



30 November 2014

The Secretary  
WA Planning Commission  
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**PROPOSED MRS AMENDMENT 1271/41 LOT 59 WILKINS ROAD KALAMUNDA**

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**"The Shire of Kalamunda has a unique environment. By acting now in a strategic and consistent manner, this biodiverse landscape will be maintained long into the future for many generations to come".**

*Shire of Kalamunda Local Biodiversity Strategy, page 104.*

**SUBMISSION**

The Urban Bushland Council WA opposes the transfer of 10.73 ha of land from the Parks and Recreation Reservation (P&R) to the Urban zone in the MRS for the purposes of an aged care facility as proposed by the Shire of Kalamunda. We accept that there is a need for housing and community care for older people in the Shire but this is not a suitable site. We do not accept that rezoning 10.73 ha which would lead to clearing most of it, is acceptable, and we strongly recommend that the Shire seeks an alternative location on land already cleared and not in the Darling Range Regional Park.

The proposed rezoning has been processed as a major amendment 'given it seeks to transfer land from the Parks and Recreation reservation to the Urban zone, which is considered to be a substantial change from the long term land uses currently existing at this site in the Kalamunda locality.' (p 7 Amendment Report). Notably this proposal sets an unacceptable precedent of alienating part of the Darling Range Regional Park – which was set aside some years ago by the (then) Planning Department (DPUD).

**REASONS FOR OPPOSITION**

The UBC supports the Advice and Recommendations of the EPA 14 July 2014.

The significant environmental issues as identified by the EPA are:

- 1.) Flora and Vegetation
- 2.) Terrestrial Fauna
- 3.) Human Health

Further reasons the UBC is opposed to the rezoning are that

- 4.) The ecological linkage must not be diminished.
- 5.) The community supports protection of the natural area in the Darling Range Regional Park
- 6.) The area is likely to be declared, or already is, in a high fire risk area.

### **1.) Flora and Vegetation**

There is no argument that the flora and vegetation at this site is in excellent condition. It is part of our natural and ancient heritage. The condition assessment was >90% in Excellent to Very Good condition. (MRS Amendment Report p 5). The site is almost weed free and on a UBC visit to the site 10 October 2014, the floral display was overwhelmingly beautiful and diverse.

The vegetation complex is 'Dwellingup vegetation complex in Medium to High Rainfall'

*'This complex is dominated by an open forest of Jarrah-Marri on the uplands and extends from the Avon River in the north to the Collie basin in the south. The dominant site vegetation types are: Banksia attenuate, sheoak, Grevillea wilsonii, Hovea chorizemifolia, Lepidospermum angustantum, Acacia brownii, Leucopogon capitellatus and Patersonia rudis.'*

(Shire of Kalamunda 3.0 Vegetation)

There has been a decrease of 1,972 ha of Dwellingup 2 vegetation complex from the original extent to 1991 in the Shire of Kalamunda. (ibid)

The *Local Biodiversity Strategy on Proposed Targets* states:

*"Retain existing protected areas of the Helena 1, Helena 2, Murray 1, Murray 2 and Dwellingup 2 vegetation complexes and endeavour to protect additional natural areas in good or better condition that also meet additional criteria, such as diversity, rarity and connectivity".*  
(Box 11 p 54.)

In the Shire of Kalamunda's *Local Biodiversity Strategy* it is stated that: 'Reserves containing 75% or more vegetation in good or better condition are required to meet the targets related to [7 vegetation complexes which includes Dwellingup 2]'. The Strategy continues (p100): 'In order to meet this target the Shire should endeavour to increase the protection of reserves containing good or better condition containing [those complexes including Dwellingup 2.]'

The vegetation as described by Bamford is 'Open Marri (*Corymbia calophylla*) and Sheoak Woodland (*Allocasuarina fraseriana*) over stands of Tall Shrubland (*Dryandra* sp.) and mixed low shrubland on lateritic soils.'

### **Significant Trees**

Bamford states that 'All the potential cockatoo breeding trees ....are either Marri or Jarrah trees.' The Bamford Survey continues:

*"Where possible, these are to be retained in public open space, road reserves or other areas of retained vegetation".*

It is the UBC's experience that qualifications such as "Where possible..." mean that proposals tend to go ahead as planned with no consideration of retaining such assets.

The Strategen Bethanie Wellness Village –Kalamunda, Figure 3 Concept Plan (Referral under the EPBC Act) shows the development plan taking the whole area. Clearing is proposed for 10ha of the 10.77 ha site.

The EPA notes that trees with hollows suitable for black cockatoo nesting have been identified across Lot 59. The Authority:

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

In the Shire of Kalamunda's Local Planning Scheme No. 3, the intent is to protect and to preserve trees and vegetation.

*"Native vegetation shall not be damaged, destroyed or removed....."*

but then there is the qualifier....

