

Mr Michael Foley
Chief Executive Officer
City of Swan
PO Box 196
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Our Ref: CMS 17361
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Dear Mr Foley

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

SCHEME	City of Swan Local Planning Scheme 17 Amendment 103
LOCATION	Lots 47 and 48 Toodyay Road and Lot 5 Stoneville Road, Gidgegannup
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 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 Chairman'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 Chairman'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 written over a light grey rectangular background.

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

16 July 2020

Encl. Chairman's Determination
Scheme Advice and Recommendations

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

City of Swan Local Planning Scheme 17 Amendment 103

Location: Lots 47 and 48 Toodyay Road and Lot 5 Stoneville Road, Gidgegannup

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

Determination Published: 20 July 2020

Summary

The City of Swan has initiated Amendment 103 to Local Planning Scheme 17 (Amendment 103) to rezone the above lots from the General Rural to the Special Rural zone. Specific text provisions are to be inserted into Schedule 11 Special Rural Zone No. 6 of the scheme covering extensive planning and development requirements to address environmental impacts. Amendment 103 is approximately 120 hectares in area.

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.

Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters

Advice and Recommendations regarding Environmental Factors

The EPA supports the modified Amendment 103 scheme text requirements addressing avoidance and management of potential environmental impacts to the above factors.

Special Provision 5(g) and (h) should be updated and combined to state:

A field investigation of conservation significant vegetation and flora, and fauna habitat should be undertaken consistent with EPA technical guidance. If identified on the property, these values are to be protected pursuant to the provisions of the *Biodiversity Conservation Act 2016* and any advice provided by the Department of Biodiversity, Conservation and Attractions (DBCA). Analysis and reporting is to be provided for agency assessment at the time of Structure Plan submission.

Special Provision 5(m) should also be updated to require the Foreshore and Buffer Management Plan to be prepared and approved with advice from DBCA and the Department of Water and Environmental Regulations.

Conclusion

The EPA concludes that the scheme amendment can be managed to meet the EPA's environmental objectives through the proposed scheme text. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna and Inland Waters.