



WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

Ass # 755

Bull # 770

State # 389

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

BUNBURY TO AUGUSTA ROAD, BUSSELTON BY-PASS (755)

MAIN ROADS WESTERN AUSTRALIA

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 environmental management commitments made in the Consultative Environmental Review and ancillary documentation and in response to issues raised following public review; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

A schedule of environmental management commitments which will be audited by the Department of Environmental Protection is included in Environmental Protection Authority Bulletin 770 within Appendix 2 (copy 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 Proponent

These conditions legally apply to the nominated proponent.

- 3-1 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.

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4 Wetlands

- 4-1 The proponent shall design and construct the road to protect the conservation values of the Broadwater Nature Reserve and other wetlands.
- 4-2 To achieve the objective of condition 4-1, prior to commencement of road works and in consultation with the Department of Conservation and Land Management and the Department of Environmental Protection, the proponent shall prepare an Environmental Management Programme to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection.

This programme shall include, but not be limited to:

- 1 identification of the area and functions of wetland(s) which would be lost through construction of the Busselton By-pass and feeder roads (e.g. Fairway Drive and fringe wetlands of the Broadwater wetland suite affected by the By-pass road);
 - 2 guidelines to be implemented for the replacement of wetland functions lost due to the construction of the Busselton By-pass or feeder roads, and the timing of this replacement;
 - 3 on-going management and monitoring measures to protect or enhance wetlands impacted by the proposal;
 - 4 establishment of design criteria for wetland crossings (including rivers, creeks, drains, floodplains and sumplands) to ensure that the crossings do not adversely affect existing drainage patterns and wetland functions, and describing proposed management and monitoring to check that the criteria achieve the objective;
 - 5 potential construction impacts on water quality and proposed management measures;
 - 6 the design and on-going management of stormwater retention basins; and
 - 7 timing of planting the tall dense buffer of vegetation to reduce road kills of waterbird.
- 4-3 The proponent shall implement the Environmental Management Programme required by condition 4-2.

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.)

6 Compliance Auditing

To help determine environmental performance, periodic reports on progress in implementation of the proposal are required.

- 6-1 The proponent shall submit periodic Progress and Compliance Reports, in accordance with an audit programme prepared by the Department of Environmental Protection in consultation with the proponent.

Procedure

- 1 Unless otherwise specified, the Department of Environmental Protection is responsible for assessing compliance with the conditions contained in this statement and for issuing formal clearance of conditions.
- 2 Where compliance with any condition is in dispute, the matter will be determined by the Minister for the Environment.

Note

The attention of the proponent is drawn to Section 47 (1) of the Environmental Protection Act which states:

"A proponent on whom a statement has been served under section 45 (5) and who does not ensure that any implementation of the proposal to which the statement relates is carried out in accordance with any conditions and procedures set out in the statement commits an offence."

Hon. Peter Foss, MLC
MINISTER FOR THE ENVIRONMENT

31 JUL 1995

Schedule of Environmental Management Commitments
which will be audited
by the Department of Environmental Protection
(19 April 1995)

**BUNBURY TO AUGUSTA ROAD
BUSSELTON BY-PASS (755)**

MAIN ROADS WESTERN AUSTRALIA

BUNBURY TO AUGUSTA ROAD, BUSSELTON BY-PASS (755)

MAIN ROADS WESTERN AUSTRALIA

Pre-construction

1. Road design and landscaping will aim to reduce the visual impact of the By-pass on the local environment. This objective will be addressed during the detailed design phase of the By-pass through the preparation of a Rehabilitation and Landscaping Plan which will also detail the management of topsoil to control the spread of weeds within the road reserve. The Plan will be prepared to the satisfaction of the Department of Environmental Protection.
2. A Dieback Hygiene Management Plan to prevent the spread of dieback during the construction of the By-pass, will be prepared to the satisfaction of CALM.
3. A study to determine the presence and impact of the By-pass on Western Ringtail Possum populations will be carried out. If appropriate, Main Roads will prepare a Management Plan to reduce impacts to the satisfaction of CALM.
4. The Community Consultation Programme will be continued during the detailed design phase of the By-pass to consider improvements to the By-pass design.
5. The By-pass will be designed such that a L₁₀ (18 hour) traffic noise level of 63dB(A) is predicted not to exceed at any residence adjacent to the By-pass by the inclusion of appropriate noise attenuation features to the satisfaction of the Department of Environmental Protection.
6. A review will be undertaken of fencing along the road reserve during the detailed design phase to ensure adequate control is provided for movements of pedestrians and cyclists, of stock where the adjacent land is used for grazing and to reduce potential road kills of fauna. This review will be undertaken in consultation with CALM, the Shire of Busselton and affected landowners to the satisfaction of the Department of Environmental Protection.
7. The need for the construction of fauna tunnels in the vicinity of the Broadwater will be considered during the detailed design phase. If required by CALM fauna tunnels will be incorporated into the design and built to the satisfaction of CALM.
8. The widening of Fairway Drive will be designed to require the least amount of widening as possible of the existing embankment across the New River and to maintain or improve the existing east-west surface water flow. Drainage from Fairway Drive will not directly enter the New River and will be directed to a retention basin/s designed, landscaped and vegetated to maintain and supplement the existing environment to the satisfaction of the Department of Environmental Protection.
9. A Fire Management Plan will be prepared to the satisfaction of CALM.

Construction

10. Vegetation clearing during road construction will aim at retaining as much vegetation as possible within the road reserve and to protect vegetation from damage by construction equipment to the satisfaction of the Department of Environmental Protection.
11. Prevention of the spread of dieback will be achieved through the implementation of the Dieback Hygiene Management Plan.
12. The Rehabilitation and Landscaping Plan will be implemented.

13. The impact of noise and vibration will be minimised during construction, and obligations under the Noise Abatement (Neighbourhood Annoyance) Regulations will be monitored to the satisfaction of the Department of Environmental Protection.
14. The impact of dust on adjacent properties during road construction will be controlled to the satisfaction of the Department of Environmental Protection.
15. The Fire Management Plan will be implemented.
16. Suitable signs will be erected by Main Roads warning motorists of likely fauna crossings prior to the opening of the By-pass to traffic.

Post-construction

17. The rehabilitation of the road verges and median will be monitored and remedial action initiated where necessary.
18. Remedial action will be taken where any scour and erosion occurs in line with Main Roads maintenance procedures.
19. Swale drains and nutrient retention basins will be maintained to ensure that sediment loading and weed growth is cleared and nutrient retention capacity sustained.