



MINISTER FOR THE ENVIRONMENT;
LABOUR RELATIONS

Statement No.

000540

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

RESIDENTIAL DEVELOPMENT OF LOTS 1 AND 2 BALDIVIS ROAD, BALDIVIS
CITY OF ROCKINGHAM

- Proposal:** Subdivision of Lots 1 and 2 Baldivis Road, Baldivis, City of Rockingham, as documented in schedule 1 of this statement.
- Proponent:** Karinya Nominees Pty Ltd, Dalecen Pty Ltd and Benara Nominees Pty Ltd.
- Proponent Address:** PO Box 104, West Perth, WA 6872
- Assessment Number:** 1134
- Report of the Environmental Protection Authority:** Bulletin 939

The proposal to which the above report of the Environmental Protection Authority relates may be implemented subject to the following conditions and procedures:

1 Implementation

- 1-1 Subject to these conditions and procedures, the proponent shall implement the proposal as documented in schedule 1 of this statement.
- 1-2 Where the proponent seeks to change any aspect of the proposal as documented in schedule 1 of this statement in any way that the Minister for the Environment determines, on advice of the Environmental Protection Authority, is substantial, the proponent shall refer the matter to the Environmental Protection Authority.
- 1-3 Where the proponent seeks to change any aspect of the proposal as documented in schedule 1 of this statement in any way that the Minister for the Environment determines, on advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

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2 Proponent Commitments

- 2-1 The proponent shall implement the consolidated environmental management commitments documented in schedule 2 and the supplementary environmental management commitments documented in schedule 3 of this statement.
- 2-2 The proponent shall implement subsequent environmental management commitments which the proponent makes as part of the fulfilment of conditions and procedures in this statement.

3 Risk - CMS High Pressure Natural Gas Pipeline

- 3-1 Prior to commencement of subdivision works, the proponent shall prepare the prescriptions and mitigation measures as detailed in the Stratex-EWI Pty Ltd (1994) quantitative risk assessment for public safety and the protection of the CMS pipeline (see note 1), as agreed to by the pipeline operator, to the requirements of the Environmental Protection Authority on advice of the Department of Minerals and Energy, the City of Rockingham and the Department of Environmental Protection.

Note:

- 1 Stratex-EWI Pty Ltd (1994) *Quantitative Risk Assessment for the Kogolup subdivision*. Unpublished report to Fraser-Wholohan Grill Pty Ltd.
 - 2 Minimum safety standards are required in accordance with the Petroleum Pipelines Act 1969-70, the Australian Pipeline Code AS 2885-1997 and HB 105 or the most recent equivalent recognised by the Environmental Protection Authority.
- 3-2 The proponent shall implement the prescriptions and mitigation measures for public safety and protection of the CMS pipeline referred to in condition 3-1.

4 Proponent

- 4-1 The proponent for the time being nominated by the Minister for the Environment under section 38(6) or (7) of the Environmental Protection Act 1986 is responsible for the implementation of the proposal until such time as the Minister for the Environment has exercised the Minister's power under section 38(7) of the Act to revoke the nomination of that proponent and nominate another person in respect of the proposal.
- 4-2 Any request for the exercise of that power of the Minister referred to in condition 4-1 shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the proposal in accordance with the conditions and procedures set out in the statement.
- 4-3 The proponent shall notify the Department of Environmental Protection of any change of proponent contact name and address within 30 days of such change.

5 Commencement

- 5-1 The proponent shall provide evidence to the Minister for the Environment within five years of the date of this statement that the proposal has been substantially commenced.
- 5-2 Where the proposal has not been substantially commenced within five years of the date of this statement, the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment will determine any question as to whether the proposal has been substantially commenced.

5-3 The proponent shall make application to the Minister for the Environment for any extension of approval for the substantial commencement of the proposal beyond five years from the date of this statement at least six months prior to the expiration of the five year period referred to in conditions 5-1 and 5-2.

5-4 Where the proponent demonstrates to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years for the substantial commencement of the proposal.

6 Compliance Auditing

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

6-2 Unless otherwise specified, the Chief Executive Officer of the Department of Environmental Protection is responsible for assessing compliance with the conditions, procedures and commitments contained in this statement and for issuing formal written advice that the requirements have been met.

6-3 Where compliance with any condition, procedure or commitment is in dispute, the matter will be determined by the Minister for the Environment.

