



Environmental Protection Authority

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

Attn: Mr Andrew Bratley

Your Ref: IE-159323
Our Ref: 14-823017
Enquiries: Stephen Pavey
Phone: 6145 0837

Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: Shire of Kalamunda Local Planning Scheme 3
Amendment 66 - Modifications to the Zoning
Table for the Land Uses 'Home Business',
'Chalets (Short Term Accommodation)' and
'Restaurant'

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 Factors

- Flora and Vegetation
- Terrestrial Fauna
- Terrestrial Environmental Quality

2. Advice and recommendations regarding Environmental Factors

This scheme amendment proposes to allow the development of chalets and restaurants on land zoned Rural Agriculture and on land zoned Rural Conservation. The referral documentation states that this will allow landowners to establish secondary industries in order to supplement their orcharding activity. The land zoned Rural Agriculture is predominantly developed with orchards and consequently mostly cleared of natural vegetation and fauna habitat.

The land zoned Rural Conservation (approximately 980 hectares) is predominantly naturally vegetated and contains fauna habitat. Most of the land zoned Rural Conservation has been identified by the Shire as being in a bushfire prone area. Fuel reduction requirements for bushfire risk management purposes in bushfire prone areas require hazard separation of 100m around all buildings in each direction. For a chalet of 10m x 10m on naturally vegetated land these requirements are likely to adversely affect over 4 hectares (210m x 210m) of native vegetation coverage and fauna habitat.

The EPA recommends that the land uses Restaurant and Chalets (Short Term Accommodation) remain as prohibited uses in the Rural Conservation zone.

The EPA's decision not to assess the scheme amendment should not be interpreted as support for the amendment or that there are no environmental issues that will require assessment by decision making authorities.

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 the relevant authorities and will be available to the public on request.

Yours faithfully



Darren Foster
Director
Strategic Policy and Planning Division

18 August 2014