an overarching *District Water Management Strategy* for the broader Midland Brick brickworks. The EPA supports that the LWMS will inform the preparation of an *Urban Water Management Plan* (UWMP), and that the UWMP will be consistent with criteria and objectives of the LWMS.

Consistent with LPP *POL-C-104 Environmental Planning*, the EPA supports the requirement to prepare an *Environmental Management Plan* in conjunction with any structure plan or LWMS, in consultation with the City and relevant state government agencies.

Due to historic and ongoing industrial land uses, a large portion of the amendment area is mapped as 'possibly contaminated – investigation required'. The EPA notes contamination will need to be investigated and appropriately remediated in accordance with the *Contaminated Sites Act 2003* (CS Act). Further, the EPA supports the proposed 'Restricted Use' condition prohibiting subdivision and residential land uses until the land is appropriately classified under the CS Act.

Conclusion

The EPA concludes that through proposed 'Restricted Use' conditions and future planning processes, the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors. The EPA recommends its advice is implemented to mitigate potential impacts to the environmental factors.