CHERYL EDWARDES (Mrs) MLA
MINISTER FOR THE ENVIRONMENT

10 MAR 2000

Schedule 1

The Proposal (1134)

The proposal is to subdivide Lots 1 and 2 Baldvis Road, Baldvis into approximately 390 residential lots, one community purposes site, three recreation reserves and three drainage basins. The site is located approximately 10 kilometres from the Rockingham City Centre. It is approximately 60 hectares in area and is currently used for grazing and market gardening and contains some remnant vegetation. The site is zoned Urban in the Metropolitan Region Scheme and is included in the Development Zone of the City of Rockingham Town Planning Scheme No.1.

The CMS Gas Transmission of Australia high pressure gas pipeline runs through the western side of the site on a north-south alignment within a 20 metre wide easement. When referred to the Environmental Protection Authority (EPA) residential lots were proposed within 30 metres of the gas pipeline and it was therefore unlikely to meet the EPA criteria for Public Health and Safety. The proponent has since modified the subdivision to accommodate a 32 metre buffer zone from the pipeline in order to comply with the EPA's criteria.

Tamworth Hill Swamp, located to the west of the site, is reserved for Parks and Recreation and is separated from the site by the Nairn Road proposed alignment. This wetland is protected by the Environmental Protection (Swan Coastal Lakes) Policy (1992) and included in the Rockingham Lakes Regional Park and Perth's Bushplan. A small (7500 square metres) 'Conservation' category wetland is situated on the eastern side of Nairn Road on Lot 1. This wetland or paperbark thicket is proposed to be retained in Public Open Space and primarily used for drainage purposes.

The key characteristics of the proposal are presented in Table 1.

Table 1 - Key proposal characteristics

Element	Description
Development site	Lots 1 & 2 Baldvis Road, Baldvis.
Encumbrances	Easement pursuant to <i>Petroleum Pipelines Act 1969</i> (as amended). Easement pursuant to <i>Alumina Refinery (Pinjarra) Agreement Act 1976</i> (as amended).
Development Areas	Lot 1: 18.28 hectares Lot 2: 25.29 hectares
Development Yield	<ul style="list-style-type: none"> • approximately 390 housing lots, plus • recreation reserves • drainage basins, and • a community purpose site.
Planned Population	Approximately 1150 persons.
Risk (CMS Gas Pipeline)	<p>A minimum separation distance of 32 metres (excluding roads, car parking and landscaping) from the pipe centreline to the lot boundary of any development; and</p> <p>A minimum separation distance of 96 metres from the pipe centreline to the lot boundary of any sensitive development (eg. aged care, schools, hospitals or child care).</p>
Wetlands (Tamworth Hill Swamp)	The minimum separation distance from the subdivision to the Tamworth Hill Wetland is 100 metres, which includes the Nairn Road road reserve (40 metres). The average separation distance is 180 metres, including Nairn Road.
Surface Water Catchment	Tamworth Hill Swamp and Peel-Harvey Estuary.

Notes

- 1 The subdivision design may undergo minor variations following negotiations between the proponent and the City of Rockingham in liaison with the Department of Environmental Protection. These variations may affect distribution of Public Open Space, road layout and location of drainage, for example.
- 2 Final details of the planting and landscaping works for the adjoining Parks and Recreation Reserve area of Tamworth Hill Swamp which was previously part of Lots 1 and 2, Baldvis Road will be further discussed between the proponent and the City of Rockingham in liaison with the Department of Environmental Protection.

Map (attached)

Figure 3 - Site location including Tamworth Hill Swamp.

