

Mr Jeremy Edwards  
Chief Executive Officer  
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Our Ref: CMS 17981  
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Dear Mr Edwards

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

<b>SCHEME</b>	<b>City of Swan Town Planning Scheme 17 Amendment 198</b>
<b>LOCATION</b>	<b>The amendment area involves 14 properties in Hazelmere located west of Roe Highway, south of Great Eastern Highway Bypass and Bush Forever site, east of Abernethy Road and north of Talbot Road.</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>City of Swan</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)</b>

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 attached a copy of the 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 Chair's determination and advice 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

4 May 2021

Encl. Chair's Determination  
Public Advice

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

**City of Swan - Local Planning Scheme 17 - Amendment 198**

**Location:** Portion of Lot 801 Lloyd Street, Hazelmere; portion of Lot 21 Talbot Road, Hazelmere; Lot 22 Talbot Road, Hazelmere; Lot 141 Talbot Road, Hazelmere; portion of Lot 5001 Talbot Road, Hazelmere; portion of Lot 20 (No.200) Stirling Crescent, Hazelmere; Lot 1 (No. 196) Stirling Crescent, Hazelmere; portion of Lot 2 Stirling Crescent, Hazelmere; Lot 144 (No.95) Talbot Road, Hazelmere; portion of Lot 145 Talbot Road, Hazelmere; portion of Lot 7 Talbot Road, Hazelmere; Lot 147 Talbot Road, Hazelmere; Lot 155 Stirling Crescent Hazelmere; and Lot 5 Stirling Crescent Hazelmere.

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

**Determination Published:** 3 May 2021

### **Summary**

Amendment 198 proposes to update the scheme in accordance with MRS Amendment No.1328/57 which approved the 'Industrial' zoning over the amendment area. The area involves 14 properties in Hazelmere located west of Roe Highway, south of Great Eastern Highway Bypass and Bush Forever site, east of Abernethy Road and north of Talbot Road.

This Scheme Amendment proposes to:

- Rezone lots from 'General Rural' to 'General Industrial' and apply a 'Restricted Use' over this land to limit its development potential unless connected to sewer.
- Apply a 'Local Road' reserve to the approx. 0.3ha of additional land required for planned upgrades to the intersection of Talbot Road and Stirling Crescent. This change involves parts of four lots, including two lots located south of Talbot Road and outside of the MRS Amendment No.1328/57 area.
- Delete four 'Additional Use' entries as they will be made redundant by the proposed 'General Industrial' 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 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 may also 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.

The EPA supports the proposed inclusion of the scheme provision requiring an Environmental Management Plan be submitted with each development application on land sharing a boundary with or including BFS.

### **Social Surroundings**

Industrial development 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 amendment area 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.