



WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

Ass # 831

Bull # 743

State # 372

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

LIFTING OF URBAN DEFERMENT, LOTS 2, 30 & 148
ADJACENT TO ELLENBROOK, EGERTON, SHIRE OF SWAN (831)

MULTIPLEX CONSTRUCTIONS 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 made in the Consultative Environmental Review and in response to issues raised following public submissions; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement. These commitments are consolidated in Environmental Protection Authority Bulletin 743 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 Drainage and Nutrient Management

Establishment of environmental criteria and objectives for drainage and nutrient management and implementation of an Environmental Management Programme is required.

- 3-1 Prior to the lifting of "Urban Deferred" to "Urban" zoning in the Metropolitan Region Scheme, the proponent shall establish environmental criteria and objectives for water quality and quantity, to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection, the Water Authority of Western Australia, the Swan River Trust and the Shire of Swan.

Published on

18 NOV 1994

These criteria and objectives shall include, but not be limited to, consideration of:

- (1) water quality parameters for the minimisation of nutrient export to the Swan River (loads as well as concentrations); and
 - (2) water level and water quality criteria which will ensure the maintenance of wetland function, and protect adjoining land uses.
- 3-2 Prior to adoption of the Structure Plan required by the Shire of Swan Town Planning Scheme, the proponent shall prepare an Environmental Management Programme for nutrient and drainage management to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection, the Water Authority of Western Australia, the Swan River Trust and the Shire of Swan. This Programme shall be provided in detail at least consistent with that provided in the Structure Plan and shall:
- (1) be designed to achieve the environmental criteria and objectives established by condition 3-1; and
 - (2) include details of monitoring, management and reporting, identifying how these will be undertaken as the development progresses.
- 3-3 The proponent shall implement the Environmental Management Programme required by condition 3-2 to the requirements of the Department of Environmental Protection on advice of the Water Authority of Western Australia, the Swan River Trust and the Shire of Swan.

4 Urban Conservation and Wetland Management

Final subdivision design should ensure the protection of wetlands and populations of fauna gazetted under the Wildlife Conservation Act which may be impacted by the proposal.

- 4-1 Prior to adoption of the Structure Plan required by the Shire of Swan Town Planning Scheme, the proponent shall prepare a strategy for management of wetlands on the site, to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection.

This strategy shall be provided in detail at least consistent with that provided in the Structure Plan and shall include, but not necessarily be limited to, the following:

- (1) definition of the boundary of the Public Open Space conservation areas having regard for wetland conservation, including dry land fauna habitat;
 - (2) definition of wetland functions; and
 - (3) management requirements for protection of wetland functions, and identification of the agency responsible for management and monitoring.
- 4-2 The proponent shall implement the strategy required by condition 4-1.
- 4-3 Prior to adoption of the Structure Plan required by the Shire of Swan Town Planning Scheme, the proponent shall prepare a strategy for protection of the Southern Brown Bandicoot (*Isoodon obesulus*) to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management. This strategy shall be provided in detail at least consistent with that provided in the Structure Plan.

- 4-4 The proponent shall implement the strategy required by condition 4-3 to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management.
- 4-5 Prior to adoption of the Structure Plan required by the Shire of Swan Town Planning Scheme, the proponent shall provide a report of the results of a survey of the site to locate populations of the Western Swamp Tortoise (*Pseudemydura umbrina*), to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management.
- 4-6 Prior to subdivision approval by the State Planning Commission, the proponent shall undertake additional surveys of the site, as required, to locate any populations of the Western Swamp Tortoise (*Pseudemydura umbrina*) and shall prepare a strategy for protection of any populations of the Western Swamp Tortoise located, to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management.
- 4-7 The proponent shall implement the strategy required by condition 4-6 to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management.

5 Proponent

These conditions legally apply to the nominated proponent.

- 5-1 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.

6 Time Limit on Approval

The environmental approval for this proposal is limited.

- 6-1 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.)

7 Compliance Auditing

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

- 7-1 The proponent, in consultation with the Department of Environmental Protection, shall prepare an Audit Programme, which includes requirements for the preparation of periodic Compliance Reports.
- 7-2 The proponent shall subsequently implement the Audit Programme required by condition 7-1.

Procedure

- 1 The Department of Environmental Protection 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.
- 2 If the Department of Environmental Protection, 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.

