



Ass # 551
Bill # 642
Ses # 288

WESTERN AUSTRALIA
MINISTER FOR THE ENVIRONMENT

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

URBAN REZONING, SUBDIVISION & DEVELOPMENT
ELLENBROOK, SHIRE OF SWAN (551)

HOMESWEST AND SANWA VINES PTY LTD

This proposal may be implemented subject to the following conditions:

1 Proponent Commitments

The proponent has made a number of environmental management commitments in order to protect the environment.

- 1-1 In implementing the proposal, the proponent shall fulfil the commitments (which are not inconsistent with the conditions or procedures contained in this statement) made and included in Environmental Protection Authority Bulletin 642. (A copy of the commitments is attached.)

2 Implementation

Changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

- 2-1 Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

3 Conservation of Rare Flora

The land containing the declared rare flora *Caladenia huegelii* should be set aside for conservation as follows:

- 3-1 Prior to the lifting of "Urban Deferred" to "Urban" zoning in the Metropolitan Region Scheme, the proponent shall set aside for conservation, suitable land in the Sawpit Gully area indicated in Figure 4 in Environmental Protection Authority Bulletin 642 (copy attached) on which the rare orchid *Caladenia huegelii* is found, to be reserved and subsequently vested in the National Parks and Nature Conservation Authority, the final boundary of which shall be to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management and the Department of Planning and Urban Development.

Published on

13 OCT 1992

4 Definition of Conservation Values

Further surveys are needed to define the conservation values of the northern part of the site.

- 4-1 Prior to the lifting of "Urban Deferred" to "Urban" zoning in the Metropolitan Region Scheme, the proponent shall undertake a survey, to define in detail the conservation value of that area in the north and north east indicated in Figure 4 in Environmental Protection Authority Bulletin 642 (copy attached), to determine that land which should have its conservation values protected and that land which may be developed; to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Department of Conservation and Land Management and the Department of Planning and Urban Development.
- 4-2 Subsequent to condition 4-1 the proponent may incorporate within the development that land which has been identified as not requiring protection for conservation purposes by the Minister for the Environment on advice of the Environmental Protection Authority, the Department of Conservation and Land Management and the Department of Planning and Urban Development.

5 Interim Water Supply

Development of part of the Lexia borefield to provide an interim water supply may proceed in certain circumstances.

- 5-1 Subject to conditions 6-1 and 6-2 the proponent may develop part of the Lexia borefield to provide an interim water supply, to the requirements of the Environmental Protection Authority on advice of the Water Authority of Western Australia.

6 Groundwater, Drainage and Nutrient Management

Establishment of environmental criteria and objectives for groundwater and drainage management and implementation of programmes is required.

- 6-1 Prior to the lifting of "Urban Deferred" to "Urban" zoning in the Metropolitan Region Scheme, the proponent shall establish the environmental criteria and objectives for water quality and quantity listed below to meet the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Water Authority of Western Australia, the Department of Conservation and Land Management and the Shire of Swan:
 - (1) water level criteria based on historic data and further groundwater modelling which will ensure the maintenance of minimum, maximum and optimum water levels and seasonal patterns in the Lexia wetlands and any other conservation areas;
 - (2) water quality criteria for the wetlands to ensure the maintenance of appropriate water quality, based on existing characteristics;
 - (3) water quality parameters for the protection of Priority 1 and 2 Groundwater Source Protection Areas;
 - (4) water quality parameters for the minimisation of nutrient export to the Swan River (loads as well as concentrations); and
 - (5) water quantity parameters for the protection of plantations and natural vegetation within the adjacent State Forest.
- 6-2 Prior to the lifting of "Urban Deferred" to "Urban" zoning in the Metropolitan Region Scheme, the proponent shall prepare a detailed Drainage Management Plan which complies with the environmental criteria and objectives established in condition 6-1 and which includes the development of a comprehensive monitoring, management and

reporting programme, to meet the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Water Authority of Western Australia, the Swan River Trust and the Shire of Swan.

6-3 Prior to the lifting of "Urban Deferred" to "Urban" zoning in the Metropolitan Region Scheme, the proponent shall prepare a detailed Nutrient Management Plan which complies with the environmental criteria and objectives established in condition 6-1 and which includes the development of a comprehensive monitoring, management and reporting programme, to meet the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Water Authority of Western Australia, the Swan River Trust and the Shire of Swan.

6-4 The Drainage Management Plan required by condition 6-2 shall be implemented to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Water Authority of Western Australia, the Swan River Trust and the Shire of Swan.

6-5 The Nutrient Management Plan required by condition 6-3 shall be implemented to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Water Authority of Western Australia, the Swan River Trust and the Shire of Swan.

7 Proponent

These conditions legally apply to the nominated proponent.

