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Published on: 1 February 2021

Statement No. 1163

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)

SUBDIVISION OF LOT 102 FARRALL ROAD, MIDVALE

Proposal: The proposal is to subdivide Lot 102 Farrall Road, Midvale for residential purposes. The proposal consists of an area for development encompassing residential land allotments, road reserves, provision of services, public open space and a conservation area incorporating Bush Forever Site 309 and adjacent native vegetation.

Proponent: Peet Stratton Pty Ltd
Australian Business Number 31169385139

Proponent Address: Level 7, 200 St Georges Terrace
PERTH WA 6000

Assessment Number: 2163

Report of the Environmental Protection Authority: 1683

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Table 2 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Proposal Implementation

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.

2 Contact Details

2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

3 Time Limit for Proposal Implementation

3-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.

3-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

4 Compliance Reporting

4-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.

4-2 The Compliance Assessment Plan shall indicate:

- (1) the frequency of compliance reporting;
- (2) the approach and timing of compliance assessments;
- (3) the retention of compliance assessments;
- (4) the method of reporting of potential non-compliances and corrective actions taken;
- (5) the table of contents of Compliance Assessment Reports; and
- (6) public availability of Compliance Assessment Reports.

4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.

4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.

- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.

5 Public Availability of Data

5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any data referred to in condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information,

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

6 Flora and Vegetation and Terrestrial Fauna

6-1 The proponent must manage the implementation of the proposal to meet the following environmental objectives within the **Conservation Area** identified in Figure 1:

- (1) protect flora and vegetation so that the biological diversity and ecological integrity are maintained;
- (2) maintain or **restore**, the condition of 0.98 ha of self-sustaining vegetation (with similar species composition and structure) to the Shrublands and Woodlands of the eastern Swan Coastal Plain Threatened Ecological Community to 'good' or better condition; and
- (3) maintain 'excellent' condition vegetation and **restore** degraded vegetation to 'good' or better condition within Bush Forever Site 309 incorporating wetland UFI 15136.

6-2 Within twelve (12) months of publication of this Statement, or within such timeframe as otherwise agreed in writing by the CEO, the proponent shall consult with the Department of Biodiversity, Conservation and Attractions and the City of Swan and submit a further version of the Rehabilitation and Vegetation Management Plan (EP16-009(09)—097B TAA) to meet the objectives specified in condition 6-1.

6-3 The Rehabilitation and Vegetation Management Plan required by condition 6-2 must:

- (1) identify and map:
 - (a) the 0.54 ha of Shrublands and Woodlands of the eastern Swan Coastal Plain Threatened Ecological Community to be restored;
 - (b) the adjacent 0.44 ha of cleared or degraded vegetation to be restored;
 - (c) Bush Forever Site 309 incorporating wetland UFI 15136; and
 - (d) wetland buffer and landscape areas.
- (2) specify risk-based **management actions** that will be implemented to meet the environmental objectives specified in condition 6-1;
- (3) specify measurable **management target(s)** to determine the effectiveness of the risk-based **management actions** required by condition 6-3(2);
- (4) specify monitoring parameters to measure the effectiveness of **management actions** against **management targets**;

- (5) specify the location(s), frequency and timing of monitoring; and
 - (6) specify a process for the revision of **management actions** and changes to proposal activities, in the event that **management targets** are not achieved. The process must include an investigation to determine the cause of the **management target(s)** not being achieved.
- 6-4 The proponent must not commence any **ground disturbing activities** until the proponent has received notice in writing from the CEO that the Rehabilitation and Vegetation Management Plan meets the objectives specified in condition 6-1 and satisfies the requirements of 6-3.
- 6-5 The proponent must implement the latest version of the Rehabilitation and Vegetation Management Plan, which the CEO has confirmed by notice in writing meets the objectives specified in condition 6-1 and satisfies the requirements of condition 6-3.
- 6-6 In the event that monitoring or investigations indicate that management target(s) specified in the Rehabilitation and Vegetation Management Plan have not been achieved, the proponent must:
- (1) provide a notice to the CEO in writing within twenty-one (21) days of the identification of the management target(s) not being achieved;
 - (2) investigate to determine the cause of the management target(s) not being achieved; and
 - (3) provide a report to the CEO within sixty (60) days of the notice provided in condition 6-6(1) of the management target(s) not being achieved. The report shall include:
 - (a) the cause of **management targets** not being achieved;
 - (b) the findings of the investigation required by condition 6-6(2);
 - (c) details of revised and/or additional **management actions** to be implemented to achieve management target(s); and
 - (d) relevant changes to proposal activities.
- 6-7 Prior to ground-disturbing activities associated with the proposal, the proponent shall undertake the following actions to minimise impacts to terrestrial fauna:
- (1) within seven (7) days prior to clearing, using a qualified and licensed terrestrial fauna spotter(s) with experience in surveying for black cockatoos, inspect all **potential nesting trees** with hollows within the development envelope to determine if any hollows are being used for nesting by black cockatoos; and

