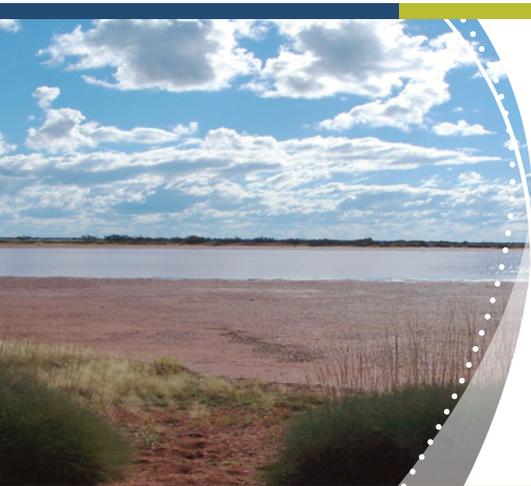




Report and recommendations of the Environmental Protection Authority



Special Residential Subdivision Part Murray Locations 109 and 1339 Pleasant Grove Mandurah, inquiry under section 46 of the Environmental Protection Act 1986 to Amend Ministerial Statement 266

Pleasant Grove Pty Ltd

Report 1644

June 2019

Inquiry Under Section 46 of the *Environmental Protection Act 1986*

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions in Ministerial Statement 266 relating to the Pleasant Grove Pty Ltd proposal to develop the Special Residential Subdivision Part Murray Locations 109 and 1339 Pleasant Grove Mandurah.

Section 46(6) of the *Environmental Protection Act 1986* requires the EPA Report to include:

1. a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be changed
2. any other recommendations that it thinks appropriate.

The following is the EPA's Report and Recommendations to the Minister pursuant to s. 46(6) of the *Environmental Protection Act 1986*.



Dr Tom Hatton Chairman

26 June 2019

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1. The proposal

Pleasant Grove Pty Ltd implemented the original special residential and residential subdivision of Part Murray Locations 109 and 1339 Pleasant Grove Mandurah. The Environmental Protection Authority (EPA) assessed the proposal at the level of Consultative Environmental Review (CER), releasing its Report and Recommendations (Report 562) in 1991. In this report, the EPA considered the following key environmental factors required detailed evaluation in its Report and Recommendations to the Minister for the Environment:

- Intensive agriculture and lot sizes
- Management of agricultural land
- Land capability
- Sewerage disposal
- Land use controls
- Clearing controls
- Drainage
- Ongoing management

In applying the EPA *Statement of Environmental Principles, Factors and Objectives* (EPA, 2018a) these factors are now represented by:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters

The EPA concluded in Report 562, that it was likely the EPA's objectives would be achieved, provided there was satisfactory implementation by the proponent of the EPA's recommended conditions.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial Statement 266 (8 June 1992).

Since this time, majority of the proposal area has been subdivided and developed for residential and special residential purposes (Figure 1). Current Lots 124 and 801 Pleasant Grove Circle Falcon (subject area) are the last remaining undeveloped lots from the original proposal, which have been largely grazed and cleared due to historical rural land uses.

The EPA considers that the Ministerial Statement 266 conditions have either been met or exceeded by:

- implementation of previous subdivision applications;
- gazettal of City of Mandurah Local Planning Scheme No. 3; and
- existing development controls under State Government policies.

Previously approved changes to conditions

In July 2002 a non-substantial change to the statement was approved by the then Department of Environmental Protection (DEP) to vary subdivided lot sizes from a minimum of 2,000m² to 1,500m², as required by Condition 2 Appendix A (Requirement 5).



Figure 1: Original subdivision area and s. 46 area, Falcon

2. Requested changes to conditions

The Pleasant Grove Pty Ltd requested the following changes to the implementation conditions of Ministerial Statement 266:

- Condition 2 Appendix A Requirement 2.2 requires the proponent to establish and maintain remnant vegetation for the first three years or until the lots are sold, on all areas of the site not required for building envelopes, fences, firebreaks, access and servicing, in accordance with the guidelines to be provided by the Local Government Authority. The proponent has requested this condition be changed to require revegetation within drainage basins and the foreshore area in consultation with the City of Mandurah;
- Condition 2 Appendix A Requirements 3.1 and 3.2 requires the keeping of livestock to be in accordance with guidelines agreed between the EPA and the City of Mandurah, and vegetated areas to be fenced off from livestock. The proponent has requested these conditions be changed to not allow the keeping of livestock.
- Condition 2 Appendix A Requirements 4.2 requires the installation of a domestic wastewater treatment system on lots greater than 4000m² where reticulated sewerage is not available. The proponent has requested this condition be removed as reticulated sewerage is required in the subject area.
- Condition 2 Appendix A Requirements 5 requires a minimum lot size of 2000m² and the provision of a building envelope. The proponent has requested this condition be changed to a minimum of 880m² (R10 density coding).