Kevin Minson MLA
MINISTER FOR THE ENVIRONMENT

17 NOV 1994

PROPONENT'S COMMITMENTS

**LIFTING OF URBAN DEFERMENT, LOTS 2, 30 & 148
ADJACENT TO ELLENBROOK, EGERTON
SHIRE OF SWAN (831)**

MULTIPLEX CONSTRUCTIONS PTY LTD

The proponent has made the following environmental commitments:

COMMITMENTS

Multiplex Constructions Pty Ltd, will:

- 1 Prepare management plans for the Open Space areas at Egerton which will have the objective to provide for the retention of the majority of the natural vegetation and associations of the Muchea Suite sumplands. The management plans will be prepared prior to final subdivision approval to the satisfaction of DPUD and the Shire of Swan.
- 2 Prior to the commencement of any major works, prepare a Drainage Management Plan for Egerton to the satisfaction of the EPA.
- 3 Seek advice from the Minister for the Environment on the preferred method for management of the Southern Brown Bandicoot population and prepare and implement a strategy based on that advice to the satisfaction of the Minister prior to development.
- 4 Comply with all requirements of the Aboriginal Heritage Act, 1972-1980.

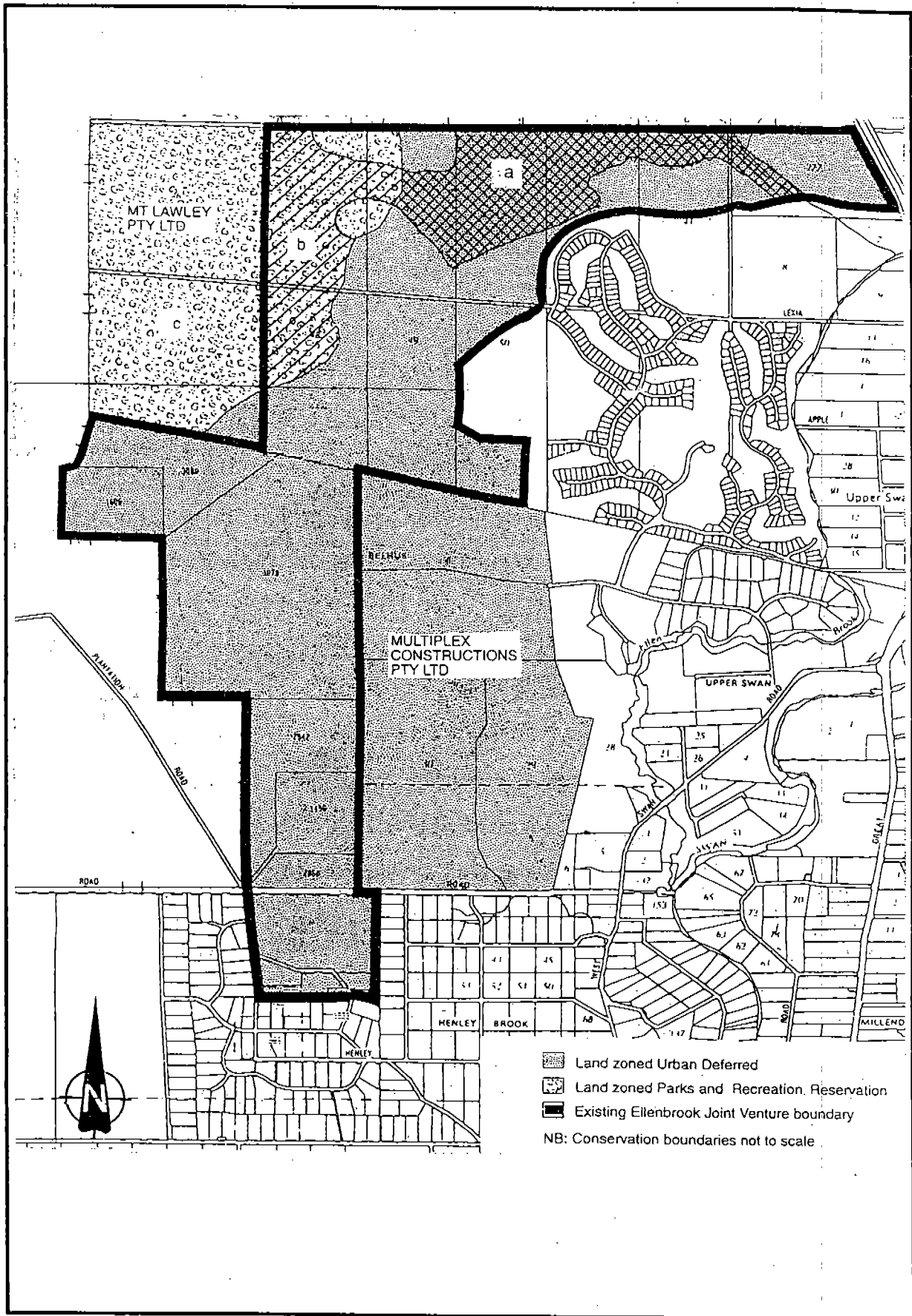


Figure 3. Proposed development and conservation areas.