- (2) if any hollows are in use by black cockatoos for nesting, the proponent shall not clear the nesting tree, or vegetation within a ten (10) metre radius of the nesting tree, until after the cockatoos have naturally completed nesting (young have fledged and dispersed) and an appropriately qualified terrestrial fauna spotter has verified that the hollow(s) are no longer being used by the black cockatoos.
- 6-8 During implementation of the proposal the proponent must undertake the following actions to minimise impacts to terrestrial fauna:
- (1) ensure the presence of qualified and licensed terrestrial fauna spotter(s) during clearing activities;
 - (2) ensure appropriate clearing protocols including, but not limited to, clearing in one direction and fauna trapping and relocation, are in place to avoid and minimise impacts to terrestrial fauna.

7 Offsets

7-1 The proposal shall limit proposal impacts to no more than:

- (1) 1.22 ha direct impact of foraging habitat for Carnaby's cockatoo (*Calyptorhynchus latirostris*)

as a result of the implementation of the proposal, and undertake the offset set out in conditions 7-2 to 7-8 to achieve the objective of counterbalancing the significant residual impact on the abovementioned environmental value.

7-2 Prior to **ground disturbing activities** or clearing of vegetation and within twelve (12) months from the date of this Statement the proponent shall prepare and submit the *Land Acquisition and On-ground Management Offset Strategy* to the requirements of the CEO.

7-3 The *Land Acquisition and On-ground Management Offset Strategy* shall:

- (1) demonstrate that the outcome in condition 7-1 will be met;
- (2) be prepared on advice of the Department of Biodiversity, Conservation and Attractions;
- (3) identify any area(s) to be acquired and/or for **on-ground management (Proposed Offset Conservation Area)**, which contains the environmental values identified in condition 7-1, or similar values of equivalent conservation significance agreed by the CEO;
- (4) demonstrate how the **Proposed Offset Conservation Area** counterbalances the significant residual impact to the environmental value identified in condition 7-1 through application of the principles of the *WA Environmental Offsets Policy (2011)* and application of the EPBC Act Offset assessment guide (the calculator) as described in the *WA Environmental*

Offsets Guidelines (2014), and the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy Assessment Guide (2012)*, or any subsequent revisions of these documents;

- (5) identify how the **Proposed Offset Conservation Area** will be acquired and specify:
 - (a) a timeframe and works associated with establishing the **Proposed Offset Conservation Area**, including a contribution for maintaining the offset for at least twenty (20) years after completion of purchase; and
 - (b) each relevant management body for the on-going management of the **Proposed Offset Conservation Area**, including its role, and confirmation in writing that the relevant management body accepts responsibility for its role.
- (6) where **on-ground management** is proposed:
 - (a) state the targets to be achieved, including completion criteria, which result in a **tangible improvement** to the environmental value/s being offset;
 - (b) demonstrate consistency with the National Recovery Plans for Carnaby's Cockatoo (*Calyptorhynchus latirostris*) Recovery Plan, or any subsequent revisions of these plans;
 - (c) demonstrate the consistency of the objective/s and target/s with the objectives of the National Recovery Plans for Carnaby's cockatoo (*Calyptorhynchus latirostris*), or any subsequent revisions of the plan;
 - (d) detail the **on-ground management** actions with associated timeframes for implementation, to achieve the objective/s and target/s identified in condition 7-3(6)(a); and
 - (e) detail the monitoring, reporting and evaluation mechanisms for the objective/s, target/s and actions identified under conditions 7-3(6)(a) and 7-3(6)(c).

7-4 The proponent:

- (1) may review and revise the *Land Acquisition and On-ground Management Offset Strategy*; or
- (2) review and revise the *Land Acquisition and On-ground Management Offset Strategy* as and when directed by the CEO by a notice in writing.

