



Hon Mark McGowan MLA  
Minister for the Environment;  
Racing and Gaming

Statement No.

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000732

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL  
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE  
ENVIRONMENTAL PROTECTION ACT 1986)**

**FLOREAT LAKES RESIDENTIAL DEVELOPMENT  
NORTH WEST SECTOR, HERDSMAN LAKE**

**Proposal:** Residential subdivision in the north-west sector of Herdsman Lake (Floreat Lakes), including dredging to continue a moat adjacent to the subdivision area.

**Proponent:** Sherwood Overseas Co Pty Ltd

**Proponent Address:** 321 Selby Street, OSBORNE PARK WA 6017

**Assessment Number:** 1572

**Previous Assessment Number:** 063

**Previous Statement Number:** Statement No. 058 (published on 27 February 1989)

**Report of the Environmental Protection Authority:** Bulletin 1222

**Previous Report of the Environmental Protection Authority:** Bulletin 360

The implementation of the proposal to which the above reports of the Environmental Protection Authority relate is subject to the conditions and procedures contained in Ministerial Statement No. 058 (27 February 1989), as amended by the following:

*Condition 3 (Floreat Lakes Monitoring and Management Programme) of Statement No. 058 is deleted and replaced by the following conditions:*

**3 Water and Sediment Quality**

- 3-1 Prior to commencement of any dredging activities in Herdsman Lake, the proponent shall undertake a risk assessment of the effects on water quality and sediments of the dredging and subsurface disposal of spoil to demonstrate that the water and sediment quality in the area of the proposed dredging will meet the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC, 2000) water and sediment guidelines to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Environment and Conservation (See Note 1).

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3-2 If the proponent demonstrates that the water and sediment quality guidelines can be met, as required by condition 3-1, then

1. all water and sediment quality testing;
2. all dredging activities; and
3. project completion activities (see Note 2),

shall be completed within twelve months of the date of this statement, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

3-3 If the proponent fails to demonstrate that water and sediment quality guidelines can be met, either through lack of testing, or testing which suggests that water and sediment quality criteria cannot be met, or any other reason which is under the proponent's control, the proponent shall finalise all project completion activities within twelve months of the date of this statement, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, Department of Environment and Conservation and the Western Australian Planning Commission (See Note 2).

3-4 The proponent shall update the previously approved Floreat Lakes Monitoring and Management Programme (approved in April 1989) within two months of the date of this statement, to include water and sediment quality monitoring for appropriate parameters, and shall report the results annually to the Department of Environment and Conservation, until the management of the relevant subject land is handed over to the Western Australian Planning Commission for Reservation as Parks and Recreation.

*Notes to the conditions to be inserted after condition 9 of Statement No. 058 as follows:*

#### Notes

1. The risk assessment approach required by condition 3-1 should follow the ecological risk assessment methodology set out in the Department of Environment and Conservation's Contaminated Sites Management Series entitled *The Use of Risk Assessment in Contaminated Site Assessment* (2005).

Specifically, if the required risk assessment methodology is followed (as per ANZECC and the Department of Environment and Conservation), it is most likely that the proponent will be required to undertake ecotoxological testing to determine the potential environmental impacts of dredging.

2. "Completion activities" include, inter alia, removal of the dredge and materials storage areas, the creation of foreshores and landscaping of parklands.

**HON MARK MCGOWAN MLA  
MINISTER FOR THE ENVIRONMENT;  
RACING AND GAMING**

**28 NOV 2006**



## MINISTER FOR ENVIRONMENT

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED (PURSUANT TO  
THE PROVISIONS OF THE ENVIRONMENTAL PROTECTION ACT 1986)FLOREAT LAKES RESIDENTIAL DEVELOPMENT,  
NORTH WEST SECTOR, HERDSMAN LAKE

SHERWOOD OVERSEAS CO PTY LTD

This proposal may be implemented subject to the following conditions:

1. The proponent shall adhere to the proposal as assessed by the Environmental Protection Authority and shall fulfil the commitments made and listed in Environmental Protection Authority Bulletin 360 (copy of commitments attached).
2. Prior to the commencement of dredging, the proponent shall prepare a detailed design of the final moat and the realigned Osborne Main Drain in consultation with the Department of Conservation and Land Management, to the satisfaction of the Water Authority of Western Australia and the Environmental Protection Authority. The moat design shall meet the following criteria:
  - (1) no more than 850,000 cubic metres of sand fill to be obtained from the moat;
  - (2) peat not to be placed in the Industrial Lake, but to be used in the Floreat Lakes moat to reduce the area of deep water; and
  - (3) final contours after placement of peat in the moat to be such that the area of deep water is minimised, and conversely, that the area of shallow water (less than 1m in summer) is maximised.
3. Prior to commencement of dredging, the proponent shall finalise the monitoring and management programme for Floreat Lakes to the satisfaction of the Environmental Protection Authority. Matters addressed in this programme shall include:
  - (1) maintenance of water quality in the moat; and
  - (2) peat management.

