



Ass # 720

Bull # 672

State # 319

WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

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

**REZONING & SUBDIVISION FOR SPECIAL RESIDENTIAL DEVELOPMENT
LOT 401, LA PEROUSE COURT, FRENCHMAN BAY, ALBANY (720)**

L'OIRE NOMINEES 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 in the Consultative Environmental Review and in response to issues raised following public submissions. These commitments are consolidated in Environmental Protection Authority Bulletin 672 as Appendix 1. (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 Planning Statement

Environmental objectives can be achieved through the planning process.

- 3-1 The proponent shall fulfil the requirements listed in the attached Appendix A to the requirements of the State Planning Commission prior to finalisation of the rezoning of the land and/or the endorsement of Diagrams of Survey.

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4 Proponent

These conditions legally apply to the nominated proponent.

- 4-1 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.

5 Time Limit on Approval

The environmental approval for the proposal is limited.

- 5-1 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.)

Procedure

Regardless of responsibility nominated in the above conditions, if there is any dispute regarding the conditions set under this statement, the matter shall be referred to the Minister for the Environment for determination.


Kevin Minson MLA
MINISTER FOR THE ENVIRONMENT

10 AUG 1993

Note: Advice regarding subsequent planning approval.

This environmental approval under the provisions of the Environmental Protection Act does not imply that planning approval will follow automatically.

APPENDIX A

Planning Statement (720)

1. CONSERVATION AREA

- 1.1 Set aside for conservation as proposed, an area comprising Lake Vancouver and its margins and all of Lot 401 to the west of Lake Vancouver as indicated in Figure 2 in Environmental Protection Authority Bulletin 672, the final boundary of which shall be determined on advice from the Environmental Protection Authority and the Shire of Albany.

2. STORMWATER

- 2.1 A storm water drainage system shall be designed and constructed for the site which is capable of retaining on site for three to four days a one in ten year flood event in accordance with guidelines to be provided by the Shire of Albany. This drainage system should be designed so that no direct drainage enters Lake Vancouver or Frenchman Bay.

3. GROUNDWATER ABSTRACTION

- 3.1 The use of groundwater shall not be permitted.

4. DEVELOPMENT SETBACK

- 4.1 The setback of the development which includes road access, driveways and residences, from the coast shall take into account land capability and suitability.
- 4.2 The width of the foreshore reserve, beach access requirements and foreshore management shall be determined on advice from the Shire of Albany.

5. DOMESTIC WASTEWATER

- 5.1 Unless reticulated sewerage is connected, a Health Department of Western Australia approved alternative domestic wastewater treatment system, as proposed, with adequate phosphorus retention capacity should be installed provided that the base of the system or modified irrigation area are above the highest known water table or installed in accordance with Health Department guidelines on advice from the Water Authority of Western Australia.

6. INDIGENOUS VEGETATION

- 6.1 Indigenous vegetation shall be retained on all areas of the site that are not required to be cleared for building envelopes, fences, firebreaks, access and servicing.
- 6.2 Areas cleared of indigenous vegetation shall be rehabilitated with indigenous species in accordance with guidelines developed by the Shire of Albany on advice from the Environmental Protection Authority.
- 6.3 Satisfactory arrangements shall be made with the Shire of Albany to ensure the on-going maintenance of both the existing vegetation and the revegetation established by the developer outside the areas cleared for building envelopes, fences, firebreaks, access and servicing.

7. STOCK

- 7.1 Livestock is not allowed on the lots.

PROPONENT'S COMMITMENTS

**REZONING & SUBDIVISION FOR SPECIAL
RESIDENTIAL DEVELOPMENT LOT 401, LA PEROUSE
COURT, FRENCHMAN BAY ALBANY (720)**

L'OIRE NOMINEES PTY LTD

The proponent has made the following environmental commitments:

COMMITMENTS

The proponent L'Oire Nominees Pty Ltd commits to carrying out the following with regard to the development of Lot 401 Frenchman Bay:

1. Prepare and implement a foreshore management plan for the Coastal Reserve adjacent to Lot 401 in accordance to the requirements of the Shire of Albany and DPUD.
 2. Conform to EPA policy on domestic effluent disposal by ensuring effluent disposal systems have a minimum 100m separation from the high water mark of Frenchman Bay and from the shore of Lake Vancouver. They will also have at least a 2m vertical separation from the watertable. This will be in accordance with the requirements of the Shire of Albany.
 3. Put in place measures that will limit the clearing of natural vegetation within the development to an absolute minimum as described in this CER. This will be done to the satisfaction of the Shire of Albany.
 4. Take the necessary steps described in this CER to prevent the erosion of soil by wind. This will be done to the satisfaction of the Shire of Albany.
 5. Safeguard against the introduction of dieback by performing construction work in accordance with dieback hygiene strategies developed in consultation with CALM and the Shire of Albany.
 6. In consultation with the Shire of Albany will ensure that residences are sited and constructed in a manner designed to allow them to harmonise with the surrounding landscape elements in accordance with the Country Coastal Planning Policy of DPUD.
 7. Design the stormwater drainage of the development so that drainage waters do not enter Lake Vancouver and so that they filtrate into the soil profile. This will be done to the satisfaction of the Shire of Albany.
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