- 7-5 The proponent shall implement the latest revision of the *Land Acquisition and On-ground Management Offset Strategy* approved by the CEO
- 7-6 The proponent shall continue to implement the *Land Acquisition and On-ground Management Offset Strategy* until the CEO has confirmed by notice in writing that the proponent has demonstrated that the outcome in condition 7-1 has been met.
- 7-7 Should the actions, objectives, or targets in the *Land Acquisition and On-ground Management Offset Strategy* be unable to be met, the proponent shall notify the CEO within seven (7) days of it being identified and provide details and timing of contingency actions to be undertaken, to the satisfaction of the CEO.
- 7-8 The proponent shall report to the CEO on the outcomes of the contingency actions as required by condition 7-6 within sixty (60) days of completion.

[signed on 1 February 2021]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Table 1: Summary of the proposal

Proposal title	Subdivision of Lot 102 Farrall Road, Midvale
Short description	The proposal is to subdivide Lot 102 Farrall Road, Midvale for residential uses including the development of roads, residential lots, public open space areas and associated infrastructure.

Table 2: Location and authorised extent of physical and operational elements

Element	Location	Authorised Extent
Development Footprint. Clearing and disturbance for construction of roads infrastructure, residential lots, public open space and associated infrastructure.	Figure 1	Clearing and disturbance of no more than 5.079 ha within a 8.298 ha development envelope.
Conservation Area	Figure 1	Retention of the Conservation Area identified in Figure 1, being a minimum of 3.2 ha within a 8.298 ha development envelope.

Table 3: Abbreviations and Definitions

Acronym or Abbreviation	Definition or Term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
Conservation Area	Area identified as 'Conservation area' in Figure 1.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare
ground disturbing activities	Activities that are associated with the implementation of the proposal including but not limited to, digging (with mechanised equipment), blasting, earthmoving, vegetation clearance, grading, gravel extraction, construction of new or widening of existing roads and tracks.
management actions	Identified actions undertaken to mitigate the impacts of implementation of a proposal on the environment and achieve the condition environmental objective.
management targets	A measurable boundary of acceptable impact with proposal or site specific parameters, that assesses the efficacy of management actions against the condition environmental objective and beyond which management actions have to be reviewed and revised. Proposal- or site-specific parameters may include location, scale, time period, specific species/ population/community and a relative benchmark (e.g. baseline or reference).
On-ground management	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a tangible improvement to the environmental values in the offset area.

Acronym or Abbreviation	Definition or Term
Proposed Offset Conservation Area	The area of land identified in condition 7-3(3).
potential nesting tree	Any existing tree of a species known to support breeding which either has a hollow or has a diameter at breast height of 500 millimetres or greater and therefore may develop a nest hollow.
restore	Assist in the recovery of an ecosystem that has been degraded, damaged or destroyed.
Tangible improvement	a perceptible, measurable and definable improvement that provides additional ecological benefit and/or value.

Figures (attached)

Figure 1 Development envelope, Disturbance footprint and Conservation Area (This figure is a representation of the co-ordinates shown in Table 2 of Schedule 1)



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Unique Record ID:

Figure 1: Development envelope, Disturbance footprint and Conservation Area

Table 4: Project Co-ordinates (MGA Zone 50)

Co-ordinate No	Easting	Northing
0	408710.1368	6472490.6583
1	408618.3849	6472490.1021
2	408596.1014	6472489.9671
3	408596.1014	6472489.9700
4	408594.6926	6472542.9445
5	408594.5277	6472549.1391
6	408591.0978	6472677.7574
7	408591.0992	6472677.7603
8	408595.3566	6472692.7309
9	408607.0012	6472720.0623
10	408615.0279	6472732.3807
11	408622.3927	6472736.3560
12	408630.7282	6472737.1058
13	408661.9258	6472733.5680
14	408694.7654	6472671.7789
15	408739.9449	6472671.7789
16	408741.1629	6472657.8660
17	408742.8883	6472638.1671
18	408745.6318	6472558.5062
19	408746.1250	6472490.8751
20	408710.1368	6472490.6583
21	408734.1500	6472737.7900
22	408739.9449	6472671.7789
23	408694.7654	6472671.7789
24	408661.9258	6472733.5680
25	408630.7282	6472737.1058
26	408622.3927	6472736.3560
27	408615.0279	6472732.3807
28	408607.0012	6472720.0623
29	408595.3566	6472692.7309
30	408591.0992	6472677.7603
31	408591.0978	6472677.7574
32	408583.6270	6472957.7814
33	408575.6019	6473258.6010
34	408606.0857	6473195.0910
35	408637.1692	6473120.5654
36	408663.3424	6473047.3529
37	408687.2942	6472970.4070
38	408706.7366	6472893.4219
39	408722.3495	6472815.3862
40	408734.1500	6472737.7900

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 94 (GDA94).