



## Environmental Protection Authority

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

Our Ref 13-350602  
Enquiries Stephen Pavey  
Phone 6145 0837

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 57 - Rezoning from Special Rural to Special Use (Residential Aged Care)  
**LOCATION:** Lot 500 (32) Gavour Road, Wattle Grove  
**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.

**1. Environmental Factors**

- Hydrological Processes
- Inland Waters Environmental Quality

**2. Advice and recommendations regarding Environmental Factors**

The EPA has sought and received advice regarding the potential environmental impacts of the proposed Residential Aged Care Facility from the Department of Health (DoH), the Swan River Trust (SRT), the Department of Water (DoW) and the Department of Environment Regulation (DER).

The advice received indicates that insufficient information has been provided to comprehensively determine the nature of the hydrological connection between the treated effluent disposal/irrigation area and the Swan/Canning river system. The environmental impacts of the proposed Waste Water Treatment Plant (WWTP) therefore cannot be determined at this stage.

The DER has advised the EPA that the proposed WWTP would be a prescribed premise under the *Environmental Protection Regulations 1987* and require a works approval under the provisions of Section 52 of the EP Act. The DER can only undertake a detailed environmental assessment of the proposed WWTP following the submission of an application for a works approval.

The EPA also advises that the management of urban water should be addressed in accordance with *Planning Bulletin 92: Urban Water Management* (WAPC, 2008) and *Better Urban Water Management* (WAPC 2008).

The EPA strongly recommends that a decision on this scheme amendment be postponed until:

1. A works approval application for the WWTP for this site is assessed by the DER; and
2. An urban water management document is approved by the Department of Water in accordance with *Planning Bulletin 92: Urban Water Management* (WAPC, 2008) and *Better Urban Water Management* (WAPC 2008).

The EPA advises that in the absence of an assessment of a works approval, it cannot be assumed that a works approval will be granted, or such an assumption be used as a basis for granting planning approval prior to an assessment under the works approval process.

The EPA has been assured by the DER that the works approval process will include consultation with the DoH, SRT and DoW.

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 relevant authorities and made available to the public on request.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Darren Foster', written over a horizontal line.

Darren Foster  
Director  
Strategic Policy and Planning Division

7 March 2014