The Minister for Environment requested that the EPA inquire into and report on the matter of changing the implementation conditions of Ministerial Statement 266 for the special residential subdivision of Part Murray Locations 109 and 1339 Pleasant Grove Mandurah. This report satisfies the requirements of the EPA's inquiry.

The EPA has discretion as to how it conducts this inquiry. The inquiry has considered:

- the currency of its original assessment (EPA Report 562);
- Ministerial Statement 266;
- information provided by the proponent;
- advice from relevant decision making authorities; and
- any new information regarding the proposal's potential impacts on the environment.

These documents are instructive in determining the extent and nature of the inquiry under s. 46 of the EP Act.

EPA policy and procedures

In December 2016, the EPA released a new suite of environmental impact assessment policy and guidance documents. These documents replaced EPA policy and guidance that were current at the time of receiving the change to conditions request.

In conducting this inquiry, the EPA has considered and given due regard to relevant current and former policy documents. The EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* (EPA 2016a) and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016* (EPA 2018b).

3. Inquiry findings

3.1 Flora and Vegetation, Terrestrial Fauna and Inland Waters

A summary of the assessment as to whether the conditions should be changed, is attached to this report in Appendix 1 Tables 1 and 2.

Discussed in Appendix 1, the EPA considered the following are key environmental factors relevant to this inquiry:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters.

The EPA's environmental objective for the Flora and Vegetation factor is *to protect flora and vegetation so that biological diversity and ecological integrity are maintained.*

The EPA's environmental objective for the Terrestrial Fauna factor is *to protect terrestrial fauna so that biological diversity and ecological integrity are maintained.*

The EPA's environmental objective for the Inland Waters factor is *to maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.*

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for these factors:

- *Environmental Factor Guideline – Flora and Vegetation* (EPA 2016b)
- *Environmental Factor Guideline – Terrestrial Fauna* (EPA 2016c)
- *Environmental Factor Guideline – Inland Waters* (EPA 2018c)

These policies and guidelines were applied with regards to defining and identifying the key environmental factors above, and assessing the significance of potential impacts to these factors.

3.2 Other conditions

Ministerial Statement 266 contains other conditions not related to the key environmental factors discussed above. The EPA's recommendations regarding these other conditions are discussed in Appendix 1 Tables 1 and 2.

4. Conclusions and recommendations

In relation to the environmental factors, and considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA concludes:

- There is no significant new or additional information that changes the conclusions reached by the EPA under any of the relevant environmental factors since the proposal was assessed by the EPA in Report 266 (August 1991).
- No new significant environmental factors have arisen since its assessment of the proposal.
- There are no significant impacts to the key environmental factors from future low density residential development which would require management or mitigation through the recommendation of implementation conditions;
- All conditions from Ministerial Statement 266 can be removed to simplify regulation, audit tracking and compliance by removing unnecessary duplication; and
- The management and mitigation of impacts of future low density residential development can be appropriately dealt with through the future local scheme amendment, to be considered by the EPA under Part IV of the EP Act, and the future subdivision process to be considered by the Western Australian Planning Commission (WAPC).

Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment under s. 46 of the EP Act:

1. Replace Ministerial Statement 266 with a new Ministerial Statement which removes all existing conditions as provided for in the attached recommended Ministerial Statement.
2. After complying with s. 46(8) of the EP Act, the Minister may issue a statement of decision to remove all existing conditions from Ministerial Statement 266 in the manner provided for in the attached recommended Statement (Appendix 2).

References

360 Environmental 2008, *Spring Flora and Fauna Survey Pleasant Grove Circle and Bluerise Cove, Pleasant Grove Estate*, 360 Environmental, Perth, WA.

Bio Diverse Solution 2016, *Flora Survey Lot 124 and 801 Pleasant Grove Circle*, Bio Diverse Solutions, Albany, WA.

EPA 2016a, *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016*, EPA, Perth, WA

EPA 2016b, *Environmental Factor Guideline – Flora and Vegetation*, EPA, Perth, WA.

EPA 2016c, *Environmental Factor Guideline – Terrestrial Fauna*, EPA, Perth, WA.

