



MINISTER FOR THE ENVIRONMENT;
LABOUR RELATIONS

Statement No.

000519

**STATEMENT THAT A SCHEME MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF DIVISION 3 OF PART IV OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

SHIRE OF MURRAY TOWN PLANNING SCHEME No. 4
AMENDMENT No. 104 (POINT GREY)

Scheme Purpose: (a) to rezone from 'Rural' to 'Special Development'
Lots 75, 137-139, 293, 299, 322, 672, 727, 729,
738, 740, 1132, 1133 and 1145, Point Grey;
(b) to add special provisions to the Shire of Murray
Town Planning Scheme No. 4; and
(c) to amend the Shire of Murray Town Planning
Scheme No. 4 Scheme Maps accordingly.

Responsible Authority: Shire of Murray

Responsible Authority Address: Pinjarra Road, Pinjarra WA 6208

Assessment Number: 1084

Report of the Environmental Protection Authority: Bulletin 899

Subject to the following conditions, there is no environmental reason why the town planning scheme amendment to which the above report of the Environmental Protection Authority relates should not be implemented:

1 Outline Development Plan

1-1 The Outline Development Plan shall reflect and incorporate the requirements of conditions 2 to 9 inclusive (See note 2).

2 Waterbird Management Plan

2-1 A Waterbird Management Plan shall be prepared and implemented to provide ongoing protection for waterbirds and their associated habitat.

2-2 Prior to the responsible authority granting final approval of the Outline Development Plan, a Waterbird Management Plan shall be prepared by the developer (in stages if appropriate) for areas of and adjacent to important waterbird habitat, to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Peel Inlet Management Authority, the Department of Conservation and Land Management and the Shire of Murray.

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This Plan shall address:

- 1 proposed monitoring programme to identify waterbird utilisation of the areas of important waterbird habitat, including patterns of roosting, nesting, feeding and mating;
 - 2 general management measures relating to the management of the impacts of construction on waterbirds to be applied in the event that the monitoring programme finds important waterbird habitats; and
 - 3 general management measures relating to the management of the impacts on waterbirds after the construction phase, resulting from pedestrians, domestic pets, vehicles and boats in the event that the monitoring programme finds important waterbird habitats, including the following measures:
 - (1) limitation of human access to sensitive portions of the foreshore;
 - (2) control of vehicles by physical barriers;
 - (3) public education to increase awareness of the sensitivity of the conservation areas;
 - (4) adequate sign posting to define exercise areas for horses and dogs;
 - (5) control of feral animals where practicable; and
 - (6) improvement of conservation practices.
- 2-3 The Waterbird Management Plan required by condition 2-1 shall be made available for public comment for a period of four weeks prior to finalisation of the plans.

3 Construction Management Plan

- 3-1 A Construction Management Plan shall be prepared and implemented to ensure the protection of remnant vegetation, fauna and their associated habitat during construction.
- 3-2 Prior to any construction or site disturbance within the amendment area, a Construction Management Plan, which may be staged, shall be prepared by the developer, to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection and the Shire of Murray.

This Plan shall address:

- 1 the minimisation of clearing and vegetation disturbance;
- 2 the protection of foreshore areas;
- 3 the control and monitoring of dust, noise and smoke;
- 4 the prevention and control of the spread of dieback; and
- 5 the inclusion of environmental protection specifications in all construction-related contracts.

4 Nutrient and Irrigation Management Plan

- 4-1 A Nutrient and Irrigation Management Plan shall be prepared and implemented to ensure that there is no net increase in nitrogen export to the Peel-Harvey Estuary as a result of development within the amendment area, and that the export of phosphorus and nitrogen from the amendment area to the Peel-Harvey Estuary complies with the Environmental Protection (Peel-Harvey Estuarine System) Policy 1992.

- 4-2 Prior to finalisation of the Outline Development Plan required by condition 1-1, base-line data identifying current export levels of nitrogen and phosphorus as a result of activities on site shall be provided to the Department of Environmental Protection.
- 4-3 Prior to the finalisation of the Outline Development Plan required by condition 1-1, a Nutrient and Irrigation Management Plan shall be prepared by the developer to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Peel Inlet Management Authority, the Water and Rivers Commission and the Shire of Murray.

