



**Minister for Planning; Culture & the Arts; Science & Innovation  
Government of Western Australia**

Our Ref: 33-19157  
Your Ref: Petition 158

Hon Kate Doust MLC  
Deputy Chair  
Standing Committee on Environment and Public Affairs  
Parliament House  
PERTH WA 6000

Dear Ms Doust

**PETITION NO 158 – AMENDMENT NO 18 TO SHIRE OF KALAMUNDA LOCAL  
PLANNING SCHEME NO. 3**

Thank you for your letter of 27 September 2012 regarding Amendment No. 18 to Shire of Kalamunda (Shire) Local Planning Scheme No. 3 and the petition that was tabled by Hon Alison Xamon MLC.

In response to your queries regarding the planning approval process, an amendment to a local planning scheme would generally be undertaken in the following manner:

1. Local Government resolves to initiate an amendment and forwards to the Western Australian Planning Commission (WAPC) for information or to seek consent to advertise. Consent to advertise an amendment is only required where the amendment is inconsistent with the planning legislation, a region planning scheme or a state planning policy. The WAPC may grant consent to advertise or consent to advertise subject to modifications. If the WAPC recommends that consent to advertise be refused, then it is forwarded to the Minister for Planning to determine whether to grant consent to advertise.
2. Local Government refers the amendment to the Environmental Protection Agency (EPA).
3. Local Government is informed by the EPA if an assessment is required. If an assessment is required an Environmental Review is undertaken. If an assessment is not required, no further work is undertaken.
4. Local Government advertises the amendment.
5. Local Government considers all the submissions received and resolves whether to adopt the amendment with/without modifications or not to proceed with the amendment.

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6. If supported, the amendment is forwarded to the WAPC to make a recommendation to the Minister for Planning.
7. Minister for Planning can decide to approve the amendment with/without modification or refuse it. Minister for Planning can also require readvertising if modifications are considered significant. If readvertised, Steps 4-7 are repeated.
8. If approved with no modifications, the amendment is gazetted.
9. If approved with modifications, the Local Government will undertake the modifications required and send it back to the Minister for Planning for final approval. If all modifications have been undertaken appropriately the amendment is gazetted.

Amendment No. 18 is currently at Step 7; however, I am awaiting further information prior to making my decision.

You have also requested me to provide comment on various issues relating to the views of the Wattle Grove residents; actions of the Shire; the consultation process; the relationship between the proponent and Shire Councillors; and requests for hearings at the Statutory Planning Committee (SPC) meetings.

As you can appreciate, I cannot provide any comment on the actions of the Shire or the relationship between the proponent and the Councillors. I can however, provide the following comments in relation to some of the issues raised:

- I am aware that as part of the submissions received during the advertising of Amendment No. 18, a number of Wattle Grove residents opposed the amendment. I am also aware that there was some support for Amendment No. 18 from the wider locality, which is largely premised on the recognised need for aged care accommodation in the Shire.
- The manner in which the Shire carried out the consultation was in accordance with the requirements identified in the *Town Planning Regulations 1967*. As the validity of the Shire's analysis has been disputed I will ensure that this is taken into consideration as part of my decision, however, I cannot at this stage provide any comment.
- In terms of the deputations to the SPC on 13 and 27 March 2012, I can advise that the Wattle Grove Action Group gave a presentation at the meeting on 13 March 2012. There was quorum to conduct the meeting and determine other items on the agenda, however, not for the item on Amendment No. 18, as two members made a declaration of interest. The item was then deferred to the SPC meeting on 27 March 2012, where the proponent and the Shire made representations. At this meeting a quorum was achieved for this item. I am aware that the Wattle Grove Action Group requested to make another presentation to the SPC at the meeting on 27 March 2012, however due to the high number of deputations previously accepted for this meeting and the

high number of items which needed to be considered, the SPC we unable to accommodate their request. The Wattle Grove Action Group were however allowed to table additional documentation at the meeting on 27 March 2012, which was also distributed to the SPC prior to the meeting.

I hope the above satisfies your queries.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Day".

**JOHN DAY  
MINISTER FOR PLANNING;  
CULTURE AND THE ARTS;  
SCIENCE AND INNOVATION**

23 OCT 2012

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