7-1 No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

8 Time Limit on Approval

The environmental approval for the proposal is limited.

8-1 If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment shall determine any question as to whether the project has been substantially commenced. Any application to extend the period of five years referred to in this condition shall be made before the expiration of that period, to the Minister for the Environment by way of a request for a change in the condition under Section 46 of the Environmental Protection Act. (On expiration of the five year period, further consideration of the proposal can only occur following a new referral to the Environmental Protection Authority.)

9 Compliance Auditing

In order to ensure that environmental conditions and commitments are met, an audit system is required.

9-1 The proponent shall prepare periodic "Progress and Compliance Reports", to help verify the environmental performance of this project, in consultation with the Environmental Protection Authority.

10 Lifting of "Urban Deferred" Zoning

The lifting of the "Urban Deferred" zoning over any portion of the Ellenbrook project would be conditional upon:

1 The additional survey work recommended by the Environmental Protection Authority being finalised and the outcomes determined.

2 Any conservation requirements resulting from the additional works being made the subject of a planning control area pending resolution of their acquisition either via the subdivision process or purchase;

3 Acquisition of the 450 hectares in the north-west corner of the project site being finalised; and

4 Any acquisition of land being determined on the basis of the pre-Public Environmental Review zoning.

All parts of this condition shall be met to the satisfaction of the Minister for the Environment.

Procedure

1 Conservation of Protected Lakes and Other Areas

Lakes protected by the Environmental Protection (Swan Coastal Plain Wetlands) Regulations 1991, and the fringing and surrounding vegetation should be set aside for conservation.

1-1 Prior to the lifting of "Urban Deferred" to "Urban zoning" in the Metropolitan Region Scheme, an area of approximately 450 hectares in the north west corner of the site as indicated in Figure 4 in Environmental Protection Authority Bulletin 642 (copy attached), should be set aside to be reserved and subsequently vested in the National Parks and Nature Conservation Authority, the final boundary of which shall be to the requirements of Minister for the Environment on the advice of the Department of Conservation and Land Management and the Department of Planning and Urban Development.

2 Urban Development within State Forest

Urban development on the area of State Forest No. 65 land shown in figure 2 of Environmental Protection Authority Bulletin 642 (copy attached), may proceed in certain circumstances.

2-1 Prior to rezoning and development of land excised from State Forest No 65, the following requirements shall be met:

(1) completion of studies to show that urban development in this area will not adversely affect the water quality and quantity of the Area of the Gngangara Water Reserve;

(2) finalisation of suitable arrangements with the Lands and Forests Commission for the land to be excised from State Forest; and

(3) finalisation of arrangements with the Water Authority of Western Australia for land to be excised from the Gngangara Water Reserve, which should not permit a reduction in the total area of Crown land of the Water Reserve, nor a reduction in water quality and quantity for public water supply from this area.

3 Implementation of the Statement

3-1 The conditions in this statement should be carried out to meet the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the

Water Authority of Western Australia, the Department of Conservation and Land Management and the Department of Planning and Urban Development, as appropriate.

- 3-2 The Environmental Protection Authority is responsible for verifying compliance with the conditions contained in this statement, with the exception of conditions stating that the proponent shall meet the requirements of either the Minister for the Environment or any other government agency.
- 3-3 If the Environmental Protection Authority, other government agency or proponent is in dispute concerning compliance with the conditions contained in this statement, that dispute will be determined by the Minister for the Environment.

Bob Pearce, MLA
MINISTER FOR THE ENVIRONMENT

13 OCT 1992

PROPONENT'S COMMITMENTS

**URBAN REZONING, SUBDIVISION &
DEVELOPMENT**

ELLENBROOK, SHIRE OF SWAN (551)

HOMESWEST & SANWA VINES PTY LTD

The proponent has made the following environmental commitments:

COMMITMENTS

The Ellenbrook urban development is currently in its very early stages. The proposal at present simply aims to rezone the land consistent with the DPUD Urban Expansion Policy and with Metroplan. This is a time consuming and uncertain process and the proponents are reluctant to commit further major resources to detailed planning and investigations prior to the achievement of this first step. It should be noted that any actual development after rezoning will still be subject to vigorous state and local government scrutiny. For these reasons the specific details of the project proposals have not yet been determined. The objective at this stage, and of this report, is to determine whether or not the land is generally suitable for urban purposes.

It is considered that this can be established by resolution of major issues, ie matters which would affect the viability of the whole site, or large parts of it. The synthesis section of this report (Section 9.0) indicates that there are two issues of this type (wetlands and groundwater/drainage). Proposals for dealing with these are set out in the body of the report and in the Appendices. In both cases management and administration will be by government agencies. Consequently, while the project proponents readily express a willingness to cooperate with the relevant agencies, it is inappropriate for them to make commitments in this document on behalf of those Agencies.

