

Mr Jeremy Edwards
Chief Executive Officer
City of Swan
PO Box 196
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Our Ref: CMS 17942
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Dear Mr Edwards

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

SCHEME	City of Swan Local Planning Scheme 17 Amendment 192
LOCATION	Lots 189 and 190 Adelaide Street, Hazelmere
RESPONSIBLE AUTHORITY	City of Swan
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the 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 Deputy Chair'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 Deputy Chair'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 black ink, appearing to read 'A. Sutton', with a horizontal line extending to the right.

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

15 January 2021

Encl. Deputy Chair's Determination
Scheme Advice and Recommendations

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

City of Swan Local Planning Scheme 17 Amendment 192

Location: Lots 189 and 190 Adelaide Street, Hazelmere

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

Determination Published: 18 January 2021

Summary

The City of Swan proposes to rezone Lots 189 and 190 Adelaide Street, Hazelmere from General Rural to Light Industrial, with a portion of Lot 190 to be reserved as Local Road. Land use and development is proposed to be restricted to 'Dry Industry' activities unless the site and development is connected to reticulated sewer. On site effluent disposal may be permitted where acceptable groundwater depths exist subject to approval by the local government and Department of Health.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that based on the information it has to date the scheme 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:

- Social Surroundings

2. Advice and Recommendations regarding Environmental Factors

Social Surroundings

A portion of Lot 189 Adelaide Street is identified by the Western Australian Aboriginal Heritage Inquiry System as an Aboriginal heritage site. The *Aboriginal Heritage Act 1972* (AH Act) protects all Aboriginal heritage sites in Western Australia, whether they are registered with the Department of Planning, Lands and Heritage (DPLH), or not.

Development on Lot 189 may result in impacts to an Aboriginal heritage site, specifically artifacts.

The EPA recommends the City of Swan, as the authority responsible for implementing the scheme, verify the status of the Aboriginal heritage site on Lot 189 Adelaide Street through consultation and investigations into the extent prior to structure planning, and ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Advice also should be sought regarding obligations under the AH Act.

Conclusion

The EPA concludes the scheme is likely to be managed to meet the EPA's environmental objectives through existing planning controls and proposed scheme provisions.

The EPA recommends its advice and recommendations are implemented to avoid and mitigate potential impacts to Aboriginal heritage.