

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

**City of Swan Local Planning Scheme 18**

**Location:** City of Swan local government area

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

**Determination Published:** 17 June 2024

**Summary**

The City of Swan (the City) Local Planning Scheme (LPS) 18 represents an administrative update to the City's existing LPS 17, to ensure consistency with the requirements of the Model Provisions at Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the City's Local Planning Strategy, and relevant state planning legislation and policies.

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 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 and additional information provided by the City to this scheme. 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:

- Flora and vegetation
- Terrestrial fauna
- Inland waters
- Social surroundings
- Terrestrial Environmental Quality

**Advice and Recommendations regarding the Environmental Factors**

The EPA notes that the initiated LPS 18 proposes no major divergence from the existing LPS 17, rather, represents a largely administrative update with the purpose of ensuring that the City's planning framework is consistent with the requirements of State planning legislation and policies. The EPA therefore considers that the proposed scheme is unlikely to result in new or additional impacts to environmental values, comparative to those already existing, or possible, under the provisions of LPS 17.

Notwithstanding, the EPA advises that the preparation of a new scheme provides an opportunity for the incorporation of planning mechanisms that may increase the protection of important environmental values within a local government area (LGA). The EPA notes that the City of Swan LGA contains threatened and priority flora, ecological communities, fauna (including black cockatoos), portions of the Swan River (tributaries and foreshore), wetlands, public drinking water source areas and, contaminated sites. The importance of the

conservation significant values is heightened in the context of the LGA's geographic location, being uniquely positioned over the urban-rural-bushland interface, and on the Swan Coastal Plain.

With regard for the above, the EPA considers that the integration of additional environmental protection mechanisms into LPS 18 is warranted. The EPA understands that the City intends to incorporate such mechanisms through future amendment(s) to the LPS 18 (rather than incorporating at the whole scheme stage). The City advises that this approach is consistent with directions from the Western Australian Planning Commission and the Department of Planning, Lands and Heritage. The City has also advised that it is updating its Local Planning Policy (LPP) framework to incorporate improved Local Natural Area mapping with the intention of better protecting urban tree canopy in the LGA and is revising its *Local Biodiversity Plan*. The EPA considers that the work undertaken to update these planning policies and documents should inform the preparation of future amendments to LPS 18, to ensure that environmental values are better protected and retained within the LGA. The EPA also advises that the development of such environmental protection mechanisms, and preparation of amendments to incorporate these mechanisms into LPS 18, should be progressed by the City as a matter of priority. The EPA considers that the expedition of these actions is essential to the future management and protection of conservation significant values within the LGA. The EPA also notes that such actions are consistent with the City's *Local Planning Strategy* and *Local Biodiversity Strategy*.

The EPA advises that in the interim period to the referral of future LPS 18 amendments to the EPA, proposals within the LGA that appear likely, if implemented, to have a significant effect on the environment should be referred to the EPA under Part IV of the EP Act. The EPA also expects that where relevant, the requirements under Part V of the EP Act (for clearing permits, work approvals and licences), should be considered for activities that may be permissible under the scheme.

## **Conclusion**

The EPA concludes the scheme can be managed to meet the EPA's environmental objectives for the above factors, noting that the scheme is an administrative update to LPS 17 and does not propose new major changes. The EPA advises that future planning processes, and the requirements of Part IV and Part V of the EP Act can assist in mitigating potential impacts to environmental values. The EPA recommends its advice is implemented to enhance the protection of environmental values within the LGA, and further mitigate potential impacts to the above factors.