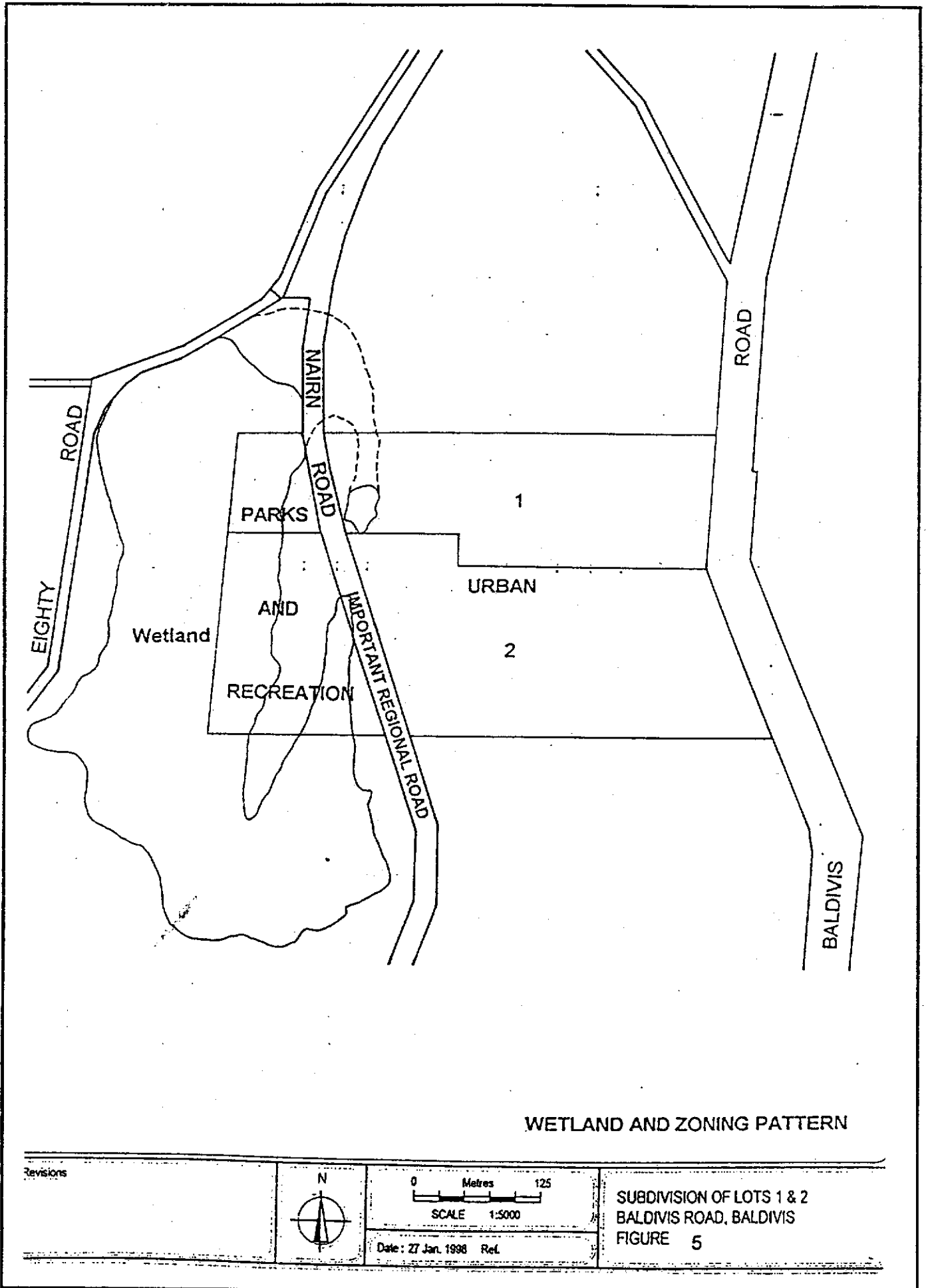


Figure 3. Tamworth Hill Swamp - Conservation category wetland (Source: Mitchell Goff & Assoc. 1998).

**Proponent's Consolidated Environmental Management
Commitments**

**RESIDENTIAL DEVELOPMENT OF LOTS 1 AND 2
BALDIVIS ROAD, BALDIVIS
CITY OF ROCKINGHAM (1134)**

Karinya Nominees Pty Ltd, Dalecen Pty Ltd and Benara Nominees Pty Ltd.