EPA 2018a, *Statement of Environmental Principles, Factors and Objectives*, EPA, Perth, WA.

EPA 2018b, *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual*, EPA, Perth, WA

EPA 2018c, *Environmental Factor Guideline – Inland Waters*, EPA, Perth, WA.

Government of WA 2016, *Draft Government Sewerage Policy*, Department of Planning, Perth, WA

WAPC 2008, *Better Urban Water Management*, WAPC, Perth, WA.

WAPC 1992, *State Planning Policy 2.1 The Peel-Harvey Coastal Plain Catchment*, WAPC, Perth, WA.

WAPC 2018, *State Planning Policy 3.1 Residential design codes*, WAPC, Perth, WA.

Appendix 1: Assessment of proposed changes to implementation conditions and proponent requirements of Ministerial Statement 266

Table1: Assessment of proposed changes to implementation conditions of Ministerial Statement 266

Ministerial Condition	Environmental Factor	Proposed Change	Assessment and Evaluation of Proposed Changes
Ministerial Statement 266			
1. Detailed Implementation	NA	Delete condition.	<p>Condition 1 relates to the implementation of the proposal in accordance with the information submitted by the proponent to the EPA.</p> <p>This condition is no longer relevant as the proposal has been substantially implemented. Scheme amendments and subdivision approvals are the responsibilities of the Minister for Planning and the Western Australian Planning Commission (WAPC) respectively, in accordance with the <i>Planning and Development Act 2005</i> (PD Act). The PD Act also requires any scheme amendment to be referred to the EPA for environmental impact assessment in accordance with Part IV of the EP Act.</p> <p>Land use permissibility is directed by the City of Mandurah's Local Planning Scheme (LPS) 3, with the compliance of land uses within the LPS 3 'Residential' zone being the responsibility of the City of Mandurah.</p> <p>This condition can be deleted.</p>
2. Planning Statement	Flora and Vegetation Terrestrial Fauna Inland Waters	Delete condition.	<p>Condition 2 relates to proponent requirements documented in Appendix A of Ministerial Statement 266.</p> <p>The EPA has reviewed each proponent requirement and considers that they fall into two categories (1) no longer relevant; or (2) managed under other legislation. Appendix A requires the proponent to fulfil requirements to the satisfaction of the State Planning Commission (now the WAPC) prior to rezoning and/or endorsement of a Diagram of Survey (subdivision approval). The land is now already</p>

Ministerial Condition	Environmental Factor	Proposed Change	Assessment and Evaluation of Proposed Changes
			<p>zoned Urban under the Metropolitan Region Scheme (MRS) and Residential R5 under LPS 3, and subject to subdivision approval from the WAPC.</p> <p>For the full details of this assessment see Table 2 of this report.</p> <p>The EPA considers that all the proponent requirements of Appendix A can be deleted.</p>
3. Proponent	NA	Delete condition.	<p>Condition 3 relates to the requirement for the Minister for Environment to approve any replacement of the proponent. This condition is no longer relevant as the deletion of all other conditions is proposed.</p> <p>This condition can be deleted.</p>
4. Time Limit on Approval	NA	Delete condition.	<p>Condition 4 refers to the substantial commencement of the proposal within five years of the date of Ministerial Statement 266 (June 1992) and therefore, no longer applies. The proposal has been substantially implemented.</p> <p>This condition can be deleted.</p>

Table 2: Assessment of proposed removal of Proponent Requirements from Ministerial Statement 266

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
Ministerial Statement 266			
1. Land use	Inland Waters Flora and Vegetation Terrestrial Fauna	<p>1.1 The proposed lots shall only be used for residential purposes, with no more than one (1) residence on each lot unless it can be demonstrated that an additional residence would not result in any significant additional nutrient application.</p> <p>1.2 Ancillary land uses on the site shall only be approved where they would not involve the clearing of land (other than for building envelopes, fences, firebreaks, access and servicing), and/or result in any significant additional nutrient application.</p> <p>1.3 Determination as to whether nutrient application is significant (as referred to in 1.1 and 1.2) shall be consistent with guidelines agreed between the Local Government Authority and the EPA.</p>	<p>This requirement is no longer relevant as the proposal has been substantially implemented. Scheme amendments and subdivision approvals are the responsibilities of the Minister for Planning and the WAPC respectively, in accordance with the PD Act. The PD Act also requires any scheme amendment to be referred to the EPA for environmental impact assessment in accordance with Part IV of the EP Act.</p> <p>Land use permissibility is directed by LPS 3, with the compliance of land uses within the LPS 3 'Residential' zone being the responsibility of the City of Mandurah.</p> <p>Construction of single residences, which are consistent with State Planning Policy 3.1 Residential Design Codes (R-Codes) (WAPC, 2018), are not subject to planning approval.</p> <p>Regarding additional dwellings, the LPS 3 Use Table sets out that Additional Accommodation is an AA use within the Residential zone. AA use means that an Additional Use may only be developed after Council has granted planning approval, and that Council may advertise any such proposal.</p> <p>The subject area is also within the Peel-Harvey Coastal Plain Catchment Area, as mapped in State Planning Policy 2.1 The Peel-Harvey Coastal Plain Catchment (SPP 2.1) (WAPC, 1992). LPS 3 contains specific scheme text applicable to land within the Peel-Harvey Catchment,</p>

