



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

Your Ref:
Our Ref: CMS17298
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Dear Sir/Madam

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

SCHEME: City of Swan – Local Planning Scheme 17 – Amendment 158
LOCATION: Portion Lots 1165 Hurd Road, 900, 901 and 1396 Chittering Road and 1354 Great Northern Highway, 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 black ink, appearing to be '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

29 January 2018

Encl. Scheme Advice and Recommendations

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

City of Swan Local Planning Scheme 17 Amendment 158

Location: Bullsbrook

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: *date*

Summary

The City of Swan proposes to rezone approximately 36 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. The EPA has based its decision on the documentation provided by the City of Swan. 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) Hydrological Processes;
- d) Inland Waters Environmental Quality;
- e) Social Surroundings; and
- f) Human Health.

2. Advice and Recommendations regarding Environmental Factors

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 the majority of the 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.

The EPA also considers that the draft Local Water Management Strategy (LWMS) prepared for the site should be approved by the Department of Water and Environmental Regulation (DWER) prior to the advertising of Amendment 158.

b. Social Surroundings and Human Health

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

- the adjacent operational landfill site (former clay quarry) and Swan Valley Nursery are over 450 metres (m) 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 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 are Aboriginal heritage sites within the amendment area, and supports the appointment of a suitably qualified heritage consultant 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, and the finalisation of the LWMS by DWER.