



Environmental Protection Authority

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

Our Ref: CMS17757
Enquiries: Angela Coletti, 6364 7600
Email: Angela.Coletti@dwer.wa.gov.au

Dear Mr Foley

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

SCHEME: City of Swan Local Planning Scheme 17
Amendment 183
LOCATION: Lot 33 Padbury Avenue, Millendon and Lot 9332
Hammersley Road, Caversham
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



Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

24 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 183

**Location: Lot 33 Padbury Avenue, Millendon and Lot 9332 Hamersley Road,
Caversham**

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

Determination Published: 28 January 2020

Summary

The City of Swan has initiated Local Planning Scheme 17 (LPS 17) Amendment 183 to:

- Rezone approximately 6.50 hectares (ha) of Lot 33 Padbury Avenue, Millendon and a portion of the Padbury Avenue road reserve, to 'Swan Valley Rural',
- Rezone approximately 1.50 ha portion of Lot 9332 Hamersley Road, Caversham (former Riverbank Detention facility) to 'Swan Valley Rural', and
- Amend the Scheme Maps accordingly.

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; and
- Inland Waters.

Advice and Recommendations regarding Environmental Factors

Approximately half of Lot 33 is within the boundary of Bush Forever Site 302 (Swan River and Jane Brook, Ashfield to Upper Swan). The EPA notes the lot is in 'Area B' of the *Swan Valley Planning Act 1995*. Some rural land uses permitted in Area B such as viticulture, horticulture and cottage industries have the potential to impact water quality and Bush Forever Site 302.

The vegetation on Lot 33 is mostly parkland cleared and mapped as habitat for species of black cockatoo listed as Endangered under both the *Biodiversity Conservation Act 2016 and Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). Development of the site should aim to retain black cockatoo habitat trees. A fauna habitat survey targeted for black cockatoo should be undertaken to inform development planning. The EPA expects provisions be inserted into the scheme to retain fauna habitat. The landowner should consider their responsibilities under the *EPBC Act* to refer proposals to the Commonwealth Department of the Environment and Energy should clearing of significant black cockatoo habitat be proposed.

The Swan River is classified as a Conservation Category Wetland and a 50 metre buffer is required.

Lot 33 is subject to State Planning Policy 2.10 *Swan-Canning River System* and within the Swan River Trust Development Control Area. The Department of Biodiversity, Conservation and Attractions Rivers and Estuaries Division should be consulted regarding future development.

Conclusion

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