

Chief Executive Officer  
City of Swan  
PO Box 196  
**MIDLAND WA 6936**

Your Ref:  
Our Ref: CMS17150  
Enquiries: Gerard O'Brien, 6364 7600  
Email: Gerard.O'brien@dwer.wa.gov.au

Dear Sir/Madam

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

**SCHEME:** City of Swan - Local Planning Scheme 17 -  
Amendment 151  
**LOCATION:** Portion Lot 2 Chittering Road, Portion Lots 900,  
901 and 1165 Hurd Road, and Portion Lots 1354  
and 1396 Bullsbrook  
**RESPONSIBLE AUTHORITY:** City of Swan  
**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 blue ink, appearing to read 'P. Seares', with a long horizontal flourish extending to the right.

**Patrick Seares**  
**Delegate of the Environmental Protection Authority**  
Executive Director EPA Strategic and Guidance

21 August 2017

Encl. Scheme Advice and Recommendations

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

**City of Swan Local Planning Scheme 17 Amendment 151**

**Location: Bullsbrook**

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

**Determination Published: 21 August 2017**

**Summary**

The City of Swan proposes to rezone approximately 31 hectares (ha) in Bullsbrook from General Rural to Residential Development zone.

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, provided the following advice is implemented.

**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) Hydrological Processes;
- d) Inland Waters Environmental Quality;
- e) Social Surroundings; and
- f) Human Health.

**2. Advice and Recommendations regarding Environmental Factors**

The EPA has based its decision on the scheme amendment documentation provided by the City of Swan.

**a. Flora and Vegetation, Terrestrial Fauna Hydrological Processes and Inland Waters Environmental Quality**

The remnant native vegetation within the amendment area is mapped as Guildford Complex, which only has 5.3% of its original extent remaining. Within the amendment area, this vegetation occurs along Ki-it Monger Brook, and provides majority of existing habitat for fauna including species of black cockatoos.

The EPA supports the retention, revegetation and conservation of Ki-it Monger Brook and associated vegetation through future structure planning, consistent with the Bullsbrook Townsite Land Use Masterplan and the Regional Water Management Strategy prepared for the Bullsbrook Townsite area.

## **b. Social Surroundings and Human Health**

Regarding surrounding land use conflicts with the proposed residential area, the EPA notes that:

- the adjacent operational landfill site (former clay quarry) is over 1000 metres from the amendment area, which is consistent with EPA Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses*. The landfill is also due to reach licenced capacity in 2020, after which point it will be rehabilitated for sequential land use (potentially open space);
- the adjacent former rock quarry is an expired tenement currently undergoing rehabilitation;
- the aircraft noise contours from the Royal Australian Air Force Pearce Air Base do not impact the amendment area;
- future structure planning will need to consider haulage road noise associated with Great Northern Highway in accordance with State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Considerations in Land Use Planning*; and the surrounding industrial land uses in accordance with EPA Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses*.

The EPA also notes that there is also one registered and one lodged Aboriginal heritage site within the amendment area, and supports that a suitable qualified heritage consultant will be appointed to investigate the extent of the sites and undertake cultural assessments. Where land users conclude that impact to a site is unavoidable, the consent of the Minister for Aboriginal Affairs may be sought under section 18 of the *Aboriginal Heritage Act 1972*. The Department of Planning, Lands and Heritage may require consultation in this regard.

### **Recommendation**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives, through the preparation of future structure plans to manage and protect the identified environmental values associated with Ki-it Monger Brook.