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
			<p>requiring Council to have regard for specific provisions when dealing with development, including adequate sewerage, land capability, soil amendments, retention of remnant vegetation, drainage, open space and nutrient discharge.</p> <p>Regarding nutrient discharge, an Urban Water Management Strategy has been prepared for the site, as part of an earlier subdivision application. In accordance with the WAPC Better Urban Water Management policy (WAPC, 2008), an Urban Water Management Plan would be required for any future subdivision application to address specific best management practices and design of water management system.</p> <p>The future rezoning of the subject area in LPS 3 will require referral to the EPA in accordance with the PD Act for consideration of environmental impacts under s48A of the EP Act. Impacts to inland waters values will be a consideration for this process.</p> <p>Development consistent with the existing Residential R5 zone, and proposed Residential R10 zone, would require the connection of lots to reticulated sewerage consistent with SPP 2.1 and the draft Government Sewerage Policy (Government of WA, 2016). The proponent has also advised that provision of reticulated sewer to the subject area is achievable, and the subject area is able to be connected to existing reticulated water service infrastructure.</p>

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
			<p>Potential nutrient input into the Peel-Harvey Catchment would now be through non-sewerage related land uses such as physical fertiliser application. This can be considered through the future local scheme amendment to increase the density coding. This would be required to be referred to the EPA.</p> <p>The proponent has advised that the future development will be connected to reticulated sewerage.</p> <p>Potential nutrient input into the Peel-Harvey Catchment would now be through non-sewerage related land uses such as physical fertiliser application. This can be considered through the future local scheme amendment to increase the density coding, required to be referred to the EPA.</p> <p>The Peel-Harvey Estuary is also mapped as a Conservation Category Wetland (CCW), with a small area of CCW falling within subject area. The CCW areas within the subject area partly contain development and appear to not contain wetland values. Impacts to Inland Waters can be managed through the local scheme amendment and future subdivision process.</p> <p>This requirement can be deleted.</p>
2. Vegetation	Flora and Vegetation Terrestrial Fauna	2.1 Perennial vegetation shall be retained on all areas of the site that are not required to be cleared for	This requirement is no longer relevant as it is an offence to clear native vegetation without the authority of a permit or an exemption, in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
		<p>building envelopes, fences, firebreaks, access and servicing.</p> <p>2.2 Perennial, indigenous vegetation shall be established and maintained for the first three years or until the lots are sold, on all areas of the site already cleared and not required to be cleared for building envelopes, fences, firebreaks, access and servicing, in accordance with the guidelines to be provided by the' Local Government Authority.</p> <p>2.3 Satisfactory arrangements shall be made with the Local Government Authority to ensure the ongoing maintenance of both existing vegetation and revegetation established by the developer outside the areas cleared for building envelopes, fences, firebreaks, access and servicing.</p> <p>2.4 Retention, management and revegetation of areas (as referred to in 2.1, 2.2 and 2.3) shall be consistent with guidelines to be agreed between the Local Government Authority and the EPA.</p>	<p>(Regulations). A relevant exemption would include clearing undertaken in accordance with a subdivision deemed approved by the responsible authority under the PD Act.</p> <p>LPS 3 also contains prescribed requirements for tree and bushland preservation. LPS 3 specifically prohibits wilful destruction of any bushland or tree(s) unless the Planning Approval of Council has first been obtained. This applies to specific areas of vegetation which is of a height greater than 3 metres and has a branch spread greater than 3 metres in diameter. This is set out in section 6.5.2.1 of LPS 3.</p> <p>The EPA also understands that as a condition of future subdivision, a Local Development Plan would be likely to be required. This would need to identify specific requirements including trees identified for retention.</p> <p>The proponent has not proposed any additional disturbance to flora and vegetation for the proposal.</p> <p>The Flora Survey (Bio Diverse Solutions, 2016) notes that the survey area has a high proportion of land that has been previously cleared and there is low species diversity throughout. There is no evidence of seedling recruitment or survival. The remnant vegetation originally would have formed part of Cottesloe Central and South vegetation complex, which currently has 32.17% of its original extent remaining. Five main vegetation units were identified within the survey area, including <i>Banksia</i> woodland, <i>Eucalyptus</i> woodland, <i>Kunzea</i> thicket, <i>Melaleuca</i> thicket and</p>

