

Mr Anthony Vuleta
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Dear Mr Vuleta

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

SCHEME	Town of Victoria Park Local Planning Scheme 2
LOCATION	Whole of Scheme Area
RESPONSIBLE AUTHORITY	Town of Victoria Park
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 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 EPAs decision to not assess the scheme.

A copy of the 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 blue ink, appearing to read 'R Hughes', with a stylized flourish at the end.

Dr Robert Hughes
Delegate of the Environmental Protection Authority
Director
EPA Services

15 September 2022

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Town of Victoria Park Local Planning Scheme 2

Location: Town of Victoria Park

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

Determination Published: 19 September 2022

Summary

Town of Victoria Park Local Planning Scheme 2 proposes scheme text modifications in accordance with the recommendations of the Town's Local Planning Strategy and the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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 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 Town of Victoria Park. 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:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings

2. Advice and Recommendations regarding Environmental Factors

The proposed scheme will allow for a diversity of housing, transport and business which may have the potential for environmental impacts. Detailed information relating to the range of environmental impacts associated with development is not available to the EPA in considering the Scheme. The EPA expects that future proposals that appear likely, if implemented, to have a significant effect on the environment are referred to the EPA under Part IV of the EP Act.

The EPA notes the proposed scheme text under Part 5 – Special Control Area 1 (SCA 1), overlaps the area subject to the implementation conditions in Ministerial Statement 526 (MS 526) *Remediation and redevelopment of the Swan Portland Cement site Burswood*. To reduce duplication and potential inconsistencies between the scheme and MS 526, the EPA recommends that all of the SCA 1 text be removed and replaced with 'development may be subject to the requirements of Ministerial Statement 526'.

As the referral of significant proposals to the EPA is an obligation for decision making authorities under Part IV of the EP Act, scheme text in this regard is also considered duplication of legislation and can be removed. Should the Town wish to retain scheme text regarding advice regarding water/environmental matters, the Departments of Water and Environmental Regulation and Biodiversity Conservation and Attractions are best referenced, as opposed to the EPA.

Conclusion

The EPA concludes that the proposed Scheme can be managed to meet the EPA's objectives through the scheme text and proposed local planning policies. Future proposals should also identify, manage and protect environmental values. The requirements of Part IV and V of the EP Act for environmental impact assessment should also be considered for future proposals.