This Plan shall address:

- 1 nutrient and irrigation management of the golf course and other landscaped areas;
 - 2 management practices and nutrient-related objectives for the on-site treatment and disposal of sewage;
 - 3 monitoring, modelling and reporting of phosphorus and nitrogen concentrations and movements in the groundwater beneath the site; and
 - 4 responsibility for the nutrient and irrigation management and monitoring.
- 4-4 The Nutrient and Irrigation Management Plan required by condition 4-1 shall be made available for public comment for a period of four weeks prior to finalisation of the plans.
- 4-5 The amendment area, with the exception of a small number of lots within the rural-residential development which have an area greater than 4 000 square metres, shall be serviced by reticulated sewerage, operating by gravity, vacuum sewers and/or pump stations.
- 4-6 The design, construction and operation of the reticulated sewerage shall comply fully with relevant Office of Water Regulation and Health Department of Western Australia requirements.
- 4-7 The reticulated sewerage shall ultimately be serviced by a tertiary treatment plant, located at least 500 metres from sensitive land use areas, which will incorporate Biological Nutrient Removal to achieve maximum final treated effluent concentrations of one part per million total phosphorus and five parts per million total nitrogen.

Interim arrangements for the disposal of effluent involving secondary treatment will be subject to agreement from the Department of Environmental Protection, the Office of Water Regulation and the Health Department of Western Australia.

- 4-8 Conventional on-site effluent disposal systems which are installed on lots which have an area greater than 4 000 square metres shall not be located closer than 100 metres to any water source and shall have a minimum two metre vertical clearance to the highest known water table or bedrock.
- 4-9 Effluent disposal systems installed on lots which have an area greater than 4 000 square metres which are of a type that minimises nutrient export shall not be located closer than 30 metres to a water source.

5 Water Supply Management Plan

- 5-1 A Water Supply Management Plan shall be prepared and implemented to ensure that there are no detrimental effects associated with changes of water levels in Lake McLarty and/or Lake Mealup as a consequence of the use of groundwater within the amendment area.

- 5-2 Prior to construction of areas serviced by reticulated water supply, a Water Supply Management Plan shall be prepared by the developer for the amendment area, to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Peel Inlet Management Authority, the Water and Rivers Commission, the Water Corporation and the Shire of Murray.

This Plan shall address:

- 1 groundwater monitoring, data analysis and reporting, including the monitoring of water quality and quantity in Lake McLarty and Lake Mealup;
 - 2 ongoing aquifer modelling;
 - 3 the identification of contingency options for water supply in the event that abstraction is determined to have an impact on Lake McLarty and/or Lake Mealup; and
 - 4 water supply management, and responsibility for water supply management and monitoring.
- 5-3 The Water Supply Management Plan required by condition 5-1 shall be made available for public comment for a period of four weeks prior to finalisation of the plans.
- 5-4 Where groundwater is used to supply drinking water, the quality of this supply shall meet appropriate drinking water quality standards, such as those in the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand publication *Australian Drinking Water Guidelines - National Water Quality Management Strategy* (1996).
- 5-5 Monitoring of the public water supply shall be in accordance with appropriate guidelines such as those in the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand publication *Australian Drinking Water Guidelines - National Water Quality Management Strategy* (1996).

6 Foreshore and Conservation Area

- 6-1 Prior to finalisation of the Outline Development Plan required by condition 1-1, the boundaries of areas to be set aside for conservation shall be determined to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Ministry for Planning, the Peel Inlet Management Authority, the Department of Conservation and Land Management and the Shire of Murray.
- 6-2 An area of remnant vegetation of no less than that which is depicted in the Outline Development Plan contained in the environmental review for the Shire of Murray Town Planning Scheme No. 4 Amendment No. 104 shall be retained for conservation.

In defining the boundary of the conservation areas, the following biophysical topics shall be taken into consideration:

- 1 vegetation;
- 2 hydrology;
- 3 soil type;
- 4 geology;
- 5 topography;
- 6 foreshore function;
- 7 habitat;

- 8 climatic variability;
- 9 land use pressure; and
- 10 archaeological and ethnographic sites.

- 6-3 Prior to subdivision or development, and at an appropriate time of the year, a Declared Rare Flora and Priority Flora survey shall be conducted in areas within the amendment area that are proposed to be cleared.
- 6-4 The protection of any species identified in the survey referred to in condition 6-3 shall be addressed as part of the Foreshore and Conservation Area Management Plan referred to in conditions 6-5 and 6-6.
- 6-5 A Foreshore and Conservation Area Management Plan shall be prepared and implemented to provide protection for foreshore vegetation, remnant vegetation, the estuary and important fauna habitats.
- 6-6 Prior to the lodgement of any application for subdivision or development approval, whichever is the sooner, for proposals abutting conservation areas, a Foreshore and Conservation Area Management Plan shall be prepared (in stages if appropriate) by the developer for conservation areas identified in the environmental review for Shire of Murray Town Planning Scheme No. 4 Amendment No. 104 and shown on the Outline Development Plan required by condition 1-1, both within and adjacent to the amendment area, to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Peel Inlet Management Authority, the Department of Conservation and Land Management and the Shire of Murray.