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
			<p>Sedgeland. The small area of <i>Banksia</i> woodland with the proposal area has declined in size from the previous Flora and Fauna Survey (360 Environmental, 2008) potentially due to disease, climate or senescence.</p> <p>The proposal area may contain habitat for threatened Black Cockatoos. The Flora and Fauna Survey states that there was no evidence of Black Cockatoo nesting (or feeding) identified on this site at the time of the survey, however there are several hollows that are of sufficient size to be used by Black Cockatoos in the future. No evidence of feeding debris was found, suggesting that these trees are not regularly used by Black Cockatoos as a food source.</p> <p>The future rezoning of the subject area in LPS 3 will require referral to the EPA in accordance with the PD Act for consideration of environmental impacts under s48A of the EP Act. Impacts to flora and vegetation and terrestrial fauna values will be a consideration for this process as well as recommendations to revegetate within drainage basins and the foreshore area in consultation with the City of Mandurah.</p> <p>This requirement can be deleted.</p>
3. Stock	Flora and Vegetation Terrestrial Fauna Inland Waters	3.1 Livestock are only permitted in accordance with guidelines to be agreed between the Local Government Authority and the EPA. 3.2 Where livestock are to be kept on any lot, the landholder shall, prior to	This requirement is no longer relevant as it is understood the keeping of livestock is not permitted under the Residential zone in LPS 3. This is a consideration for the City of Mandurah.

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
		the introduction of livestock, fence off existing vegetation and re-vegetated areas so as to protect vegetation from damage by grazing livestock.	This requirement can be deleted.
4. Domestic wastewater	Inland Waters	<p>4.1 Lots of 4000m² or less shall be connected to reticulated sewerage.</p> <p>4.2 Where reticulated sewerage is not available, lots of greater than 4000m² shall have installed a domestic wastewater treatment system in accordance with the Health Department of WA requirements. The system shall have an adequate phosphorus retention capacity such that the base of the system or the modified irrigation area is above the highest known water table or is installed in accordance with Health Department guidelines.</p>	<p>This requirement is no longer relevant as development consistent with the existing Residential R5 zone, and proposed Residential R10 zone, would require the connection of lots to reticulated sewerage consistent with SPP 2.1 and the draft Government Sewerage Policy 2016.</p> <p>The EPA also understands, based on preliminary engineering investigations, that provision of reticulated sewer to the subject area is achievable, and the subject area is able to be connected to existing reticulated water service infrastructure.</p> <p>Potential nutrient input into the Peel-Harvey Catchment can be considered through the future local scheme amendment to increase the density coding, required to be referred to the EPA.</p> <p>This requirement can be deleted.</p>
5. Lot sizes and building envelopes	Flora and Vegetation Terrestrial Fauna Inland Waters	Lots must be no less than 2000 ² in area and shall contain an appropriate sized building envelope.	This requirement is no longer relevant as lot size requirements are dictated by the residential zone density according to LPS 3. The subject area is currently zoned Residential R5, allowing a minimum 2000m ² lot size per dwelling. The proposed Residential R10 zone will allow an average 1000m ² lot size per dwelling.