Commitments which can be made by the project proponents are as follows:

- an area of approximately 90ha illustrated on Figure 12 will be set aside for reservation for Regional Open Space [Parks and Recreation purposes];

- Planning and development of the area in the vicinity of the 90ha conservation zone will be consistent with the management policies for the conservation of that area.

- groundwater management and monitoring programmes will be implemented through the life of the project to ensure maintenance of environmental quality in these areas. The programmes will be based on material presented in detail in Appendix C of this report [with regard to groundwater levels and nutrient export] and generally similar to those which are currently in place in the Thomsons Lake area.

- The groundwater management programme will be incorporated into a comprehensive environmental management programme.

Commitments on matters of importance but which would not affect the viability of the total site can also be made as follows.

- . The practicality of a program to relocate Brown Bandicoots to the 90ha reservation from other parts of the site will be investigated and implemented if found to be reasonably achievable.
- . Areas of the Sawpit Creek drainage line where the rare orchid *Caladenia huegellii* has been found will be protected within the development.
- . Areas within the Banksia woodland in which the Priority species *Cartonema Phylloides* and *Conostephium minus* occur, as well as other areas of special interest which may be identified, will be considered for inclusion in public open space areas or other provision made for their preservation.
- . Areas and items of historical significance within the pine plantation area will be preserved where practical in consultation with CALM.