Table 3 Summary - Commitments

Issue	Objectives	Action	Timing (Phase)	Whose Advice	Specifications (Performance Indicator)
Tamworth Hill Swamp	To maintain the long term health and viability of Tamworth Hill Swamp including adequate buffers and long term management.	1. Not to use any land within the Rockingham Parks Tamworth Hill Swamp Management Plan area for any purpose associated with the development (eg drainage).	Subdivision of development design.	City of Rockingham, Western Australian Planning Commission, CALM.	Condition of subdivision.
Surface and Groundwater Quality	<ul style="list-style-type: none"> • Management of stormwater in accordance with Water Sensitive Urban Design Guidelines. • Prevent direct stormwater discharge from the site. • Control/manage the potential for nutrients (and any other potential pollutants) to discharge from the site via groundwater. 	<p>2. All stormwater generated from the site will be discharged to ground using infiltration devices. Infiltration devices will be designed and constructed in accordance with best management practices, to the satisfaction of the City of Rockingham and Water and Rivers Commission to accommodate a summer drying out period.</p> <ul style="list-style-type: none"> • This commitment requires that the land to the west of the central north south ridge is to be designed and developed for the disposal of stormwater for all events with a return period of less than 1 in 10 year into normally dry infiltration basins located at A, B, C and D on the attached sketch. <p>Note: the clearance to the water table at A and B is in excess of 10.0m AHD and at C and D will be the maximum achievable consistent with falls from the adjacent roads. Flood events in excess of that occurring once every 10 years will be accommodated by overland flow by utilising the road system and will overflow the dry basins at C and D into the adjacent paperbark thicket. In the extreme 1 in 100 year storm event, the wetland will have to deal with 8275m³ of stormwater and it is estimated that the water level will rise to RL4.0m AHD. That is, the water level will be 1.5m deep. It is calculated that such an event will take 2 days to return to normal levels through seepage.</p>	Final subdivision approval.	City of Rockingham, W.R.C.	Design & Construction standard.

		<p>3. Infiltration devices will be appropriately maintained by the proponent to the satisfaction of the City of Rockingham, including the removal of sediments as necessary, until handover to the City of Rockingham.</p> <p>4. Drainage of the site will be to the satisfaction of the City of Rockingham, but will not incorporate subsoll drainage.</p> <p>5. The proponent shall retain the paperbank thicket within the development area as an island surrounded by a lake as part of the drainage system developed for handover to the City of Rockingham.</p> <p>6. Submit a modified plan of submission.</p>	<p>Post development.</p> <p>Final subdivision approval.</p> <p>Final subdivision approval.</p> <p>Initial subdivision approval.</p>	<p>City of Rockingham.</p> <p>City of Rockingham.</p> <p>City of Rockingham.</p> <p>Western Australian Planning Commission.</p>	<p>Standard responsibility of local government.</p> <p>Design & Construction standard.</p> <p>Condition of subdivision.</p> <p>Subdivision approval.</p>
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Issue	Objectives	Action	Timing (Phase)	Whose Advice	Specification (Performance Indicator)
		<p>17. Carry out coating defect survey of pipeline section affected by the development.</p> <p>18. Repair any coating defects.</p> <p>19. Carry out pipeline deepth survey.</p> <p>20. Carry out earthworks to increase pipeline depth as necessary.</p> <p>21. Check intelligent pigging reports for corrosion indications.</p>	<p>Construction.</p> <p>CMS pipe maintenance.</p> <p>Construction.</p> <p>Construction.</p> <p>CMS pipe maintenance.</p>	<p>CMS Gas Transmissions of Australia.</p> <p>CMS Gas Transmissions of Australia.</p> <p>CMS Gas Transmissions of Australia.</p> <p>CMS Gas Transmissions of Australia.</p> <p>CMS Gas Transmissions of Australia.</p> <p>CMS Gas Transmissions of Australia.</p>	<p>Condition of subdivision.</p> <p>CMS maintenance responsibility.</p> <p>Condition of subdivision.</p> <p>Condition of subdivision.</p> <p>Condition of subdivision.</p> <p>Condition of subdivision.</p>

**Proponent's Supplementary Environmental Management
Commitments**

March 2000

**RESIDENTIAL DEVELOPMENT OF LOTS 1 AND 2
BALDIVIS ROAD, BALDIVIS
CITY OF ROCKINGHAM (1134)**

Karinya Nominees Pty Ltd, Dalecen Pty Ltd and Benara Nominees Pty Ltd.

Subdivision

Lots 1 & 2 Baldivis Road, Baldivis (1134)

- 22 The proponent will construct a crushed limestone path equivalent to 650 metres in length generally parallel to Nairn Road at a width of 1.5 metres together with a timber post and rail ringlock fence 1.2 metres high when land is first subdivided west of the gas pipeline easement.
- 23 The proponent will plant not less than 150 trees within the Tamworth Hill Swamp Parks and Recreation Reserve adjoining Lots 1 and 2 when land is first subdivided west of the gas pipeline easement. The trees to be planted will comprise 30 Tuart, 50 Casuarina, 50 Paperbark and 20 River Gums.