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
			<p>The future rezoning of the subject area in LPS 3 will require referral to the EPA in accordance with the PD Act for consideration of environmental impacts under s48A of the EP Act.</p> <p>This requirement can be deleted.</p>
6. Stormwater	Inland Waters	A stormwater disposal system shall be designed and constructed for the site in accordance with guidelines to be provided by the Local Government Authority and agreed to by the EPA.	<p>LPS 3 contains specific scheme text applicable to land within the Peel Harvey Catchment, requiring Council to have regard for specific provisions when dealing with development, including adequate sewerage, land capability, soil amendments, retention of remnant vegetation, drainage, open space and nutrient discharge.</p> <p>Regarding nutrient discharge, an Urban Water Management Strategy has been prepared for the site, as part of an earlier subdivision application. In accordance with the Better Urban Water Management policy, an updated Urban Water Management Plan would be required for any future subdivision application to address specific best management practices and design of water management system.</p> <p>The future rezoning of the subject area in LPS 3 will require referral to the EPA in accordance with the PD Act for consideration of environmental impacts under s48A of the EP Act. Impacts to inland waters values will be a consideration for this process.</p>

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
			<p>Potential nutrient input into the Peel-Harvey Catchment can be considered through the future local scheme amendment to increase the density coding, which would be required to be referred to the EPA.</p> <p>This requirement can be deleted.</p>
7. Management of public open space	Flora and Vegetation Terrestrial Fauna Inland Waters	Satisfactory arrangements shall be made with the Local Government Authority with regard to the development and management of any public open space associated with this proposal to ensure that stormwater is contained on site, consistent fertilizer usage is minimal and as much of the site as possible is covered with indigenous vegetation.	<p>This requirement is no longer relevant as the proposal has been substantially implemented.</p> <p>The EPA understands there is no further requirement to provide public open space, as the required 10 per cent provision has already been previously set aside via previous subdivisions and is now reserved along the estuary foreshore as regional open space in the Peel Region Scheme (PRS).</p> <p>If additional open space is required, this is a consideration for the subdivision application process and the WAPC.</p> <p>The future rezoning of the subject area in LPS 3 will also require referral to the EPA in accordance with the PD Act for consideration of environmental impacts under s48A of the EP Act. Impacts to flora and vegetation and inland waters values, and possible mitigation of impacts through management and allocation of public open space, will be a consideration for this process.</p> <p>This requirement can be deleted.</p>

Ministerial Condition	Environmental Factor	Proponent requirement	Assessment and Evaluation of Proposed Changes
8. Foreshore Development	Flora and vegetation Terrestrial Fauna Inland Waters	Commercial and recreational development proposals on the foreshore shall be referred to the EPA.	<p>This requirement is no longer relevant as commercial and recreational development within the foreshore reserve to the Peel-Harvey Estuary, reserved as regional open space in the PRS, is a matter for consideration of the WAPC.</p> <p>Section 38 of the EP Act also provides for significant proposal to be referred to the EPA for consideration of environmental impacts.</p> <p>This requirement can be deleted.</p>

Appendix 2: Identified Decision-Making Authorities and recommended environmental conditions

Identified Decision-making Authorities

S. 44(2) of EP Act specifies that the EPA’s report must set out (if it recommends that implementation be allowed) the conditions and procedures, if any, to which implementation should be subject. This Appendix contains the EPA’s recommended conditions and procedures.

S. 45(1) requires the Minister for Environment to consult with decision-making authorities (DMAs), and if possible, agree on whether or not the proposal may be implemented, and if so, to what conditions and procedures, if any, that implementation should be subject.

The following decision-making authorities have been identified:

Decision-making Authority	Legislation and Approval
1. Minister for Planning	Finalisation of scheme amendment to City of Mandurah Town Planning Scheme 3 <i>Planning and Development Act 2005</i>
2. Chair of Western Australian Planning Commission	Subdivision Approval – <i>Planning and Development Act 2005</i>
3. CEO City of Mandurah	Notified of EPA decision to assess original proposal. Identified as DMA at report release.

Note: In this instance, agreement is only required with DMA 1, since this DMA is a Minister.

Statement No. 266

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO
A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

SPECIAL RESIDENTIAL SUBDIVISION OF PART MURRAY LOCATIONS 109 AND
1399, PLEASANT GROVE MANDURAH

Proposal: Subdivision of urban land in Falcon, City of Mandurah,
for low density residential purposes.

Proponent: Pleasant Grove Pty Ltd
Australian Business Number 89 008 700 785

Proponent Address: 6 Mandurah Terrace Mandurah WA 6210

Report of the Environmental Protection Authority: 1644

Previous Assessment Number: 557

Previous Report Number: 562

Preceding Statement Relating to this Proposal: 266

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 266 be changed as specified in this Statement:

1. From the date of this Statement each of the implementation conditions in Statement 266 no longer apply in relation to the proposal.
2. The proposal may be implemented subject to a scheme amendment to the City of Mandurah Town Planning Scheme and subdivision and development approval, in accordance with the *Planning and Development Act 2005*.