



Environmental Protection Authority

Chief Executive Officer
Shire of Kalamunda
PO Box 42
KALAMUNDA WA 6926

Our Ref 13-324785
Enquiries Gerard O'Brien
Phone 6145 0814

Attn: David Tomlinson

Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: Shire of Kalamunda Local Planning Scheme 3
Amendment 55 - Rezoning from Parks and
Recreation Reserve to Special Use - Aged
Residential Care
LOCATION: Lot 59 (40) Wilkins Road, Kalamunda
RESPONSIBLE AUTHORITY: Shire of Kalamunda
DECISION: Scheme Amendment Not Assessed – Advice
Given (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

1. Environmental Issues

- Flora and Vegetation
- Terrestrial Fauna
- Human Health

2. Advice and recommendations regarding Environmental Issues

The EPA notes that Metropolitan Region Scheme (MRS) Amendment 1271/41 to zone Lot 59 Wilkins Road Kalamunda to 'Urban' was recently determined by the EPA to be 'Not Assessed – Advice Given'. Please find this advice attached.

The EPA considers this advice to be directly relevant to Amendment 55, and should be applied by the Shire.

3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, 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 on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Darren Foster', with a stylized flourish at the end.

Darren Foster
Director
Strategic Policy and Planning Division

30 September 2014

Encl



Environmental Protection Authority

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Your Ref: 809-2-24-6 RLS/0454

Our Ref: 14-845549

Enquiries: Stephen Pavey

Phone 6145 0837

Attn: Mr Anthony Muscara

Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: Western Australian Planning Commission
Metropolitan Scheme Amendment 1271/41
LOCATION: Lot 59 Wilkins Road
LOCALITY: Kalamunda
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Scheme Amendment Not Assessed –
Advice Given (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

1. Environmental Issues

- Flora and Vegetation
- Terrestrial Fauna
- Human Health

2. Advice and recommendations regarding Environmental Issues

- Flora and Vegetation and Terrestrial Fauna

Lot 59 Wilkins Road is an undeveloped vegetated 10.8 hectare lot which contains suitable habitat for 3 species of black cockatoo. Lot 59 forms a green link between Gooseberry Hill National Park and State Forest. Lot 59 and the adjacent Crown Reserve to the east are within an extreme bushfire prone area.

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Under the draft State Planning Policy 3.7 Planning for Bushfire Risk Management (SPP 3.7) buildings on Lot 59 will be required to have a minimum 100 metre Hazard Separation Zone from the Crown Reserve.

Trees with hollows suitable for black cockatoo nesting have been identified across Lot 59. The EPA notes that development on Lot 59 has been classed as a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*.

The EPA strongly recommends that, subject to the requirements for bushfire protection, clearing of vegetation be minimized and where possible potential cockatoo breeding trees be protected.

- Human Health

The amendment will facilitate development of a vulnerable land use (aged care accommodation) as identified in the draft SPP 3.7. SPP 3.7 states that, "It is ... critical that bushfire risk is formally assessed as part of any amendment to rezone land, including the impact of any proposed bushfire management mechanisms. The WAPC (Western Australian Planning Commission) will take a risk-minimisation approach in relation to any local planning scheme or amendment which proposes to facilitate intensified settlement or development within an identified bushfire-prone area."

It is likely that burning off will be required to maintain the fuel load in the hazard separation zone. Burning off is likely to produce smoke which is a potential health hazard for aged people.

The EPA strongly recommends that the requirements of SPP 3.7 are met, including the requirement to formally assess bushfire risk as part of this amendment to rezone land. Bushfire Management Plans for future proposals on Lot 59 should demonstrate that burning off will not pose a risk for the residents of any aged care accommodation, and that all occupants can be evacuated in an emergency.

3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, 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 on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully



Darren Foster
Director
Strategic Policy and Planning Division

14 July 2014