This Plan shall address:

- 1 the impacts on adjacent System 6 areas C50 and C51 and other conservation areas adjacent to the amendment area;
 - 2 the interface between conservation areas, both existing and proposed in the Outline Development Plan, and development;
 - 3 the management of human pressures on existing conservation areas and those proposed in the Outline Development Plan, including degradation of the environment caused by vehicles, rubbish dumping, threats to wildlife from domestic pets and weeds, and control of public access to sensitive conservation areas;
 - 4 the protection of Declared Rare and Priority Flora;
 - 5 waterbird protection;
 - 6 the management of hydrological impacts;
 - 7 security of tenure, management and vesting arrangements of proposed conservation areas;
 - 8 mosquito management; and
 - 9 management of existing areas of remnant vegetation.
- 6-7 The Foreshore and Conservation Area Management Plan required by condition 6-5 shall be made available for public comment for a period of four weeks prior to finalisation of the plans.
 - 6-8 In the event that conservation areas remain in private ownership, clearing of remnant vegetation in these areas shall be minimised. Building and development within conservation areas shall be in harmony with the area and maintain visual amenity.

7 Cave Protection

- 7-1 A Cave Management Plan shall be prepared and implemented to ensure the protection and management of Avalon Cave.
- 7-2 Prior to finalisation of the Outline Development Plan required by condition 1-1, a Cave Management Plan shall be prepared by the developer to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Speleological Research Group and the Shire of Murray.

This Plan shall address:

- 1 the protection of the morphology of the cave, including hydrological regime;
- 2 the minimum buffer requirements for protection of the above;
- 3 the proposed development of land above the cave; and
- 4 the control of public access.

8 Mosquitoes

- 8-1 Measures shall be put in place to ensure that prospective purchasers are advised of the existence of a health risk due to mosquitoes.

9 Wetlands Management Plan for Robert Bay

- 9-1 A Wetlands Management Plan for Robert Bay shall be prepared and implemented to ensure that there is no increase in potential mosquito breeding habitat and to ensure that the environmental values of the wetlands are maintained.
- 9-2 Prior to any disturbance of the Robert Bay wetlands, a Wetlands Management Plan shall be prepared by the developer for the Robert Bay wetlands and adjoining reserve areas, to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Peel Inlet Management Authority, the Water and Rivers Commission, the Department of Conservation and Land Management, the Water Corporation, the Health Department of Western Australia and the Shire of Murray.

This Plan shall address:

- 1 the maintenance of existing drainage functions of the Robert Bay drain;
- 2 the minimisation and management of mosquito breeding areas;
- 3 the maximisation of ecological and habitat functions of the wetlands;
- 4 design construction and engineering detail;
- 5 monitoring of wetlands water quality and ecological functions;
- 6 criteria for performance assessment; and
- 7 contingency plans in the event that the criteria referred to in item 6 are not met.

10 Audit of Environmental Conditions

- 10-1 Prior to any development or works associated with the 'Special Development' zoning, the subject of this amendment, commencing on site, a report describing the environment in the amendment area and adjoining foreshore reserve in relation to the key environmental factors identified in the Environmental Protection Authority's report (Bulletin 899) shall be prepared by the developer.

Note: This report will form the basis of any review of the environmental performance of the development within the amendment area.

- 10-2 The responsible authority shall review the performance of the environmental conditions to which this amendment is subject, every five years after the amendment is approved and published in the Government Gazette, or as the Minister for the Environment directs. The report of this review shall be to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection.
- 10-3 The responsible authority shall provide the Department of Environmental Protection with a report of the review required by condition 10-2.

Note: The Environmental Protection Authority may recommend changes and actions to the Minister for the Environment following consideration of the Performance Review.

Note

1 Marina

Any application for a marina within the amendment area should be referred to the Environmental Protection Authority.

2 Outline Development Plan

Condition 1 requires that the Outline Development Plan reflect and incorporate requirements of conditions 2 to 9 inclusive. Some of these conditions require actions to be taken at later levels of planning following final approval of the Outline Development Plan. To accommodate possible future detailed changes, the Outline Development Plan should have built into it the appropriate flexibility to allow for such changes.

~~CHERYL EDWARDES (Mrs) MLA~~
MINISTER FOR THE ENVIRONMENT

30 JUL 1999