



Environmental Protection Authority

Mr Michael Foley
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Our Ref: CMS17678
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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 175
LOCATION: Lot 1 and part of Lot 20 Stirling Crescent and part
of Lot 145 Talbot Road, Hazelmere
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. 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



Hans Jacob
Delegate of the Environmental Protection Authority
A/Executive Director
EPA Services

10 January 2020

Encl. Scheme Advice and Recommendations
Chairman's Determination

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

City of Swan - Local Planning Scheme 17 - Amendment 175

Location: Lot 1 and part of Lot 20 Stirling Crescent and part of Lot 145 Talbot Road, Hazelmere

Determination: Scheme Not Assessed – Advice Given (Not Appealable)

Determination Published: 13 January 2020

Summary

Amendment 175 proposes to insert the Use Classes listed for the 'General Industrial' zone as Additional Uses of the Scheme Text for the 'Rural' zoned Lot 1 & part of Lot 20 Stirling Crescent and part of Lot 145 Talbot Road Hazelmere; and to amend the Scheme map accordingly.

The amendment is proposed to facilitate the use and development of the site as a resource recovery centre, trade supply centre and waste storage facility.

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 as set out 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 scheme amendment documentation provided by the City of Swan. Having considered this matter the following advice is provided.

Environmental Factors

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

- Flora and Vegetation;
- Terrestrial Fauna; and
- Social Surroundings.

Advice and Recommendations regarding Environmental Factors

Flora and Vegetation; Terrestrial Fauna

Bush Forever Site 481 (BFS 481) is located adjacent to the amendment area. BFS 481 potentially contains Threatened Ecological Communities Swan Coastal Plain (SCP) 20a *Banksia attenuata woodland over species rich dense shrublands* and SCP 20c *Shrublands and woodlands of the eastern side of the Swan Coastal Plain*. SCP 20a and SCP 20c are listed as Endangered under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999). In addition, SCP 20a is ranked as Endangered, and SCP 20c as Critically Endangered under the *Biodiversity Conservation Act 2016* (BC Act 2016).

The vegetation within BFS 481 also has the potential to provide habitat for species of black cockatoo which are protected under EPBC Act 1999 and the BC Act 2016.

Future development should not impact BFS 481 including unauthorised access, dumping of rubbish, or drainage into this area. Consideration should be given to an appropriate interface between BFS 481 and proposed development of the amendment area. EPA's Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development* guidance should be implemented at the detailed planning stage regarding impacts to BFS 481.

Social Surroundings

Industrial development in the way of a resource recovery centre and waste storage facility may lead to environmental impacts to nearby future and existing 'Urban' zoned land and residential development due to potential noise, dust and odour impacts.

Development of the site should consider the EPA's Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* to manage potential impacts to surrounding land uses and the environment.

The EPA also notes that the operation of the proposed facilities will or may require a licence and/or a works approval from the Department of Water and Environmental Regulation.

Recommendation

The EPA concludes that the implementation of the amendment can be managed to meet the EPA's environmental objectives for the above factors through existing and future local planning scheme provisions and planning processes. Future development applications should identify, manage and protect the above environmental factors.