*"...unless it is in accordance with relevant state legislation acts, regulations and guidelines. Such legislation includes the EPBC Act 1986, the EP (Clearing Native Vegetation) Regulations 2004 and other legislation as adopted from time to time".*

A similar situation exists with SPP 2.8. As the WAPC Amendment Report states (pp 3,4) the SPP 2.8:

*".....aims to provide a policy and implementation framework that will ensure bushland protection....."*

The qualifier follows quoting the policy:

*"In general terms, the policy does not prevent development where it consistent [sic] with the policy measures and other planning and environmental considerations."*

In commenting on the quote above, the MRS Amendment Report states that:

*"This section of SPP 2.8 gives the WAPC the option of considering proposals such as this."*

The proposed rezoning, which would facilitate the proposal for clearing to proceed, is totally unacceptable.

## **2.) Terrestrial fauna**

The proposal was referred to the federal government (EPBC referral 2013/6990) and was determined to be a '**Controlled Action**' due to listed threatened species and communities (section 18 and 18A) for:

- **Carnaby's cockatoo**

Three species of black cockatoo occur on the site. Approximately 10 ha of potential foraging and breeding habitat for Carnaby's cockatoo is proposed to be cleared with 17 potential breeding trees lost. We are facing the extinction of Carnaby's cockatoo in our lifetime. The progressive loss of habitat is a major reason that black cockatoos are struggling to survive into the future. Rather than diminishing habitat, we need to increase habitat for these birds to give them a chance of survival. There should be a ban on any further encroachment into black cockatoo habitat by continued urban sprawl.

- **Forest Red-tailed Black-cockatoo**

Clearing and forestry have reduced the available feeding and breeding habitat for this species. In 2001 the Forest Red-tailed Black-cockatoo was considered "common in the Jarrah forest" by Brooker. The species has through necessity, been adapting to changes in its historic habitat. A proportion of Forest Red-tailed Black-cockatoos moved out of the forest around 2010 and onto the Swan Coastal Plain. This may have been because of a poor winter in 2010 which led to trees not producing enough seed to sustain the flocks. Flocks of Forest Red-tailed Black-cockatoos now face extinction. They are likely to be even more threatened than Carnaby's cockatoo. (Ron Johnstone, Curator Ornithology, WA Museum pers. comm 26 November 2010).

- **Other birds**

Parrots such as the Port Lincoln Ringneck and the Red-capped Parrot as well as small birds such as the Western Warbler, Striated Pardalote, Silvereye, Western Spinebill, Tawny-crowned Honey-eater and Brown Honey-eater are recorded on the site.

### **3.) Human Health and fire risk**

The EPA's concern in the issue of human health is that smoke due to prescribed burning of the forest bushland to reduce the fuel load 'is a potential health hazard for aged people.' The requirement that the bush be burned in the '100 m Hazard Separation Zone from the Crown Reserve' as required under the draft 'Planning for Bushfire Risk Management (SPP 3.7)', only indicates how inappropriate it is to plan for an aged care facility in a bushfire prone area immediately adjacent to bushland.

*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.'* This strong recommendation supports the view of the UBC that this is an inappropriate place to be planning such a proposed facility.

### **4.) Linkage**

Ecological linkages are of prime importance in connecting natural areas. Habitat loss and fragmentation are the two main causes of species loss in Australia. This proposed rezoning reduces the area adjacent to the Kalamunda Railway Reserve. Larger areas are more resilient to invasive species and maintain their biodiversity compared with smaller areas. The connectivity across the landscape is essential in this Regional Park and this should not be broken. Thus the rezoning and clearing of the reserve are unacceptable.

### **5.) Community support for protection**

The Kalamunda and the wider community support the retention of Wilkins Road reserve and oppose the rezoning. The Save Wilkins Reserve group makes the point that the reserve is gazetted as part of the **Darling Range Regional Park**. The planning for this Park was carried out under a thorough planning process by DPUD, the State's Planning Department and was zoned accordingly as P&R. This should be upheld.

**6.) Extreme Fire Risk area**

The proposed aged care facility would be adjacent to bushland making this an extreme fire risk area and an unsuitable location for buildings. The requirement of a 100m buffer between bushland and buildings as outlined in the *Planning for Bushfire Risk Management Guidelines* does not support the retention of trees and there would be a great loss of vegetation. The '*Bushfire Protection Criteria Appendix 4*' states that the intent is '*To ensure that the subdivision, development or land use is located in areas with the least possible risk of bushfire, to help minimise risk to people, property and infrastructure.*' The Performance Principle is "*The intent may be achieved where P1 The subdivision, development or land use is located in an area where the bushfire hazard assessment classification is or will be moderate or low, and the risk can be managed*".

This is obviously not the case and planning should not proceed under these criteria.

**Conclusion**

This bushland is in excellent condition and is a diverse wonderful natural area. See pictures below. The Urban Bushland Council strongly recommends the Shire and the WAPC seek alternative sites for supporting aged people in the Shire, and further, act to retain all the Wilkins Road Reserve as a formally protected area in the Darling Range Regional Park.

Representatives of the Urban Bushland Council request the opportunity to discuss these matters with you at a Committee hearing, or if this is not held, with your staff.

Yours sincerely

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Photographs taken at Wilkins Reserve 10 October 2014.