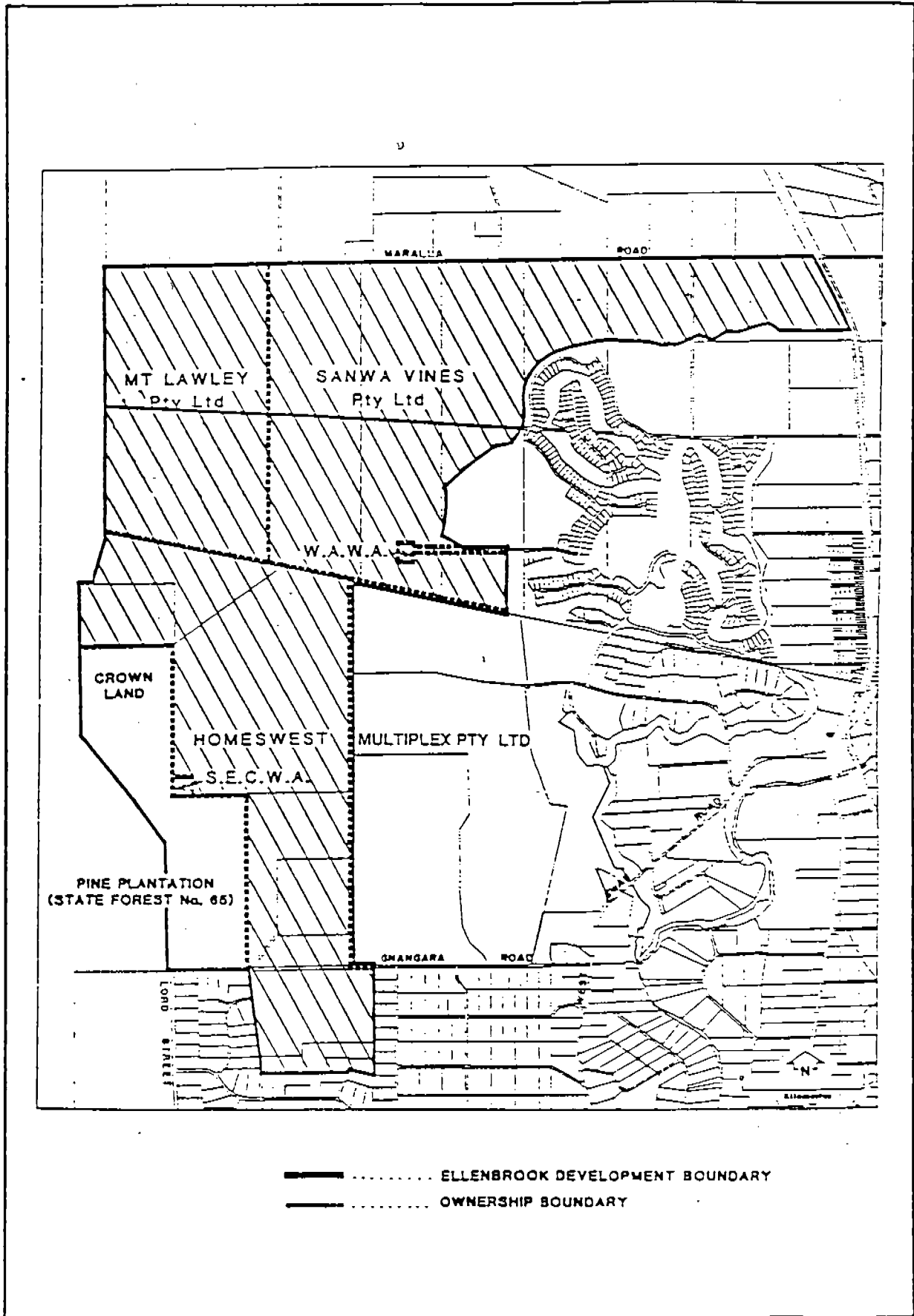


Figure 2. Area proposed for development and land ownership (from Feilman Planning Consultants, PER)

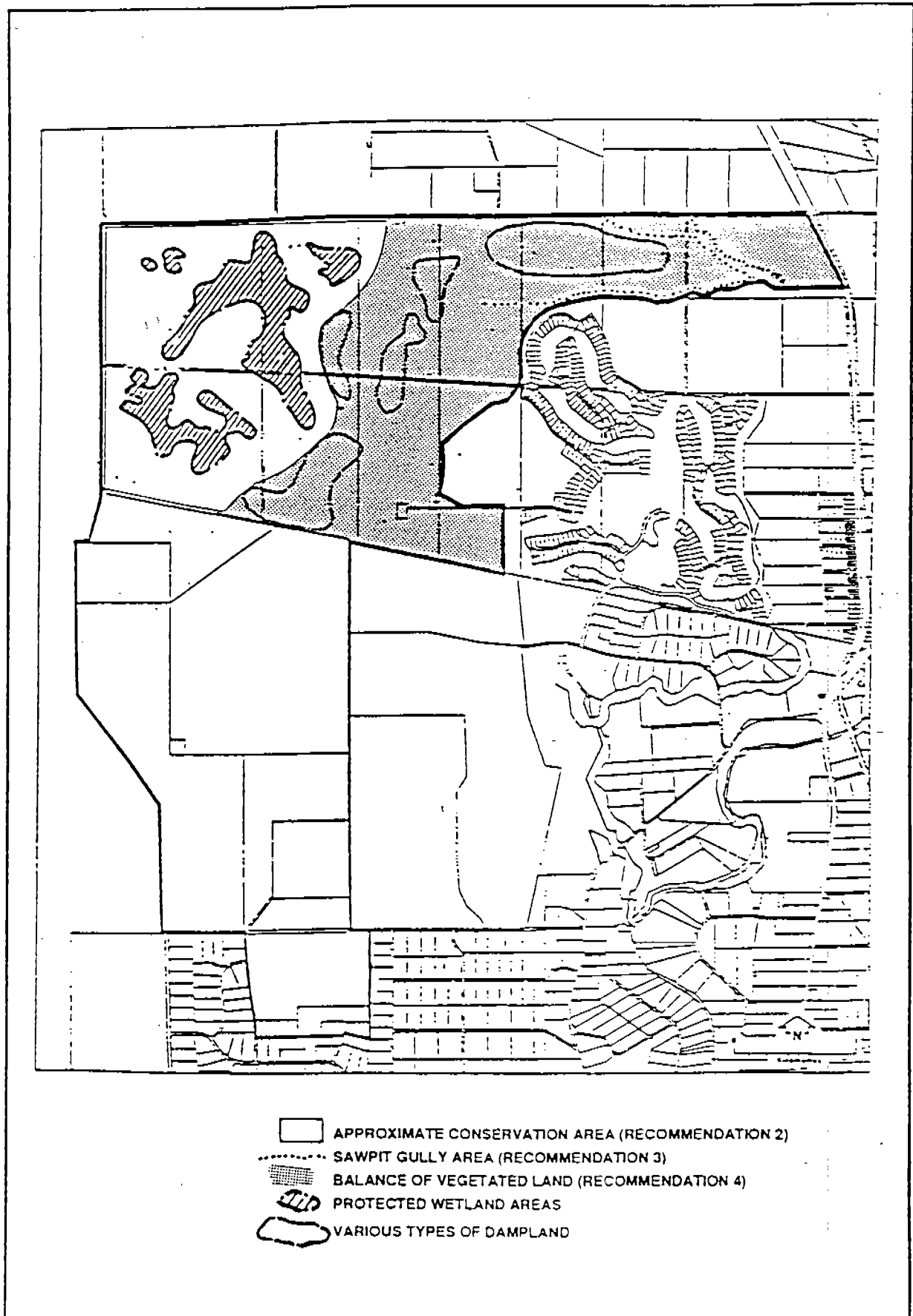


Figure 4. Areas of conservation value the subject of recommendations in this report