



Environmental Protection Authority

Mr John Walker
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City of Kalgoorlie-Boulder
PO Box 2042
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Our Ref: CMS17044
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Dear Mr Walker

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

SCHEME: City of Kalgoorlie-Boulder - Town Planning Scheme 2
LOCATION: Whole of Scheme Area
RESPONSIBLE AUTHORITY: City of Kalgoorlie-Boulder
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.

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 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

6 August 2018

Encl. Scheme Advice and Recommendations

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

City of Kalgoorlie-Boulder - Town Planning Scheme 2

Location: City of Kalgoorlie-Boulder

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

Determination Published: 6 August 2018

Summary

The City of Kalgoorlie-Boulder has initiated Town Planning Scheme (TPS) 2 to replace existing TPS 1.

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 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 documentation provided by the City of Kalgoorlie-Boulder (the City). The EPA notes that the various changes to zones and reserves within the area covered by the City's current scheme is to predominately bring the zone and reserve designations into alignment with the Model Provisions in Schedules 1 and 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The EPA's assessment focused on the zoning changes. 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:

- a) Human Health;
- b) Social Surroundings;
- c) Air Quality;
- d) Flora and Vegetation; and
- e) Inland Waters.

2. Advice and Recommendations regarding Environmental Factors

The EPA notes that the proposed TPS 2 will apply to the whole of the City and acknowledges that much of the townsite has been developed prior to stringent planning controls due to the historical land uses occurring in many areas of the City. TPS 2 applies zoning and reservations that align with the existing development of landholdings within the City. TPS 2 will provide for development control in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The EPA supports the proposed three Special Control Areas (SCAs) (SCA 1 – Kalgoorlie-Boulder Airport, SCA 2 – Gribble Creek Flood Prone Land, SCA 3 – Super Pit Gold Mine) and notes that the SCAs will include text provisions for development to minimise the potential for impacts to the environmental factors listed above.

Some 'Urban Development' is proposed near the Airport, however the EPA notes that 'SCA 1 - Kalgoorlie-Boulder Airport' proposes additional provisions to address the potential for noise emissions to impact sensitive land uses in accordance with the Australian Noise Exposure Forecast noise contours, Australian Standards AS2021-1994 *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* and the *Kalgoorlie-Boulder Airport Master Plan*.

The EPA notes that 'SCA 3 – Super Pit Gold Mine' permits several non-residential uses within the SCA 3 area. These are caretaker's dwelling, mining workforce accommodation, activities of an industrial nature and activities for a recreational or public purpose. The EPA understands the Western Australian Planning Commission's (WAPC) Planning Bulletin No. 70/2017 *Caretaker's Dwellings in Industrial Areas* provides guidance on caretaker's dwellings in Industrial zones and that it is consistent with other local planning schemes. The EPA does not support mining workforce accommodation being permitted in SCA 3 Super Pit Gold Mine due to potential air quality impacts on social surroundings and human health.

Future development within the Urban Development and the Industrial Development zones should be located appropriately so that potential environmental impacts can be separated from sensitive land uses.

The EPA also considers the potential conflicting land use issues associated with urban, commercial and industrial uses can be managed through consideration of current zonings and separation distances from sensitive land uses, to minimise impacts on social surroundings.

The EPA notes that areas proposed to be rezoned in TPS 2 may contain significant environmental values, specifically Priority flora species. Therefore, prior to future development, flora and vegetation and fauna surveys should be undertaken where required to determine potential environmental impacts and inform areas to be retained, protected and managed. Proposals raising environmental issues which are likely to have a significant impact on the environment should be referred to the EPA pursuant to Part IV s38 of the EP Act. Clearing permits may also be required for future development pursuant to Part V of the EP Act.

Recommendation

The EPA concludes that TPS 2 can be managed to meet the EPA's environmental objectives for the above factors through the local planning scheme provisions and/or future proposals which identify, manage and protect the above environmental values and factors. Proposals raising environmental issues which are likely to have a significant effect on the environment should be referred to the EPA pursuant to Part IV s38 of the EP Act. Clearing permits may also be required for future development pursuant to Part V of the EP Act.