



Environmental Protection Authority

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

Your Ref:
Our Ref: CMS16164
Enquiries: Angela Coletti, 6145 0800
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Dear Sir/Madam

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

SCHEME: Shire of Kalamunda - Local Planning Scheme 3 -
Amendment 75
LOCATION: Text Amendment
RESPONSIBLE AUTHORITY: Shire of Kalamunda
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



Naomi Arrowsmith
Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

24 October 2016

Encl. Scheme Advice and Recommendations

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

Shire of Kalamunda Local Planning Scheme 3 Amendment 75

Location: High Wycombe

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

Determination Published: 24 October 2016

Summary

The Shire of Kalamunda proposes to rezone approximately 138 hectares (ha) in High Wycombe to Urban Development.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). In making its decision on whether to assess the scheme amendment, the EPA has applied its 'Significance Framework' which relates to the extent to which the scheme amendment meets the EPA's environmental objectives for the environmental factors.

The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act noting that there are mechanisms available through the ensuing planning processes to avoid and mitigate the impacts of urban development on the environment. The potential impacts from the scheme amendment can be adequately managed to meet the EPA's objectives through the development and implementation of future structure plans and implementation of the responsible authority's scheme provisions that specifically address the environmental factors of flora and vegetation and terrestrial fauna.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and vegetation
- b) Terrestrial fauna

2. Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the scheme amendment documentation provided by the Shire of Kalamunda. The EPA expects that further detailed management plans and scheme provisions to address flora and vegetation will be addressed prior to the finalisation of the structure plan.

a. Flora and vegetation and Terrestrial fauna

The EPA notes that the amendment area contains the Threatened Ecological Community (TEC) SCR 20a *Banksia attenuata* woodlands over species rich dense shrublands, populations of the declared rare flora Wavy-leaved smokebush (*Conospermum undulatum*), habitat for threatened fauna species, Carnaby's and Forest Red-Tailed Black Cockatoos, and habitat for priority fauna species, Southern Brown Bandicoot.

To ensure the protection and management of these significant values, the Shire of Kalamunda Local Planning Scheme 3 Schedule 11 High Wycombe Development Area 2 (DA2) area be modified to include the amendment area. The Schedule 11 DA2 scheme text also be modified to require future structure planning for this area to ensure:

- The protection of declared rare flora, associated habitat, threatened fauna habitat, and low representation vegetation complexes in appropriately sized retention areas for conservation purposes. These retention areas shall be informed by Level 2 Flora and Vegetation and Fauna Surveys in accordance with EPA Guidance Statements 51 and 56 (or as revised), and targeted for Declared Rare Flora and threatened fauna, and associated habitat. The retention area size, location, protection and management mechanism shall be subject to OEPA advice prior to the WAPC endorsement of the structure plan.
- All future subdivision and development proposals must be consistent with the retention areas agreed under the above point.

Recommendation

The EPA recommends the Shire of Kalamunda Local Planning Scheme 3 Schedule 11 DA2 area and text provisions be modified to include requirements for future structure plans to retain declared rare flora, associated habitat, threatened fauna habitat, and low representation vegetation complexes for conservation purposes.

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives, through the preparation of future local planning scheme provisions for structure plans to manage and protect flora and vegetation and terrestrial fauna values.