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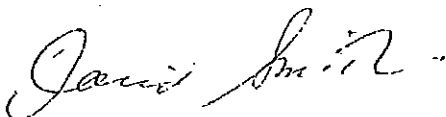
27 FEB 1989

The proponent shall report the results of the Floreat Lakes Monitoring and Management Programme to the Environmental Protection Authority every two years, and following handover, the agency responsible for management of Herdsman Lake should continue to provide those reports to the Environmental Protection Authority.

4. The proponent shall ensure that all works associated with the proposal, including the realigned Osborne Main Drain, do not encroach upon the central conservation area as defined by the "limit of dredging" line in the Metropolitan Region Scheme Improvement Plan Number 21.
5. Prior to completion of the Floreat Lakes development, an overall water management plan for Herdsman Lake shall be prepared by the State Planning Commission in consultation with the Department of Conservation and Land Management, the Water Authority of WA, and the City of Stirling, to the satisfaction of the Environmental Protection Authority.
6. The proponent shall undertake the necessary dust control measures during development of the site to ensure that dust is minimised, to the satisfaction of the Environmental Protection Authority.
7. The proponent shall ensure that noise impacts associated with the proposed development are minimised. The following will require particular attention:
  - (1) hours of operation, in particular the timing of any noisy procedures;
  - (2) use of quietest machinery available; and
  - (3) routes to be used by service and construction vehicles and machines.

Measures to ensure the minimisation of noise impacts shall be formulated in consultation with the City of Stirling and to the satisfaction of the Environmental Protection Authority..

8. The proponent shall provide a post-construction report to the Environmental Protection Authority on completion of the development. This report shall detail any unexpected impacts, problems encountered and the means used to resolve them, and shall include a survey of the moat to show the finished size and depth.
9. 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 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.



David Smith MLA  
MINISTER FOR ENVIRONMENT

27 FEB 1989

## Commitments

Sherwood Overseas Co Pty Ltd (Sherwood) makes the following commitments relating to the proposed Floreat Lakes residential development:

1. To complete the land transactions necessary and to develop a high quality residential area in the north west sector of Herdsman Lake.
2. To allocate land in accordance with Table 1 and Figure 3 of the PER. The areas allocated to Parks and Recreation will be planted with appropriate vegetation cover and provided with appropriate services and facilities.
3. To complete the proposed protective moat between the development and the central conservation zone, under supervision by the State Planning Commission (SPC).
4. To construct the new drainage system according to the directions of the SPC, including stop-log structures.
5. To use peat from the development area for landscaping parklands and foreshores to SPC requirements.
6. To dispose of metals and toxic material found in the excavated areas during development at an approved disposal point.
7. To install and maintain suitable sediment controls and environmental protective measures during the construction phase by isolating the dredge pond from the rest of Herdsman Lake Regional Park.
8. To maintain dust levels below accepted standards during construction.
9. To provide stormwater and drainage discharge facilities in accordance with SPC policy.
10. To provide suitable road access to the residential development.
11. To retain liability for defects in open space construction for a period of 12 months until management is fully taken up by the SPC.
12. To fulfil agreements between Sherwood and the SPC including adherence to a \$150,000 bond negotiated between them.
13. To comply with all statutory requirements and agreements as listed in Section 2.3 of the PER. Specifically Sherwood will comply with the provisions of Sections 79 and 84 of the Environmental Protection Act 1986 with respect to noise emission and in particular the Noise Abatement (Neighbourhood Annoyance) Regulations, 1979 and all other statutes.
14. The SPC and Sherwood will prepare a water management and monitoring programme in consultation with the EPA, CALM, WA of WA and CoS for the period from commencement, until handover to the SPC. The SPC and Sherwood will be collectively responsible for management and monitoring until handover to the SPC.
15. To manage peat in accordance with the Peat Management Plan.
16. To retain an environmental consultant to oversee the project and provide appropriate advice when required, with the power of direction to stop work. Sherwood has nominated Dr David Bennett to perform this task.
17. To remove no more than 850 000 cubic metres of sand fill from the moat.
18. To continue to bid competitively for sand to be imported to the site for fill.

The SPC is responsible for development control of subdivision matters at Herdsman Lake, and for administering Improvement Plan 21. Also, the SPC has the role of acquiring land reserved in Improvement Plan 21 for Parks and Recreation. As a reflection of its involvement in Herdsman Lake, the SPC makes the following commitments:

1. To complete Improvement Plan 21 by replanning the North West Sector including the relocation of Stephenson Highway.
2. To complete the amalgamation of lands for Herdsman Lake Regional Park for vesting in the National Parks and Nature Conservation Authority.

3. To fulfil agreements between the SPC and Sherwood, including supervision of the construction of the moat, which will not extend beyond the limit of dredging line in Improvement Plan 21.
4. The SPC and Sherwood will prepare a water management and monitoring programme in consultation with the EPA, CALM, WA of WA and CoS for the period from commencement of construction until handover to the SPC. The SPC and Sherwood will be collectively responsible for management and monitoring until handover to the SPC.